

HUNTERDON COUNTY BOARD OF CHOSEN FREEHOLDERS

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

December 15, 2009

The regular meeting of the Hunterdon County Board of Chosen Freeholders convened at 2:10 p.m. in accordance with the provisions of the Open Public Meetings Act.

PRESENT: MR. MENNEN, MR. MELICK, MR. HOLT, MR. SWOREN.
ALSO PRESENT: Freeholder ELECT, Robert Walton.

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 December 08, 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."

PLEDGE OF ALLEGIANCE

INVOCATION

The Reverend Father Michael Saharic of St. Ann's Church gave the invocation at the request of Freeholder-Elect, Robert G. Walton.

SWEARING IN

George K. Walton, father of Freeholder Elect, Robert G. Walton swore in his son while his wife, Kathleen and children, Michael, Alexander and Samantha held the family Bible. Also present was Matthew Walton, brother of Freeholder Walton.

Freeholder Walton addressed his family and those in attendance and thanked them for coming today.

Freeholder Walton stated it is appropriate that his swearing in, is taking place in the historic Court House in Flemington, New Jersey because this court is what brought his family to Hunterdon County. He conveyed the story of how he was born in 1972, on a Navel base in Newport, Rhode Island, while his father was serving in the Navy, and that courtesy of the Navy was flown back to see his new born son, and then went right back into service. Once his father completed his years of service in the Navy, he attended Rutgers' Law School on the G.I. Bill and during that time, his brother Matthew was born. Freeholder Walton's father's first job after law school was as a clerk for one of the judges in Hunterdon County and that brought our family to Hunterdon County. Later his father worked for an experienced, prominent attorney in the County and he served for this attorney but was given a condition, because the attorney had two sons and if they pass law school and the bar exam they will take your place and you will be out of a job. He was talking about the honorable Wesley Lance and his sons, Leonard and James. After that, his father practiced law in Frenchtown, where he experienced a fire and two floods. It was during one of those floods that the Frenchtown Police called to inform him that his car was floating away in the flood.

Freeholder Walton explained he is telling this story because his father always told him that one of the great tribulations of being a lawyer is that you have to deal with a lot of politicians. His father always said that government is instituted to serve people, not the other way around.

Freeholder Walton advised his father has always been a source of strength for him and in his job as Freeholder he will work hard to fulfill the promise of serving the people of Hunterdon County.

Freeholder Walton thanked his father for all he has done.

Freeholder Walton stated much has been said about how he is going to vote and whose side he is on, as he read in the Hunterdon County Democrat. Mr. Walton explained that having observed this Freeholder Board over the last year, attending meetings in preparation to take on this role, he can attest that these men that make up the Hunterdon County Board of Chosen Freeholders, whom he has now joined do not vote because of factions or political interests but they do what they believe in their heart is in the interest of the people of Hunterdon County. Sometimes they disagree and sometimes they disagree vocally and publically but he has come to appreciate and respect each of them and he is honored to be a part of their company. Freeholder Walton addressed the Board and stated he looks forward to working with each of the Freeholders.

Freeholder Walton explained Hampton Borough has a great tradition where after a meeting everyone meets at the Fire House to share in friendship, to share in the success and trials faced by the Hampton Borough Council members and governing body members and everyone walks away friends. He hopes to be able to do that on this Board; to walk away friends at the end of each meeting, who respect each other and are looking out for the best interest of the people of Hunterdon County.

At this time, Director Mennen invited those present to share in light refreshments on the first floor of the historic Court House.

The Hunterdon County Board of Chosen Freeholders recess at 2:20 p.m. and reconvened in Open Session at the Main Street County Complex, 2nd Floor Conference Room, at 3:11 p.m.

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

EXECUTIVE SESSIONS

Mr. Walton moved and Mr. Holt seconded these:

See Page 12/15/09-1A RESOLUTION

RESOLVED, Executive Session to discuss the status of the ownership of the Choir School.

See Page 12/15/09-1B RESOLUTION

RESOLVED, Executive Session to discuss the 2007 agreement with Flemington Borough for Park Avenue.

See Page 12/15/09-1C RESOLUTION

RESOLVED, Executive Session to discuss the pending acquisition of property on Horseshoe Bend Road in Kingwood Township.

See Page 12/15/09-1D RESOLUTION

RESOLVED, Executive Session to discuss issues concerning Polytech's lease of space.

See Page 12/15/09-1E RESOLUTION

RESOLVED, Executive Session to review the Executive Session minutes of October 06, 2009, October 20, 2009, November 04, 2009, November 10, 2009, November 17, 2009 and December 01, 2009, to determine what portions can be released.

See Page 12/15/09-1F RESOLUTION

RESOLVED, Executive Session to discuss the status of the agreement with the CWA and the impact on other labor unions concerning the change of pay days for 2010.

See Page 12/15/09-1G RESOLUTION

RESOLVED, Executive Session to review claims concerning the 911 Communications Center.

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

The Hunterdon County Board of Chosen Freeholders went into Executive Session at 3:15 p.m. and reconvened in Open Session at 4:48 p.m.

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

PROJECT UPDATE

Present: Frank Bell, County Project Administrator and Robert Thurgarland, PARIS Grant Coordinator to update the Board on the status of the Records Retention Center.

Mr. Bell informed the Board that the funding for the Records Retention Center is coming through the PARIS Grant, which Bob Thurgarland has been successfully getting for the County for the past few years. The County's architect has prepared the construction documents and the cost estimate for the Records Retention Center is \$1.5 million, which is close to the PARIS grant amount of \$1.1 million. Mr. Thurgarland put together a PARIS grant for another \$400,000 for this project.

