

**HUNTERDON COUNTY BOARD OF CHOSEN FREEHOLDERS**

Main Street County Complex, 2<sup>nd</sup> Floor

Flemington, New Jersey 08822

**July 21, 2009**

The regular meeting of the Hunterdon County Board of Chosen Freeholders convened at 1:04 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 June 22, 2009, to the Hunterdon County Democrat, Lambertville Beacon, The Express, Courier News, Trenton Times, Hunterdon Review and The Star Ledger, newspapers designated to receive such notices and by filing a copy with the Hunterdon County Clerk."

**PLEDGE OF ALLEGIANCE**

**EMERGENCY POLICY ADDRESSING HUNTERDON COUNTY'S FISCAL AND BUDGETARY CRISIS – FURTHER STUDY ITEMS**

Mr. Peterson came into the meeting at 1:12 p.m.

**See attached point sheet**

Mr. Holt moved and Mr. Sworen seconded a motion to leave the salaries of the Board of Chosen Freeholders as they stand.

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

**(NAYS) MR. MENNEN.**

**(ABSTAIN) MR. MELICK.**

**EXECUTIVE SESSION REQUESTS**

Mr. Holt moved and Mr. Sworen seconded these:

**See Page 07/21/09-1A**

**RESOLUTION**

**RESOLVED**, Executive Session to review the minutes of April 07, 2009, April 21, 2009, May 19, 2009, June 02, 2009 and June 16, 2009.

**See Page 07/21/09-1B**

**RESOLUTION**

**RESOLVED**, Executive Session to discuss a series of claims for the 911 Center for damages.

**See Page 07/21/09-1C**

**RESOLUTION**

**RESOLVED**, Executive Session to discuss negotiations with all bargaining units that have pending contracts including Corrections' Officers, Sheriff's Officers, CWA and Prosecutor's Detectives.

**See Page 07/21/09-1D**

**RESOLUTION**

**RESOLVED**, Executive Session to discuss the status of a dispute with Department Heads before PERC on whether they can establish their own union.

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

The Hunterdon County Board of Chosen Freeholders went into Executive Session at 3:22 p.m. and reconvened in Open Session at 4:16 p.m.

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

**ABSENT: MR. MELICK.**

**FARMLAND PRESERVATION**

Mr. Sworen moved and Mr. Holt seconded this:

**See Page 07/21/09-1E**

**RESOLUTION**

**RESOLVED**, Approving the acquisition of a right-of-way and/or easement from DW Vineyards, LLC, on Block 17, Lot 16.03, East Amwell Township, in the amount of \$224.

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

Sue Dziamara, Planning Board Director stated that the mid year or end of fiscal year numbers are out for the state and Hunterdon County is still number 2 for acreage preserved at 25,547 acres and Hunterdon is 700 acres behind Salem County. The plan is to close the gap in the next fiscal year. Hunterdon County has 304 preserved farms; the next closest county is Salem at 199. Ms. Dziamara feels that is very impressive. The farmland team is to be congratulated and the Freeholder Board is to be thanked for their participation in this wonderful program.

Mr. Melick returned to the meeting at 4:20 pm

#### **ROADS and BRIDGES Update**

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

- The retaining wall in Pittstown on County Route 513 has been started with about a third of the wall being removed. The project is shut down today because of the weather.
- A meeting is scheduled with Alexandria Township on August 12, 2009 with the State Historic Preservation Office concerning the 7<sup>th</sup> Street improvement in Frenchtown.
- The County will be back up in Hampton to talk about curbs and sidewalks on the Route 635 project. The Borough is running out of funding.
- Surface treatment has started and the contractor is going to be doing the preliminary work.
- A preconstruction meeting is scheduled for County Bridge D-345 on Sandbrook Road and 523 for July 29, 2009.
- County Bridge M-110 is moving ahead fairly well. The south and wing walls are completed and the contractor will be moving over to the dam and starting work there soon.
- Notice has been received from the DEP t its permit for the construction of County Bridge R-123 on Holland Brook Road.
- Bridge painting is a little bit behind because of weather conditions.
- Bridge H-64-W is moving ahead nicely and paving should begin next week.
- A meeting was held on July 03, 2009 regarding County Bridge F-45 and the County a few different options. Those options will be reviewed and there is also a list of lists of questions that Franklin Township must answer. The County asked its consultant to make sure the width of the bridge is absolutely the minimum width possible within the standards.
- Two closings on rights of way in connection with County Bridge E-166 have been scheduled.
- Final plans and specifications for Rockafellow Mills project are expected to be received on July 27, 2009.

Mr. Glynn reported to the Board on preservation requested received in connection with the Raven Rock project. This project is going into final design; plus it is a Federal Aid project. The County needs to adopt a resolution approving the scope of work and the value of the work; then once authorization is received the County can proceed with the contracts. This project has been ongoing since 2002. Mr. Glynn reported he has not received any complaints from the residents or the township on the project. This is all federal aid money.

Mr. Peterson moved and Mr. Holt seconded this:

**See Page 07/21/09-2A**

#### **RESOLUTION**

**RESOLVED**, Approving the final design on the Raven Rock project, including the scope of work and value of work for the project.

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

- Stimulus Funded Projects, Mr. Glynn reported the County will be receiving stimulus funding for various projects. He received correspondence from North Jersey Transportation Planning Authority and hopefully Hunterdon will get the authorized to go to bid for those projects. The County is working with the Federal government on the stimulus dynamics.
- Mr. Glynn reviewed the traffic signal in Pittstown and it is correctly timed. He will have the County's consultant take another look at it. It appears that the maximum time anyone is waiting at the light is eighty seconds.

Mr. Sworen said when he saw the light it was red, he stopped and listened to a comment on a commercial and an entire song on the radio and part of another song before the light turned so it was over three minutes.

Mr. Glynn said that is the trip line but the maximum wait time is eighty seconds.

Mr. Peterson said his experience was at night and a song was on the radio and he sat through that and two other long songs before the light changed.

Mr. Glynn stated the timing was just checked and they went through twenty cycles and the maximum cycle was eighty seconds and that was when someone saw the yellow light. Mr. Glynn stated the timing now is eighty seconds and that is you are coming from Route 513 to make a left to head north and that should be eighty seconds. If you get there right at yellow then it should take only eighty seconds.

Mr. Glynn will have someone look at it again. He suggested the Board think about whether the light should go into a flash mood during non-traffic hours. There is a certain amount of liability to do that but the State Department of Transportation allows the County to go into flash mood; but that is something the Board needs to consider.

