

HUNTERDON COUNTY BOARD OF CHOSEN FREEHOLDERS

Main Street County Complex, 2nd Floor

Flemington, New Jersey 08822

April 21, 2009

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

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

OPEN PUBLIC MEETINGS ACT

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 April 15, 2009, 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."

EXECUTIVE SESSION REQUESTS

Mr. Holt moved and Mr. Sworen seconded these:

See Page 04/21/09-1A

RESOLUTION

RESOLVED, Executive Session to discuss claims involving the 911 Emergency Services Center project with Special Council John Lanza.

See Page 04/21/09-1B

RESOLUTION

RESOLVED, Executive Session to discuss legal advice concerning the inclusion of Raritan Valley Disposal Recycling Center in the Hunterdon County Solid Waste Management Plan.

See Page 04/21/09-1C

RESOLUTION

RESOLVED, Executive Session to discuss the executive session minutes of February 17, 2009, March 03, 2009, March 17, 2009 and April 07, 2009 to determine what portions can be released.

See Page 04/21/09-1D

RESOLUTION

RESOLVED, Executive Session to discuss the process for the selection of a County Auditor.

See Page 04/21/09-1E

RESOLUTION

RESOLVED, Executive Session to discuss a perspective Intergovernmental Agreement with Flemington Borough concerning COAH and the Borough's request to the County.

See Page 04/21/09-1F

RESOLUTION

RESOLVED, Executive Session to discuss the proposed selection of Special Legal Council for the County Clerk in regard to election issues.

See Page 04/21/09-1G

RESOLUTION

RESOLVED, Executive Session to discuss the update on legal issues concerning providing insurance for the 4-H Fair.

See Page 04/21/09-1H

RESOLUTION

RESOLVED, Executive Session to discuss personnel issues concerning reappointments to the Human Services Advisory Council.

See Page 04/21/09-1I

RESOLUTION

RESOLVED, Executive Session to discuss the contract for the purchase of property on Horseshoe Bend Road in Kingwood Township.

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

The Hunterdon County Board of Chosen Freeholders went into Executive Session at 3:10 p.m. and reconvened in Open Session at 4:15 p.m.

PLEDGE ALLEGIANCE

FINANCE

Mr. Sworen moved and Mr. Holt seconded this:

See Page 04/21/09-2A

BOND ORDINANCE NO. 01-09

INTRODUCTION, 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.

Mr. Peterson expressed his dislike about the bond ordinance process.

County Counsel DeSapio explained the only reason the County would go out for bonds, is if the County made a commitment for the funds, the County would be legally committed, and the sources anticipated receiving funds from are not available as of that date. Kim Browne, County Finance Director, stated the County has not done a refunding bond since 2002. Margaret Pasqua, County Treasurer stated if the money was in the County's Capital Fund then a bond ordinance would not be necessary.

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

Mr. Sworen moved and Mr. Melick seconded this:

See Page 04/21/09-2B

BOND ORDINANCE NO. 02-09

INTRODUCTION, BOND ORDINANCE TO AUTHORIZE THE RESURFACING OF VARIOUS COUNTY ROADS IN, BY AND FOR THE COUNTY OF HUNTERDON, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$3,720,000 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.

Mrs. Browne noted that this funding is for federal stimulus funding projects.

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

Mr. Sworen moved and Mr. Holt seconded this:

See Page 04/21/09-2C

RESOLUTION

RESOLVED, Approving the cancelation of a grant receivable for the 2007 Family Court, in the amount of \$12,826.

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

Mr. Sworen moved and Mr. Melick seconded this:

See Page 04/21/09-2D

RESOLUTION

RESOLVED, Authorizing the cancelation of a grant receivable in the amount of \$49,170.57 and grant reserve in the amount of \$49,171.13, for the 2006 Partnership (Juvenile Justice grant).

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

Mr. Sworen moved and Mr. Holt seconded this:

See Page 04/21/09-2E

RESOLUTION

RESOLVED, Authorizing the cancelation of a grant receivable in the amount of \$48,256.25 and grant reserve in the amount of \$48,256.15, for the 2007 Partnership (Juvenile Justice grant).

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

Mr. Holt moved and Mr. Sworen seconded this:

See Page 04/21/09-2F

RESOLUTION

RESOLVED, Approving a modification to a contract for the purchase of property on Horseshoe Bend Road, in Kingwood Township, Block 14, Lot 30, in Kingwood Township, (Horseshoe Bend Road), consisting of approximately 121.76 acres for a purchase price of \$3 million (\$1.5 million to be paid for with direct Open Space County Funds and \$1.5 million to be paid through Green Acres reimbursement). This is contingent on Green Acres funding becoming available and it is contingent upon the acquisition by the New Jersey Conservation Foundation and the Hunterdon

Land Trust Alliance of another parcel across the road and the acquisition by the State of New Jersey and the Township of Kingwood of an adjoining parcel. The two modifications to be included in this contract is a clarification in Section 5.1 that all rights to use the existing driveway which crosses the property by other parties are to be eliminated and a clarification in Section 17 that currently provides if the closing doesn't occur by August 31, 2009 the seller can cancel the contract and the County wants the right to cancel the contract as well.