Mr. Bell reported once the construction documents are completed in January, then the project will be bid and the bids will be reviewed to see where the costs come in and to determine if the project is within the PARIS grant funding.

Director Mennen confirmed the project is the scaled down version, to have the building up and running and to meet the requirements of the PARIS grant. Mr. Thurgarland stated this will be a functioning facility, the building will be operational and he will look for future grant cycles to furnish shelving and other items. The project has been pared down as directed and it is felt that the bids will come in within the PARIS grant budget.

ROADS and BRIDGES UPDATE

John P. Glynn, Director, Roads, Bridges and Engineering came before the Board to provide an update of various County road and bridge projects.

- County Route 519 and County Route 650 will be part of the State Transportation Trust fund project for 2010. Application needs to be made to the S.A.G.E. process.
- Railing is being installed for the retaining walls on County Route 579, in Pittstown and should be completed by December 18, 2009.
- Application was made on December 10, 2009 for the State Historic Sites Council for the project in Frenchtown, on County Route 619, (Seventh Street), running to the Alexandria Township Limit.

- Bids are due for the County Route 635 project on January 21, 2009.
- A couple of punch list items have to be completed for the 2009 Resurfacing project. A meeting will be held with the contractor on December 16, 2009, to go over those items and hopefully get them corrected before the winter sets in.
- InterCounty Bridge B-26-W, on Valley Station Road, in Bethlehem Township, is underway. The bridge has been removed and sheet piling is being placed around the center pier. Construction will continue through the winter months.
- County Bridge D-345 on County Route 523 opened on December 04, 2009. The contractor is working on the stone veneer for the pylons and railing is scheduled for installation on December 18, 2009.
- Wingwall caps are being finished on County Bridge T-102, on Water Street, in Tewksbury Township and the bridge should be paved out by December 23, 2009.
- Details have been worked out with Delaware Township concerning County Culvert D-329, on Pine Hill Road, the historic sites group as well as the concerned citizens and the project is being advanced to conclusion.
- The citizens group is scheduled to discuss the project for County Bridge E-174, in East Amwell Township. The County has not heard back from the Township on who will make up the citizens group or the dates for meeting. Mr. Glynn would like to have a meeting before the County's public session on the right of way.
- County Bridge E-166, RQ-164 and C-88 plans have been sent down to the State Department of Transportation through the Federal Highway Administration for authorization and authorization has been received for the Rockafellows Mill Bridge (RQ-164).
- County Routes 517/523 Intersection, is expected to be paved out by Friday, December 18, 2009. The base course should be done on County Route 517, north of County Route 523 Intersection, as well as the Lamington Road section.

Mr. Glynn reported that the Quakertown Volunteer Emergency Medical Services is requesting permission to set up an account for County fuel. Mr. Sworen moved and Mr. Walton seconded a motion granting permission to Mr. Glynn to set up a contract for allow the Quakertown Volunteer Emergency Medical Services to purchase fuel at the Everittstown Garage, which is in line with County policy.

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

Mr. Glynn reported that the Shade Tree Commission is requesting permission to submit a grant, in the amount of \$7,500 for the updating of the County's tree inventory. Mr. Glynn advised the last inventory of County trees was five years ago. The work could be done in two phases since the project would cost \$14,500. Mr. Sworen moved and Mr. Holt seconded a motion authorizing the Shade Tree Commission to apply for a grant in the amount of up to \$7,500, for the continued work on the County's Tree Inventory. Mr. Glynn confirmed the County Director is authorized to sign the application on behalf of the Shade Tree Commission. Director Mennen noted this is just an application and that before the grant is accepted, it will come back before the Board for consideration.

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

Mr. Glynn reported the County Route 519, Warren Glen Hill Road project was not well received in Holland Township last Wednesday. There is a lot of history to this project and he will be reviewing the transcripts from that meeting and he will be addressing the issues raised. Wednesday's meeting was for the diversion of the Green Acres property, since some of the property will have to be used for roadway purposes. In addition, this project also falls within the Highlands area and that involves another process which has not yet been started. Holland Township will be preparing their position on the project and will have a Township meeting next week, in order to prepare a formal issue to give to the County on the project.

Mr. Glynn advised the project is three sections, which starts at the base, at the Warren Glen section and runs up to the south end of Dennis Road.

Mr. Sworen confirmed the issue is the third lane. Mr. Glynn stated the third lane is to allow trucks to climb the hill and allow people to pass them. The project started because there were a couple of fatalities with a truck run-a-way and the County looked at a Truck Run-A-Way ramp at the base of the hill but at that time it did not warrant a Truck Run-A-Way ramp but the engineering department looked at this because at the time there were three paper factories open in the area. At this time, there are no paper factories open, so the County is going to be taking a look at justification for the climbing lane and the overall scope of the project to make sure it is still valid.

PURCHASING

Mr. Sworen moved and Mr. Holt seconded this:

See Page 12/15/09-3A

RESOLUTION

RESOLVED, Approving the extension of County Bid #2008-29, for maintenance, service and supplies for County copier equipment, with Ditto Copy Systems, Inc., in an amount not to exceed \$35,669.88.

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

Mr. Melick moved and Mr. Walton seconded this:

See Page 12/15/09-4A

RESOLUTION

RESOLVED, Authorizing the rejects of proposals received for County Bid #2009-08, to furnish, deliver and train on 27 handheld thermal imaging cameras for local fire departments, through the Public Safety Department, from Continental Fire and Safety Inc. and MSA Safety Company, as their proposals did not meet the County's specifications.