- The rail at the Justice Center is now complete. The County has been working on that rail for some time. The rail was suppose to cost close to \$40,000 and the County refused to pay that much and instead put a wooden rail which broke down over time. In working with the bridge personnel, Mr. Glynn found the same railing was being used for the Pittstown project, and it was a good price. The material cost \$4,600 and he labor was \$2,000, with the total cost being \$6,650.

#### Readington TID, Merck to Route 22

Mr. Glynn reported a letter was sent to Michael DeSapio of County Counsel's Office concerning the County's Transportation Improvement District which began 20 years ago but now is not longer feasible. A real estate broker is having a problem selling a house because the TID map shows certain properties. The County no longer intends to follow through with the TID, and has no interest in the houses originally needed for that improvement.

Mr. Glynn stated a resolution can be drafted to extinguish the TID from Route 22 to the Merck property and the rest of the TID in some format will be developed from Pralls Mill up to the interchange. The County will not be doing the full interchange but a modified version to eliminate the TID and relieve the smaller homes that are for sale down there.

Mr. Melick moved and Mr. Holt seconded a motion stating the County no longer has an interest in properties originally named in the County's TID from the MERCK property to Route 22.

A formal resolution will be prepared for the August 04, 2009 meeting for Board consideration.

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

#### County Route 519, Kingwood Township – Request by resident, Stephen Kelly

Stephen Kelly came before the Board to speak about his sister's property, the Eileen Kelly's Property. He handed out a photo of the property showing her house near County Route 519. Mr. Kelly stated for ten of the eleven years that his sister has lived at the residence, there have been no drainage problems on the property.

Mr. DeSapio stated if the Board wants to mark the map to be accurate then they should. Director Mennen asked that the photo be marked as Exhibit A.

Ms. Kelly stated her property is at 2 Everitts Farm Lane, Frenchtown NJ 08825.

Mr. Kelly explained to the Board that Ms. Kelly has lived on this property, a small subdivision and the drainage system has been simple and straight forward. Last year the County came in and put in about 800 feet of ditches and filled dirt in over the ditches and brought the water down to a 15" pipe and put a second 6" pipe under to the water. The neighbor north of the property had a 6" line put in their property that does not go anywhere in their connection and Mr. Kelly believes the neighbor is running the sewage from his Kennel down. The neighbor put that in the same time the County was in there putting down the stone drainage. Mr. Kelly explained that a lot of the water that was designed to be evaporated or slowly go across the street goes across at a faster pace and floods across the property.

Mr. Kelly advised that last March, Ms. Kelly contacted the Public Works people at the County and even though they admitted they might be putting additional water on the property they said they could not fix it because there is no right-of-way. Since that time Mr. Kelly stated he and his sister have had interesting problems with County staff, including his sister being told she needs to handle the problem on her own.

Mr. Kelly informed the Board that he has a simple request of the Board, which is to direct the County's Public Works people to accept a dedication of land to come onto the property and fix the problem. He feels it would be less than a two day job and that is why they are present this evening.

Director Mennen inquired if Mr. Kelly was a planner as he noticed a designation after his signature. He asked Mr. Kelly to explain again the situation with the neighbor. He asked Mr. Kelly if he meant to indicate that the neighbor across the street is running a Kennel. Mr. Kelly stated it is true as he can hear the dogs.

Mr. Kelly said he and his sister know two things, the first is they know when the County was digging out the trenches that neighbor did the same thing along his driveway. It was a pipe not a drainage system. You go up to his house and the pipe is not hooked up to anything, so you need to ask whether or not the average residential sewage system can handle all of this sewage from the animals. Mr. Kelly said is does not know why his neighbor did this but he knows that every time it rains now, it floods his sister's property and that has only been happening since the County made adjustments on the other side of the road. There is no standing water on the other side of the road right now, but there is on his sister's property.

Mr. Peterson inquired as to how the pipe gets from one side of the road to their side of the road.

Mr. Kelly explained there was an existing 15" pipe that was put in at least 11 years ago when the original subdivision plan was created, then last year a 6" pipe was included.

Mr. Peterson asked if a larger pipe was put into the same location. Mr. Kelly advised a second pipe 6" in diameter was put in by the County last year.

Mr. Kelly further stated that when it rains both ditches run full and they run underneath the road to his sister's property. More importantly, the problem comes when it rains and there is a constant flow of water coming out of the pipe that was not coming out before.

Ms. Kelly stated the gentlemen across the street had his pipe put in and about three weeks later, the County came in to dig their trench to put in their pipe and it was interesting that the pipe was put in at the exact point of which the county put their pipe in. When the county guys came in they could see the pipe and that it was not capped and the timing all together. The original system was put in to slow down the flow of the water but what is happening is they are getting the same amount or rain coming quicker and it rises up a little bit to where it needs to go but then it goes down to his sister's property.

Director Mennen asked a soil investigation was done through the local authorities which might explained what the neighbor may have done. Mr. Kelly said they do not believe that the flooding problem is directly related to that; they believe it is directly related to what the County did. The easiest way to find out would be to have DEP come out and test it to see if the neighbor is polluting the wetlands and then it is a criminal matter, he believes.

Mr. Glynn informed the board that he had emailed Mr. Kelly saying his office would turn this issue over to the Health Department to see if they could determine a connection with the new storm water regulations, as that falls under the Health Department. What needs to be done is the Health Department will need to get a sample.

Mr. Glynn advised that the County Engineer, Jim Martin, has stated the project was done as a maintenance operation; as the water was standing out there. There is a 15 inch pipe in a 30 inch ditch. The County did not add any additional piping. There is a small section of pipe that goes under the stone in the road which was done when the construction on County Route 519 occurred around 15 years ago.

Mr. Martin reported that the type of material which was used 15 years ago is no longer manufactured.

Mr. Glynn explained the project saying the stone was intended to have the water sit there for awhile before it releases into the ground to recharge the ground water. Where the open pipe is they had reconstructed it. At this point there is a 6 inch wall pipe that runs into the existing driveway. The County filled the area with stone but also dug below the line to create more storage. There is a water course that runs down and the vegetation in the area has not been well maintained. This house being discussed was built in 2000 and there were several new homes built since then that feed into the wetlands. The County manages the water better by storing water in a stone trench before it goes into a pipe to go into the flow line. Now the water needs to fill up to the stone before it goes into the pipe. We are here today because there is no easement across the property. Mr. Martin stated he's looked at this very carefully and there are probably hundreds of water courses that come off of county roads.

