

HUNTERDON COUNTY BOARD OF CHOSEN FREEHOLDERS

Main Street County Complex, 2nd Floor, 71 Main Street
Flemington, New Jersey 08822

December 01, 2009

The regular meeting of the Hunterdon County Board of Chosen Freeholders convened at 2:05 p.m. in accordance with the provisions of the Open Public Meetings Act.

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

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 November 06, 2009, to the Hunterdon County Democrat, Lambertville Beacon, The Express, Courier News, Trenton Times, Hunterdon Review and Star Ledger, newspapers designated to receive such notices and by filing a copy with the Hunterdon County Clerk."

EXECUTIVE SESSIONS

Mr. Holt moved and Mr. Sworen seconded these:

See Page 12/01/09-1A RESOLUTION

RESOLVED, Executive Session to discuss claims involved at the Communications Center.

See Page 12/01/09-1B RESOLUTION

RESOLVED, Executive Session to discuss labor negotiations with law enforcement units and contract negotiations.

See Page 12/01/09-1C RESOLUTION

RESOLVED, Executive Session to discuss outstanding issues concerning Horseshoe Bend Road property in Kingwood Township.

See Page 12/01/09-1D RESOLUTION

RESOLVED, Executive Session to discuss legal issues regarding utilizing the Youth Facility.

See Page 12/01/09-1E RESOLUTION

RESOLVED, Executive Session to review the executive session minutes of October 06, 2009, October 20, 2009, November 04, 2009, November 10, 2009 and November 17, 2009.

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

The Hunterdon County Board of Chosen Freeholders went into Executive Session at 3:30 p.m., recessed at 4:38 p.m. and reconvened in Open Session at 4:45 p.m.

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

PLEDGE OF ALLEGIANCE

FINANCE

Mr. Sworen moved and Mr. Holt seconded this:

See Page 12/01/09-1F RESOLUTION

RESOLVED, Request Division of Local Government Services approve the insertion of an item of revenue in the 2009 Budget for the Wastewater Management Plan Grant, in the amount of \$109,091.

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

ROADS and BRIDGES Update

John P. Glynn, Director, Roads, Bridges and Engineering updated the Board on various County roads and bridges.

- County Route 523, in Raritan and Readington Townships, is the County's trust fund project for 2009. The storm drainage on sections 1 through 3 has been completed and section 4 is under construction. The contractor will be re-profiling and milling section 1. A binder course will be put down but the surface course will be done next year.

- The railing for the retaining wall on County Route 579 in Pittstown will be installed the week of December 07, 2009.
- The County will advertise County Route 635 through Hampton Borough on December 10, 2009 with the bids being due on January 21, 2009.
- The transportation trust fund for next year will include County Route 650 and a section of County Route 519, running from Milford Borough up to Holland Township.
- Punch list items will be done for the 2009 Resurfacing of various County roads, in various Townships, as well as inlet protection for the trash collecting on the inlet side.
- There has been a problem in getting the center pier out on Bridge B-26-W, on Valley Station Road, in Bethlehem Township. Warren County is the lead on this project. The contractor is working hard getting the center foundation pier out; he also is driving some sheet piling in order to start the concrete work.
- The paving course for Bridge D-345, on County Route 523, in Delaware Township will be done the week of December 07, 2009 with a final closeout within two weeks. The project should be completely done before Christmas.
- All permits have been received from NJDEP for County Bridge R-123, on Holland Brook Road, in Readington Township. Bidding will be done with a spring start next year.
- County Bridge T-88, on Guinea Hollow Road, in Tewksbury Township has been completed.
- There has been a problem with the soils for County Bridge T-102, on Water Street, in Tewksbury Township. The project should be paved the week of December 11, 2009.
- A meeting was held with Delaware Township, the State Historic Preservation Office and County representatives on County Culvert D-329, on Pine Hill Road, in Delaware Township. The project is now underway.
- A public hearing is scheduled for December 09, 2009 at the Holland Township municipal building from 6:00 p.m. until 7:30 p.m. to go over County Route 519 (Warren Glen Hill) Safety Improvement. This project began many years ago and the County is trying to bring the design to a final decision.
- The public hearing for County Bridge E-174 has been rescheduled for early February 2010.
- The plans for County Bridge E-166 and RQ-164 and C-88 have all been sent to the Federal Highway Administration for their approval.
- The intersection of County Route 517/523, storm drainage is being placed on the west side of that project. Some of the widening and paving has been done on Route 523 running out towards Somerset County, as well as north on Route 517. There are still utility issues concerning setting the signal poles.
- A public information center will be held on the Intersection of Routes 600/612, for sometime in January, 2010.
- The County did meet the deadline for the stimulus projects and they are at the Federal Highway for approval. The New Jersey Department of Transportation does not feel there will be any problems with the projects.

PURCHASING

Mr. Holt moved and Mr. Sworen seconded these:

See Page 12/01/09-2A

RESOLUTION

RESOLVED, Approving County Bid #2008-38, for Parkland Maintenance, with Clucas Farms, LLC, for Cold Brook Preserve, Block 38, Lot 8, in Tewksbury Twp., amount to be collected \$2,100.

See Page 12/01/09-2B

RESOLUTION

RESOLVED, Approving County Bid #2008-38, for Parkland Maintenance, with Derwood Farms, for Three Bridges, North Section of the South Branch, in Raritan Township, Block 74, Lot 2, amount to be collected \$108.00.