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

Mr. Walton moved and Mr. Melick seconded this:

See Page 12/15/09-4B

RESOLUTION

RESOLVED, Approving County Bid #2009-08, to furnish, deliver and train on 27 handheld thermal imaging cameras for local fire departments, through the Public Safety Department, to New Jersey Fire Equipment Company, in an amount not to exceed \$158,544.

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

Mr. Sworen moved and Mr. Melick seconded this:

See Page 12/15/09-4C

RESOLUTION

RESOLVED, Authorizing the award of a professional services agreement for auditing services to Samuel Klein and Company, to perform the 2010 annual County Audit, Library Audit and Prosecutor's Audits, in an amount not to exceed \$65,000.

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

OPEN SPACE

Mr. Sworen moved and Mr. Holt seconded this:

See Page 12/15/09-4D

RESOLUTION

RESOLVED, Approving, upon the recommendation of the Open Space Advisory Committee, a Municipal Grant Application with Clinton Twp., in the amount of \$484,069.67, for Block 7, Lots 18.01, 18.02 and 31.01, consisting of 255.58 +/- acres.

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

Mr. Sworen moved and Mr. Walton seconded this:

See Page 12/15/09-4E

RESOLUTION

RESOLVED, Approving a Nonprofit Grant Program Application with the Delaware and Raritan Greenway Land Trust, in the amount not to exceed \$79,800, for Block 43, Lot 4, in Raritan Township.

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

Mr. Sworen moved and Mr. Holt seconded this:

See Page 12/15/09-4F

RESOLUTION

RESOLVED, Approving a Nonprofit Grant Program Application with the Delaware and Raritan Greenway Land Trust, in the amount not to exceed \$140,000, for Block 12, Lot 11, in Delaware Township.

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

Mr. Sworen moved and Mr. Holt seconded this:

See Page 12/15/09-4G

RESOLUTION

RESOLVED, Approving a Nonprofit Grant Program Application with the South Branch Watershed Assoc., in the amount not to exceed \$300,000, for Block 7, Lots 13 and 15, in Raritan Township.

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

Kevin Richardson, Open Space Trust Fund Coordinator, provided the Board copies of applications submitted in the September 2009 round for cooperative acquisition assistance by the County. He has not prepared resolutions for the Board's action as yet.

Mr. Richardson advised the information also includes the summary synopsis of the application requests, including analysis and recommendations for the Board to consider.

COUNTY UPDATE

Information Technology

Cynthia J. Yard, County Administrator, informed the Board the Information Technology manager, Mike Rasimowicz, was made an offer he could not refuse and took a job with the State of New Jersey at the State Library. Mrs. Yard reported that she and the Human Resources Director, Cheryl Wieder, met with the Department Managers who have projects with Information Technology and they also met with the Information Technology staff. In addition, the Information Technology manager did complete his budget for 2010 before he left County employment.

Mrs. Yard explained the workings of Information Technology, with Carrie Moore being second in command at this time and she is taking care of the day to day operations but in light of the full hiring freeze, she wanted to talk about a concept which Robert Thurgarland, Director of Central Printing and Mail, brought up during his goals and objectives, which was to look at conceptualizing a plan to consolidate information services. Mrs. Yard asked the Board for permission to continue to work on that project for a presentation in the future because all department managers have been told to realign, reprioritize and reallocate during this time at the County. This would give Information Technology, at least from the administrative portion, support so they can do the things they know how to do, very well. Mike Rasimowicz was very complimentary of his staff, saying they know what they are supposed to do. Mrs. Yard and Ms. Wieder met with Information Technology the Monday after Mr. Rasimowicz left and they were assured that the situation would be evaluated, which is what the County does when people leave, to see what needs to be done. Mrs. Yard assured the Information Technology staff that Mr. Rasimowicz knew they were talented and they should keep doing the good work that they do.

Mrs. Yard informed the Board that she and Mr. Thurgarland identified this when Mr. Thurgarland got involved with PARIS, six years ago which automatically tied him into Information Services and the Records Management, including the work at the County Clerk's Office and electronically doing the wonderful things the County has been doing. The Hall of Records/County Clerk's Office was the first project and it was Mr. Thurgarland who said, if an opportunity ever presents itself, it would be a good fit to consider consolidating these information services. Mrs. Yard and Mr. Thurgarland will come up with the presentation for the Board because this is another tough budget year, where consolidating would work. Mrs. Yard confirmed that Mr. Rasimowicz took a lot of time and explained to her and Ms. Wieder, the strengths and weaknesses of each area and who has what expertise and who needs support. Mrs. Yard stated that Mrs. Moore is quite capable of doing the day to day operations. There are some special projects in the pipeline, such as communications and the Records Retention Center expansion.

After further discussion, the Board applauded Mrs. Yard in seeing this initiative and the Board looks forward to a formal presentation from Mrs. Yard and Mr. Thurgarland in the near future or at budget time.

Holiday Luncheon/Employees

Mrs. Yard advised the Hunterdon County Board of Chosen Freeholders will be hosting the annual Holiday Luncheon for County employees this Thursday, December 17, 2009, and donations will be taken at that time for the Flemington Food Pantry.

DISCUSSION ITEMS/2010 Temporary Budget

Kim Browne, Finance Director and Margaret Pasqua, County Treasurer came before the Board concerning the temporary 2010 budget.

