

HUNTERDON COUNTY BOARD OF CHOSEN FREEHOLDERS

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

September 02, 2008

The regular meeting of the Hunterdon County Board of Chosen Freeholders convened at 4:17 p.m. in accordance with the provisions of the Open Public Meetings Act.

PRESENT: MR. PETERSON, MR. MENNEN, MR. MELICK, MR. SWOREN.
ABSENT: 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. Sworen moved and Mr. Mennen seconded these:

See Page 09/02/08-1A **RESOLUTION**

RESOLVED, Executive Session to discuss personnel issues related to appointments to various boards, committee and councils.

See Page 09/02/08-1B **RESOLUTION**

RESOLVED, Executive Session to discuss legal issues including security issues regarding the utilization of Sheriff's personnel at the Justice Center.

See Page 09/02/08-1C **RESOLUTION**

RESOLVED, Executive Session to discuss the 911 Emergency Services/Communications Center damage.

See Page 09/02/08-1D **RESOLUTION**

RESOLVED, Executive Session to discuss possible land acquisition.

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

The Hunterdon County Board of Chosen Freeholders went into Executive Session at 4:24 p.m., recessed at 6:00 p.m. and returned to Open Session at 6:04 p.m.

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."

Items #1 and 29 were held at this time.

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

See Page 09/02/08-1E **CLAIMS REGISTER**

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

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

See Page 09/02/08-1F **SOCIAL SERVICES FUNDS REPORT**

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

Mr. Sworen moved and Mr. Mennen seconded these:

See Page 09/02/08-2A

RESOLUTION

RESOLVED, Christine Olexa appointed unclassified, full time Assistant Prosecutor, Prosecutor's Office.

See Page 09/02/08-2B

RESOLUTION

RESOLVED, Lindsay Motto appointed permanent, full time Family Service Worker, Division of Social Services, Human Services Department.

See Page 09/02/08-2C

RESOLUTION

RESOLVED, Carla Hobbs appointed permanent, full time Environmental Health Specialist, Health Department.

See Page 09/02/08-2D

RESOLUTION

RESOLVED, Mary Ann Rodenberger appointed permanent, full time Executive Director, Office on Aging, Division of Senior Services, Human Services Department.

See Page 09/02/08-2E

RESOLUTION

RESOLVED, Rose Pulle appointed permanent, full time Management Specialist, Health Department.

See Page 09/02/08-2F

RESOLUTION

RESOLVED, Carrie Muscatell appointed permanent, full time Senior Account Clerk, Division of Social Services, Human Services Department.

See Page 09/02/08-2G

RESOLUTION

RESOLVED, Elizabeth Rzasa appointed permanent, full time Senior Account Clerk, Division of Social Services, Human Services Department.

See Page 09/02/08-2H

RESOLUTION

RESOLVED, Joseph DeJesso appointed permanent, full time Bridge Repairer, Roads, Bridges and Engineering.

See Page 09/02/08-2I

RESOLUTION

RESOLVED, Timothy Dellatore appointed permanent, full time Bridge Repairer, Roads, Bridges and Engineering.

See Page 09/02/08-2J

RESOLUTION

RESOLVED, Jennifer Reddy appointed provisional, full time Senior Youth Worker, Youth Facility Division, Public Safety Department.

See Page 09/02/08-2K

RESOLUTION

RESOLVED, Kenneth Miller appointed provisional, full time Land Surveyor, Roads, Bridges and Engineering.

See Page 09/02/08-2L

RESOLUTION

RESOLVED, Robert Ent Jr. appointed provisional, full time Land Surveyor, Roads, Bridges and Engineering.

See Page 09/02/08-2M

RESOLUTION

RESOLVED, Rachel Potter appointed temporary, as needed Student Assistant, Library.

See Page 09/02/08-2N

RESOLUTION

RESOLVED, Emily Shiffman appointed temporary, as needed Student Assistant, Library.

See Page 09/02/08-2O

RESOLUTION

RESOLVED, Miller Hartsoe appointed temporary, as needed Student Assistant, Library.

See Page 09/02/08-2P

RESOLUTION

RESOLVED, Carrie Sheick appointed temporary, as needed Summer Nature Counselor (Head Counselor), Parks and Recreation.

See Page 09/02/08-3A

RESOLUTION

RESOLVED, Helen Karsh appointed temporary, as needed Instructor, Division of Senior Services, Human Services Department.

See Page 09/02/08-3B

RESOLUTION

RESOLVED, Nancy Miller appointed temporary, as needed Instructor, Division of Senior Services, Human Services Department.

See Page 09/02/08-3C

RESOLUTION

RESOLVED, Establishing the number of Assistant Prosecutors in the Prosecutor's Office as required by NJDOP.

See Page 09/02/08-3D

RESOLUTION

RESOLVED, Establishing the number of County Investigator staff in the Prosecutor's Office as required by NJDOP.

See Page 09/02/08-3E

RESOLUTION

RESOLVED, Approving a Federal Aid agreement with the New Jersey Dept. of Transportation, Division of Local Aid and Economic Development, the purchase of a Right of Way, for the Reconstruction of County Bridge E-166, on Wertsville Road, over the Back Brook, in East Amwell Township, for the amount of \$91,305.