See Page 12/01/09-2C

RESOLUTION

RESOLVED, Approving County Bid #2008-38, for Parkland Maintenance, with Kocsis Farm, LLC, for the Hoffman Farm, in Union Township, Block 19, Lot 12, amount to be collected \$1,806.00.

See Page 12/01/09-2D

RESOLUTION

RESOLVED, Approving County Bid #2008-38, for Parkland Maintenance, with Kocsis Farm, LLC, for Schick Preserve, in Alexandria Township, Block 5, Lots 9, 10 and 11 and Block 6, Lot 10.02, amount to be collected \$7,434.00.

See Page 12/01/09-2E

RESOLUTION

RESOLVED, Approving County Bid #2008-38, for Parkland Maintenance, with Laine Farms, for Clover Hill Park, in Raritan Township, Block 75, Lot 8, amount to be collected \$0.00.

See Page 12/01/09-2F

RESOLUTION

RESOLVED, Approving County Bid #2008-38, for Parkland Maintenance, with Laine Farms, for the South Branch Wildlife Management Area, in Raritan and Hillsborough Townships, amount to be collected \$0.00.

RESOLVED, Approving County Bid #2008-38, for Parkland Maintenance, with Wesley Pandy, for Wescott Nature Preserve, in Delaware Township, Block 30, Lots 18.01, 36.01 and 36.02, amount to be collected \$300.00.

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

Mr. Peterson moved and Mr. Holt seconded this:

RESOLVED, Approving a professional engineering design services contract for the modification and relocation of a traffic signal, with Greenman Pedersen, Inc., in an amount not to exceed \$29,500.

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

Mr. Peterson asked County Counsel DeSapio if he should recuse himself from the discussions on the Highlands Conformance Plan as he sits on the State Highlands Council.

Mr. DeSapio explained that if Mr. Peterson did not need to hear the discussion, he recommended he leave the room, however, legally, Mr. Peterson can stay if he wants to.

Mr. Peterson informed the Board he wasn't sure if the Executive Director of the Highlands Council is coming this evening and asked for the conversation to be held for a short while.

FOR DISCUSSION

Open Space Trust Fund

Sue Dziamara, Planning Board Director explained that she had been asked to develop funding scenarios for the County Open Space Tax Distribution and that she had met with the Open Space Coordinator and the Farmland Administrator to develop several possible scenarios for the Board's consideration.

The central issue of concern, with the adoption of Policy 2008-02, was that the County's Open Space or Capital Acquisition funding had been reallocated to the newly created Cooperative Grant program. The Cooperative Grant program was designed to provide additional funding to municipal and non-profit applications designated as cooperative or extraordinary. The objective was to recommend alternative distribution scenarios which restore the County Open Space funding.

Mrs. Dziamara referenced the Memorandum of November 23, 2009 to the Freeholder Board which outlined four scenarios. She began with a description of the current funding distribution resulting after the adoption of Policy 2008-02: 60% Open Space (~~30%~~ Farmland; ~~0%~~ Open Space (now 30% Cooperative), 30% Cooperative funds support: Municipal/Non-Profit Cooperative, Municipal/Non-Profit/Other Cooperative, Extraordinary Municipal Projects; 15% Municipal (annual allocation, can be banked annually); 15% Non-Profit (competitive); 10% Historic (annual allocation); equals 100%.

Mrs. Dziamara advised the group felt additional consideration should recognize that beginning in 2010, these funds can also be used to, "*develop, improve and maintain county and municipal lands.*" These scenarios have not created a new funding percentage but have assumed it would be part of the total allocation as appropriate.

Scenario One proposed the following distribution: 30% Farmland; 45% Open Space (15% Open Space/30% Cooperative, consider extraordinary); 10% Municipal; 10% Non-Profit; 5% Historic; equals 100%.

Mrs. Dziamara explained that Scenario One reduces the municipal, non-profit and historic by 5% each and reallocates 15% from the County Open Space percentage to fund the 30% Cooperative Grant program, since it is the Municipalities and Non-Profits who have gained additional grants opportunities. This would then restore 15% to the Open Space (capital) available to the Freeholder Board for park development and/or extraordinary applications that meet very specific criteria. It is recommended there be the development of a clearly defined definition of an "extraordinary" application.

The group felt that Scenario One would be the preferred distribution allocation; all agreed that it maintained municipal and Non-Profit funding but also allowed for a County Open Space allocation.

Three additional scenarios were presented: Scenario Two: 30% Farmland; 35% Open Space Consider Extraordinary/No Cooperative Program; 15% Municipal - Consider Cap for Municipal Balance; 15% Non-Profit; 5% Historic; equals 100%. Scenario Two maintains the current distribution of 15% for municipal and non-profit applications reduces historic to 5% and eliminates the Cooperative program and moves Freeholder approved extraordinary applications into the County Capital funding. This scenario also includes consideration of a cap on the amount municipalities or non-profits would be allowed to "bank" without designating a specific project.

Scenario Three: 30% Farmland; 30% Cooperative with competitive municipal/non-profit application process; 40% Open Space includes historic and considers extraordinary; equals 100%. Scenario Three establishes a 30% cooperative grant program by combining the municipal and non-profit percentages, which would return us to a funding program similar to what it was before the creation of the cooperative grant program, leaving 40% for County Capital and historic projects. This scenario would also utilize a competitive applications process to rank and score applications. This scenario would also move the extraordinary applications back into the County Capital Acquisition funding allocation if there is Freeholder support.

