

# HUNTERDON COUNTY BOARD OF CHOSEN FREEHOLDERS

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

Flemington, New Jersey 08822

June 16, 2009

The regular meeting of the Hunterdon County Board of Chosen Freeholders convened at 3:12 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 January 02, 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

### EXECUTIVE SESSIONS

Mr. Holt moved and Mr. Sworen seconded these:

**See Page 06/16/09-1A** **RESOLUTION**

**RESOLVED**, Executive Session to review the minutes of May 05, 2009.

**See Page 06/16/09-1B** **RESOLUTION**

**RESOLVED**, Executive Session to discuss the acquisition of a right of way in connection with County Bridge E-166, in East Amwell Township.

**See Page 06/16/09-1C** **RESOLUTION**

**RESOLVED**, Executive Session to discuss the status of Correction's Officers' Unit contract.

**See Page 06/16/09-1D** **RESOLUTION**

**RESOLVED**, Executive Session to discuss an appointment to the County Planning Board.

**See Page 06/16/09-1E** **RESOLUTION**

**RESOLVED**, Executive Session to discuss a Rice Notice for an employee.

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

Mr. Melick recused himself from the meeting at 3:14 p.m.

Mr. Holt moved and Mr. Sworen seconded this:

**See Page 06/16/09-1F** **RESOLUTION**

**RESOLVED**, Executive Session to discuss the continuation of a proposed right of way in Tewksbury Township on the Melick Farm LLC. The discussion will be limited to the legal issue of whether this could result in the loss of the farmland easement and the implication of that.

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

The Hunterdon County Board of Chosen Freeholders went into Executive Session at 3:15 p.m. and reconvened in Open Session at 4:21 p.m.

## PLEDGE OF ALLEGIANCE

### PURCHASING

Mr. Melick moved and Mr. Holt seconded this:

**See Page 06/16/09-1G** **RESOLUTION**

**RESOLVED**, Approving Requisition #40021638, with Structural Metal Fabricators, for a dump body, for the Roads and Bridges Department, in the amount of \$14,283.00.

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

Mr. Peterson moved and Mr. Melick seconded this:

**See Page 06/16/09-2A**

**RESOLUTION**

**RESOLVED**, Approving Requisition #40021664, with Knoll c/o Evenson Best, for furniture in the Public Safety Communications Building, for Project Administration Department, in the amount of \$21,284.50.

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

Mr. Melick moved and Mr. Peterson seconded this:

**See Page 06/16/09-2B**

**RESOLUTION**

**RESOLVED**, Approving Requisition #40021665, with Kimball International/National c/o of Evenson Best, for furniture in the Public Safety Communications Building, for Project Administration Department, in the amount of \$32,543.50.

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

Mr. Melick moved and Mr. Holt seconded this:

**See Page 06/16/09-2C**

**RESOLUTION**

**RESOLVED**, Authorizing the award of Bid #2009-07, for the painting of various County bridges, for the Roads and Bridges Department, to U.S. Tank Painting, Inc., in an amount not to exceed \$195,200.00.

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

Mr. Holt moved and Mr. Melick seconded this:

**See Page 06/16/09-2D**

**RESOLUTION**

**RESOLVED**, Approving an award of Quote #0038-2009, for professional appraisal services, in connection with a ROW for Bridge E-174 replacement project, for the Roads and Bridges Department, to Musnuff Group LLC, in an amount not to exceed \$7,500.00.

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

Mr. Holt moved and Mr. Melick seconded this:

**See Page 06/16/09-2E**

**RESOLUTION**

**RESOLVED**, Approving a Professional Services Agreement, for surveying in connection with subdivision plan revisions and new property descriptions in Holland Township, for the Open Space Program, with Van Cleef Engineering Associates, in an amount not to exceed \$8,500.00.