See Page 09/02/08-3F

RESOLUTION

RESOLVED, Supporting the objectives of an appeal filed concerning the COAH regulations.

See Page 09/02/08-3G

RESOLUTION

RESOLVED, Approving a Quit Claim Deed, on Block 19, Lots 37 and 38, Clinton Township.

See Page 09/02/08-3H

RESOLUTION

RESOLVED, Approving a policy setting fees for use of the Historic Court House.

See Page 09/02/08-3I

RESOLUTION

RESOLVED, Approving, at the recommendation of the Local Advisory Committee on Alcoholism and Drug Abuse, the "Hunterdon County Comprehensive Alcoholism and Drug Abuse Services Plan, for 2009-2012.

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

Director Peterson recused himself concerning the following item and left the meeting at 6:07 p.m.

Mr. Sworn moved and Mr. Melick seconded this:

See Page 09/02/08-3J

RESOLUTION

RESOLVED, Approving the plans and specifications for the Reconstruction of Hunterdon County Bridge M-110, on Water Street over the Quequacommissacong Creek, in Milford Borough.

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

Director Peterson returned to the meeting at 6:08 p.m.

FINANCE:

Kim Browne, Finance Director and Margaret Pasqua, County Treasurer came before the Board.

Mrs. Yard informed the Board that one of the responsibilities of the two new employees that have taken over the Finance Department, at the request of the Board was to realign the budget process, so that there would be a true representation of what is being requested for Capital, Operating and concerning new employees, promotion requests, and reclassifications.

Mrs. Yard stated she has been working with Ms. Browne, Ms. Pasqua and the Human Resources Director, Cheryl Wieder, to come up with some new timeframes for the Board to consider. If the Board approves, the timelines can be communicated to the department managers at the Administrative Staff meeting later in September.

Ms. Browne advised the timetable submission for capital requests will be distributed on September 15, 2008 and it will be due back to Finance on October 15, 2008. The Operating Budget forms will be distributed on October 01, 2008 and they will be due back on November 01, 2008. During the month of November, 2008, the Board of Chosen Freeholders will need to set aside enough time to consider decisions on new positions, promotions and reclassifications.

Ms. Browne further advised the Board will need to be available in November for a full day for Capital considerations. Prior to the Capital Plan requests being distributed to the Department Managers; the Board of Chosen Freeholders are asked to set aside on September 15, 2008, at a minimum, 2 to 3 hours to determine what requests will be acceptable in the plan.

Mrs. Yard confirmed the forms for the Capital considerations will be sent to the Department Managers on September 15, 2008, so the it must be known prior to September 15, 2008 what the parameters of the budget will be so that the Department Managers aren't developing a budget that may not be a real representation of the direction of the Board.

Mr. Sworen advised based on the County's current practices/budget process, each member of this Board has its own opinions on what should or should not be funded, but feels the Finance Department needs to provide guidance during these discussions. Mrs. Yard explained today's presentation had included about 15 other steps that Finance wanted to discuss with the Board but it was felt that a special meeting with the Board was needed in order to discuss this further.

Director Peterson would like to see, at the special meeting, information gathered on projections for income gathered for next year; such as an idea of who much the County Clerk's Office has brought in this year, last year and the year before and a projected income for next year; including a projection of what the County's tax revenue will be; how many municipalities have/will have re-assessments/adjustments. Ms. Browne advised the Finance Department will not have all those figures, especially the assessment figures but it is something that needs to be considered. Director Peterson recommended contacting the County's Tax Board to get an idea on what the revenue for the County will be for 2009 compared to 2008. Director Peterson feels that 2007's revenue was greater than 2008's. Ms. Browne confirmed that is correct. Director Peterson feels 2009's revenue will be less than 2008's based on the real estate market.

Tom Efstathiou, County Tax Board Administrator informed the Board that his office will not receive information from the municipalities until around mid-October. Mrs. Yard stated September 15th is the date to distribute the Capital requests to department managers to complete and October 1st is when the Operating budget requests will be sent to the departments. The Freeholders will be considering the budget starting in December and finishing it in January or February. Once the information is received from the Tax Board Office, it will assist them in the budget process. Mr. Efstathiou feels he can provide the Board with a pretty good estimate by the end of October, 2008.

Mrs. Yard informed the Board that the County has many trust accounts and all the statutes pertaining to them have been pulled and copied for the Board to review, and see what the parameters of using the trust accounts are.

County Audit

The Hunterdon County Board of Chosen Freeholders recognized Thom Ferry, Auditor of Ferraioli, Wielkotz, Cerullo & Cuva who performed the County's annual audit for 2007.

Mrs. Yard advised the Board that she, Ms. Browne, Ms. Pasqua and County Counsel DeSapio will be asking for information from the auditor on single signature and different bank accounts as it is an interest of the Board. A meeting will be held with the auditor to discuss the County's internal controls and how those areas are audited.

Mr. Sworen moved and Mr. Melick seconded a motion to acknowledge receipt of the 2007 County Audit.