Scenario Four: 30% Farmland; 70% Open Space Competitive application process for all/priority for County; equals 100% acquisitions. Scenario Four does away with designated funding with the exception of Farmland. All applications will be reviewed, ranked and scored competitively with the exception of County Capital Acquisitions (or Extraordinary if Freeholder supported), which would receive priority. This scenario would eliminate the need to "move" funds between categories and would allow the OSAC to respond to current need and requests.

The Planning Department recognizes the important role the non-profit organizations play in land preservation in our county, they are able to leverage funds and preserve our most environmentally sensitive lands. The County recognizes the importance of assisting municipalities with their efforts to preserve open space within their own boundaries. They believe it is necessary to fund and preserve those elements of our County which preserve our historic legacy. The Planning Board Office remains committed to the Farmland program and believes strongly that the County must protect and restore its Open Space (Capital Acquisition) program funds to support County acquisition goals and objectives, which have been developed for the County and its Park system in addition to providing recreational opportunities to its residents.

Mrs. Dziamara stated the Planning Board further suggested accepting applications one time per year; unless there is additional funding available.

When asked by Director Mennen what the groups preferred scenario should be, Ms. Dziamara answered that Scenario One was preferred.

Director Mennen confirmed with Mrs. Dziamara that there are no deadlines on this but that procedures manuals must be put together, that a decision is needed by the Board. Director Mennen confirmed the Board would like time to review the materials and think on this and stated it will be discussed at the December 15, 2009 meeting at which time a decision will be made.

Director Mennen advised that Mr. Peterson has informed him that the Executive Director of the Highlands Council will not be attending tonight's meeting.

Mr. Peterson recused himself from the meeting at 5:14 p.m.

PLANNING BOARD – Highlands Plan Conformance

Sue Dziamara, Planning Board Director informed the Board that the Highlands Act requires the County to submit a Petition for Plan Conformance within 15 months of adoption of the RMP or December 8, 2009. She provided the Board with copies of the Submission Packet, and went over the list of documents included in the submission packet:

1. Petition Submission Resolution.
2. Submittal Checklist.
3. Preservation Area Resolution, which amends the LDS to include, *Highlands Preservation Area Requirement*.
4. Record of Public Involvement by the Hunterdon County Planning Board and the Board of Chosen Freeholders (minutes).
5. 2009 Plan Conformance Documents
 - a. Task A: Draft Highlands Environmental Resource Inventory (ERI).
 - b. Task B: Draft Highlands Element of the Hunterdon County GMP.
6. List of Current County Planning and Regulatory Documents.

The above documents demonstrate the progress Hunterdon County is making toward achieving Plan Conformance. Further review and/or clarification from the Highlands Council is needed before the following documents can be submitted. Documents NOT included in the Petition Submission:

7. 2009 Plan Conformance Documents.
 - Task C: Draft Highlands Model Regulations for Development.
8. County Self Assessment Report.
9. County Implementation Plan and Schedule.

Mrs. Dziamara confirmed that the submission packet had been reviewed by the Planning Board at their November 5, 2009 meeting and that the Planning Board had approved submission of these documents to the Freeholder Board for their review and consideration at their November 17, 2009 meeting and recommended approval of the submission at the Freeholder's December 01, 2009 meeting.

Mrs. Dziamara reiterated that the Planning Board Staff had made every effort to remove all reference to county-owned property and management of county-owned property as this is not within the purview of the Planning Board and not a function of the County Master Plan. The intent is to acknowledge the RMP goals, policies and objectives as required, but to make it clear that the information, policies, etc., are those of the Highlands Council, not the County, that the information is not affirmed by the County, that policies are relevant only in the Preservation Area and only to the extent required by Law.

County Counsel DeSapio suggested to Mrs. Dziamara that in the resolution to be submitted to the Highlands' Council, that it outline what documents are to be included which are applicable to the Highlands Preservation area, only for submittal as a part of the petition. That way there will be no question, later on, about what was included and what was excluded.

Mr. DeSapio confirmed with Director Mennen that he should provide a brief summary of what was discussed in Executive Session as it relates to the final three documents which are not being submitted to the Highlands' Council.

Mr. DeSapio explained there have been a series of meetings between the Highlands Council and the County Planning Board's staffs of 7 counties who have a portion of their geography encompassed in the Highlands. As a part of what the Highlands' Council sent to all the counties, there was a very extensive, 54 page document which the Highlands' Council wanted the Freeholder Boards to adopt which would govern the county in connection with the county making decisions on county properties that are located in the Highlands; including planning requirements, study requirements and things that department heads who are responsible for the property would have to go through before they could approach the Freeholders for a decision as to development. It was the feeling of the majority of the counties, 6 out of seven 7, that were represented at the meeting which Mr. DeSapio attended, that they are prepared to recognize and comply with whatever legal responsibilities the law and the regulations require of them. No one was inclined to think about not complying with the law but they were very concerned that no where in the statute is there any indication that the Freeholders would have to impose conditions on themselves that weren't included in the statute; to impose 54 pages of internal conditions.

Mr. DeSapio reported that 6 of the 7 counties decided they would say they are prepared to comply with the law but they are not prepared at this time to adopt these regulations that govern how the counties act internally or how decisions are made internally. Mr. DeSapio advised this is included in the proposed resolution which the Freeholder Board is considering. There are 6 components which the County Planning Board is recommending, which are pursuant to what the Highlands' Council would like to see, such as developers who are going to make a development application for property in the Highlands' Preservation area would have to submit, when they make their Planning Board application to the County, proof that they have complied with Highlands' regulations. The Planning Board has recommended that be incorporated in the current County Master Plan but at this point the proposal/discussion is not to adopt the model regulations because of the feeling that the Highlands' Council has exceeded their authority by telling the County how to regulate itself.