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

Mr. Holt moved and Mr. Melick seconded this:

**See Page 06/16/09-2F**

**RESOLUTION**

**RESOLVED**, Approving a Contract Modification for a Professional Services Agreement, for surveying services in connection with the Herr Property, Clinton Township, for the Planning Board, with Bohren and Bohren, for an increase of \$678.00 for a new total amount not to exceed \$24,578.00.

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

Mr. Sworen moved and Mr. Peterson seconded this:

**See Page 06/16/09-2G**

**RESOLUTION**

**RESOLVED**, Approving a Contract Modification for a Professional Services Agreement, for engineering consulting services in connection with renovations and additions to the Route 12 County Garage, for the Roads, Bridges and Engineering Department, with Strunk Albert Engineering, for an increase of \$23,465.00 for a new total amount not to exceed \$292,465.00.

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

## COUNTY UPDATE

Cynthia J. Yard, County Administrator reported that an analysis was presented to the Board yesterday, June 15, 2009, on mandated versus discretionary services. They are starting to work on comments and recommendations provided by the Board. She thanked the Board for their time and stated they will be fulfilling the guidance provided by the Board..

### Transportation Committee Update

Mrs. Yard advised that the Transportation Committee has a new member, Freeholder Holt. The Committee meets every other odd Tuesday. The Transportation Committee will be discussed the \$2 million the County receives in grant funds for transportation and the additional \$1.5 million the County contributes towards that grant funding. Mrs. Yard stated she wanted to reconvene the Transportation Committee of 2005 to discuss ways to run a more effective transportation system. The Committee will be looking at the route times, using different sized buses for routes and the sedan service to medical appointments.

Mrs. Yard reported it is hoped that the Transportation Committee will be making a presentation to the Freeholder Board in the Fall, for a few hours prior to a meeting. They will be putting everything on the table including the Shuffle, bus routes, and specialized medical trips.

Mr. Holt has suggested that the Transportation Committee keep the Board informed as meeting progress, so there won't be any surprises at the time of the presentation. The final recommendation from the Committee should be September 08, 2009, but a presentation will be made prior to that date.

Mr. Holt explained the presentation will provide the Board with information to make comments and recommendations to the Transportation Committee who will rework them for the September meeting.

### Requisitions for various memberships and conferences which are beyond the parameters of the established policy.

Mrs. Yard said with all of the issues the County has been dealing with to cut costs and generate revenue; there are a lot of requisitions going over her desk. A request was received from the Sheriff's Office for a National membership. This goes beyond the parameters of the County's policy because it is a national membership. Justification has been received from the Sheriff but it violates the County's policy. Mrs. Yard informed the Board that she has rejected many, many requisitions and many requests for memberships. Mrs. Yard advised she is looking for guidance from the Board.

Mr. Melick suggests the Board adhere to the County's policy and stressed that in these tough economic times, it is absolutely necessary to stick by our policy.

Mrs. Yard explained when the Board redid the policy, they considered conferences/memberships/training both in and out of New Jersey. When the Policy was written in 2008, it was restricted it things in state and when the policy was amended in March, the Board added a section regarding National Memberships. Mrs. Yard advised that the Sheriff is requesting a membership beyond the parameters of the policy and in accordance with the policy, she would have had to come before the Board for approval. She stated if the Board wanted, she could provide information from the database showing how many requests have been rejected.

Mrs. Yard continued by saying that the way that the policy is written, if there is something that leaves the parameters of the policy, the requester has the right to have their request considered by the Board of Chosen Freeholders.

Director Mennen stated the Sheriff is present tonight and asked if she had anything to add or share that is beyond what was already stated in her written letter on this issue.

Sheriff Trout informed the Board that she feels it is a very important to be a part of the National Association of Sheriffs. She feels that other department heads and constitutional officers have received permission in the past to belong and she is just asking to get this approved.

Director Mennen asked if she or anyone else in her office had taken advantage of the low cost or training that comes along with this membership. (There was no response).

There were not further comments received from the Board.