Freeholder Melick advised he will be voting against this issue, saying he is not opposed to open space but he is opposed to the purchase price for this parcel. All the parcels put together with State, County and municipal funding is around \$9 million. He feels these prices are out of sync with today's market. The cost is based on the development of 56 houses on the property which will ever happen. This does not consider the State's restrictions on property.

Mr. Melick reported this acquisition dates back to 2000, when a contract was signed by a party to sell property to a public entity and it closed in 2003. The bases of the appraisals done at that time do not reflect what has happened in the past year. It is no wonder the State does not have any money, they are spending all this money for this property. Mr. Melick advised the appraisals are available for anyone to look at them.

Mr. Melick stated it is public entities purchasing properties today because the developer is gone. When the County starting purchasing properties back in the early 1980's it was because developers were purchasing properties but now public entities are bidding against themselves.

Mr. Melick stated for the record that the cost for this property is too high. The County needs to relook at the way it does business and stressed that the cost of \$9 million for this property is wrong. The scheme in which these costs are based on, are faulty.

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

Mr. Melick recused himself from the meeting.

FARMLAND PRESERVATION

Mr. Holt moved and Mr. Sworen seconded this:

See Page 04/21/09-3A RESOLUTION

RESOLVED, Authorizing the acquisition of a right of way easement from Helen James, on Block 56, Lot 5, in Readington Township, in the amount of \$5,768.

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

Mr. Sworen moved and Mr. Holt seconded this:

See Page 04/21/09-3B RESOLUTION

RESOLVED, Approving an Agreement Concerning Annual Monitoring with the New Jersey Conservation Foundation, for the Everett/Danese Farm, Block 32, Lot 32.01, in Delaware Township, in conjunction with a Restrictive Covenant between the landowners and the County.

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

Mr. Sworen moved and Mr. Holt seconded this:

See Page 04/21/09-3C RESOLUTION

RESOLVED, Approving a Cost Sharing Agreement with West Amwell Township, (Fulper Preservation LLC), Block 19, Lot 5, consisting of 86.818 acres, (SADC - \$376,790.12, County - \$104,285.78, Township -\$116,231.94), total amount of \$597,307.84.

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

ROADS and BRIDGES

John P. Glynn, Director, Roads, Bridges and Engineering provided the Board with an update of various County road and bridge projects.

- Punch list items are being completed on County Route 514. Since the weather is damp the topsoil and seeding will be held off for a week.
- A preconstruction meeting is scheduled for Route 523 running from Route 78 up to where the signal will be placed on Route 517/523. This will be all nighttime construction.
- A public information meeting was held in Frenchtown Borough. Emergency tree work was done to remove dead trees.
- Feedback has been received from Hampton Borough on Route 635. Being reviewed is Hampton's costs and the cost for curbing for the remaining pieces of New Street. The County is working with Hampton to get these issues completed.
- Bids will be advertised with Warren County on InterCounty County Bridge B-26-W, on Valley Station Road by mid-Summer.
- Plans and specifications for County Bridge D-345 should be ready for approval at the next meeting.

- The County has delayed taking proposals for County Bridge M-110 until May 07, 2009, in order to fine tune the proposals; some quantities need to be adjusted.
- Negotiations are ongoing with the property owner on the Pennsylvania Avenue project.
- An application has been made to the State Department of Environmental Protection for County Bridge R-123 on Holland Brook Road.
- The arch on Culvert D-368 on Sandbrook-Headquarters Road in Delaware Township will be supported on Thursday, April 23, 2009, and then the repair work will be done. The culvert should be braced and supported by the middle of next week.
- County Bridge T-52, which was closed on an emergency basis and sometime in early May the stone veneer will be placed on the bridge.
- Outreach public information meetings have been held on various bridges.
- The consultant was asked to make changes regarding Bridge E-166, as part of the March 25, 2009 meeting. Those plans should be ready to be forwarded to East Amwell Township by the end of April 2009. Negotiations are ongoing with the two property owners to acquire the two parcel needed to complete the project.
- Marvec contracting is back at the Route 523/612 intersection doing matting and stabilization which was part of his general contract. There are still issues with the pavement and signs need to be adjusted at the signals. The County is working with Marvec on various issues
- County Route 513/579 is complete and the consultant will be doing a final inspection so final approval can be given to NJDOT for the signal.
- A meeting was held with NJDEP regarding County Route 519/513 and the County will be looking at different concepts to minimize the project. The County will be working with NJDEP, Alexandria Township and the property owners to resolve safety issues.
- A preconstruction meeting will be scheduled for the low bidder on the County Route 517/523 project.
- Capital funding has been approved for the stimulus projects: County Route 512 running east of Guinea Hollow to the Somerset County Line; County Route 517 south of the traffic signal up to the Morris County Line; County Route 623 running Route 31 over to Kent Court (mostly in Clinton Township); and County Route 625 by the Pilot Truck Stop down to Route 513.