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

Mr. Sworen questioned Mr. Ferry if the County's audit was better this year or last year. Mr. Ferry informed the Board that the County's surplus decreased because the County dipped into it to offset the tax levy. His firm is always monitoring the outside offices and there are some comments and recommendations and Ms. Pasqua has already completed a corrective action plan, which he has reviewed with her this evening and it is acceptable. There are more housecleaning issues, nothing that is devastating but is correctable. Mrs. Yard advised Mr. Ferry completed an exit conference before Ron Matthews, Director of Budget and Grants retired. At that conference Mr. Ferry went through all issues and provided the new County Treasurer and Director of Finance guidance on how to clean up the housekeeping items.

Mr. Sworen confirmed the County is in decent shape.

Mr. Ferry stated there is some debt service coming due in 2008 and 2009, which will finish off the serial bonds. The County is reducing its long term debt. There are some ordinances at least 5 years old and they can be funded through the budget or a bond sale could be done.

Mr. Sworen asked Ms. Pasqua to provide the Board with a list of the ordinances that are over 5 years old that have a deficient.

The Board asked Mr. Ferry to attend the next meeting, as the Board will have had time to review the audit.

Mr. Melick informed his colleagues that he will be looking at the miscellaneous revenues for next year's budget. It is his opinion that it will be hard for the County to build up reserves out of the current fees and it shows by looking at the County's Clerk's fees and the Sheriff's fees maybe up because of foreclosures on properties.

Mr. Melick feels this Board is going to have to look outside the box in order to keep the tax rate from escalating while not devastating the County's surplus. The County Freeholders worked hard to get a surplus in order to maintain a Triple "A" rating.

Mr. Sworen moved and Mr. Mennen seconded these:

See Page 09/02/08-5A

RESOLUTION

RESOLVED, Requesting the Division of Local Government Services insert an item of revenue in the 2008 Budget for Public Archives and Records Infrastructure Support Program (PARIS), in the amount of \$1,100,000.

See Page 09/02/08-5B

RESOLUTION

RESOLVED, Requesting the Division of Local Government Services insert an item of revenue in the 2008 Budget for a State Health Services Grant, in the amount of \$383,646.

See Page 09/02/08-5C

RESOLUTION

RESOLVED, Requesting the Division of Local Government Services insert an item of revenue in the 2008 Budget for the Victim Assistance Project, in the amount of \$58,695.

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

COUNTY update

Tax Board Conference Request

Cynthia J. Yard, County Administrator informed the Board of a situation where the Tax Board Administrator, Tom Efstathiou, had requested in June, 2008, to attend the International Conference for Tax Assessors in Reno, Nevada. The County's policy reads that the department managers/or anyone authorized to attend a conference, is allowed one conference to be funded by the County and if any subsequent requests come in, they must come before the Board for consideration and approval. The State Tax Assessors Conference was August 26, 2008 and the Tax Board Administrator put in for approval of that conference and it came before the Board. The Tax Board Administrator is an official of the State Tax Assessors and at the August 05, 2008 Freeholder Meeting, the Board considered the conference and agreed the Tax Board Administrator should attend the State Conference. Mrs. Yard informed the Board that she communicated that to Mr. Efstathiou and unfortunately because the International Conference was approved in June, 2008, plane reservations and conference registration was made already. Mr. Efstathiou asked through an email for reimbursement for this conference. Mrs. Yard polled the Board and the feeling was since \$1,100 has already been paid for the Nevada conference that Mr. Efstathiou should attend that conference. The timing was off because as she tried to connect with Mr. Efstathiou the results of the Board's decision, he was at the State Conference.

Mrs. Yard explained the County is trying to tighten up its policy on Trips and Conferences. There is a policy that is still in effect which says one conference will be funded and additional conferences must come before the Board for consideration.

Mrs. Yard confirmed to Mr. Efstathiou that he did not do anything wrong as she approved the International Conference in June, 2008 and reservations were made but then a request came to the Board for the State Conference in Cape May, New Jersey.

Mr. Efstathiou stated both conferences were approved by the County's Tax Board for him to attend. He needs to obtain CEU credits (continuing educational units) at the State Conference, to maintain his County Tax Assessors license in order to maintain his position.

Mr. Efstathiou stated he was given approval for attendance at both conferences before he registered or made reservations. Both conferences were approved by the County Tax Board, the State Ethic's Board and the County Freeholder Board. After receiving approval, he made hotel reservations, plane reservations and registered for the conferences. At this time, \$1,100 has been spent towards attending the International Tax Assessors Conference in Nevada and he's spent \$1,157 towards the New Jersey Tax Board Conference.

Mr. Efstathiou stated he is registered for the International Conference and is entitled to the conference materials and could obtain a CD and read the materials on his own. He explained he is looking for some fairness, such as his current expenses be paid and he won't attend the conference.

Mr. Efstathiou further stated that the funds for the conference are coming from the Tax Board's Trust Fund, not the operating budget. He has been advanced \$2,000 to date.