Mr. DeSapio reported indication has been received that a couple of other counties have adopted similar resolutions saying they will comply with their responsibility under the law but they won't do what the Highlands' Council is asking at this time, until they have further discussions and see what develops.

Director Mennen opened the meeting to the public.

Wilma Fry, representative of the New Jersey Conservation Foundation and a Hunterdon County resident came before the Board, to encourage the Board to approve the resolution for the Highlands Conformance Plan.

George Casa, of Tewksbury Township questioned what the possible outcome may be prior to the vote. Is it generally agreed that the Highlands' Act does require conformance in the preservation area. As he read the Act, it does not authorize a governing body to consider any alternatives.

Before speaking, County Counsel DeSapio explained his opinion applies to the County and he can't speak for other attorneys who may represent other public entities and/or municipalities. Mr. DeSapio confirmed the County is required to submit a petition for plan conformance that Hunterdon feels complies with the requirements of the law.

Mr. Casa asked Mr. DeSapio if it is his opinion that the penalty for non-conformance would also apply to the County in the form of a sanction by the state on the County's future planning decisions.

Mr. DeSapio feels it is too early to tell. The six attorneys that represent the other counties that had a concern about a portion of this; what would be the implications if the Highlands' Council's request wasn't complied with in full. Most everyone felt that because this was a draft petition process and the Highlands' Council had said they were going to indicate how and why anything submitted was deficient and give public entities the opportunity to correct it; that there would be an opportunity to discuss this further before the Highlands' Council took enforcement action against anyone.

Mr. DeSapio stated that down the road, if this hasn't been resolved through the political process or it hasn't been resolved in court, if it is determined that the County must comply with a certain aspect of this, will have to comply or there will be a penalty.

Mr. Casa asked if a decision is made tonight to vote down the resolution, would it reflect an unlawful vote.

Mr. DeSapio stated his opinion would be no because if it was automatic then there would be no need for a vote. He does not feel it is an illegal act for the Freeholders to use their best judgement in making a decision, which is why they were elected, as to what is appropriate under the circumstances. The only illegal act would be if there were a court order to do something and the Board refused to comply.

Mr. Casa noted that Freeholder Peterson has recused himself as he is on the Highlands Council. He noted that Freeholder Melick is a large lot owner of property in the preservation area has not recused himself and asked if he should recuse himself also.

Mr. DeSapio explained he was asked this same question in November 2006, when the Freeholders were voting on issues related to whether they were going to participate in a legal challenge of the Highlands'. He was asked the precise same question and at that time he wrote an 8 page opinion, in which he pointed out that the law says that just because a public official has an interest in a situation doesn't mean they have a conflict. Mr. DeSapio provided several examples. The circumstances needed to exist for someone to be barred from voting, is if someone had a particular interest, not in common with everyone else in the question before them.

Elliott Ruga, Campaign and Grassroots Coordinator for the New Jersey Highlands Coalition, quoted from a State Ethic's Commission ruling regarding Highlands' Council members who are also elected officials regarding conflicts of interest, where they may not recuse themselves. The State Ethics Committee is if a council member is also a municipal county official and there is an issue that will come before both the municipality or county and the council, the council member may vote at the municipal or county level but must recuse themselves when the matter comes before the council. Mr. Ruga said he understands the personal decision of Freeholder Peterson.

Mr. Ruga asked if the resolution being proposed today has been vetted by the Highlands Council and if the Board knows what the determination will be once the resolution is adopted.

Mr. DeSapio advised the County does not know what the Highlands Council's determination will be as to whether the application is complete or incomplete. When the Highlands' Council receives 6 objections out of 7, they may question if this is really necessary.

Mr. Sworen moved and Mr. Holt seconded this:

See Page 12/01/09-6A

RESOLUTION

RESOLVED, Authorizing the submission of a petition for Plan Conformance to the Highlands Water Protection and Planning Council for Land in the Highlands Preservation Area.

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

Resolution not approved.

Mr. Peterson returned to the meeting at 5:50 p.m.

Cost analysis County Environmental Health Act (CEHA) Grant

John Beckley, Health Director and Carla Hobbs, Director of Environmental Health for the Health Department came before the Board concerning the cost analysis for the County Environmental Health Act Grant.

Mr. Beckley explained Mrs. Hobbs administers the CEHA grant and oversees the work done under the terms of the grant. He understands there are some remaining questions about the CEHA grant that the Board may have.

Director Mennen stated the Board is in receipt of Mr. Beckley's memorandum dated April 02, 2009, which was emailed to the County Administrator, where Mr. Beckley reaffirmed the information is still operative and the information is still accurate and correct.

Director Mennen informed Mr. Beckley there is a chunk of duties that the County, in and of itself, is obligated to perform even without accepting the grant. If the grant is accepted there is an additional bundle of obligations which the County has to take on. Director Mennen read from Mr. Beckley's memorandum: "with the CEHA intact the cost to the County is \$125,000; without the CEHA program the County's cost to do the minimal functions is \$66,000." Mr. Beckley asks in his memorandum if it is worth \$58,992 to maintain the CEHA program.