Fueling Request/Clinton Township

Mr. Glynn advised a request has been received from Clinton Township requesting to use the County's fueling system at the Lebanon Garage. Clinton estimates the Township will be using 33,450 gallons of gasoline per year and 15,700 gallons of diesel fuel. Mr. Glynn reported at the Lebanon Garage the County has a single dispenser/hose for each fuel and diesel and the tank sizes are only 3,000 gallons. The County already has the Lebanon Fire Company, the Whitehouse Rescue Squad, the East Whitehouse Fire Company, the Clinton Rescue Squad and on occasion the Flemington Rescue Squad and the Quakertown Fire Company has taken fuel from that location. The total outside accounts for 2008 was 2,587 gallons and the County's usage was 7,412 gallons. Mr. Glynn feels if Clinton Township were permitted to use this facility it would overtax the County's system. The County will not be able to provide fuel at that volume of 33,000 gallons. That would cause the County to refuel the tank four days out of the week.

Mr. Glynn stated while the County would like to help Clinton Township but given the usage and volume of fuel they need, the County's system will not support that. Clinton's usage is almost four times as much as what the County uses in volume. Mrs. Yard explained that each time the County receives a request like this for fuel, it goes through the Department of Roads, Bridges and Engineering and then brought to the Freeholder Board as a recommendation but as people have been added on to this service, at some point the County will not be able to accommodate. The process has been on a first come, first serve basis.

Mr. Melick confirmed as the County's gallon usage goes up, the State requires an even more extensive environmental monitoring. Mr. Glynn explained the tank at the Lebanon Garage has to be monitored and once it gets over 12,000 gallons a month, there is a different criteria that has to be used for monitoring. Mr. Melick explained it is like a gasoline station. Mr. Glynn explained the Route 12 Garage Headquarters dispenses around 12,000 or 13,000 gallons a month at a cost of around \$400,000. If the County were to allow Clinton Township to use the Lebanon Garage the County would have to add a couple of pumps for diesel and a couple of pumps for regular.

After a brief discussion, the Board directed Mr. Glynn to write back to Clinton Township and inform them that the County's fueling system at the Lebanon Garage cannot support their request.

Monmouth County request for Pedestrian Bridge

Mr. Glynn informed the Board that Monmouth County is requesting to use a pedestrian bridge which the County has. Monmouth's design consultant is GPI and they are aware that Hunterdon has a pedestrian bridge so they are asking to use the bridge instead of them buying another pedestrian bridge for a project they are working on. Monmouth would like to borrow the pedestrian bridge bring stored at the County's traffic maintenance facility. Mr. Glynn recommended Hunterdon work with Monmouth County and loan them with the pedestrian bridge so they can save money for the tax payers of Monmouth County. If the Board agrees, Mr. Glynn would work with County Counsel to get an agreement in place.

Mr. Melick recalls that three years ago George Wagner, Director of Public Safety called Monmouth County to see if they could take Hunterdon's prisoners, no questions asked and they took our prisoners for 100 days and Hunterdon County never received a bill for that service. He wanted to relate that to the Board who may not be aware of what Monmouth did for Hunterdon back in 2006. Mr. Melick feels this would repay that good jester.

Mr. Sworen questioned how long Monmouth County would use the bridge and when it would need to be returned. Mr. Glynn feels Monmouth would probably have the pedestrian bridge for approximately nine months while their bridge is being removed.

Mr. Glynn was directed by the Board to work out an agreement with Monmouth County for the use of the pedestrian bridge.

Bridge and guiderail damage, Readington Township

Mr. Glynn reported to the Board that damage has occurred to bridge and guardrail in Readington Township. The operator of the vehicle did not have adequate insurance to cover the property damage and there is a cost of \$700.81 for repairs and the insurance company is offering the County \$100.01. Mr. Glynn asked direction from the Board with regard to the insurance company which is saying that the County needs to sign off. Mr. Glynn stated the County can not go after the insurance company but suggested the County contact the operator of the vehicle.

Director Mennen asked County Counsel DeSapio if the County could accept the \$100 from the insurance company and reserve its rights for the remaining \$600 from the vehicle operator. Mr. DeSapio advised the County could pursue the entire \$700 and recommended having in-house Counsel, Michelle Nodes go to Small Claims Court and handle it that way.

After a brief discussion, Mr. DeSapio confirmed for the Board and Mr. Glynn that the County should not sign the release to the insurance company, and pursue reimbursement through Small Claims.

Arbor Day

Mr. Glynn reported the County's Arbor Day program will be this Friday at the Route 12 County Library and there will be planting Patriot Elm trees. The event is scheduled for 2:00 p.m. Everyone is invited to attend. Mr. Peterson advised that Congressman Lance will be in town that day and confirmed he is also invited. Mrs. Yard volunteered to contact Congressman Lance's Office to extend the invitation.