### COPS grant

Sheriff Trout informed the Board that her office has received notification that it is probably going receive a substantial grant. She feels there are more funds available and belonging to this organization will the County; a benefit of belonging to this organization is getting funding.

Mrs. Yard confirmed with Sheriff Trout that you need to be a member of the organization in order to get the grant. She asked if this is the grant that George Muller has mentioned in the past.

Sheriff Trout stated her office is still getting the paperwork for the COPS grant and that they have not applied for the grant yet.

Mr. Muller explained the COPS grant is a separate grant from the association and was given by Congressmen Ferguson for upgrading communications. Mr. Muller stated he has talked with George Wagner, Director of Public Safety, as some of the funds may be used to help the Communications Center. The grant application needs to be completed to get the grant and

Freeholder approval is needed. He thinks he will be hearing back on the COPS grant within the next two or three weeks and said Hunterdon County will definitely get those funds.

Mr. Holt stated his position on memberships is that those department heads that have memberships that do not take advantage of them should be denied and the memberships that are a benefit should be considered by the Board.

Mr. Peterson questioned if the County's policy says that the County is not going to belong to any national or international organizations.

Mrs. Yard replied that when the policy was written in December of 2008, it stated that conferences would be limited to in-state; all professional memberships funded by the County would be limited to New Jersey professional organizations only. The policy says that professional memberships that are required as part of a grant, which she would like to see if the COPS grant says membership in the National Sheriff's Association is required, must be part of the governing bodies consideration at the time of the grant application on behalf of an employee by a third party utilizing non County funds. Mrs. Yard stated she has never heard that you must belong to an organization to be considered for a grant.

Mrs. Yard stated the County has a Grant Management Committee which reviews grants, their terms and conditions, costs involved including whether additional staff is necessary to carry out a grant.

Mrs. Yard advised that Denise Doolan, the Clerk of the Board just reminded her that all grants need to be signed by the Director. This is the protocol the County has set up in order to be informed of the terms and conditions for all grants. Some grants have outlined in them certain things must be done to fulfill them.

Mrs. Yard added that the grant process is that grants come before the Board twice, once as an application asking to apply for the grant, then the award of the grant – to accept the funding comes before the Board for approval. Both the application and grant award require signature by the Freeholder Director before the grants can move forward. The Grant Management Committee looks over the grant prior to it coming before the Board to determine what the terms and requirements are.

Director Mennen confirmed the Sheriff is looking for some guidance on the grant application.

Mr. Peterson recommends that the grant process take place so that the grant can come before the Board for approval at the next meeting. This way it can be determined whether or not to go through with it and to see if it is cost effective.

Mr. Muller said the Sheriff's Office has not made an application for this grant. He was advised by a congressional officer that Hunterdon County would be awarded that grant. He said it was made by the National Sheriff's Association and they are in process of it. Mr. Muller said this is a straight grant that comes to the County and there is nothing to review until the grant is received. A check will be sent to the County once the Freeholder Director signs it and it specifies upgrades of communication. The grant can be viewed online.

Director Mennen said that the basis for the request of the membership was not hinged upon the obtaining of the grant but that it was implied that may be an additional benefit that comes with it. Director Mennen asked if anyone from the Sheriff's Office can speak about how many instances of low cost or free training were taken advantage of last year. He explained he is trying to figure out if the County received more than \$150 worth of benefits from a \$150 membership.

Sheriff Trout advised at least five or six trainings have been taken advantage of where she has had officers or administrative staff gone to the National Sheriff's Institute which is for new Sheriff's. The majority of that was paid for by the National Sheriff's Association. Undersheriff Maloney added that there have been trainings in Pennsylvania that have been paid for.

Director Mennen confirmed that Mr. Peterson would like more information; while Mr. Melick would like to adhere to the policy.