Mr. Martin said this was created by what Hunterdon County would consider to be a major subdivision where numerous lots are created. There is a private road like a driveway so it was a common driveway with many lots. One of the conditions the County looked at was that the engineer had shown two cross drains along the road as being a 12 inch pipe and if the 12 inch pipe was not up to current standards the County would ask developer to put in a 15 inch pipe. Before the subdivision was finalized it was realized that they had mapped the pipes incorrectly. There was no point in tearing up a good road to take out a 12 inch pipe to put in a 15 inch pipe so they made a payment and nothing was changed.

Mr. Martin advised he has been to the site a couple of times, today, this morning about a half hour after the rain and there was no water coming out of any of the pipes. He did hear dogs barking but there was no water coming out of the pipe that would have been coming from the house in question. Mr. Martin said there is probably around 8 to 10 acres of drainage going to the point on their property and by the time you get to this point in the property there is about 26 acres and it is designated as wetlands with a buffer. It is not the County water, the water falls from the sky hits private property and flows toward the County road; cross drains are put in to restore the drainage patterns before the road was built. There has been no change in the watershed area that the County did and if you look at the invert of the pipes they are well above the bottom of that 15 inch pipe which confirms what Mr. Glynn had saying, that a storage area was created rather than causing a situation that would increase the flow.

Mr. Martin confirmed, as Mr. Kelly said, the County had put dirt on top of the stone and Mr. Martin noticed there is no dirt and the stone is right up to the surface. It is clean stone and evaporation could occur there just as in a ditch. The water lies in the ditches and they function as a drainage system in a very flat area as Kingwood is very flat, the water drains by building up. The water will drain out but there will always be water in the bottom and this is a road side hazard. This ditch was not that deep but it was deep enough to create a road side hazard. This is simply a safety improvement and it is well below anything that would be required DEP to observe.

Mr. Martin said he will contact the Health Department but unless there is water coming out, they won't have anything to test.

Mr. Glynn stated the water course comes down through the hedge, which has not been maintained. The vegetation is also causing the water to not drain as well as it should. The water is coming from north to south and it comes down on the east side of the road and it crosses heading west and then it goes down west through the wetland area and there is a very large pond just to the north and there is the house.

Ms. Kelly bought pictures of the property and what it looks like from the damage of the water. In ten years, she has never had a problem with closing the gate on her property and now she does. It is creating a lot of soil erosion in the property as well.

Mr. Glynn said he observed the ditch in this area and he is unsure where the water is leaving to come across the property.

Mr. Kelly stated when he talked to Public Works, they told him it would be less than a two day job for a crew to go out and remedy this; to widen the trench and re-stone it. Mr. Kelly is aware the County would need the right of way for the crew to get in there to do the job, which is why his sister had come tonight to say that she would be okay with that and do whatever was needed.

Director Mennen confirmed the Kelly's are asking the County to undertake a maintenance or improvement project on their private property. Mr. Kelly agreed saying and they would make it un-private by donating the right of way.

Mr. Holt confirmed there has been a situation at Ms. Kelly's for the last 18 months and prior to that, there was no problem. Ms. Kelly said there was not a problem and then she noticed it last fall when The County was in the area doing work but it became more noticeable in the spring.

Mr. Martin informed the Board that the development was approved in 1995; and there are lots in there that have been developed over time and the Kelly's lot was built in the early 2000. A lot has just created many minor subdivisions and minor subdivisions are excluded from maintenance programs.

After further discussion, the Board directed Mr. Glynn to have the trench cleaned out with the brush team and see if that helps to improve the situation.

Mr. Glynn came forward and showed the Board and members of the public the exact locations of the problems on maps. Ms. Kelly came forward to point out more about the drainage and the pipes on the map.

Director Mennen reported he has been to the site and feels it would be beneficial to the other members of the Board to be able to go out and view the site to have a better understanding of the situation.

Mr. Martin mentioned there comes a point when any manmade structure is going to be outdated and the natural course of water through this land goes various ways, and basically it goes perpendicular to the lines. This is a manmade water course which is the reason as to the certain problems that are occurring here. It will continue to have wetlands because it is on wetland property.

Mr. Kelly said his sister has no problem with there being wetlands but she does not want to see her farm and her house and the lawn get flooded.

Mr. Glynn marked on his calendar for next Monday, to set up a time with certain members of the Board to go out and look at the site.

Director Mennen thanked the Kelly's for coming out tonight and sharing their presentation with the Board and public. He assured them that members of the Board will be out to look at the site to get a better understanding on the situation.

Mr. Peterson recused himself at 5:30 pm

#### **PURCHASING**

Mr. Sworen moved and Mr. Holt seconded this:

**See Page 07/21/09-5A**

#### **RESOLUTION**

**RESOLVED**, Approving an agreement, County Quote #0022-2009, with Archer and Greiner, PC, to provide legal services with regard to the Adult Protective Services Unit of the Human Services Department, in an amount not to exceed \$120,000.

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

Mr. Holt moved and Mr. Sworen seconded this:

**See Page 07/21/09-6A**

**RESOLUTION**

**RESOLVED**, Authorizing the award of County Bid #2009-09, for the Reconstruction of County Bridge D-345, over the 3<sup>rd</sup> Neshanic River, in Delaware Township, to Underground Utilities Corporation, in an amount not to exceed \$572,955.48.

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

Mr. Sworen moved and Mr. Holt seconded this:

**See Page 07/21/09-6B**

**RESOLUTION**

**RESOLVED**, Authorizing the award of County Bid #2009-10, for the Resurfacing and Surface Treatment Program, on various County Roads, in various municipalities, to Mannon Excavating & Paving Co., Inc., in an amount not to exceed \$1,291,308.20.

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

Mr. Peterson returned to the meeting at 5:35 pm

Mr. Sworen moved and Mr. Holt seconded this:

**See Page 07/21/09-6C**

**RESOLUTION**

**RESOLVED**, Approving the bid for farm maintenance agreements once they are ready.

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

**FOR DISCUSSION**

Open Public Record Act copy fees

County Counsel DeSapio began by saying that there are two aspects to this question, the first is what should the fee be when someone makes an OPRA request of the Records Department for copies. Mr. DeSapio things currently those charges are: 75 cents for the first ten pages, 50 cents for pages eleven through twenty and 25 cents for each page over twenty. This is in accordance with the rate of the statue. A question has been raised as to whether that fee should be reduced. A request was made that that fee be reduced and then there have also been legal challenges in other counties, whether the County is authorized to charge that amount.