Stone Arch Bridge

A woman from the public asked what are the plans for the stone arch bridge repair since it is part of the Historical land in Hunterdon County. Mr. Glynn advised part of the wall needs to be repaired and the County is going to repair the stone wall, so it will remain whole and untouched.

Bridge F-45

John Drwal from Franklin Township asked if we would be addressing bridge issues now or at a later date. Director Mennen advised that Freeholder Peterson just informed him there is a meeting tomorrow night in Franklin Township concerning Bridge F-45. That meeting may be the best time to address any concerns unless there is something in particular that needs to be addressed now. Mr. Drwal confirmed there is a meeting tomorrow and he is aware that the Franklin Mayor sent an invitation to the Freeholders and he hopes the Board will be able to attend. The community feels strongly about these issues. Mr. Peterson reported he was at the Township meeting a few weeks ago and he will be in attendance of the meeting tomorrow.

PROJECT UPDATE

Frank J. Bell, AIA, County Project Administrator updated the Board on the status of the County's various buildings and facilities.

- The Deer Path Park restrooms project began in 1998, and the Count has finally received the consent for the final payment.
- There was a conflict with the Hall of Records project with one of the subcontractors and that issue will be cleared up today.
- The paperwork for the Emergency Services project is done. Sheet rock will be going up and electrical fixtures are being worked on, then the project will closed. There is a meeting scheduled for Friday at 10 a.m. with the furniture company to get that finalized and ordered. It should take 6-8 weeks to get the furniture in, most likely sometime in June, then the employees can begin to move back into the building.
- The towers are almost complete for the wireless project. New Jersey Business is coming next week sometime.
- Regarding the Records Retention Center, Mr. Davenport and Mr. Bell will be meeting Friday afternoon to get the contract started.
- The roof project for the jail has been finalized and final payment has been issues.
- A subcommittee meeting, with Rick Steffey of the Planning Board and Mr. Bell, has produced several energy related meetings, and the State is looking to see how the County can proceed with these issues.
- Purchasing will be receiving information on how to do a power purchase agreement with EPA from the State within the next week or so.

Mrs. Yard informed Mr. Bell that the lighting for the Hall of Records building is still not balanced. Mr. Bell will contact Peter Maddalena, Director, Buildings and Maintenance on this issue.

Mr. Peterson stated that there have been some concerns with the heating and the air for the Hall of Records, that it is either too cold or too hot in the building. He recommended looking at everything again. Mr. Bell stated that he would speak with Mr. Maddalena about this.

- Applicants have been talked to about the Small Cities Housing Rehabilitation Grant. There are some ongoing issues to be worked out regarding septic systems. At the energy seminar last week sponsored by the State, there is a program where the state

would come in, do an energy audit of the applicant's home and if they qualify the cost is zero to the applicant and they could receive up to \$1,000 for sealant. The State would first perform a door test to see what is going on with the home and then check the sealant which is no cost to the applicant. There would then be a tier two and tier three plan and if the applicant works through the tiers and they can receive up to \$5,000 back. The County's program is a \$25,000 maximum. Mr. Bell reported the County would also be eligible to receive an extra \$5,000 to attach to the program as well. In addition, if the Township works with the State of New Jersey program, they would get credit for that and pick up incentive funds.

- The County has introduced the Department of Environmental Protection's oil tank program to applicants of the Small Cities Program, where if a tank has to be removed, and it isn't leaking, they can be referred to DEP.
- The Arboretum project is going over to the codes people and then we are going to meet with those folks sometime next week to discuss the codes and ordinances.

CONSENT AGENDA

Director Mennen 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. Holt seconded a motion to approve the claims in accordance with the Claims Register dated April 21, 2009.

See Page 04/21/09-6A

CLAIMS REGISTER

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

Mr. Holt moved and Mr. Sworen seconded a motion to approve the Social Services Funds report for March, 2009.

See Page 04/21/09-6B

SOCIAL SERVICES FUNDS REPORT

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

Mr. Peterson moved and Mr. Holt seconded a motion to approve the regular session minutes of April 07, 2009.

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

Mr. Sworen moved and Mr. Melick seconded these:

See Page 04/21/09-6C

RESOLUTION

RESOLVED, Samantha Driscoll appointed temporary, as needed Student Assistant, Library.

See Page 04/21/09-6D

RESOLUTION

RESOLVED, Leigh Patullo appointed temporary, as needed Student Assistant, Library.

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

Mr. Holt moved and Mr. Sworen seconded these:

See Page 04/21/09-6E

RESOLUTION

RESOLVED, Alan Umgelter, Public Safety Telecommunicator, Division of Emergency Services, Public Safety Department, adjustment in hours.

See Page 04/21/09-6F

RESOLUTION

RESOLVED, Approving a contract with 107 Productions, for a performance by Neil & The Diamonds, at Deer Path Park, on July 30, 2009, for the "Music under the Stars" concert series, in the amount of \$3,000.