Mrs. Browne presented the Board with a list of comparisons and anticipated revenues. Mrs. Browne provided the Board with her best estimate for December 2009, saying it appears that the County will be down about 10% from what was budgeted in 2009. Mr. Melick confirmed that the projected revenue for the County is down. Mrs. Browne informed the Board that the County is down 3.5% to 4%.

Director Mennen confirmed Finance has taken the anticipated revenues and added to the equation, based upon conversation and input from the Hunterdon County Tax Board Administrator, his forecast on where the ratables appear to be heading in 2010, which was done 3.5% to 4%; and he confirmed Mrs. Browne has weighted the percentage of the revenues that the taxes represent; the percentage of the revenues that miscellaneous or anticipated revenues represent and after doing all that the calculation is that it appears now, that the overall revenue picture for the County next year is down approximately 3.5%.

After hearing this, Mr. Melick proposed that the County Finance Director and County Treasurer prepare a temporary budget down by the same percent, as the County's projected revenue. Mr. Melick feels the County departments need to start early on the budget and work into it, and it be fair across the board.

Director Mennen advised the Freeholder Board has enacted a policy statement stating it was the Freeholders' goal and intention to deliver a flat tax rate for 2010 and obviously if the revenues are down, then the County has to be down on spending. Mrs. Browne added that the County has no idea what the State will be dictating to the County which will also affect the budget. Mr. Sworen does not feel that the County will be receiving a lot of money from the State.

Director Mennen agreed with Mr. Melick that the County should put together a temporary budget to start the year that has a corresponding reduction on the spending side as what is anticipated from revenues.

Mr. Sworen asked what the temporary budget should be for the County. Mrs. Browne stated, by statute the temporary Budget can not be more than or exceed 26.25%.

Mr. Sworen said there is another piece, which is the amount of money saved by not replacing the 30 some employees; there have been phone savings and cut back on heating and electricity. He feels the Board needs to see those numbers.

Mr. Holt confirmed with Mrs. Browne and Mrs. Pasqua, that there are a number of items that are front loaded. Mrs. Brown advised she had to exclude those items. Mr. Holt confirmed with Mrs. Browne that not every line item is able to be reduced 3 or 4%. He stated there are a number of items the County must pay during the first quarter of the year that must be considered, such as pensions.

Mr. Melick asked the Finance Director and Treasurer to prepare a spread sheet outlining the overtime for various departments. He questioned what can be done to avoid overtime and if something can be negotiated into the union contracts to assist when it comes to overtime.

Mrs. Yard advised that in 2009 each department was reviewed regarding overtime and reductions were made but there were a couple that could not be cut regarding overtime.

Mrs. Yard explained the situation in the Communications Division of Public Safety, where there are currently 5 individuals in training to be Telecommunicator/Emergency Dispatchers which entails 4 to 6 months of training and shadowing but as history shows most of those individuals will not stay. About 1 out of every 4 will stay with the County. Mrs. Yard advised the Public Safety Director did some public relations and there are now a few people waiting in the cue to come in as Telecommunicator Operators.

Mrs. Yard confirmed with Finance that Roads and Bridges is under on their overtime budgets at this time.

Mr. Melick asked about the Corrections Division of Public Safety. Mr. Wagner explained there is contractual overtime when officers have to go to the Hunterdon Medical Center to guard inmates in the hospital. Temporary people are used when available, on standby. Mr. Wagner advised there are always two officers at the hospital and when possible he will pull an officer from the Jail when available.

Mrs. Yard stated the County did exempt the 24/7 operations under George Wagner but a lot of times Mr. Wagner will do dollars to figure out if it is cheaper to run some overtime instead of bringing someone in, because of the training costs. There are a lot of vacancies at the Youth Facility which haven't been filled for various reasons. Mr. Wagner stated there are also some residual, regular salary and wage line items that go back into the County's surplus. Mr. Melick recognized that the overtime at the Youth Facility is not high. Mrs. Yard advised Mr. Wagner looks at every scenario and this will be discussed at budget time.

Mr. Melick asked about Social Services. Mrs. Yard explained the Division of Social Services goes through an evaluation before they are allowed to work overtime. Mrs. Yard explained Social Services, at this time, has more work to do with people seeking assistance. Mr. Melick agreed, saying people needing to meet with clients is one thing but do supervisors need to be at the office collecting overtime also. Mrs. Yard will stress at the next Administrative Staff meeting that they should aggressively look at their overtime and make sure it is assigned appropriately.

Interpretation language/Open Space 2010 Ballot Question

Kevin Richardson, Open Space Trust Fund Coordinator came before the Board at this time.

Director Mennen stated that today's discussion on the interpretation language for the 2010 Ballot Question follows the discussion held in November 2009, where the Board and Mr. Richardson tried to clarify language in the 2010 Open Space Ballot Question with regard to "develop", "maintain" and "improve". At that time, Director Mennen and Mr. Sworen agreed to meet with Mr. Richardson to discuss this further and report back to the Board.

Director Mennen thinks it was the sentiment of the Board at the November meeting when this was discussed, that clarification needed to be made concerning how far that language, develop, maintain, and improve would be permitted to go. When he, Mr. Richardson and Mr. Sworen met they came up with a general concept from which they thought could flow some more specific direction; specifically that the funding ought to be used for something that could be seen, felt or touched, or used as a starting point – not for engineers, architect, attorneys or any extraneous costs but rather for direct expenditure which would result in a direct benefit to the public. He explained they talked about dump trucks and it was a unanimous determination of this Board, that while one could stretch "maintain" to say a dump truck is needed to maintain open space or a park – it was felt that was not in keeping with the spirit of where, as a Board, this should go.