Mr. DeSapio advised the second issue is related but different in that, what is the lawful fee that the County can charge when somebody uses a self service copier in the County to make copies. There are some self service copiers in a few departments.

Mr. DeSapio explained that about a year and a half ago, the County was sued by a Tewksbury Township resident named Mr. Gensch and he said that on self service copiers in the Clerks Office, that the County should not be charging a quarter, but should be charging the actual cost. Mr. Gensch wanted the County to rebate in a class action what he contends is the over charges that the County made in the last six years for copies and in his calculations was close to \$300,000. Mr. DeSapio reported that the County contested that and Judge Rubin earlier this year, threw Mr. Gensch's case out of court and determined that OPRA permits the County to charge a rate and permits the County to charge more than the quarter if the County's costs come to more than a quarter. Depending on the way this is figured it out the County's costs are about 25 cents or 7 cents because there is no set standard on how you figure out the cost.

Mr. DeSapio provided an example of this problem saying if you buy a brand new copier what is the actual cost of the first copy made. As more copies are made the costs go down as you are advertising the cost of the equipment but there is no standard of time used to determine the cost of the equipment over time. Do you measure it in one year, two years, three or the life of the copier and the question becomes what if the copier in the Clerk's Office is used a lot and the copier in another office does not get used as much. How do you then determine the actual costs. Would it be per machine or do you somehow average all of the costs of all of the machines throughout the County. Judge Rubin understood that problem and said there is a default rate in the statue and a quarter is reasonable in this day and age.

Mr. DeSapio informed the Board Mr. Gensch's attorney has sued just about every county in the State of New Jersey over this same issue so Mr. Gensch filed an appeal of Judge Rubin's dismissal and seven other counties have joined Hunterdon in this case before the Appellate Division which will be heard this September, and all are taking Hunterdon's side that the statue has a default rate of 25 cents.

Mr. DeSapio questioned how to address the issue if someone writes a letter to Records Management asking about the rates? Does the Board want to keep the rates as they currently are according to statute or does the Board want to change the rates?

Mr. DeSapio asked if the Board wanted to change the charge for the actual copy machines. The County has always had the discretion to change it from a quarter to something else and if the Board decides to change the charge now, it will complicate the lawsuit in that, even though you won so far, Mr. Gensch's attorney is going to say that the County knew they were wrong.

Mr. DeSapio explained to the board that anything done to resolve the lawsuit will create a problem because Mr. Gensch's attorney won't get a substantial legal fee. The proposal made to the County to settle the case now was to put \$285,000 in a fund and give the attorney \$75,000 and the client \$8,000 and they would put a notice in the newspaper and then agree that the money left in the pot can be returned to the County after a certain period of time; but if Hunterdon did not agree with this, then if Hunterdon wins the case the judge is informed that the money is not claimed by the public and that it should be turned over to another non profit.

Mr. Bob Thurgarland, Director of Central Printing and Mail, stated he would refer the money issue to county but historically when they started to track the OPRA requests, the last two years especially the majority of the requests are from attorney's, newspapers or the public for items that benefit them. They are public records which are under the statute to increase the transparency of government. The attorney's use certain material for defense for their clients. Out of 233 requests last year, over a hundred of them were from attorneys for CAD requests. At 75 cents a page, and if we fax it to them we do not charge them for it, the time involved in generating the report and giving it to the attorney represents the clients at 75 cents is a pretty good bargain. They request copies be faxed or mailed to them.

Mr. George Wagner, Director of Public Safety, explained to the Board about the CAD reports which are detailed reports that are in the computer based and what it takes to process a paper report. The harder requests are the ones from audio tapes of 911 calls because his department has to edit out certain things on the call.

Mr. DeSapio said to clarify his comment; he does not feel that the Board would be held at any legal issue if they went down to a quarter.

Director Mennen asked Mrs. Yard to have something prepared for the next meeting to discuss further the cost for copies in the County.

#### County Clerk – personnel request

Cheryl Wieder, Director of Human Resources, reported to the Board that the answer she received from County Clerk Melfi regarding her request was a memorandum requesting a resolution be placed on the agenda for today to move one of her staff members into another position.

Director Mennen informed Ms. Wieder that while the Board appreciated the fact that the County Clerk was respecting the hiring freeze; some members on the Board had the question if this needed to be a promotion or if there could be other moves that could take place in the office to make this happen.

Ms. Wieder explained that not knowing what had been talked about at the last meeting, she had to think of what questions may have come up as to what people in the Clerk's office do when someone is shifted and the difference between what the functions and the titles are; what positions in her department are in certain places because she was not sure if they have index clerks and where they work specifically.

Mrs. Yard stated when Ms. Wieder returned they had sat down and talked and reviewed both the job descriptions. Mrs. Yard explained to Ms. Wieder what had taken place at the last meeting. The original four questions that were asked regarding vacancies were miss leading because the question was asked who else does this and the answer was that there are 150 things that come in every day and it is done by these two people. But, the question was asked as to how people are assigned.

Director Mennen stated that the bottom line is that they are unable to answer the question as to whether or not this mechanism that the clerk has presented is the only way to accomplish what needs to be accomplished in that office without hiring another person. Ms. Melfi had stated that this was the way to do this without hiring another person in the department and the Board had asked if it was the only way to do this and in response Ms. Wieder asked questions.

Mr. Peterson inquired if Ms. Wieder met with Ms. Melfi because the Board was under the impression they were going to meet. Ms. Wieder stated she did meet with the Clerk and talked to her. Ms. Melfi had requested Ms. Wieder email the four questions to her and Ms. Wieder had actually told her what the questions were at that time of the meeting, and she asked to have them emailed to her.

Mrs. Yard informed the Board that one of the four questions was about the possibility of the unclassified personnel helping out in another area.

Mr. Peterson does not feel the Board can tell the Clerk how to run her office. He is concerned with the policy of promotions and his question was whether it had to be arranged this way.

Mrs. Yard advised that was one of the questions was about the complexity of what a senior index clerk/senior account does compared to an index clerk/account clerk; the only difference appears to be the level of complexity. This office does not have the benefit of knowing what each person does in the County Clerk's Office, which is why the questions are asked which were generated by the Board.

Ms. Wieder advised Ms. Melfi had stated that she wanted a copy of the questions so she could respond to the Board.

Director Mennen stated that Ms. Melfi did respond to the Board and she indicated that she is the appointing authority for her office.

Director Mennen said this Board recognizes that the Clerk is not looking to hire someone new which is in accordance with the County's hiring freeze. Ms. Melfi was asked if she would entertain another means to get two bodies on the recording side of the office. At the last meeting the Board informed Ms. Melfi that it did not have the benefit of consulting with Ms. Wieder and Mr. DeSapio and that they would not be at the meeting.