See Page 04/21/09-6G

RESOLUTION

RESOLVED, Approving a contract with Somers Dream Orchestra, at Deer Path Park, on July 09, 2009, for the "Music under the Stars" series, in the amount of \$3,000.

See Page 04/21/09-6H

RESOLUTION

RESOLVED, Approving application for payment #22, Final, for Bid #2005-39, with APS Contractor, Inc., for alterations and addition to the Route 12 County Garage Headquarters, in the amount of \$144,730.27.

See Page 04/21/09-7A

RESOLUTION

RESOLVED, Approving a Certificate of Substantial Completion, for Bid #2005-39, with APS Contractor, Inc., for alterations and addition to the Route 12 County Garage Headquarters.

See Page 04/21/09-7B

RESOLUTION

RESOLVED, Approving application for payment #27, for Bid #2005-47, with DeSapio Construction, Inc., for the addition and alteration to the Communications/Emergency Services Center, in the amount of \$78,217.54.

See Page 04/21/09-7C

RESOLUTION

RESOLVED, Approving application for payment #4, Final, for Bid #2007-22, with the VMG Group, for the replacement of the roof at the Hunterdon County Division of Corrections, Department of Public Safety, in the amount of \$11,200.

See Page 04/21/09-7D

RESOLUTION

RESOLVED, Approving application for payment #2, for Bid #2008-07, with C.B. Structures, Inc., for the addition to the Everittstown Garage, in the amount of \$27,930.

See Page 04/21/09-7E

RESOLUTION

RESOLVED, Approving application for payment #3, Final, for Bid #2008-07, with C.B. Structures, Inc., for the addition to the Everittstown Garage, in the amount of \$4,170.

See Page 04/21/09-7F

RESOLUTION

RESOLVED, Approving a Certificate of Substantial Completion, for Bid #2008-07, with C.B. Structures, Inc., for the addition to the Everittstown Garage.

See Page 04/21/09-7G

RESOLUTION

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

See Page 04/21/09-7H

RESOLUTION

RESOLVED, Approving the Notice of Auction for Trucks, Vehicles, Office Equipment, Construction Equipment, and Miscellaneous items, to be schedule for May 16, 2009, at the Route 12 County Complex.

See Page 04/21/09-7I

RESOLUTION

RESOLVED, Authorizing the release of a cash performance bond to the Church of Immaculate Conception, in the amount of \$1,329.

See Page 04/21/09-7J

RESOLUTION

RESOLVED, Authorizing the release of a cash performance bond to George Hackl, in the amount of \$11,325.

See Page 04/21/09-7K

RESOLUTION

RESOLVED, Approving Requisition #CountyClerk.1118, using N.J.S.A. 40A:11-5L, with Progress Printing Company, for ballots, for the County Clerk's Office, in the amount of \$38,151.

ROLL CALL: (AYES)

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

PUBLIC HEARING – Open Space, Recreation, Farmland and Historic Preservation Trust

Director Mennen informed those public that the purpose of this public hearing is not to discuss the question of whether or not the County wants to reduce the Open Space Tax. A suggestion has been made by one Freeholder, and that was his suggestion and his alone. Director Mennen advised he will allow any of his colleagues who disagree with that and want to take ownership of that suggestion to state so now.

Director Mennen is aware of an email campaign and a telephone campaign which suggested the purpose of tonight's hearing is to discuss the possibility of reducing the open space tax and that is not correct; not only procedurally because it was not noticed for that purpose but more importantly, because that is not the intention of this Board. Director Mennen confirmed his colleagues do not disagree with that statement.

Director Mennen advised in response to the comments the Board has received from the public, many of whom are in the audience this evening, this Board is trying to find a way to not send state grant money for open space projects back to the state, because the County fails to meet the required County match for projects that require such a match. This Board has been trying to balance that with the concept and recognition of the environment, economically in which the County is trying to live.

Director Mennen advised this Board has stated its intention to maximize state grants, maximize values and not send money back to the state which requires a County match, and at the same time live within the bounds of the separate stand alone open space tax. Director Mennen advised tonight's discussion is about reallocation within that trust fund, potentially of balances already amassed, as well as, discussion of the allocations going forward. This is not the County taking funds from the general fund and this is not the Freeholders finding money to fund certain projects while others are being asked to tighten their belts. This is a separate, specific stand alone trust fund generated for specific purposes. The County is simply looking at allocations either in the future or retroactive within that fund to maximize state grants to meet the County's goal of not sending grant money back to the state.

Director Mennen opened the public hearing at 5:05 p.m.

Freeholder Holt said he wants it made very clear that at the beginning of the year the Freeholders identified a number of farms that could close. If in fact every single farm were to close in 2009, there would be a shortfall of funds. Mr. Holt said the likelihood of every farm closing in 2009 is non-existent. The purpose of today's discussion is that under the commitment, if the County were in the position not to have a County match, the County could identify funds within the segment of funding which falls under the 10% of the Open Space Tax that is dedicated towards historic preservation trust, which is around \$4 million, that money was gathered over a period of time. The County has a pay as we go philosophy the Board is discussing the ability to shift, one time, funds in 2009 from the historic preservation tax into Farmland preservation. Mr. Holt said he does not think the County is going to need to do this but it is imperative the County is prepared to make that move should the County be able to close on all the farms in 2009.