Director Mennen stated the small group conversation went in a different direction, where they discussed "develop", "maintain" and "improve" to allow smaller municipalities who are without the means to find preservation projects of their own because they are full preserved, fully built out or another complicating factor, to have other uses for those open space funds. Director Mennen stated that clarity and direction needs to be given.

Mr. Richardson stated in his memorandum of November 25, 2009, he did include the public law definitions: "Develop" is defined as and means any improvement to land acquired for recreation and conservation purposes designed to expand and enhance the utilization of those purposes; also "RECREATION AND CONSERVATION" is defined as the use of lands for parks, open space,

natural areas, ecological and biological study, forests, water reserves, wildlife preserves, fishing, hunting, camping, boating, winter sports, or similar uses for either public outdoor recreation or conservation of natural resources, or both, or the use of public indoor recreation (*the latter available to municipalities only under the Policies and Procedures Manual Governing the Municipal and Nonprofit Grant Programs*).

Mr. Richardson proposed to expound on the definition of develop, improve and maintain as it relates to the County's Open Space Tax and distribution of funds that would be made available for the County's 26 municipalities; specifically addressing those smaller municipalities – the boroughs, towns and city, that are land challenged.

Mr. Richardson proposed to define develop, improve and maintain as any construction or improvement to land, after meeting with Freeholders Mennen and Sworen, as the touch, see, feel and use aspect, construction and improvement to land acquired for a park, recreation or general open space preservation purposes designed to expend and enhance the public's use for active recreation purposes. Develop, improve and maintain may include the installment of structures or items of fixed or semi-fixed equipment such as playgrounds; other things such as playing fields, ball courts and similar installations including support structures and facilities for active recreation use; as well as potentially considering the reconstruction or renovation of any existing park building or park structure. Mr. Richardson believes this would address some of the inherent needs of the smaller municipalities who have a fair amount or all of the open space and parkland they are going to be able to acquire for their resident uses as public recreation lands and give them the opportunity to use those funds accordingly for those improvements and development of additional recreational facilities.

Mrs. Yard asked if after 2010, when municipalities are able to bank the open space funding, they would be able to start using it for historical purposes. Mr. Richardson stated the ballot question begins January 01, 2010; however, the funds that are collected during the first year would not be allocated and made available to municipalities until January 01, 2011, which has been customary throughout the three ballot question periods.

Mrs. Yard confirmed those funds will allow, once they are opened up, municipalities to preserve some historic buildings.

Mr. Holt confirmed during the first ballot question, municipalities could not utilize the funds towards historic preservation but in the second ballot question municipalities were allowed to utilize their percentage towards historic preservation. So municipalities had the opportunity five years ago to utilize funds towards their historic preservation.

Mrs. Yard questioned if any municipalities utilized the open space funding towards historic preservation projects. Mr. Richardson advised there are some municipalities who have applied and requested some funds and he believes that over the years, municipalities are becoming privy to how they can utilize those funds to their betterment. He advised that in the past Flemington Borough has submitted historic preservation trust requests for the Fleming Castle.

Director Mennen explained the question is the definition/clarification suggested by Mr. Richardson because there is a lot of wiggle room contained in the definition. It is recognized that the ultimate determination on whether or not to allocate funds for a project is vested with the Freeholder Board; so this Board is the ultimate arbitrator on a project.

Director Mennen questioned if the Board wants to have a definition contained in the County's Policy Manual which is general, generic and full of wiggle room that could lead to application of funds in an area where this Board or a subsequent Freeholder Board doesn't feel the funds should go or whether or not this Board desires to clearly prescribe areas which do not qualify or enumerate those areas which do qualify. An example would be if there is a park pavilion with a failing septic; the way this is generically written, the case could be made the funds would be used to rehabilitate a septic system. This Board would have the ultimate authority to say no to such a recommendation for the rehabilitation or if it is the pleasure of this current Board, a more definitive policy could be made where this would not be a question.

Mr. Holt advised that his definition of develop leans more towards stewardship. He does not feel that playground gates, playing fields, track and basketball courts meets the true intent Open Space funding. Also, as this Board has to think about percentages, he wonders whether or not this category will end up with a percentage out of the 100%.

Mr. Richardson explained his initial thought, specifically as the ballot question states that municipal and County owned lands for recreation and conservation; he feels that municipalities would use their ongoing allocation of funds for either the acquisition of lands for open space, park, farmland preservation purposes or historic preservation purposes now and in the next year for the development, improvement and maintenance of those existing municipal lands acquired for recreation and conservation purposes.

Mr. Holt confirmed there is an opportunity to purchase property with open space funding and then turn it into a ball field. Mr. Richardson said there is. There is no specific definition or prohibition that precludes either open space being developed for active recreation, passive recreation or for general conservation purposes; that has always been at the discretion of the user.

Mr. Richardson feels the County's own use of its' funds are solely at the discretion and prerogative of the Freeholder Board. The Board has the discretion to approve or not approve any capital improvements whether it comes from the traditional capital improvement plan/bond ordinance, or whether a portion of the County's Open Space Tax is utilized. He stated it has not

yet been discussed how those allocations in the future may change if the Freeholder Board decides to utilize a portion of the County Open Space Tax proceeds for development of County Parkland; because that is going to either require a wholesale change in how the County allocates its funds and what percentage of the County's own funds it may want to earmark and dedicate for those purposes. This could be discussed within the coming year, realizing that the funds being collected beginning next year won't be fully allocated or available until 2011.