Mr. Sworen asked if the membership is used regularly. He has not seen or heard an example as to the benefits from the membership, which is the basis for his decisions on memberships. He does recognize the value of memberships and the value that comes from being a member but if this is to just receive a piece of paper to hang on the wall, then it is useless. He asked if the Sheriff's Office has received more than the \$150 fee, because he has not seen anything to that effect.

Mr. Holt said his concern is that when the Board creates a policy, the Board needs to remember why it was created and should be followed.

Mrs. Yard noted that the County's Policy was amended in 2008 stated due to budgetary concerns which is why memberships were limited to in-state. The policy was modified even further to said no trips unless it is for a license or a CEU. The policy was written by design this way so the County taxpayers did not have to pay for a national or international membership. The policy does not limit any of the County's employees from paying for their memberships on their own if they feel it is that important.

Mr. Sworen said that the other part is that departments need to come before the Board to get approval.

Mr. Holt questioned what the policy language actually reads and if the policy language says that the only deviation from the policy is based on a type of grant.

Mrs. Yard states that is incorrect and that the last line states that anything that goes beyond the parameters of the policy must not be but there is an out, the out is to get approval by coming before the Board.

Director Mennen asked since he did not see a date for the application, if it would create a huge burden to comply by getting more information.

Sheriff Trout believes the due date is June 28, 2009. Sheriff Trout stated she is unsure as to what additional information the Board would want.

Director Mennen would like to see more information that pertains to the grant itself and if the Sheriff has a letter of an introduction on the concepts from the organization or from Congressman Ferguson.

Sheriff Trout will get that information to the Board.

Superintendent of Schools request for an out-of-state conference which is not for CEU's.

Director Mennen reported the next issue before the Board is for an out of state conference that is not for CEU's generated by the County Superintendent.

Mrs. Yard advised this out of state conference was brought before the Board last year and then Superintendent of Schools got someone else to fund it and she still attended. Mrs. Yard said the Superintendent of School is following the County's Policy which states all requests for memberships, meetings, trainings and trip requests must be submitted to the County Administrator for consideration to determine eligibility. This request talks about going away to the Hunterdon County Superintendents retreat in the Poconos in Pennsylvania. Each Hunterdon County superintendent will be leaving the County in September when school is in session, on September 30, 2009, to drive to the Pocono's for a retreat. The statute which governs what the Counties are responsible to fund for the Superintendent of Schools says traveling and other expenses in order to conduct and perform the duties of the office.

Mrs. Yard reported the Superintendent of Schools has again, this year, gotten someone (the Hunterdon County Superintendents Association, else to pay for this retreat. They will be paying for her lodging, registration, and meals, but the point is that it does not make any sense that during the school year all the Hunterdon County Superintendents will be leaving Hunterdon County and going to a retreat in the Pocono's when in fact, it could be held in the County. During the retreat the County Superintendent will be chairing a Round Table meeting but philosophically, Mrs. Yard explained she has hard time with this because once again it is the Hunterdon County Round Table for Hunterdon County Superintendents and they are all leaving Hunterdon County in the middle of the week in September for two weeks after school begins to go to the Pocono's.

Director Mennen stated he has had County Counsel DeSapio took a look at this and it is Counsel's opinion in regards to the request, that while it is technically in Pennsylvania it falls under the heading of her function and job. Mr. DeSapio explained that the portion of her attendance which falls under her job is the County's responsibility to pay for the travel as long as money was placed in her budget.

Mr. Peterson states that is what brings him back to his original question, what exactly are the duties of the Superintendent of Schools.

Mrs. Yard advised the new executive superintendents of schools were purposely named to look at ways to consolidated services. The Governor set forth a program that these individuals would have three years to come up with ways to consolidate and make recommendations; but the catch was they would have to go before all of the Board of Educations to get approved.

Director Mennen said this is coming before the Board because in the policy it states that if someone else is paying for it, it must still come before the Board of Chosen Freeholders. Mrs. Yard said it must come before the Board for eligibility.