Mr. Holt explained the purpose today is not to make the move of the funds, but to only discuss the approval of the Board should it be necessary to move the funds this year, where the funds could come from.

Director Mennen advised in advance of this meeting, he asked the County Administrator, Cynthia Yard in conjunction with the Finance Director, Kim Browne, County Treasurer, Margaret Pasqua, and Planning Director, Sue Dziarama, to put together what the actual numbers would be. The total required County Match is \$3.534 million based upon applications that have been approved. The County has already set aside in the 2009 Capital Budget \$2 million. The County's potential shortfall is around \$1.534 million, which can be reduced by another \$180,000 because that is the 5% down payment which comes from the Capital Improvement funds. \$1.35 million is the maximum shortfall should everything were to come to fruition.

Mr. Sworen stated this is a difficult process and the County has good figures at this time, and after the budget is adopted, the County will have a complete internal audit where the public can see every piece of property.

Director Mennen informed those present that at the Director's Summit held in January 2009, a lot of these numbers were provided and that information can be found on the County's website. He noted that those numbers were generated by the County Finance Department.

Greg Houser, a member from the Sierra Club questioned if the County will have another \$7.5 million for open space in 2010 and has the County begun looking at properties for open space prioritization for 2010. Also, what percentage of that money will go towards parkland versus farmland versus general open space for that 60% pool of money. Director Mennen explained that 60% pool has been a pool, which has been divvied up on an annual basis, based upon demands, based upon predictions and/or based upon what the environment seems to offer or demand. At this point, the percentages have been 15%, 15%, 10% and 60% and it has been that way historically. Director Mennen said this is something the Freeholders are looking at and will need to react to based upon what is happening with the environment, economically.

Julia Allen, Readington Township Mayor thanked the Board for having this hearing and stated she feels the Board's proposal makes good sense. It is a difficult year for everyone, and stated everyone is having to make difficult choices. This is not about having to spend the money for farmland or historic preservation, there are ample projects that can be put forward that are needing historic preservation but given the fact that historic preservation is accumulating and will be at \$4 million at the end of this year and it accumulates at the rate of \$750,000 per year; it makes good sense to allow this money to be transferred so as to prevent State Agricultural Development grants being sent back to the state; that would be devastating to the County's Farmland Preservation Program.

Francis Gavigan, East Amwell Township resident, stated she serves on a historic preservation committee and is interested in signing up to preserve a building in her township and asked what does she have to do to get the Clausen House funding in 2010. She recognizes the dilemma the Freeholders are in and she appreciates the Board is moving money in order to purchase farms, so as to not give funding back to the state. Mrs. Gavigan said the return on preserved farmland as an investment is immeasurable.

Mrs. Gavigan asked if the County tracks the various towns that sends money into the County; what their return on investment is in terms of local return or benefit. If it isn't done would the Board consider doing something like that.

Mrs. Gavigan informed the Board that she would not support bonding or borrowing because as jobs go and corporations move, the responsibility of paying the tax falls on the middle class.

Mrs. Gavigan told Mr. Melick she appreciates his desire to minimize the impact on the personal pockets. She told the Board to do what it has to do this year.

Director Mennen confirmed for Mrs. Gavigan that the County does keep track of funds from the individual towns, and recommended Mrs. Gavigan reach out to the Open Space Trust Fund Coordinator, Kevin Richardson, for that answer; plus he will be able to assist with the historic application.

Amy Hansen, resident of Asbury, stated she resides on a preserved farm and she appreciates the Board holding this hearing tonight. She encourages the Board to move forward in preserving farmland and open space. Her family is willing to continue the three cent per \$100 assessed value tax to continue with this investment for their children's future and in the County's quality of life. Mrs. Hansen stated she supports using funds for historic preservation in order to preserve farmland. She encourages the Board to also continue in preserving historic sites.

Alex Bacon, New Jersey Conservation Foundation, asked if the County is going to be matching the farmland funding from the federal grants and the open space money from Green Acres, the New Jersey Water Supply Authority and other sources, not just the state. She asked the Board to consider how to match the other sources of funding.

Ms. Bacon informed the Board that she noted on the Board's Correspondence list attached to the agenda on how many letters were received from people supporting the three cent tax. This is a tax that everyone feels they spend together, and positive results can be seen.

Director Mennen said for the benefit of those who arrived late, he started these proceedings stating this is not a discussion about whether the Open Space Tax should be reduced from three cents to two cents. He did indicate it was a sentiment expressed by one freeholder, as is his right but that sentiment is not shared by any of the other freeholders.

Dennis Kirkland, a Stockton Borough resident, confirmed the Freeholder Board is planning to move forward to allow non-profits and municipalities to avail themselves to the preservation component.