Mr. Walton confirmed the Freeholder Board put the word "development" into the language for the Open Space Ballot Question, which expanded the attraction to voters. Mr. Richardson stated that was commensurate with the third ballot question and the first two questions were specific to acquisition of lands for open space and farmland purposes. Mr. Holt said the word "development" was put in primarily with the intent of a definition that was closer to the work meaning stewardship than development.

Mr. Sworen questioned the benefit to the smaller towns from the Open Space Tax. Flemington Borough had wanted to partner with the Hunterdon Land Trust and Raritan Township for the Dvoor Farm and this would allow them to do that.

Director Mennen recommended the Board throw out examples in order to take the pulse of the Board.

The Board discussed building a trail and one Freeholder did not consider it acceptable as it is an operating expense; while another Freeholder felt that removing an invasive species or mowing or cutting in a trail is a baseline/minimal expenditure to maintain and develop umbrella but it is not infrastructure oriented.

Mr. Melick feels the intent of the Open Space Tax is to acquire so the property is not commercially or otherwise developed. He asked if that isn't the main focus. When you deviate from purchase, it opens the area up to a number of interpretations. He recommended keeping the question to acquisition.

Director Mennen confirmed the Board does not feel that building a trail or removing an invasive species does not violate the spirit of the ballot question.

Director Mennen asked about septic repairs. He finds it to be unacceptable. Mr. Sworen does not feel creating a septic is an acceptable use of the open space funds.

Mr. Walton agrees in principal that septic isn't what the funds should be used for but he doesn't feel the County should tell a municipality that they can't use the funds to develop.

Director Mennen confirmed that Freeholder Walton would find the building of a pavilion consistent with the language of development in the ballot question. Mr. Walton said it isn't what he would want but it is consistent with the language of the referendum.

Director Mennen asked Mr. Walton to bear in mind that the Open Space Program allows the Freeholder Board to establish what/where percentages are allocated and ultimately how it is used.

Mr. Sworen stated Mr. Richardson has come up with a starting language, and this is something that has to be developed because it won't be decided in one night, or one week or one month. He feels that people are going to push the limit. A baseline needs to be established with an expectation. This may have to be revisited on a number of occasions.

After further discussion, Director Mennen confirmed the Board requires more time to think about the definitions for the Open Space Program but would like to start with the wording as presented. Director Mennen told Mr. Richardson to make note of what was said this evening so this can be revisited at the January 19, 2010 meeting by the Board.

Allocation of 2010 Open Space Trust Fund Revenue

Sue Dziamara, Planning Board Director came before the Board regarding the Open Space Trust Fund Revenue.

Director Mennen reported that the Board briefly discussed the allocation of the 2010 Open Space Trust Revenue at its last meeting on December 01, 2009. Mrs. Dziamara laid out five scenarios in her memorandum of November 23, 2009 and some narrative regarding each scenario. Director Mennen confirmed with Mrs. Dziamara that her preferred scenario is Scenario #1.

Mrs. Dziamara informed Director Mennen and the Board that today, she received a letter from the nonprofit funding partners who stressed the importance of having money available to the nonprofits and municipalities and how they are able to leverage those funds to bring in other funding partners and they are hoping this Board would consider not reducing the 15% municipal and nonprofit allocations. Mrs. Dziamara has talked with Mr. Richardson about this and it was suggested they come up with another scenario for the Board to consider.

Mrs. Dziamara stated Scenario #5 would take 10% from the cooperative allocation and 5% from the historic allocation to fund the 15% open space capital funding program. It is important to leverage the funds that the County uses for preservation and the nonprofits and municipalities to a good job of leveraging that funding. (see Attached memorandum of December 15, 2009 for explanation of Scenarios). (See Page 12/15/09-8A)

Director Mennen asked Mr. Richardson to speak concerning the numbers in Scenario #5 and the amount to be lost for cooperative and historic preservation.

Mr. Richardson said of the 100% which the County collects for the Open Space Tax, for an example \$7 million being the amount authorized for collection for 2009; 15% of that is approximately \$1 million which is allocated to the municipalities; another 15% is allocated to nonprofits for competitive grant application assistance; 10% or \$700,000 is allocated for County historic preservation purposes; the remaining 60% or approximately \$2 million each is allocated for Farmland Preservation and Open Space of which the County Cooperative program uses the County's capital funds which it would otherwise use for its independent acquisitions and considers the distribution of that \$2 million for any and all cooperative requests including any that the County may desire to pursue.

Mr. Richardson said that reallocating a certain amount of the funds, the County has accumulated some historic preservation trust fund balances which would not impact or effect the County's historic allocation if those funds remain intact; it would just be the future allocation which would be reduced by \$350,000; if it goes from 10% to 5%. The money put back into cooperative open space acquisitions or for the County's own independent and direct land purchases for the Park System. It would provide for some additional money to either supplement the County Cooperative Program, which may increase from \$2 million to \$2.3 million but at the same token the County Cooperative Program instead of having all of the County's funds made available for those types of requests, then reviewed, evaluated and ultimately approved by the Board, the amount would be considerably less if the amount were to go from 30% to 15%.

Mr. Holt feels the intent is to go back to a pot of money that is specifically designed towards County projects.