Director Mennen said that the timing is almost kismet, because yesterday there was an editorial in the Star Ledger, titled: "Schools Missed the Memo" and it goes on to say that the value of keeping school expenses low will always be important, but would it be too much to ask School Districts to go without certain things. Beyond all of those other points that you raised which in this time of economic restriction seem to be important, perhaps the Board needs to send a message to all of the Superintendents in Hunterdon advising them that the Board doesn't take kindly to this and ask them to consider the tough economic times everyone is in and provide them with a copy of this editorial because it speaks to the issue very clearly.

Director Mennen confirmed the Board is in agreement to send the superintendents a copy of the editorial and a letter to them, including the Commissioner and to copy the presidents of all of the Boards of Education. He state the County is not being asked to pay for the retreat or anything, it has just been advised of the retreat as it based on policy.

Superintendent of Schools request for a membership which provides legal representation and assistance to develop and contract for response on legal issues in her role as Interim Superintendent.

Mrs. Yard advised the next item is a request from the Superintendent of Schools for a membership. It is a professional membership in the State of New Jersey and Hunterdon only has an Interim

Superintendent for the Hunterdon County Schools and the cost is \$835. As a member she is going to get the model Interim Administrator contract along with their assistance from their attorney to draft the contract. She is going to have access to their attorney for assistance for the Interim Administrator to make decisions.

Mr. Peterson confirmed the Superintendent want the County to pay for her to get an attorney and he asked Mr. DeSapio if the County is responsible to pay for an attorney for the Superintendent. Mr. DeSapio confirmed the County is not.

Director Mennen confirmed with the Board that the County Administrator be authorized to inform the Superintendent of School that this request is denied by the Board of Chosen Freeholders.

Issues requiring Freeholder guidance in the Sheriff's Office.

- a. Request for discussion regarding compensatory time for Sheriff's Officers to work private road jobs.
- b. Sheriff's Officer's coverage at the Justice Center.

Mrs. Yard informed the Board that she is seeking guidance on several issue from the Board, one concerns compensatory time for the Sheriff's Officers to work private road jobs.

Mr. DeSapio advised that also relates to the next issue regarding staffing of the Justice Center. The question concerning the road job was in the context of availability of manpower that was not statutorily required.

Mr. DeSapio referred to a copy of the correspondence from the Trial Court Administrator, Eugene Farkas to the Sheriff and then from the Sheriff back to Mr. Farkas, which discussed the hours of operation for the Justice Center in the Administrative unit. It was decided to put this on the agenda to see if the Board wanted to comment any further since the Freeholders were copied on the correspondence.

Mr. DeSapio began by saying that historically the Sheriff's Office has helped municipalities in instances where the County was doing road construction work and the specifications require there be traffic control provided by the contractor and off duty Sheriff's Officers were offered to the municipality with the contract at certain hourly rates. Sheriff's Officers were authorized to do that work with a County vehicle if necessary and there would be a separate rate charged for an officer without a vehicle and another rate for supplying an officer with a vehicle.

Mr. DeSapio reported that in this instance, it came to everybody's attention because it was a little different in that an officer was providing security at a local municipal court. Two questions came up: "When did the Sheriff's Office start providing security to municipal courts?" and "How does freeing an officer to do that work relate to the fact that in the Sheriff's letters to the Board and the court system, there is a shortage of manpower."

Director Mennen questioned if Mr. DeSapio has issue with or disagrees with the classification of this type of function as discretionary given the mandatory verses discretionary as needed. Mr. DeSapio agreed saying he does not believe it is a required function of the Sheriff's Office.

Director Mennen stated he was unsure how an officers or anyone could be released for eight hours and then claim their office is short sixteen hours for the week in courthouse coverage. The issue is that this comes under the same old question the Board is dealing with: budgetary verses administrative authority within this department or approving authority. Mr. DeSapio advised this has never risen to a level before where any kind of technical decisions needed to be made because it has always been done cooperatively with the approval of the Freeholders but rendering services to any outside agency that is not within the Sheriff's responsibility does raise legal issues.