Mrs. Yard explained to the Board this was resurrected because in November of 2009, it was time for the Freeholder Board to approve the CEHA application for 2010, which was done but the Board still had some questions, which is why she contacted Mr. Beckley who reminded her that he provided an analysis back in April 2009 because the Board had questions last year also. When this was discussed there was an understanding from the Board that passing a resolution to apply for the grant is different than accepting the funding which is why Mr. Beckley and Mrs. Hobbs were asked to be prepared for today's meeting to answer questions.

Mr. Peterson advised the state is asking the County to take over their responsibilities. He confirmed the state does not reimburse the County enough for those responsibilities to justify the costs. The County spends \$58,992 to perform the state's functions on their behalf. Mr. Peterson doesn't believe the state is going to pick up the responsibility of those function which the County is not obligated to do and which are their responsibility. The State shifts enough costs onto the counties.

Mr. Peterson feels the current governor is going to shift costs onto the counties to make up a \$400 million shortfall.

Mr. Peterson feels the County should have no problem in shifting these costs back onto the state.

Mr. Peterson does not feel the County should accept the CEHA grant as it is going to cost the County \$60,000.

Mr. Beckley informed the Board that the statute that created the County Environmental Health Act was dated 1985 and all 21 New Jersey Counties see the value and the importance of environmental health monitoring.

Mr. Peterson told Mr. Beckley the County does not find the value in that. It is thought that the state should perform their own responsibilities instead of the counties having to foot the bill.

Mr. Beckley said the way the statute is written, it is based upon the fact that these are environmental issues and concerns shared by counties and the state. The wording in the state says that the state contribution shall not exceed 50% above the cost of the program. By definition, the grants are set up to have a cost share relationship. Language in the statutory citation that says "the county department shall provide environmental health services which meet the performance to administrative standards." The New Jersey Administrative Code lists a whole series of administrative programmatic requirements.

Mr. Beckley agreed that if the County chose not to embrace the grant contract that the Health Department would not be obligated to do certain work and that work relates to surveillance and inspections and assuring compliance with a variety of state environmental statutes. However, the Health Department would still be obligated to investigate any and all complaints and there would still be State Department of Environmental Protection complaints forwarded to the department for investigation. Mr. Beckley does not think the state will do the work. Mr. Beckley thinks if the County opts out of CEHA than these compliance inspections will not get done. As the County Health Officer, in his professional judgment, and knowing how important environmental protection and public health is to County residents, he thinks Hunterdon's share of the cost is a small cost to assure that Hunterdon is doing the surveillance and the inspection work; whether its related to solid waste dumping, public water supplies, dry cleaner inspections, stream sampling, pesticide application inspections, and such. These are all issues that are being done for the County and there has to be that kind of oversight. Mr. Beckley feels the public in Hunterdon feels the County should be engaged in the County Environmental Health program.

Mr. Melick confirmed with Mr. Beckley that he feels the State doesn't have the capacity to do the inspections or work. He told Mr. Beckley the County doesn't have the funds to do the work either. Revenue is dropping. The ratable base in Hunterdon has dropped and they continue to drop. It will be interesting to see what happens in New Jersey in the next six months.

Mr. Peterson questioned if there are fines if there is a violation and who receives those fines.

Mr. Beckley advised the average amount received for fines is \$20,000 a year.

Mr. Holt added that the \$20,000 received offsets the \$59,000 the County spends. He questioned if the Board would rather the state be involved, or keep the County involved. If Hunterdon decides not to accept the grant, the County is still going to be responsible and obligated to handle environmental issues in the County.

Mrs. Hobbs informed the Board if the County does not accept the grant, then the County will not be able to use the state statutes for any violations which would severely limit the Health Department in enforcement. The County would be left with the public health nuisance code for illegal dumping and three of the County's municipalities have adopted the nuisance code.

Mr. Melick recommended the Health Department notify those municipalities that they are responsible for their own residents.

Mrs. Hobbs informed the Board that the public health nuisance code does not have the enforcement that the state statutes have.

Mr. Beckley explained the Health Department needs access to the state's statutes as tools to do an effective job of enforcement on the issues as they are discovered. If the Health Department is not deputized through the CEHA contract as an agent of the state, then the Health Department can't bring actions.

Mr. Peterson questioned if the County doesn't accept this grant, then the County would not have the right to enforce the statute?

Mr. DeSapio would have to check the statute but the legislature could have said that the New Jersey State Department of Environmental Protection has the right to enforce a particular statute; so the County would not have the right to act under that statute unless the DEP deputizes the County to do it. Mr. DeSapio again said he would need to confirm this by looking at the statute.

Mr. Holt recommended when Mr. Peterson goes to Trenton to join the New Jersey Assembly that he change the language in order for the counties to get 100% reimbursement for this grant. Mr. Holt does not feel the state can provide the services more effectively than the County.

After much discussion, Director Mennen again asked the Board if it is worth \$58,992 for the County to maintain the CEHA program. Mr. Holt advised the cost to the County is \$38,992 as the County receives \$20,000 in fines to offset the program.

Director Mennen confirmed with Mr. Beckley that there are 11 program activities that would no longer be performed under this program and the County would no longer be obligated to perform if the grant is not accepted. Does the continuance of these programs justify the expense and the use of the enforcement tools to do complaint investigations? Director Mennen stated that is a valid concern.

Director Mennen asked Mr. Beckley what the \$153,788 used for. Mr. Beckley advised the majority of the funds are used to offset several environmental health salaries.