Mr. Sworen confirmed Mr. Efstathiou is an officer in the state organization. He asked when the Tax Administrator found out about the state conference in Cape May. Mr. Sworen advised he feels people should attend the conference because they get a lot more out them by attending. Mr. Efstathiou stated he did not receive the material for the State Conference until June, 2008. Mr. Sworen confirmed with Mr. Efstathiou that this is not the only time he is able to get CEU's.

Mrs. Yard stated the new County Policy on Trips, Meetings and Conferences, to be discussed later this evening will make it clear that one conference will be approved by the Board but it also provides a caveat that a department head can come before the Board if they want approval for additional conferences.

Mr. Melick confirmed with Mr. Efstathiou that he knew months ago that both conferences were going to take place. Mr. Efstathiou stated he did not do anything without first getting approval to attend the conferences.

Director Peterson informed Mr. Efstathiou that trust accounts are people's money; it isn't the Tax Board's money. The Freeholders are given the fiduciary responsibility to insure that monies in Trust Accounts are spent wisely. The Hunterdon County Board of Chosen Freeholders are very sensitive that people's money is used as prudently as possible which is why Hunterdon limits trips and overnight conference to one a year. That has been the County's policy for a number of years. Mrs. Yard added that there is the caveat that a department manager can come before the Board for approval to an additional conference. Director Peterson explained the caveat is with the good faith that it would only occur under unusual circumstances. Most of the County's department heads understand this and act accordingly and only request attendance to one conference. This Board is not going to approve 2 conferences for one person unless there is a good reason.

Director Peterson stated this Board is redrafting the County's policy to make it clearer and he wants to be on record that the County will not approve 2 conferences unless there is an exceptionally good reason and he feels it would be approved because the Board wants the department head to attend a second conference, not because the individual wants to attend the second conference. He would like to see people attend conferences that only benefit Hunterdon County. He questioned why someone would need to attend an International Tax Assessors Conference when land and land values, uses and restrictions are so different across the broad spectrum of the world. He feels someone would get more out of attending a conference in New Jersey on New Jersey's land.

Director Peterson said this Board does not want to waste money and recommended this be deferred as one of Mr. Efstathiou's conference for next year. Mr. Efstathiou asked if the Board would consider him not attending and obtaining the materials.

Mrs. Yard stated the new policy, which has been modified numerous times, is going to limit trips to New Jersey or within a 75 miles radius from Flemington New Jersey. Perhaps since Mr. Efstathiou is an official of the New Jersey group would they pay for him to attend? Mr. Efstathiou stated they have never paid for him to attend before.

Mrs. Yard noted that the new policy on trips and conferences states that any requests for attendance must be submitted to the Board 45 days before the conference. Mr. Mennen feels this is an excellent example of the deficiencies in the current policy and this Board is in the process of rectifying that.

After further discussion, the Board agreed that Mr. Efstathiou should attend both conferences and agreed he is now aware of the County's new policy which will go into effect shortly concerning Trips/Conferences/Meetings.

Golf Course Water Restrictions

John P. Glynn, Director, Roads, Bridges and Engineering informed the Board that the County has been working with the consulting team to revise the County's application to the State of New Jersey for a water permit for the Heron Glen Golf Course. There are 2 issues in the permit, one was the volume of water allowed to be pumped over a year, which is 27 million gallons and the other issue is the flow in the Neshanic River if it gets below .65cfs, then the County isn't allowed to pump any of the water out of the ground for the County is allowed to use its stored reserved water in the ponds on the golf course. An Environmental Impact Study is being prepared because the state wants the County to use a lower class, a siphoned version off of the Neshanic. Also, the County is trying to develop another area for a pond on the golf course site, with the assistance of Penelope Althoff, the County's consultant.

Mr. Glynn informed the Board that it is expected that the County's application to the State will be made in November 2008 for the two modifications to the County's permit, which is due the end of 2009.

Mrs. Yard confirmed with Mr. Glynn that the County is currently at 19 million gallons for the golf course. She further explained that Mr. Glynn is the point person working with Ms. Althoff on the permit for the water restrictions for the golf course.

Trips, Meetings, Training and Conferences/policy amendment

Mrs. Yard briefly went through the amendments to the County's policy for trips, meetings, training and conferences.

The Board recommended several simple, word changes to the policy and directed Mrs. Yard to present this policy for approval at the next meeting on September 16, 2008.

Fringe Benefit policy for unclassified and non-contractual employees

Mrs. Yard informed the Board that at the Board's request the Fringe Benefit policy for unclassified and non-contractual employees has been modified to include no vacation buy-back and confirmed for Mr. Sworen that no other changes have been made to the policy. Mr. Sworen confirmed that Constitutional Officers have always been included in the policy. Mrs. Yard stated that as part of the County's Administrative Code, it spells out that the Tax Administrator and Constitutional Officers fall within the County's Personnel policies and practices and also the Purchasing practices.

Mr. DeSapio reported there is a state statute that states if a County has an Administrative Code, the County can require that the Constitutional Officers and independent employees follow all uniform County personnel policies and procedures, as well as County Purchasing policies and procedures. Mr. DeSapio stated this has not been questioned and it has been followed, to date.

Mr. Melick moved and Mr. Mennen seconded this:

See Page 09/02/08-7A

RESOLUTION

RESOLVED, Approving a modification to the County's Policy for Fringe Benefits for unclassified and non-contractual employees.