Director Mennen questioned if the Sheriff's Office had entered into an agreement to provide services to a municipal court.

Mr. DeSapio said the Freeholders would have the authority to bless or not bless such an agreement. It is not under the Sheriff's discretion. There would need to be some type of agreement with the agency for the services of the officer. The County also has to consider what happens if the officer gets hurt while on the job; what happens if there is a liability claim. For example if the officer is providing security at the Justice Center in a courtroom and tackles a suspect pulls his firearm and engages in a weapon exchange, the question would become if that happened in the Bethlehem Township Court, who is responsible for that activity and who bares the burden of the trot claim afterwards. Mr. DeSapio said also to be consider whether they are using a County firearm, are they using a County vehicle and if there is an accident, someone has to be responsible. Mr. DeSapio explained he is bringing this up because if the Board can't reach an agreement with the Sheriff cooperatively then there is a basis for an argument, saying Freeholder approval is needed in order to do outside work.

Mr. Sworen noted that officers should be doing road jobs or municipal court jobs on their own time, not on the County's time and not in County vehicles.

Mr. DeSapio reported that his office and the Sheriff's Office has discussed no secondary employment for Sheriff's Officers for many years. He is unaware if the present Sheriff has that policy in place but previous Sheriffs have. Also, previous Sheriff's have had policies that say no secondary employment in certain activities, they permitted secondary employment but the officers could not be employed by a collection agency or security agency or something like that.

Mr. DeSapio confirmed with Mr. Sworen that he is saying this is within the Sheriff's authority, which Mr. DeSapio would concur. He does not care if the officers hold a second job even if it is in law enforcement but the officers are not to wear their County uniform or carry a County gun and they are not to drive a County vehicle because the County does not want to have anything to do with that employment.

Mr. Sworen explained he is concerned about the contracts that get signed for an officer to do a road job or municipality because in those contracts there is listed the amount of money that goes to the municipality to pay for the safety, cost of the car and liability. The contracts also state who to contact in case the officer gets hurts and then there is still the question of coverage for everything else. The contractor requires the Sheriff's Officer to do this work on their own time and Mr. Sworen asked if the County has the type of contract where the County would be tied to the contract to protect the Sheriff Officer and who pays the overhead costs, the County or the municipality. He feels this Board needs to have a discussion to see if those things are being done and what is being done. He feels it is valid to make sure these issues are addressed. Things that are happening out of the box can be discussed later.

Mr. DeSapio said there is no such agreement with the County and municipalities that he knows of to provide services, law enforcement services other than road jobs and if the Freeholders and the Sheriff are going to do allow that; then an agreement needs to be developed to cover these services because that raises another set of issues.

Mr. DeSapio explained the process for road jobs and advised the money for these projects are sent to Finance for distribution. Mr. DeSapio recalls that two agreements are needed depending on if it is a County road or a municipality road. A municipal road you need an agreement between the municipality and the vendor but then you need the second agreement between the County and the municipality.

Director Mennen said as a general statement as a County we want to be covered, so there needs to be an agreement that protects the County from a liability stand point and it is in place and used.

Mr. Melick stressed concern as the Sheriff just informed this Board and the courts that she is going closing the Justice Center/Court House in July. Her letter indicates no one will be able to utilize building during the evening hours when the Probation Office has appointments. The main duty of the Sheriff's Office is to provide court house security and keeping the building open when the courts need to use it. First things first, court house security before any other services are provided from the Sheriff's Office.

Mr. Holt asked to deal with Section A quickly, saying he had made a request to discuss compensatory time with the Sheriff's Office to work private road jobs and he asked if it is the Board's understanding the road jobs are an approved.