Mr. Kirkland questioned if the public or people who will be benefiting from the preservation funds will be allowed to have input on any new or revised policies and procedures. Director Mennen stated the County Board of Freeholders is not squeamish about public input and in fact has asked members of the public to realize ways to cut expense or to realize greater revenues. There is no reason by the same mentality can't be utilized here and recommended any such suggestions be directed to Kevin Richardson.

Mr. Kirkland asked about doing various things in-house, such as historic preservation projects. Director Mennen advised the County is going to better utilize the input from the Cultural and Heritage Commission. The County already has a list of ten projects for review.

Susan Lockwood, Deputy Mayor of Delaware Township, came before the Board saying she is pleased the County will continue to bring in the greatest amount of Open Space funds that is allowed. There has been a lot of interest from people in preserving land because people aren't able to sell to development. At this time, when people do not have a lot of liquid funding, preservation is a good opportunity.

Ms. Lockwood advised that Delaware Township has projects that could benefit from historic funding and they are in the process of trying to find funding to do repairs and restoration.

Ms. Lockwood said when Delaware Township started the program 13 years ago, they looked at how to fund projects. No one likes the concept of incurring debt but Delaware Township realized at that time, was that open space is for many generations not just today's generation and it doesn't just benefit the people who are paying taxes today. It is not unreasonable to bond and pay out over time because people moving into the municipality will get as much benefit from the preserved land as the people who resided there when the property was initially purchased. She does not see anything wrong with long term financing for open space. She asked the Board to consider bonding to preserve open space.

Mr. Melick left the meeting at 5:50 p.m.

Director Mennen confirmed with Mr. Richardson that the 10% is exclusively for County owned structures. The pot of money available to municipalities is the 15% municipal allocation. Director Mennen said when the Board talks about the historic preservation money being considered to be moved, it is that money that is dedicated exclusively to County owned structures. Director Mennen stated he does not want anyone to be confused with the thought that the County is taking money that could go to municipal historic preservation efforts because that is not the case.

Freeholder Peterson feels the confusion come about because last year the County had a ballot question which is different than the current ballot question. That ballot question does not take effect until 2010; so next year the County will be allowed to have more latitude. The money set aside for historic preservation can only be used by the County for County structures. The money could have been used for the historic court house but not the Union Hotel; nor could it be used to fix Delaware Township's municipal building. Legally, the County is able to reallocate that money back to the County's use because it was County use funds.

John Graefe, Bethlehem Township Mayor, thanked the Board of Chosen Freeholders for holding this discussion. He asked if the three percent tax referendum on the ballot last year was a binding or non-binding referendum and if it was a binding referendum, could funds be moved from that to another fund. Mr. Sworen stated the referendum was up to three cents per \$100, a tax rate dedicated to what was in the referendum. The Freeholder Board could reduce that number if they so choose and Morris County did reduce their number four cents to three cents. The referendum was up to three cents per hundred. Next year, for 2010, the County probably will not see the \$7.5 million just because the ratables have gone down.

County Counsel DeSapio confirmed that the referendum was binding and that the Freeholders allocate how the money which comes in gets divided among the various uses, after a public hearing like this. Director Mennen stated it is bound by the plan and the plan sets forth the goals and objectives. How it is allocated amongst the various goals and objectives stated within the plan are at the discretion of the Freeholder Board.

Mr. Holt left the meeting at 5:25 p.m.

Mr. Peterson explained that the referendum sets out the broad limits in which the Freeholder Board can use the money for and how much; and it allows the Freeholders to decide how much the tax will be, up to three cents, so there is a CAP. It could be taken down to zero or it could be taken up to three cents or anywhere in between, at the discretion of this Board. Also at the discretion of this Board is how the funds that come in can be allocated within the confines of the referendum. If a majority of the Board wanted, all \$7.5 million could be used for farmland preservation. Traditionally the Board has allocated the funds at certain percentages and the only area where the Freeholders have taken any discretion has been between farmland and open space and that was done as part of the County's allocation at the beginning of the year during the budget process.

Mr. Peterson advised that this evening the Board is considering the reallocation of some monies for historic purposes back into the farmland and open space allocation.

Mrs. Stewart questioned how the County can control the type of uses for farmland preservation so the County is not faced with the greenhouses that were constructed in Franklin Township? Is it through the County's Agriculture Development Board (CADB)? Mr. Sworen advised that is governed by the State Agriculture Development Board and the rules of the CADB. The rules and regulations of the SADC were being rewritten this year, by the policy director for the Governor but he left, so that task has not been completed yet. Mr. Peterson added there is a legal question on whether what is going on in Franklin Township is allowed per the easement placed on that property. It is in the hands of Judge Durmet and this is going through the legal process.

There being no further discussion for the public hearing, Mr. Sworen moved and Mr. Peterson seconded a motion to close the public hearing.

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

Mr. Sworen moved and Mr. Peterson seconded this:

See Page 04/21/09-10A RESOLUTION

RESOLVED, Authorizing (1) a reallocation of \$1.4 million from the Open Space, Recreation, Farmland and Historic Preservation Trust to be used for Farmland Open Space Purposes.