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

Mr. Melick recused himself and left the meeting at 7:20 p.m.

FARMLAND PRESERVATION

Mr. Sworen moved and Mr. Mennen seconded this:

See Page 09/02/08-7B

RESOLUTION

RESOLVED, Approving the acquisition of a right of way from Robert A. and Lauren Tucker, on Block 30, Lot 41, in Lebanon Township, in the amount of \$14,378 and approving a maintenance easement for Bridge No. L-59-J, in the amount of \$377.

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

Mr. Melick returned to the meeting at 7:22 p.m.

ROADS and BRIDGES Update

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

- A letter has been received from the State Department of Transportation (DOT) that the County will receive \$211,000 to resurface Route 523, north of Route 78.
- Construction will begin on County Route 514 next Monday, September 08, 2008, running from Route 202 to the Reaville area.
- The Resurfacing project is ongoing with the contractor now at Route 517 in Oldwick and planning on doing the Oldwick section plus the section north of the Dinner Pot to County Route 512. The 600 series roads around the Hunterdon Medical Center are also scheduled for resurfacing; plus a small section of Route 629 from Route 202 to the Somerset County line.
- The Chip Seal project is almost done, there is one more road to be done on County Route 639 running from Route 22 up to Cokesbury and there is also the Lebanon Garage site to be done.
- Information has been received from the New Jersey Department of Environmental Protection (NJDEP) concerning the Phase II Archeology Report and additional work is needed for County Bridge D-345. The County is working with the consultant to get a contact proposal together for the additional work.
- County Bridge M-110 in Milford should be advertised for bid in mid-November, with a March 15, 2009 start date.
- County Bridge A-39 is tied up at NJDEP, this is an in-house project. NJDEP is looking for additional information from the County's historical consultants.
- Mr. Glynn presented the alignment to the Board for the Multi-Purpose Trail running from the Echo Hill Lodge over to the County's Arboretum. It appears the County will get its permit from NJDEP but there will be much work involved. He will keep the Board aware of the costs as the project proceeds.

Mr. Melick stated there isn't much funding the way the budget looks and asked if there are any grants available to do this project for the Multi-Purpose Trail. He questioned if it made sense to get involved in this project that this time. Mr. Glynn is not aware if the Parks and Recreation Director applied for any discretionary funds.

Mr. Mennen recalls the County Board of Freeholders saying they would not authorize any funding to advance the trail. Mr. Glynn stated it was left if there was an indication from NJDEP if the County would be issued a permit. If after meeting with DEP that he feels the County will get a permit, and it won't be an easy permit to acquire, however there is a significant amount of capital construction costs after a permit is acquired. The cost could be up to \$500,000 to make this trail and pedestrian bridge connection the two park properties.

Mr. Mennen questioned the cost for the permitting process. Mr. Glynn advised that is part of the consultant's design, and final design won't be authorized until he gets a clear indication the County will get a permit. Mr. Mennen confirmed the County has not authorized the outlay of funds for the permitting phase because Mr. Glynn is waiting to hear what the initial inclination is from NJDEP.

- Bridge painting has begun, the contractor is at the Hoffman's Crossing bridge and the bridge is expected to be closed for 10 days.

- An application has been received from Jersey Central Power & Light for the signal at River Road and County Route 612. In the new regulations for the State Master Plan, there is a fringe area and a no-expansion area and in those areas the Public Utilities Authority has the supplies of utilities charging the County fees and the County will be appealing that fee but in order to get electric to run the lights at the signal an application has to be made to Jersey Central Power & Light. This is a fringe area, planning area 3. There is a \$510 cost just for the meter. Mr. Melick confirmed the signal is in place.

Mr. Glynn advised in the New Smart Growth for the State Plan there are caveats in it that continually drain public dollars. This is a public benefit, so why is the County paying a fee to the Bureau of Public Utilities to get a meter to run a traffic signal. Mr. Glynn will be appealing this.

Mr. Glynn reported to the Board that back in the 1930's the County acquired a small sliver of land and purchased the entire lot, known as Block 27, Lot 24, and the County built a road. There is a small triangular piece that the property owner is looking to ascertain. This abuts onto a municipal street. When the County acquired the lot it never vacated the small sliver of land back. There is a property owner interested in acquiring this sliver of land from the County. The Board directed Mr. Glynn to work with County Counsel's Office and report back to the Board.

PURCHASING

Mr. Sworen moved and Mr. Mennen seconded this:

See Page 09/02/08-8A

RESOLUTION

RESOLVED, Approving Requisition #CC.1032, with AmCad, LLC, for lands record imaging and data loading, for the County Clerk's Office, in the amount of \$37,459.16.

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

Mr. Mennen moved and Mr. Sworen seconded this:

See Page 09/02/08-8B

RESOLUTION

RESOLVED, Approving Requisition #40018932, with ATS Environmental Services, LLC, for cathodic protection repair at the South County Garage, for Roads, Bridges and Engineering, in the amount of \$24,843.60.