Director Mennen said a lot of time has been spent on the cooperative and he wants to make sure that Mr. Richardson, who is the Chair of the Committee which makes recommendations to the Freeholder Board, and who is on the front lines and sees the applications, that a 10% reduction of that cooperative line items is not punitive. He recognizes it is just a 30% number and everything gets thrown into that area so he thinks there should be a clear delineation about where things go and where things belong and what monies are reserves for and what is extraordinary. Director Mennen wanted to make sure this was not cutting the cooperative program short. Mr. Richardson said it isn't by design but there are four out of six application requests that have been recommended for approval but going into next year with the projected budget, there aren't sufficient funds within the County's capital budget to fund all four recommendations and the three that could possibly be funded would use the entire County capital project funds so there would be no other funds available for the County to independently pursue any project it may want.

Director Mennen confirmed that Mr. Richardson is supportive of the concept. Mr. Richardson stated he was but he would like to look at the raw numbers. He would like to see a projection from the Finance Department on what the final collection of this years' Open Space Tax will be.

Mrs. Yard confirmed Mr. Richardson is saying that three or four projects for the cooperative would take the entire \$2 million allocation. Mrs. Yard said if that will get the County through this year then there will be no County initiatives.

The Board discussed various scenarios for the County Open Space Tax Distribution. They discussed 20/15/15 and move the numbers around. It was recommended that Mr. Richardson take the 20/15 and 15 and move those numbers around such as 25/12.5% and 12.5% or 25/15 and 10 and come back to the Board at the December 29, 2009 meeting for the Board to look at this further. Mrs. Yard confirmed this is being done because of where everyone is economically.

CEHA Update concerning statutes

Director Mennen confirmed that County Counsel DeSapio did some research on statutes concerning the County Environmental Health Act. Mr. DeSapio handed out the Board a chart which was prepared by the New Jersey Department of Environmental Protection (DEP) where they analyzed if a County does not participate in the CEHA grant program what independent enforcement action they would have and what independent enforcement action they would not have. Mr. DeSapio stated when he realized this chart was available from the DEP, he did not spend further time researching whether the DEP was right in their interpretation or whether the County could find a way to enforce this independently because its his estimation if the County were to bring an enforcement action against someone, and the County isn't a CEHA participant that the Defense Attorney would pull the charges and there is probably no municipal court judge in Hunterdon County that would go out on a limb and convict someone based upon a novel argument by Hunterdon County when the state, whose program this is, takes the position that the County does not have enforcement authority.

Mr. DeSapio reported there is a provision in the statute which says that a local health department that is certified, irrespective of whether they participate in the grant, then there would be statutory authority for every county that has a certified agency to adopt their own ordinances to mirror or mimic state law and to enforce those ordinances.

Mr. DeSapio provided the Board with the DEP chart which states can and can't be done.

Director Mennen stated the areas the County would no longer be the authority without being a CEHA participant which is Water Pollution Control and the Worker and Community Right to Know Act.

John Beckley, Health Director, advised there are no municipally adopted air pollution control ordinances that he is aware of in Hunterdon. Also, there are no municipally adopted DEP approved Noise Control Ordinances in any Hunterdon County municipality. The County would not have the authority to cite; not would the County have the ability to enforce the noise control act or the water pollution control act.

The Board discussed with Mr. DeSapio and Mr. Beckley the authority the Health Department would have if it does not participated in CEHA and if it did participate in CEHA.

Mr. DeSapio stated the reason that DEP has the CEHA program is because it never had the personnel to enforce the state's statutes on their own so they created the CEHA program.

Mr. Holt confirmed the County receives a subsidy of 50% to provide CEHA enforcement. The County applied for the grant and this issue will come back before the Board when the grant agreement is considered for acceptance. Mr. Beckley informed the Board that he should hear something back from the State CEHA Office before the end of December with a preliminary number prior to the grant agreements/contracts coming next year. Sometimes the contracts take several months to come.

Mrs. Yard reported that a lot of money is generated through grants and in the past the County it has always had policies in place that when a grant dries up, that the Freeholder Board will decide if whether that service will be continued. If the CEHA grant comes through and it is half the amount, then the Board will have to decide if it wants to accept the grant but the services may have to be altered. If the state reduces the amount of the grant, they can't hold the county to the same standard if they fully funded the grant.

H1N1 Call Center

Director Mennen asked Mr. Beckley to update the Board on the call center for H1N1. Mr. Beckley reported that the call center was never activated and won't be. A decision was made last week to because of the timing of the vaccine demand not correlating with when vaccine was available that it would not be cost effective to launch the Call Center.

Director Mennen confirmed with Mr. Beckley that a modification will be made to redirect those funds for the call center to the cost of the vaccine.

Mr. Holt and Mr. Melick left the meeting at 7:05 p.m.

ADDED ITEM:

FARMLAND PRESERVATION

Mr. Sworen moved and Mr. Walton seconded these:

See Page 12/15/09-10A

RESOLUTION

RESOLVED, Approving the acquisition of a development easement on the Holland Brook Realty Farm property, Block 53, Lot 5.02, in Readington Township, consisting of an estimated 26 acres, (SADC-\$273,000, County-\$91,000, Township-\$91,000), total amount of \$455,000.

See Page 12/15/09-10B

RESOLUTION

RESOLVED, Approving a Deed of Easement and Grant Agreement for the acquisition of a development easement from Barbara Hay, Block 21, Lots 16 and 16.01, in East Amwell Township, consisting of \$52.833 acres, (SADC-\$380,397.60, County-\$126,799.20, Township-\$126,799.20), total amount of \$633,996.

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

Mr. Holt and Mr. Melick returned to the meeting at 7:07 p.m.

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 regular session minutes of December 01, 2009.

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

Mr. Sworen moved and Mr. Holt seconded this:

See Page 12/15/09-10C

RESOLUTION

RESOLVED, Thomas Sheppard appointed permanent, full time Chief Park Naturalist, Parks and Recreation Department.