Director Mennen said if the County ceases to perform the 11 functions which are 697 hours, what would be an acceptable reduction in the staffing level. Mr. Beckley doesn't feel he can provide that information as the Health Department is currently down 5 inspectors. Mrs. Hobbs advised none of the County's health inspectors are 100% CEHA, they are CEHA plus consumer.

Mrs. Yard advised a question was raised last year, in light of the recycling and enforcement responsibilities; the Board was concerned that the Health Department would meet their responsibility. Also, Mrs. Hobbs has worked with the Human Resources Director, Cheryl Wieder, because the funding for CEHA are spread out over 5 people's salaries, and it was reduced to be around 2 or 3 people's salary.

After further discussion, the Board recommended County Counsel DeSapio review the statutes and if there is an update that Mr. DeSapio and Mr. Beckley report back at the December 15, 2009 meeting. Mr. DeSapio will set up a meeting with Mr. Beckley and Mrs. Hobbs prior to the next meeting.

Mr. Sworen said he thinks the County wants to continue to provide these services. The issue is whether or not funding will be available next year. If there is a reduction in CEHA funding then there should also be a reduction in services.

H1N1 Update

Mr. Beckley reported that the County has received a lot of H1N1 vaccine in the last two weeks, so the earlier concern about not having vaccine on hand to support the planned clinics has passed. 7,000 doses of vaccine are available at this time; the County has administered between 2,000 and 2,500 doses so far; and there are three announced clinics coming up on Thursday, December 10, Saturday, December 12 and Sunday, December 13, 2009. There are 800 slots open collectively for those dates, for members of the community who would like to go online and preregister for the clinics.

Mr. Beckley advised the H1N1 illness levels have decreased in Hunterdon County based upon surveillance by the Health Department but it is unpredictably what the future weeks will bring. The challenge moving into December will be supporting the announced clinics and a flu mist clinic maybe added; which is the vaccine for well people. A cost analysis will be done on what the clinics have cost the County. For every dose given, the County has to go online and do a data entry for and County clerical employees are being utilized for the data entry.

Mr. Beckley stated at some point Hunterdon will move beyond the targeted 6 risk categories and the clinics will be open to the general public. At that time seniors can come forward and healthy adults can come forward but it is unknown when that will happen.

Director Mennen asked Mr. Beckley the status of the success of the phone call center. Mr. Beckley reported phone call center hasn't been utilized yet. He stated the Hunterdon Medical Center had no intention or desire to launch the call center until they had enough vaccine stock on hand to allow all the practices to start populating the appointment slots.

Director Mennen asked if there is a possibility that the call center will not come to fruition. Mr. Beckley cannot answer that. Director Mennen confirmed the grant funding for the call center can be redirected.

Director Mennen recognized Chuck Hoffman who asked Mr. Beckley if there have been any reports of adverse reactions from the H1N1 vaccine.

Mr. Beckley advised Hunterdon has not had any adverse reactions reported.

HIV Billboards

Mr. Beckley informed the Board that funds have been sitting in a trust account (donations) for the HIV Counseling and Testing site program which he used to purchase 2 Billboards since the Finance Director recommended the trust account be cleaned out. The billboards are located on Route 31 in Lebanon Township and the other is on Route 12 in Raritan Township concerning HIV. Mr. Beckley said this is also in recognition of World AIDS Day.

Solid Waste Advisory Council presentation

Wilfred Harrison and Gerry St. Onge of the Solid Waste Advisory Board came before the Freeholder Board asking the County to initiate a committee (Freeholders and SWAC members) to explore the feasibility of a county-wide recycling operation for maximum economies of scale, with a specific target date for completion and report back to the Freeholder Board and SWAC.

The SWAC representatives feel that DEP will see value in their recommendations. SWAC is people who are engaged in their municipalities in the effort of increasing recycling. SWAC knows what works and doesn't work. SWAC feels recycling should be made easy and consistent, and it should be backed up with education which DEP did emphasize, which will increase the County's

recycling performance. People aren't going to be recycling by enforcement. Enforcement would be less critical if you can get compliance to increase the rates.

Mr. Harrison feels there is a lack of knowledge in the community on how and why to recycle. This needs to be a County led effort and there needs to be a creative and economical way to address the major challenges. It was suggested to have a county-wide marketing program or centralizing the recycling contract and improving recycling processes for the households.

The Freeholder Board did send a letter to municipalities to determine if there was interest in having a full time County employee paid for by the participating municipalities to recycling work.

Director Mennen reported that the County has only heard from one municipality and December 01, 2009 was set as the soft deadline to get municipal interest. He asked that the SWAC representatives take back to their municipalities if there is any interest. The County can't make a determination as to whether there will be a viable program if it is unknown how many municipalities are interesting in buying into the program. If SWAC representatives can find out if their municipalities are interested, then the County can make an informed decision.

Director Mennen advised that part of the process which came out of the dialog between the County and the New Jersey Department of Environmental Protection was their finding of essentially 2 significant deficiencies with the County's plan; being education and primarily enforcement. The County felt it could tackle the directives which came from DEP. He felt the shared service model the County was working under was initiated with SWAC and now he's hearing that isn't the best way to do this.

It was also requested that a Freeholder be assigned as a Liaison to SWAC and be available for consultation and interaction with the Freeholder Board on an ongoing basis. It is felt a Freeholder Liaison would also attend SWAC meetings, at least one per quarter.

Director Mennen reported that at the Freeholders' meeting on June 16, 2009, Paul Cronce of SWAC came before the Board. At that time the Freeholder Board asked that SWAC continue to develop proposals and come back with more detail. Director Mennen feels that is what tonight's discussion is except it appears the direction has been modified and this is more focused on a few items.