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

Mr. Sworen moved and Mr. Mennen seconded this:

See Page 09/02/08-8C

RESOLUTION

RESOLVED, Approving Requisition #40019208, with Greenman-Pedersen, Inc., for software upgrade of the ArcGIS based Videolog Application, for Roads, Bridges and Engineering, in the amount of \$16,705.

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

Mr. Sworen moved and Mr. Melick seconded this:

See Page 09/02/08-8D

RESOLUTION

RESOLVED, Authorizing the rejection of bid packages for Bid #2008-30, to provide and erect 1 two hundred twenty foot (220') high Sabre Tower, Model #S3tl/220' and 1 one hundred twenty foot (120') high Sabre monopole (or equivalent), as they did not meet the County's specifications and authorizing the Purchasing Agent to rebid the project.

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

Mr. Sworen moved and Mr. Mennen seconded this:

See Page 09/02/08-8E

RESOLUTION

RESOLVED, Authorizing that the award of contract for County Bid #2008-16, awarded to Hanson Aggregates, on August 19, 2008, be hereby rescinded as the vendor can not supply the awarded materials due to a catastrophic failure of the asphalt equipment.

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

Mr. Mennen moved and Mr. Sworen seconded this:

See Page 09/02/08-9A

RESOLUTION

RESOLVED, Authorizing a modification to the contract for County Quote #0031-2008, with Trans Systems Corporation, to provide additional engineering services for additional Parks bridges, increase of \$21,200.

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

Mr. Melick moved and Mr. Sworen seconded this:

See Page 09/02/08-9B

RESOLUTION

RESOLVED, Approving the plans and specifications for Snow and Ice Control Materials for the County of Hunterdon and authorizing the Purchasing Agent to bid the project.

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

John P. Davenport, County Purchasing Agent provided the Board with the first rough draft of a professional services policy for agreements which the Board had directed Mr. Davenport, Ms. Browne and Mrs. Yard to draft for consideration. Mr. Davenport also provided the Board with some background information as requested by Director Peterson on where the County could move forward on some of its professional services.

Mrs. Yard explained the policy is in its rough form, they wanted to get some talking points out to the Board. This policy does show that the professional services agreements will come before the Board each August or September and the Board can determine a course of action.

Director Peterson stated the Board will review this rough draft and get any comments back to Mr. Davenport and Mrs. Yard.

Mr. Melick and Mr. Mennen recused themselves from the meeting due to conflicts concerning the next matter. They left the meeting at 7:44 p.m.

Arnold R. Shapack, member, Tewksbury Township Library

Mr. Shapack presented the Board with information concerning changing the policy of the Hunterdon County Library Commission on Reserve Funds.

Mr. Shapack advised the current policy of the Hunterdon County Library Commission on reserve funds states that funds that are not used by an individual affiliated library during a particular year gets put into a reserve fund. At a later date those affiliated libraries can come back to the County Library Commission and request that those funds be expended for certain library materials.

Mr. Shapack stated the County Library Commission was asked to allow the Tewksbury Township Library to use the reserve funds for a different purchase. The Tewksbury Township Library is active and continues to grow in terms of its use. The Tewksbury Library Association purchased a building at the end of 2007 from the Oldwick Community Center and they are trying to take the 200 year old building into another century. At this time they are allowed to use the 1st floor and not the 2nd floor because it only has a single staircase.

Mr. Shapack reported he is not here tonight to ask for funds but to ask that the Freeholders consider a change in what may be allowed for the affiliated Library Reserve Funds. Tewksbury did go to the County Library Commission and asked them to allow Tewksbury to use the funds which are currently marked for Tewksbury Township for other purposes and the answer was it isn't allowed because the policy does not permit it. Mr. Shapack would like to see a revision to the exiting policy that would allow the County Library Commission to consider a broader range of needs within the affiliated libraries.

Mr. Shapack stated the Tewksbury Library would like to put a lift in the building and a staircase which would allow them to use the second floor. The Americans with Disabilities Act does not apply to this structure because of its minute size and its age. Tewksbury Library Association would like to have this building become barrier free.

Director Peterson advised he does not know if the Freeholders can legally do anything since there are only 2 Freeholder members tonight. He questioned if the Freeholders can dictate that the Library Commission change their own policy.

Mark Titus, County Library Director, feels what Mr. Shapack presented is accurate as was presented to the Hunterdon County Library Commission.

Mr. DeSapio feels the Board may ask for a report on this. It seems as if the Library Commission's policy says that the money is to be spent on books and other library materials including periodicals. He confirmed Mr. Shapack would like that restriction removed so the funds can be used for other things. Mr. Shapack is asking for the Freeholders to consider, if they have the authority to provide direction to the Library Commission, that the provision be broadened. The affiliated libraries would still have to make requests but they would have more latitude under a revised policy to consider other than what is in the existing policy.

Mr. DeSapio recommended the Board find out from the Library Commission why they have this policy and what the intent of the policy is and what they want to accomplish with it and why the Library Commission did not want to change it. Mr. DeSapio will research who has the authority to set the policy and this can be discussed again at the next meeting. He will contact the Library Commission's Attorney and get a report on this policy.