Mr. Peterson proposed that the liaison to the County Clerk's Office go and meet with Ms. Melfi. He thinks there is some confusion with the questions to be answered. He asked that the Board give the liaison the chance to speak with her, as well as with Ms. Wieder to see if answers to the questions can be received. Mr. Peterson stated that from reading the email himself, he can understand Ms. Melfi's point of view. He feels the Board should give Ms. Melfi another chance in order to get more answers.

Mr. Holt said it was interesting to look at the decline and then the incline. What he is interested in, the real question was whether or not the Department of Labor required having a senior person in that position and feels the Board needs that information. There is always a grey area and in a situation where there is a constitutional officer that has reduced staff and has proposed restructuring in the office that falls into the budget of that given year, what is our authority.

Mr. DeSapio said he had discussed this with Mrs. Yard and Ms. Wieder the other day. As long as the proposed change is within the budget, then the Board can not say no; but under the statutory scheme, and this is specific, that requires constitutional officers to use such things as personnel, if you have a policy that the officer needs to answer certain questions before they make a promotion then they can be required to answer the questions. Constitutional Officers are required to follow the same procedure as everyone else which is to justify why they are doing something and it becomes public information. Mr. DeSapio stated the County Clerk is accountable to the public the same way the Board is accountable to the public. The public has this list of answers in the same way you would evaluate them, the public can evaluate them.

Mr. Holt asked if there was an agreement amongst the Board that the questions needed to be answered. Because he feels that needs to be done.

Mr. Peterson said he thinks there is one main question and that is if the promotion is required and whatever questions that need to be asked to make that determination is what we need to know.

Mr. DeSapio stated he will work with Ms. Wieder to make sure that the questions that go out to the County Clerk are worded more diplomatically. The questions that will be asked are the same questions that are asked of every department head. Mr. DeSapio suggested that the Clerk put her answers in writing for the whole Board to be seen and so the public can see them as well.

Director Mennen said it sounds as though that is how this will be handled.

### **CONSENT AGENDA**

Director Mennen announced: "All matters listed under the Consent Agenda are considered to be routine by the Board of Chosen Freeholders of the County of Hunterdon and will be enacted by one motion in the form listed below. There will be no separate discussion of these items. If discussion is desired that item will be removed from the Consent Agenda and will be considered separately."

Mr. Sworen moved and Mr. Holt seconded a motion to approve the claims in accordance with the Claims Register dated July 21, 2009 minus Purchase Order #124484.

**See Page 07/21/09-8A**

### **CLAIMS REGISTER**

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

Mr. Sworen moved and Mr. Holt seconded a motion to approve Purchase Order #124484.

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

Mr. Sworen moved and Mr. Holt seconded a motion to approve the regular session minutes of June 02, 2009, the special session minutes of April 23, 2009, May 21, 2009 and June 16, 2009.

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

Mr. Sworen moved and Mr. Holt seconded these:

**See Page 07/21/09-8B**

### **RESOLUTION**

**RESOLVED**, Susan Pena appointed permanent, full time Senior Youth Worker, Public Safety Department.

**See Page 07/21/09-9A**

**RESOLUTION**

**RESOLVED**, Paul Fandel appointed permanent, full time Mechanic, Roads, Bridges and Engineering.

**See Page 07/21/09-9B**

**RESOLUTION**

**RESOLVED**, Bryan Manning appointed permanent, full time Equipment Operator, Parks and Recreation. (passed Civil Service exam).

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

Mr. Peterson moved and Mr. Sworen seconded this:

**See Page 07/21/09-9C**

**RESOLUTION**

**RESOLVED**, Amanda Adams appointed permanent, full time Family Service Worker, Human Services Department.

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

Mr. Sworen moved and Mr. Holt seconded these:

**See Page 07/21/09-9D**

**RESOLUTION**

**RESOLVED**, Joseph Kvarta, Family Service Worker, Human Services Department, leave of absence without pay.

**See Page 07/21/09-9E**

**RESOLUTION**

**RESOLVED**, Dana Bivona, Family Service Worker, Human Services Department, leave of absence without pay.

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

Mr. Peterson moved and Mr. Sworen seconded this:

**See Page 07/21/09-9F**

**RESOLUTION**

**RESOLVED**, Alysia Pinkerton appointed temporary, when and as needed, Clerk in Rutgers' Cooperative Extension. (for 4-H Fair).

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

Mr. Sworen moved and Mr. Holt seconded these:

**See Page 07/21/09-9G**

**RESOLUTION**

**RESOLVED**, Approving Application for Payment #28, for Bid #2005-47, for the Addition and Alteration to the Communications/Emergency Services Center, with DeSapio Construction, Inc., in the amount of \$12,009.14.

**See Page 07/21/09-9H**

**RESOLUTION**

**RESOLVED**, Approving Application for Payment #29, for Bid #2005-47, for the Addition and Alteration to the Communications/Emergency Services Center, with DeSapio Construction, Inc., in the amount of \$66,942.21.

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

Mr. Sworen moved and Mr. Holt seconded these:

**See Page 07/21/09-9I**

**RESOLUTION**

**RESOLVED**, Approving a corrected resolution appointing Robert McGeary to the Advisory Council for the Division of Senior Services, of the Human Services Department.

**See Page 07/21/09-9J**

**RESOLUTION**

**RESOLVED**, Motion to request permission to advertise for the solicitation of competitive bids for County Bid #2009-18, Hoffman Farm Hunting Agreement.

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

**PROCLAMATIONS**

Mr. Sworen moved and Mr. Peterson seconded these:

**See Page 07/21/09-10A**

**PROCLAMATION**

**RESOLVED**, Recognizing Adam J. Freitag for attaining the designation of Eagle Scout.

**See Page 07/21/09-10B**

**PROCLAMATION**

**RESOLVED**, Recognizing John Procopio for attaining the designation of Eagle Scout.

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

**OLD BUSINESS**

Director Mennen stated that the Board held the final approval of the previously agreed to Collective Bargaining Agreement with the Hunterdon County Corrections-Superior Officers' Lodge, F.O.P. Lodge #29 which was on the last agenda so the Board could review the agreement again before voting on it. It had been a long time from agreeing to the contract to actually seeing the contract.

Mr. DeSapio stated he still thinks the contract is reasonable economically but it was before there were questions about the economic crisis and it this contract is retroactive back to 2008. He explained the delay for the settlement at the end of the year was due to questions about the actual language. He feels that everyone is happy with it. The operative terms are all reflected and agreed to in the agreement.