Director Mennen is disheartened to hear that SWAC does not feel there is any relevance placed on what it is doing because he knows that at the Hunterdon County Utilities Authority when recycling is discussed at each meeting, the main topic of discussion is recycling.

Director Mennen said the Freeholders may have relied too much on the Solid Waste/Recycling Director, Alan Johnson since SWAC is looking for a Freeholder Liaison. The Board felt Mr. Johnson was its quasi Liaison and the Board also felt there was a free flow of information.

After further discussion, Director Mennen and Freeholder Melick volunteered to be Liaisons to the Solid Waste Advisory Board.

Director Mennen thanked Mr. Harrison and Mr. St. Onge for coming this evening. He asked that they also send the Board's thanks to the SWAC members for their participation.

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."

Item #1 was held at this time.

Mr. Peterson moved and Mr. Sworen seconded a motion to approve Social Services Funds Report for November 2009.

See Page 12/01/09-9A

SOCIAL SERVICES FUNDS REPORT

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

Mr. Peterson moved and Mr. Sworen seconded a motion to approve the regular session minutes of November 17, 2009.

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

Mr. Peterson moved and Mr. Sworen seconded these:

See Page 12/01/09-9B

RESOLUTION

RESOLVED, Laurene Fleming appointed unclassified, full time Emergency Management Coordinator, Emergency Management Division, Public Safety Department.

See Page 12/01/09-10A

RESOLUTION

RESOLVED, Establishing a no passing zone along County Route 618, in Clinton Township.

See Page 12/01/09-10B

RESOLUTION

RESOLVED, Authorizing the Discharge of Mortgage on property known as Block 06, Lot 45.01, in Readington Township.

See Page 12/01/09-10D

RESOLUTION

RESOLVED, Authorizing the Director and Deputy Director to sign a Medicare Enrollment Application for Clinic/Group Practices, for the Clinical Laboratories/Health Department.

See Page 12/01/09-10E

RESOLUTION

RESOLVED, Approving a cost share agreement with Hampton Borough, for improvements to curbs and sidewalks along County Route 635.

See Page 12/01/09-10F

RESOLUTION

RESOLVED, Approving a Senior Citizen and Disabled Resident Transportation Assistance Agreement with New Jersey Transit Corporation, for 2010, in the amount of \$519,101.00, in State "Casino Revenue" funding, to be used for Operating, Capital and Administrative costs of providing transportation services.

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

Mr. Sworen moved and Mr. Holt seconded a motion to approve claims in accordance with the Claims Register dated December 01, 2009, holding Check #12642 and 5926.

See Page 12/01/09-10G

CLAIMS REGISTER

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

Mr. Sworen moved and Mr. Holt seconded a motion to approve check number 5926.

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

Mr. Sworen moved and Mr. Holt seconded a motion to approve check number 126242.

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

GRANTS

Mr. Peterson moved and Mr. Holt seconded this:

See Page 12/01/09-10H

RESOLUTION

RESOLVED, Approving a State Contract with New Jersey Human Services for \$73,742 in state funds and a Public Donor agreement to the Social Services Block Grant contract, #10AHKC, reflecting \$15,405 in cash funds and \$2,485 in in-kind funds to be used as the County Match.

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

Mr. Holt moved and Mr. Peterson seconded this:

See Page 12/01/09-10I

RESOLUTION

RESOLVED, Approving State Contract, #10AMKC, with New Jersey Human Services, in the amount of \$133,463 for transportation services and a concomitant Public Donor Agreement in the amount of \$32,704 as a County Match.

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

Mr. Sworen moved and Mr. Peterson seconded this:

See Page 12/01/09-10J

RESOLUTION

RESOLVED, Approving the Comprehensive County Youth Services Grant plan/application with the New Jersey Juvenile Justice Commission in the amount of \$295,297, for 2010, consisting of "State/County Partnership" funding, in the amount of \$191,117; "Family Court" funding, in the amount of \$97,157 and "Juvenile Accountability Block Grant", (JABG) funding, amount of \$6,321.

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

Mr. Holt moved and Mr. Sworen seconded this:

See Page 12/01/09-11A

RESOLUTION

RESOLVED, Approving a grant agreement with the New Jersey State Council on the Arts, in the amount of \$11,120, for County Cultural Agency Arts Program Support.

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

FREEHOLDERS COMMENTS/REPORTS

Highlands

Mr. Sworen asked County Counsel DeSapio if by the action of the Board this evening, is the County in violation of the statutes in regard to the Highlands Act and what will be the penalty.

Mr. DeSapio said the County is not in violation until it receives a formal notice from the State. The penalty will depend on how the Highlands' Council chooses to approach this. If they draw a rigid line they can do all sorts of things including taking over the land use review and effecting grants and such.

Mr. DeSapio reported he told the Planning Board Director that he understands Mr. Peterson is leaving the Board and there will be someone else appointed to the Freeholder Board who may or may not have a conflict and if they don't have a conflict there will be an opportunity for this issue to be examined when the vote would not be tied. At this time, the County needs to wait until it hears from the Highlands' Council.

Phone Review

Mr. Sworen stated that in October there was supposed to be the status of the phone review being done by the Phone Committee.

Mrs. Yard informed the Board that the Phone Committee is still meeting and trying to get a final savings. The Board will have the report by budget time and it will outline what savings can be obtained by cutting lines.