Mr. Shapack stated this request isn't for a specific need for Tewksbury it also applies to other affiliated libraries.

Mr. Melick and Mr. Mennen returned to the meeting.

The Hunterdon County Board of Chosen Freeholders recessed at 8:00 p.m. and reconvened in Open Session at 8:03 p.m. to allow time for the room to be set up for a power point presentation.

MUSCONETCONG WATERSHED ASSOCIATION

Present from the Musconetcong Watershed Association are: Bill Evans, President; Bill Harclerode, Peter Banta, and Erick Hendrickson. The purpose of the Musconetcong Watershed Association coming before the Board is to introduce the Association and request assistance to remove the "Island Building" in the Watershed that is located in Hunterdon.

Mr. Evans explained the Musconetcong forms the northwestern boundary of Hunterdon County with Warren County. The Association teaches students, works to maintain water quality in the river, and it works to provide access. There is a building in the middle of the Musconetcong River on an island, by the Watershed's Headquarters, known as the "Island Building." This building is an attractive nuisance and it has been the subject of long term vandalism and it is also an impediment to access to the river at that point. The Musconetcong Watershed Association is asking the Hunterdon County Board of Chosen Freeholders to consider a way to remove the building and take physical control of the island, since it is in Hunterdon County. This could be Hunterdon County's smallest park. It could provide good fishing access and it can provide a good recreational amenity for Hunterdon's citizens.

Mr. Harclerode advised the Musconetcong River is 42 miles long, flowing from Lake Hopatcong to the Delaware River. The Watershed is 158 square miles, going through four counties and 25 townships; in Hunterdon County it goes through Lebanon Township, Bloomsbury Borough, Bethlehem Township and Holland Townships.

The Musconetcong Watershed Association is an advocate for the Watershed and as such, is willing to work as partners for long term solutions. They are a 501c3 non-profit group, which was incorporated in 1992. The Watershed was donated three buildings from the Asbury Graphite Mills in Asbury. They were donated a laboratory, a bakery and a mill.

The Watershed has done river cleanups and he believes that Hunterdon contributes to that. So far they have removed 30 tons of trash from the Musconetcong River.

Mr. Harclerode informed the Board that Warren County has provided funding to convert the Bakery Building into the Watershed's River Resource Center and it will also be their headquarters.

Mr. Harclerode advised that funding is needed to demolish the Island Building. The Island is beautiful and it is a Hunterdon County site. Also the building serves no useful purpose. They would like to tear the building down, leave the slab and convert the use of the Island for fishing access. Funding is needed to demolish the building.

Mr. Banta stated the Island has the potential to be a recreation site, it has a platform if the building is demolished, that can be used for people to fish or sit. The Musconetcong Watershed Association does not have the funds to demolish this building. They struggle to make their operating funds; they have received various foundation grants but no one wants to give a grant to tear down a building; they want something they can put their name on. He feels this Island could be an asset to Hunterdon as it is right on the river.

Mr. Evans offered to arrange a visit to the site and to possibly discuss what interest the County may have and how that interest may be manifested.

Mr. Glynn questioned any cost estimates have been received to remove the building. Mr. Evans confirmed the cost estimates were between \$35,000 to \$40,000.

Mr. Glynn asked if the Watershed has applied for any permits from the New Jersey Department of Environmental Protection (DEP). Mr. Evans stated this building is not a contributing feature to anything. Mr. Harclerode stated the Watershed does have to get the permits done. Mr. Evans stated they have been able to work with DEP and he feels DEP recognizes that the building is an eyesore and serves no structural or functional purpose and that it never will.

Mr. Glynn stated the County tried to get rid of the building when it was doing the bridge in the area but the Riddle Family, was still using it at the time. Mr. Evans stated they are very grateful to the Riddle Family for the donations they have made to the Watershed.

Mr. Sworen asked if the Musconetcong Watershed Association has talked to the State Historic Preservation Office (SHPO) about this building. Mr. Evans does not think there will be a problem with SHPO because this building is not in the historic district and it is not a contributing factor.

Mr. Sworen advised there may be some full grants from FEMA (Federal Emergency Management Association) that could be looked into. Mr. Evans will follow up on that.

UNION TOWNSHIP ENVIRONMENTAL COMMISSION

Mr. Harclerode reported he is the Chairperson of the Union Township Environmental Commission and he also represents a Road Noise Subcommittee which represents Clinton and Union Townships in Hunterdon County and municipalities in Warren County. The goal is to try and reduce the noise on highways in New Jersey, especially on Route 78, from un-muffled engine braking noise.

Mr. Harclerode provided a sample resolution for the Board to consider. He feels New Jersey needs to adopt the Federal Noise Regulations and it needs to enforce them on the highways. Mr. Harclerode stated they are trying to get the State to create a quick, roadside test that does not require the use of expensive mufflers and sound chambers to determine if there is a violation.

Mr. Harclerode advised they are not proposing banning the use of engine brakes because all trucks have them, so you can't ban it but you can ban the use of using the engine brakes and modifying the mufflers.

Mr. Harclerode asked the Board to review the sample resolution, make any modifications and forwarded it on to the State.