Mr. Holt moved and Mr. Melick seconded this:

**See Page 07/21/09-10C**

**RESOLUTION**

**RESOLVED**, Granting final approval of the previously agreed to (2008) Collective Bargaining Agreement with the Hunterdon County Corrections – Superior Officers' Lodge, F.O.P. Lodge #29, for 2008, 2009 and 2010.

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

Motion to approve the revised 5 Year Plan submitted by the Hunterdon County Sheriff

Director Mennen advised the Sheriff's 5 Year Plan was submitted on July 08, 2009 based on a legal opinion provided to the Sheriff by Mr. DeSapio outlining the law and his legal opinion.

Director Mennen asked if Mr. DeSapio is satisfied by the draft that is being presented to the Board tonight. Mr. DeSapio said he does not believe it is consistent with the law/the requirements of the law. He acknowledges publicly that it may have been acceptable but as long as people, constitutional officers are going to argue with the Board as to what the plan means, it is supposed to be a capital budget and it should have specifics to it.

Mr. Peterson asked that the Board not vote on this tonight until a determination can be made as to what a proper 5 year plan should look like or until the assignment judge makes a determination on what the statutes are.

Director Mennen believes the Sheriff indicated that this will be brought to the Judge's attention if it is not acted on this evening.

Mr. Holt stated when you read the statute and as he read it, there needs to be clarity on the expenditures. He can also understand the constitutional officers' issue with trying to plan 5 years out with capital expenditures. It would almost seem to be that your 5 year plan should be one that is rotated every five years and in between that maybe every one to two years a clear definition of capital expenditures.

Mr. DeSapio said that may have to be the case, it is just a projection. The Constitutional Officers do not need to say in year number two they are going to buy five computers. This is a roadmap and they need to sit down and determine what they currently have in their offices; how old is it and when it might have to be replaced. All you do is split 5 years down on a piece of paper and say in year number 3 we will need a new machine and year number 4 we are thinking about buying new radios, you make estimated costs. His point is after you buy the equipment you can use the money to train people so the question comes up, we have all of these conventions and the reason we want to use the trust fund money to go there is to look at the vendors. His thought is if you have a specific capital plan that resolves that issue, you can look at vendors but if you are going to say we are going to use the trust fund money to go to a convention so we can get an idea about something, that is a good idea but it has to be paid for out of the regular budget because it is not included in your capital budget expenses.

Mr. DeSapio stated he wrote to the judge and asked her how she was going to handle this. He noted that today he received a fax and the County Clerk is going to hire John Carbone to represent her in this petition.

Undersheriff Maloney stated Sheriff Trout was unable to be here tonight but Mr. Carbone is the attorney and this Board passed the plan 2007; and as Ms. Melfi put into her submission to the court the minutes on her plan was approved. There was very little discussion.

Director Mennen stated there was a lot of discussion on that issue and as a member of the bar Mr. Maloney knows full well that previous inaction does not itself determine the current course.

Undersheriff Maloney stated the point was that their plan had just as much specificity as any other plan that had been put forth in this County.

Director Mennen stated that the letter that had been written stating the specifications for the plan was not just written to the Sheriff, it was written to all three constitutional officers and it was pointing out the deficiencies in all of their plans.

Undersheriff Maloney proceeded to say that the Board can not take away what it has already approved and that this plan it is good until 2012. You can't just retract an approval.

Mr. Holt explained that in his statement he said this needs to go to all three officers for their plans to be brought up to date and to be compliant.

Director Mennen continued to say that as Undersheriff Maloney knows that letter went out under his signature and it specifically included a copy of Mr. DeSapio's opinion where he circled and highlighted the areas of deficiencies and asked all three constitutional officers to correct them and have them come back to the Board to have them approved that is compliant with the statute.

Undersheriff Maloney feels the Sheriff's plan is compliant with the statute and he finds it interesting that only when the Sheriff puts one in that there is a review of everything when four out of the five on this Board had approved it. The Sheriff's legal argument is not the same as Ms. Melfi's, as the County Clerk already has an approved plan. The challenge to the Board is the interpretation of how to spend the money in the plan.

Mr. Peterson stated for the record that he just wanted say that the Board did have an extended conversation with the County Clerk on her first year here and he was the one that actually began the conversation with her because he had problem with the way five year plans were done and he was the one who voted against it at the time. He has always thought there was a problem and it seems there is a renewed interest and he is glad to see that the Board has come to his way of thinking a little.

Undersheriff Maloney agrees that Mr. Peterson was the only one that disagreed with it but Mr. DeSapio has been here for almost three decades, and at that time, he did not raise the same objections that he had raised in 2007. The deficiencies in these plans were not raised in 2007 by Mr. DeSapio as they are being raised now.

Mr. DeSapio explained that he does not read everything the Freeholders vote on but if he thinks about something and the Board asks him to look at it then he will look at it. Since Mr. DeSapio is being mentioned, he stated he will share part of his legal opinion and his personal opinion. Mr. DeSapio stated he thinks it is a disgrace for constitutional officers to spend time and energy when in two hours time, each of them and he is not speaking about the Sheriff, he is speaking about the Sheriff and the Clerk at this point and if Mrs. Hoffman wants to get involved at this time too then she can be involved, that in a two hour time they could sit down and figure out what each needs over the next five years and make a plan and that would better serve the taxpayers of the County than by said this was approved five years ago and why didn't anyone even think about it or read about it. This has got to stop it is a disgrace.

Director Mennen stated that Undersheriff Maloney is a member of the Bar and knows full well that as an advocate for this Board, Mr. DeSapio is not an elected official. He reacts and gives his opinion when it is asked by this Board, the elected officers. Mr. DeSapio gave a legal opinion this year because Director Mennen had asked him to in concert with the members of this Board.

Director Mennen asked Undersheriff Maloney if as a member of the Bar if he would challenge the legal opinion that was given to him knowing that the plan provided was deficient. More importantly to follow up on Mr. DeSapio's other comment; Director Mennen said he does not understand why Mr. Maloney is resisting these de minimus changes that he is asking so the plan can be compliant. He feels this is nonsense.