Mr. Sworen questioned if phone services are being re-examined; including service plans and lines have been discontinued.

Mrs. Yard confirmed the Phone Committee is looking at each line, elite voice mail and plans. The Phone Committee will be making a formal presentation to the Board.

Mrs. Yard further reported that the County is looking at all items it was tasked to do, in looking at Fleet Management, Transportation, Buildings and Phone items. The Committees are working on these items and reports will be made on what the County can save.

Rail System

Mr. Holt stated the County drafted a letter to New Jersey Transit on behalf of Clinton Township with regard to the Annandale Station and Lebanon Station. New Jersey Transit has agreed to work on updating the station in 2010.

Library Commission Meeting

Mr. Melick reported that he and the Human Services Director, Cheryl Wieder, attended the last Library Commission meeting. Prior to the meeting the Human Resources Director and County Administrator strategized on how best the Library could cut hours or fit their personnel in positions and still keep the Library open and still maintain all their hours. The Library Commission seems to have ignored these recommendations and will be cutting their hours back. The Human Resources Director outlined to the Commission various scenarios to keep the Library open with one less person in the North Branch of the Library but the Commission chose to cut hours. Mr. Melick feels it is unfortunate that the Commission took this stand.

Mr. Melick has been thinking about the budget, knowing the County's revenues are down. He suggested the Board cut the temporary budget by the amount projected in lost revenue. He explained the County's ratable base is shrinking and that is the main source of the County's money and it just isn't available.

Director Mennen reiterated Mr. Melick's concern and stated that the Freeholders need to incentivize the County's department heads to work fully at the limit of their creativity to maximize the resources they have. It is easy to say we need more, it is easy to threaten reduction of services but that is not better than threatening the closure of the Justice Center. If there has been a means presented to maintain the full compliment of hours and services at the County Library, even in the face of a reduction of one employee, due to retirement, then the County has to press as hard as possible for the department heads, in this instance the Library Commission to embrace that. This should not be about debate in the newspaper; running and pleading a case in an attempt to embarrass, squeeze or otherwise goad and push this Freeholder Board into action because of threat from running to the newspaper and pleading a case which is meant to influence and threaten this Board. This Board has seen this before; it has been done by other officials and it is wrong. Director Mennen said he is hopeful that the Library Commission will at least give what the Human Resources Director and County Administrator have mapped out a means to accomplish what everyone wants to accomplish.

Best Wishes to Erik Peterson

Director Mennen told Mr. Peterson this is his last meeting as a member of the Board of Chosen Freeholders. Director Mennen wished Mr. Peterson farewell, Godspeed and good luck because Hunterdon needs good representation on the New Jersey State Assembly. He stressed that principled and smaller government representation is needed and he is sure that Mr. Peterson will be there for Hunterdon's taxpayers. Director Mennen told Mr. Peterson that his voice and vote will be missed on the Freeholder Board.

Mr. Peterson thanked Director Mennen for the kind words.

Veterans

Mr. Peterson informed the Board that the American Legion Post building is being sold, and over the weekend he met with some veterans who are now in need of a place to meet and they inquired about opportunities within the County. Mr. Peterson feels a natural place for the veterans to meet would be at the Division of Senior, Disabilities and Veterans Services building where the Senior Center is at the Route 31 County Complex. After contacting the Division Head and the County Administrator, it has been found that the Senior Center will be able to provide a place for the veterans to meet. Many of the veterans are seniors who will now be exposed to programs they may not have known were available to them. In addition, the Senior Center is a regular stop for the LINK Transportation Service which the veterans can utilize to get to meetings and programs.

Mr. Peterson is glad that his last act as a Freeholder was to do something for the County's veterans.

Freeholder Board

Mr. Peterson said tonight is his last meeting as he has tendered his resignation upon the final gavel of this meeting. He has been on the Board for four years and when he started the composition of this Board was quite different, the only remaining Freeholder is George Melick. Mr. Peterson stated he went from being the newest Freeholder to the second senior person in those four years.

Mr. Peterson stated he is proud of the accomplishment while on the Board and it was done, together as a Board. He explained that the Freeholders are all working for a common goal which is to save taxpayer money.

Mr. Peterson thanked the residents of Hunterdon County for allowing him to be a member of the Hunterdon County Board of Chosen Freeholders for the past four years and for electing him to the New Jersey Assembly. He is honored to serve the County and his new office will be located on Royal Road in Flemington and the door is open for anyone.

OPEN TO THE PUBLIC

Highlands Conformance Plan

Several members of the public again stood up, Dave Pfeiffer, Elliott Ruga, George Casa, Wilma Fry, and stated they are disappointed the resolution regarding the Highlands Conformance Plan was not adopted this evening.

Recycling Program

Spencer Peck of Clinton Township provided his observation of the County's Recycling Plan and stressed that he feels recycling should be done by the County; SWAC should be renamed as the Solid Waste Administration Committee and recycling centers should be placed throughout the County.

Mrs. Yard informed Mr. Peck that recycling is a municipal responsibility, not a County responsibility.

Ron Williams also spoke concerning recycling, haulers, curbside pickup and the transfer station.

Alan Johnson, Hunterdon County Solid Waste/Recycling Coordinator explained that Hunterdon has asked the DEP to assist in getting haulers to comply regarding recycling regulations but DEP will not assist in getting haulers to comply.

There being no further business to come before the Board, Director Mennen adjourned the meeting at 8:22 p.m.

Respectfully submitted,

Denise B. Doolan
Clerk of the Board