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

The Hunterdon County Board of Chosen Freeholders recessed at 6:12 p.m. and reconvened in Open Session at 6:30 p.m.

GRANTS

Mr. Sworen moved and Mr. Peterson seconded these:

See Page 04/21/09-10B RESOLUTION

RESOLVED, Approving a General Operating Support grant application with the New Jersey Historical Commission for the Cultural & Heritage Commission, in the amount of \$68,552 – state funds and a County contribution of \$40,655.

See Page 04/21/09-10C RESOLUTION

RESOLVED, Approving a grant application renewal with the State Department of Health and Senior Services, for HIV Counseling and Testing, in the amount of \$59,800 (state funds), for the purpose of preventing HIV transmission.

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

PROCLAMATIONS

Mr. Sworen moved and Mr. Peterson seconded these:

See Page 04/21/09-11A **PROCLAMATION**

RESOLVED, Declaring March as Brain Injury Month.

See Page 04/21/09-11B **PROCLAMATION**

RESOLVED, Recognizing Friday, April 24, 2009, as the 137th Anniversary of Arbor Day.

See Page 04/21/09-11C **PROCLAMATION**

RESOLVED, Recognizing Friday, April 24, 2009, as the 60th Annual State of New Jersey Arbor Day Celebration hosted by Tewksbury Township.

See Page 04/21/09-11D **PROCLAMATION**

RESOLVED, Recognizing the Honorable Roger F. Mahon for his contributions and positive influence to Hunterdon County citizens.

See Page 04/21/09-11E **PROCLAMATION**

RESOLVED, Joining the United Way of Hunterdon County to recognize volunteer Paul McGill for his outstanding service and commitment.

See Page 04/21/09-11F **PROCLAMATION**

RESOLVED, Joining the Hunterdon County YMCA to recognize Leonard Lance as the YMCA's Man of the Year for 2009.

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

CORRESPONDENCE

Correspondence was received from Delaware Township, requesting permission to close a portion of County Route 604, for a block party on Saturday, June 06, 2009, to celebrate the Village of Sergeantsville being named to the New Jersey Register of Historic Places. Mr. Sworen moved and Mr. Peterson seconded a motion granting permission provided this event is coordinated through the County Department of Roads, Bridges and Engineering.

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

A letter was received from Readington Township, requesting permission to use Route 523 for their Memorial Day Parade on Monday, May 25, 2009. Mr. Sworen moved and Mr. Peterson seconded a motion granting permission provided this event is coordinated through the County Department of Roads, Bridges and Engineering.

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

A request was received from Somerset Wheelmen asking permission to use County Routes 614 and 602, on Saturday, June 13, 2009 from 7:00 a.m. until 9:30 a.m., to conduct the New Jersey State Masters Cycling Championship in East Amwell Township. Mr. Sworen moved and Mr. Peterson seconded a motion granting permission provided this event is coordinated through the County Department of Roads, Bridges and Engineering.

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

Correspondence was received from Califon Borough requesting permission to close of portion of County Route 512, for their Memorial Day Parade, on Monday, May 25, 2009, for one hour starting at 10:45 a.m. Mr. Sworen moved and Mr. Peterson seconded a motion granting permission provided this event is coordinated through the County Department of Roads, Bridges and Engineering.

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

A request was received from Greenbrook Racing, LLC, requesting permission to use County roads around Round Valley Recreation Area, in Clinton and Readington Townships, for their Sprint and Olympic Distance Triathlon on Saturday, September 12, 2009, starting at 7:00 a.m. Mr. Sworen moved and Mr. Peterson seconded a motion granting permission provided this event is coordinated through the County Department of Roads, Bridges and Engineering.

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

A letter was received from Piranha Sports, requesting permission to use County roads on Sunday, May 17, 2009, at the Round Valley Reservoir, for the DiamondGirl Triathlon from 8:00 a.m. until 9:30 a.m. Mr. Sworen moved and Mr. Peterson seconded a motion granting permission provided this event is coordinated through the County Department of Roads, Bridges and Engineering.

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

FREEHOLDERS COMMENTS/REPORTS

There were no Freeholder comments or reports.

OPEN TO THE PUBLIC

Director Mennen opened the meeting to the public.

Delaware Twp. Block Party/Invitation

Alan Johnson came before the Board, representing Delaware Township, thanked the Board for the use of County Roads for the block party and invited all the Freeholders to attend the block party on June 06, 2009.

Lighting

Mrs. Stewart questioned the Board regarding the lighting of various County structures. Mrs. Yard informed Mrs. Stewart that the Buildings and Maintenance Director, Pete Maddalena, has made some changes down at Penn Color and that is saving the County \$300 a month. The County is looking at the various structures.

There being no further business to come before the Board, Director Mennen adjourned the meeting at 6:45 p.m.

Respectfully submitted,

Denise B. Doolan
Clerk of the Board