See Page 12/15/09-11A

RESOLUTION

RESOLVED, Taylor Maieski appointed temporary, as needed Student Assistant, Library.

See Page 12/15/09-11B

RESOLUTION

RESOLVED, Dalia Hoffman appointed unclassified, full time Special Deputy Surrogate, Surrogate's Court.

See Page 12/15/09-11C

RESOLUTION

RESOLVED, Approving final payment for County Bid #2008-32, for the Reconstruction of Inter-County Bridge H-64-W, on Mount Joy Road, over the Musconetcong River, in Holland and Pohatcong Townships, to Sparwick Contracting, Inc., in the amount of \$124,393.62.

See Page 12/15/09-11D

RESOLUTION

RESOLVED, Approving a Transportation Service Agreement with The ARC of Hunterdon, to purchase transportation services for 85 ARC of Hunterdon consumers to and from various work destinations in the County, amount to be received shall not exceed \$200,000.

See Page 12/15/09-11E

RESOLUTION

RESOLVED, Approving a cooperative agreement with the New Jersey Department of Environmental Protection, allowing the County Health Department access and use of the New Jersey Environmental Management System (NJEMS), which contains data useful to CEHA partners.

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

Mr. Walton moved and Mr. Sworen seconded a motion to approve claims absent check no. 126479.

See Page 12/15/09-11F

**CLAIMS REGISTER
Minus Check 126479**

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

Mr. Holt moved and Mr. Sworen seconded a motion to approve Check No. 126479.

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

PROCLAMATIONS

Mr. Sworen moved and Mr. Walton seconded these:

See Page 12/15/09-11G

PROCLAMATION

RESOLVED, Recognizing Michael Muller for attaining the designation of Eagle Scout.

See Page 12/15/09-11H

PROCLAMATION

RESOLVED, Recognizing Howard E. Buchanan, III, for volunteer service on the Hunterdon County Office of Emergency Management Council.

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

GRANTS

Mr. Sworen moved and Mr. Holt seconded this:

See Page 12/15/09-11I

RESOLUTION

RESOLVED, Approving an agreement for the Multi-Jurisdictional County Gang, Gun and Narcotics Task Force Grant, in the amount of \$40,727 (state funding).

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

Mr. Sworen moved and Mr. Walton seconded this:

See Page 12/15/09-11J

RESOLUTION

RESOLVED, Approving a subcontract award agreement with Somerset County, for the amount of \$53,979, to provide employment related services to temporary assistance to Needy Families (TANF), General Assistance (GA) and Food Stamp recipients.

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

Mr. Sworen moved and Mr. Holt seconded this:

See Page 12/15/09-12A

RESOLUTION

RESOLVED, Approving the 2009 Wastewater Management Grant Agreement, with the New Jersey Department of Environmental Protection, in the amount of \$109,091, for the Hunterdon County Wastewater Management with Plan Green Infrastructure Planning Objectives.

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

CORRESPONDENCE

A request was received from the Green Brook Racing LLC, requesting permission to use County roads on September 19, 2010, for the annual BUCKMAN spring distance Triathlon at Round Valley Recreation Area, beginning at 8:00 a.m. Mr. Walton moved and Mr. Holt seconded a motion granting approval provided this event is coordinated through the County's Department of Roads, Bridges and Engineering.

FREEHOLDERS COMMENTS/REPORTS

North Jersey Transportation Planning Authority

Mr. Holt thanked Sue Dziarama, Planning Board Director and John P. Glynn, Director of Roads, Bridges and Engineering for assisting in redefining County projects which scored low with the North Jersey Transportation Planning Board because the redefinition brought those projects to score higher and all but one of the County's projects were reconsidered.

Rail Coalition

Mr. Holt stated that the Rail Coalition met last Monday morning and the Flemington Rail project is now a list project on their list.

Highlands

Mr. Holt stated he had an opportunity, with respect to the issue of the Highlands, to talk with Eileen Swan, Executive Director of the Highlands and she graciously offered to come to Hunterdon County to meet with the Planning Board or the Freeholder Board to talk about the Highlands and clarify issues that are outstanding

Welcome

Mr. Sworen welcomed Mr. Walton to the Freeholder Board. Mr. Walton brings many years of experience in making decisions at a local level which have positively affected the residents of his town, Hampton Borough.

Delaware River Basin

Mr. Sworen reported that the Delaware River Basin today discussed the results of flood issues and introduced the Flood Plan. This plan deals with the reservoirs of New York State and New York City and it discusses scientifically what happens in the reservoirs are lowered during flood times.

Resignation

Mr. Walton informed the Board that he resigned his office of Mayor of Hampton Borough. He understands that he did not have to but he did at noon today. He said there is no disrespect to his mutual, dual office holders on the Board.

Mr. Walton has been appreciative of the Board's warmth and kindness, including that of the County's department heads on his new position. He promised he will try to get to each department to meet with the people.

Director Mennen welcomed Mr. Walton to the Board and stated he looks forward to working together, this year and in the years to come.

OPEN TO THE PUBLIC

The Board answered various questions for Lois Stewart, resident of Flemington Borough who arrived at the meeting late.

Lou Reiner read a letter to the Board concerning the Highlands Master Plan and is appreciative of the Board for taking a stand against the Highlands.

There being no further business to come before the Board, Director Mennen adjourned the meeting at 7:36 p.m.

Respectfully submitted,

Denise B. Doolan
Clerk of the Board