Director Peterson recalls Hunterdon addressed this issue before and feels there was a legal issue on the way the resolution was written, that it could not be adopted. Mr. Harclerode stated the issue of engine braking has been challenged and it is a rule that is hard to enforce in New Jersey. Mr. Sworen stated the County never adopted a resolution and recalls that Clinton and Union Townships have been working on a resolution for at least 3 years. Mr. Harclerode advised a state rule is needed and he will be attending the New Jersey League of Municipalities conference in November to try and get this voted on statewide. They are taking multiple routes to try and influence change. Mr. Sworen confirmed the New Jersey League of Municipalities has this sample resolution already. He is interested in seeing what happens at the League.

The Hunterdon County Board of Chosen Freeholders recessed at 8:30 pm. and reconvened in Open Session at 8:36 p.m.

GRANTS

Mr. Sworen moved and Mr. Mennen seconded this:

See Page 09/02/08-11A

RESOLUTION

RESOLVED, Approving a renewal application for the Multi-Jurisdictional County Gang, Gun and Narcotics Tax Forces Grant, in the amount of \$109,494. (Federal funds: \$54,747, County Match: \$54,747).

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

Mr. Sworen moved and Mr. Mennen seconded this:

See Page 09/02/08-11B

RESOLUTION

RESOLVED, Approving a renewal application with the New Jersey State Division of Criminal Justice, for the Sexual Assault Nurse Examiner/Sexual Assault Response Team, to provide medical care and forensic evidence collection for victims of sexual assault, in the amount of \$105,370. (Federal funds: \$84,296, In Kind: \$21,074).

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

Mr. Sworen moved and Mr. Melick seconded this:

See Page 09/02/08-11C

RESOLUTION

RESOLVED, Approving a Victims of Crime Act (VOCA) Subgrant Award, for the Victims Assistance program, in the amount of \$73,369. (Federal funds: \$58,695, County Match: \$14,674).

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

FOR DISCUSSION

The Hunterdon County Board of Chosen Freeholders discussed adopting a resolution for deferred retirement. County Counsel DeSapio explained to the Board that the New Jersey State Legislature recently adopted a new law, Chapter 92 of the Laws of 2007 (N.J.S. 43:15C-1 et seq.) to create the Defined Contribution Retirement program to provide retirement benefits to various County and municipal officials. He further explained if a public officials earns more than a certain amount they can only go into the State's PERS Pension program into that amount and anything above that amount, it is optional to go into the Defined Contribution Retirement Program. There are also some positions which the County has to identify as being available to go into the Defined Contribution Retirement Program. The State Division of Pensions and Benefits is asking counties to adopt this resolution.

Mr. Sworen moved and Mr. Melick seconded this:

See Page 09/02/08-12A

RESOLUTION

RESOLVED, Approving a resolution for determining positions eligible for the Defined Contribution Retirement Program.

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

OLD BUSINESS

The discussion regarding the Cooperative Open Space Acquisition Policy will be considered at the September 16, 2008 meeting.

FREEHOLDERS ASSIGNMENT REPORTS

4-H Fair

The Board recognized George Wagner, Public Safety Director for the coordination of his people at the 4-H Fair.

The Board thought the fair was again well done and noted there were more exhibits and tents than in years past, since it moved to its new location at the South County Park.

Health Fees

Director Peterson stated his disappointment that at the last meeting the Board was told that fees and information on the fee schedule for the Health Departments that was requested was told that it was not something that could be readily available. All the information the Freeholders requested is available because there is a New Jersey State required report that has all the information that all County Health Departments must file each year. Director has the information requested. Now he has been told that the ordinance that needed to be adopted at the last meeting has now been requested to be pushed off the September 16, 2008 meeting.

Mr. Mennen stated he would like to compare the fees. Director Peterson advised the County was told that the fees were the actual costs for the manpower. He found that other counties have different charges for various items such as septic reviews, revisions and so on.

Mrs. Yard reported that the Clerk of the Board received an email from Freeholder Holt who stated a subcommittee should be formed to look at these fees and then the results could be reported back to the Board.

After further discussion, Mr. Mennen recommended the fees for the County's Health Department remain the same until a subcommittee can be put together and meet to go over this information. A majority of the Board agreed. Mr. Sworen agreed a subcommittee needs to meet to look at this and determine where the issues are and report back to the whole Board.

OPEN TO THE PUBLIC

Mrs. Yard reported to the Board that there were people present tonight that Mr. Glynn talked to concerning the Bocce Court at the Route 31 County Complex. The County did receive an email today from an individual who was concerned about the trees and the Bocce Court and there was an Eagle Scout project which was approved to redo the Bocce Court and to also include a horseshoe pit. This individual was concerned about the shade trees. Mr. Glynn provided this individual with the information on the trees and the Eagle project. Mr. Glynn informed Mrs. Yard that the Bocce Court could be moved to where the horseshoe pit will be, and everything will be in one area. Mrs. Yard stated that Mr. Glynn will keep the Board informed.

There being no further business to come before the Board, Director Peterson adjourned the meeting at 9:10 p.m.

Respectfully submitted,

Denise B. Doolan
Clerk of the Board