## **GRANTS**

Mr. Sworen moved and Mr. Holt seconded this:

**See Page 07/21/09-11A**

## **RESOLUTION**

**RESOLVED**, Approving an application for a Community Oriented Policing Services (COPS) Technology Program Grant, with the US Dept. of Justice, for federal funds to upgrade and expand communications, security and technology at the Hunterdon County Justice Center, the Sheriff's Office and the Division of Corrections and Communications in the Public Safety Department, in the amount of \$250,000; with the understanding that the spending plan is subject to approval by the Board of Chosen Freeholders according to the County's procurement process; additionally approval of the standing committee and departments such as the County's Fleet Management Committee, Facilities Committee, Information Technology Department, the Communications Division of Public Safety, Buildings and Maintenance Department and the Grant Management Committee.

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

## **CORRESPONDENCE**

A request was received from SAFE in Hunterdon for permission to use the historic Court House steps on Wednesday, October 14, 2009, from 6:00 p.m. until 7:00 p.m., to hold their annual Candlelight Vigil. Also requesting permission to hang their "Clothesline Project" at the Justice Center and historic Court House, (it will also be at the Monument on Main Street). Also, SAFE again asked the County to provide a podium, light and microphone system. Mr. Peterson moved and Mr. Sworen seconded a motion granting permission, provided this event is coordinated through the County Department of Roads, Bridges and Engineering.

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

## **FREEHOLDERS COMMENTS/REPORTS**

### 5 Year Plan

Mr. Holt stated he believes it is the intent of this Board in regard to the five year plans for the Constitutional Officers for them all to be treated equally. The intent is to ask all of the constitutional officers to comply with the statutes and the requests. For the record Mr. Holt said it would take zero time to bring these plans forward and to be in accordance with the constitutional statute.

### 2010 budget

Mr. Melick expressed concern going into the process for preparing the 2010 budget as far as the temporary budget. He questioned how much time is needed to inform department managers what the responsibility will be to achieve a lower number than last year.

Director Mennen suggested that Mr. DeSapio begin to look at any unique challenges that he may be able to see and start thinking about and maybe the Board might want to consider them for the third or fourth quarter of this year.

Mrs. Yard stated that the Board had already agreed and gave her direction that it would begin in August with the 2010 budget sessions. Mrs. Yard feels the Board realizes there will be a lot of challenges and legal opinions for the coming budget.

### GMIS/IT Department

Mr. Sworen asked to have the request for GMIS information for the Information Technology Department on the next agenda.

### Friends of the Park

Mr. Sworen questioned what is happening with the Friends of Parks group. He would like to know the status.

Mr. DeSapio reported there is a draft for this group, and he needs to bring everyone up to speed. He stated the County already has a Friends of the Library group and Parks and Recreation would like to have a friends group also. This is another group that wants to have a friends group that is being looked at. Mr. DeSapio explained with Pete Tarricone was on the Parks and Recreation Board, he met with Mr. DeSapio and someone else from his office and asked how this could be structured. There will be one master Friends of the County organization and it will authorize the approval of the different groups to be set up and there will be one master insurance. Director Mennen had instructed Mr. DeSapio to obtain more information on this topic about two months ago and that is what he has done and he now has a pretty good draft of it completed and ready for consideration. Mr. DeSapio will provide this draft to the Board within the next few days, for consideration at the August 18, 2009 meeting.

### Polytech

Mr. Sworen reported Polytech has a number of things happening there, they went out on a National Level and received the highest placing of 4<sup>th</sup> place and they were 17 points out of 1<sup>st</sup> place and 2 points out of a medal. Everyone placed and it was very exciting. Polytech did very well and they asked him to speak about that at the meeting tonight.

### Health Insurance

Mr. Sworen stated he spoke with Ms. Wieder the other day regarding health insurance and the Freeholder Board and if there was a possibility to do a shared service for health insurance with municipalities in Hunterdon County because a number of municipalities are in the state health plan and they are looking at a 20-25% increase in fees next year. He questioned if it was legal that it can be done as a shared service. Mr. Sworen feels this could be something that might lower costs around the County. We do not know if it is legal or not and he needs to look into that.

Mr. Peterson said that he thinks we should competitively bid health insurance out. He met with someone months ago but they did not get any information back to him. He stressed health insurance should be competitively bid out in order to have someone that will fight for the county to get the best possible costs and to have some idea as to that they could propose different plans that they could offer. It does not have to be one size fits all; he would like to have someone that would like to move that along for the County. He would like to see the County get someone who is loyal to the master. We should also let people know that we expect loyalty. He understands how the insurance thing works.

### Hampton's Events

Mr. Peterson reported Hampton is having a big weekend with its 100<sup>th</sup> anniversary of the name change from Junction to Hampton. Also the fire companies are celebrating their 110<sup>th</sup> Anniversary, the ladies auxiliary's is celebrating its 70<sup>th</sup> Anniversary and St. Ann's Church is

celebrating its 150<sup>th</sup> Anniversary. There will be a big parade going on on Saturday and a picnic afterwards. Mr. Peterson said he wanted to recognize these milestones.

#### Farms

Director Mennen stated Mr. Sworen brought up earlier about agreements for farming County property and he feels this needs to be done in the most cost effective manner. This will all be advancing towards to the goals we have.

#### **OPEN TO THE PUBLIC**

Lois Stewart of Flemington Borough came before the Board and thanked them for the 1:00 p.m. meeting saying it is important to address the concerns of the taxpayers. Ms. Stewart stated she's been at the meeting now for six hours with the meeting and she has a few things she would like to comment on. First, she has real concerns regarding the Sheriff's Office and feels they are a disgrace. She inquired if the Freeholders could reduce the responsibilities of the Sheriff's Office, so there would be less confrontation with them. Ms. Stewart feels the general feeling in this County is a dismay with the actions of the Sheriff's Department and asked if there is anyway to control the office and the performance of the office.

Ms. Stewart added that he is equally dismayed because in the conversation moving to the County Clerk, about the change of position. She mentioned that the County Clerk, Ms. Melfi is now appealing to the courts to make a decision. Also, regarding the Clerk's request for a position to do a certain job, she worked for the state government as an unclassified person for years and when she began as an unclassified person you do whatever you are told if you are capable of doing it. Why can't the Freeholders tell the County Clerk to use her unclassified person to do whatever it is she wants them to do and stop this thing about giving someone a promotion because that is the same as hiring someone and that goes against the County hiring freeze policy.

Mr. Peterson said the question is if it is required or not.

Ms. Stewart stated that as far as she is aware it is not required because she can tell the unclassified person in her department that you are going to do this job and if that person does not have the capability they can be trained to do that job. She can't help but to agree with Mr. Melick that if the work load is down than you do not need as many people.

Mr. Peterson said the Clerk's office is decreasing the amount of people. It is the level of skill for that job and they perform important legal aspects, so they need to understand the law regarding recording the legal documents. There is a skill level that is higher than an average skill level; it is the kind of job where repetition is important because you devote your time to it because it needs to be accurate. If you do not do it accurately then you raise legal questions and the ability for searchers fails to find the documents. If it is not done properly and not followed then the county can be sued. He appreciates the way that Ms. Melfi wants to do it but he has questions on the level of the two people

#### Copies

Ms. Stewart questioned why the County doesn't charge 10 cents for all copies like Staples, or the Flemington Library.

#### Health Care

Ms. Stewart stated she has a big concern with state legislation that permits elected officials to get health care insurance provided. This is not just at the County level but at the municipal level also. She recommended the a policy be adopted that if a part time employee receives benefits they would have to pay a substantial contribution.

#### Hunting

Ms. Tone Ganglion came before the Board asking that hunting in County parks stop. Her property backs up to Hunterdon County property and for the last three years there has been bow and arrow hunting allowed. Ms. Ganglion explained she has grandchildren who are afraid to go out in her backyard and she too is afraid. A few times she could see the orange vests and hunters have come to her front door and asked if they could hunt closer to her house. She has had hunters in her backyard that think it is parkland property and she is living in fear all the time.

Ms. Ganglion said she is aware people want to make the safety perimeter from 450 feet to 150 feet. Crossbows are coming and she is very upset that she is losing her property for the fourth year in the row now. Her neighbor Joe Furnas left the property for the public to enjoy, not for special interests. She would like to ask that the hunt there be canceled.

Ms. Ganglion stated talked to the Parks and Recreation Director, John Trontis who informed her on how safe hunting is and she has evidence that it is dangerous because a bullet almost hit a neighbor's house and almost killed a child. There are all of these hunting statistics that never make the papers. She said her life has become a horror and she lives her life in terror now. This is a public safety issue and the Board of Chosen Freeholders have been elected to protect the community and she does not feel that that is being done.

Ed Ganglion stated that hunting has taken them away from their yard for six months out of the year because it occurs from September to February. All it would take is one accident and if you have an accident the hunter is basically let off because it is an accident. People do not walk in the park anymore during those times because it is not safe the only ones who are safe are the hunters.

Mr. John Trontis, Parks and Recreation Director, said that park is surrounded by housing and the County choose not to have it hunted by shotgun. It is being hunted by bow only. It was hunted by bow only for a season very successfully.

Mr. Trontis said if hunters are ringing doorbells, then the residents should contact the Parks and Recreation Department. Craig Evans is the County's Supervising Ranger who supervises the deer management program and he would never allow hunters to do that.

As Mr. Trontis and Mrs. Ganglion were conversing, Director Mennen asked if Mrs. Ganglion had anything else that she wished to address to the Board. Otherwise, he indicated that Mr. Trontis will make himself available to meet with her personally to discuss your concerns.

Mrs. Ganglion said she just wants to have the park back and she feels that public safety should be number one and she does not feel that is being taken into consideration here.

Mr. Trontis said that the Arboretum is open during the season but we stated that the hunters hunt in the early morning or the late afternoon.

Mr. Craig Evans said that there is no hunting on Sunday; it is illegal to hunt on Sundays.

Director Mennen stated that they were going to continue on down the line of the general public that has comments to be shared at this time.

#### Health Care

Francis Gavigan came before the Board to speak health care and bidding it out. She applauds suggestion saying that since Washington seems to be doing health care reform that all should be looking at it. She would recommend that Mr. DeSapio and the Freeholders consider reaching out to Congressman, Leonard Lance and Rush Holt about seeing if municipalities can opt into the federal program managed by OPM because those are programs that have variable affordability and there are certainly significant costs savings.

#### Sheriff's Office

Ms. Gavigan stated she is disappointed but not surprised by the statements made by the Sheriff's crew as they got up and moved out the door. These individuals did not show the members of the public here the respect due them if for nothing else the six hours they have spent sitting in these chairs. It is reflective of the arrogance and the approach that created an Out-With-Trout group and she feels it will certainly carry over to next year during elections.

#### Easements

Ms. Gavigan questioned Mr. DeSapio about County owned easements, especially as they affect County roads. She asked who enforces them and who would one contact when those easements and deed restrictions have been violated. An example is Route 604, the site easement and it was a letter from Carol McGee.

Mr. DeSapio asked what type of easement it was because depending on the type of easement it is would be who you would have to in turn contact. If it is a drainage easement then you would contact John Glynn's office.

Ms. Gavigan continued by asking if the County has a policy when they become aware of something if they act upon things that have been violated.

Mr. DeSapio said it is his experience when Mr. Glynn is contacted in regards to a problem that it is acted on right away.

Ms. Gavigan then continued to thank the Board of Chosen Freeholders for their service and what they do.

#### Storm Water Management

Carl Reiner came before the Board regarding the problem with storm water management specifically with the County attempting to fix the problem regarding the Kelly property. He does not feel that the county is obligated to fix this problem and believes if the county goes down this road it will be a slippery slope. He wants the Board to seriously consider voting no to addressing this problem and as far as he is concerned it is the property owners concern.

#### Copies

Mr. Reiner does not believe he County should be making money from making copies for people who want material.

#### Hunting

Mr. Reiner said he respects people's opinions regarding hunting and stated if it isn't broken why fix it. He hit a deer right on Route 12, and the deer was small enough that it went under the vehicle and did not do any damage but it went cross the road and he really has a problem with all of the road kill for no good reason just being wasted where it could potentially be eaten by hunters. Most hunters do not go out there to just kill, they kill to eat.

#### Sheriff

Mr. Reiner said he's never talked about the battle with the Sheriff's Office before but now we are coming into a situation where constitutional officers are coming in for this never ending battle, and we have three women here. The only point he is trying to make is that women vote in blocks more than men. He would ask the Board to be cognitive of the fact that now we have three constitutional officers coming in as a threat, they are all women and anyone is sympathetic with

the Sheriff's battle but his only point is now that we are drifting into the other constitutional offices, he just would caution the Board to be aware of that fact because public opinion could begin to go the other way.

Mr. Reiner's final point is that he is very sympathetic towards Ms. Melfi and Ms. Hoffman and he just wanted to make that clear.

Ms. Lois Stewart said first of all she wanted to say to Mr. Reiner that she does not just vote for someone because they speak to the female gender.

There being no further business to come before the Board, Director Mennen adjourned the meeting at 7:55 p.m.

Respectfully submitted,

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**Denise B. Doolan**  
**Clerk of the Board**