Mr. Sworen said the discussion isn't finished. Municipal courts are under the municipal police chief's control, and the only people that do the work are off duty officers and if they are not officers in the municipality then they get officers from other municipal police departments or from the Sheriff's Office. The concern is whether the Sheriff's Officers are doing these jobs on County time or their off time. If they are doing it on their off duty time then he thinks that the Sheriff has a right to control that; but this Board needs to control the money because County Counsel has informed the Board that if the Sheriff's Officers are doing the work on County time then that is another issue that needs to be addressed and it goes along with what Mr. Melick was talking about.

Mrs. Yard confirmed Mr. Melick is concerned about whether the County has enough people to perform the security duties of the Justice Center if they are being given compensatory time to work in municipal courts.

Director Mennen stated this Board has been discussing this issue for over 30 minutes; it is time to move on. He informed the Sheriff that road jobs are approved and she needs to have all the paperwork put in order. Director Mennen instructed the Sheriff that if she were going to do more than road jobs, to please submit a list of those items to the Board for future consideration.

Director Mennen stated the County Administrator is seeking guidance as to whether or not this Board will allow officers to take compensatory time to do out side road jobs. Mrs. Yard added that her office is checking with the State Department of Labor to see where all of this falls.

Director Mennen thinks this relates to what he and Mr. Melick said earlier, that there are issues of reported short falls in staffing that impede the abilities for this department to do their primary statutorily described function, he does not know how with any rational sense this Board can endorse the concept of allowing people to take compensatory time that could otherwise be spent performing the primary statutory functions in the department. Director Mennen said if anyone wants to disagree with it, say so now or the meeting is moving on.

Mrs. Yard said will report back once she hears from the State Department of Labor.

c. Re-assignment of two (2) Sheriff's Officers to perform the duties of Investigators.

Director Mennen said if there is a re-assignment of two of the Sheriff's Officers to perform the duties of Investigators, does that take them off the roll of being available to perform security for the courts in the Justice Center.

Mr. DeSapio said the actual answer to that is that they are not down in that building but the Sheriff can always send them down to the building.

Director Mennen said the overriding statement that dove into what was just discussed is that the Board is strongly encouraging the Sheriff to find every single resource available that is already in the department to have all hands on deck to provide the statutorily prescribed function of her office, which is security of the courts. To fail to do so, throws a monkey wrench into scheduling and harms the public at large. Director Mennen thinks he speaks for all his colleagues at this time but he does not feel that they should sit idly by and not speak out against it. It's wrong. Does anyone disagree or can the meeting move on; unless Mr. DeSapio has some legal analysis he wants to provide.

Director Mennen asked Mr. DeSapio if he had any other legal issues to bring up concerning Security for the Justice Center.

Mr. DeSapio responded by saying that the issue of security of the Justice Center was put on the agenda to determine if the Freeholders want to write a letter in response to the correspondence that has gone back and forth since the last meeting.

Mr. Melick doesn't want to spend any more money on this issue, stating that it is costing the County taxpayers well over \$2 million for the Sheriff's Office to run the Justice Center. He informed the Sheriff's that her department's benefits are over \$800,000. The taxpayers of this county are paying well over \$2,200,000 for the operation of the Sheriff's Department. The pension requirements are \$374,000. It costs to run County government and this Board needs to come up with that money for services provided.

Director Mennen instructed the Sheriff to state her comment since she says she has a statement that will end all of the discussion here.

Sheriff Trout informed the Board that after correspondence back and forth and discussions with the Trial Court Administrator, Eugene Farkas, her office has agreed although she doesn't see why the Justice Center should have to continue to be open evenings for State offices, that the Justice Center will remain open Wednesday and Thursday nights for probation. She was in contact with Mr. Farkas yesterday on this issue. Sheriff Trout stated that the Justice Center will not be open on Tuesday nights for State Parole and Mr. Farkas has contacted the State Parole and they will find other areas to meeting. The County's Probation on Wednesday and Thursday nights will continue to be open those nights.

Inquiry to the Administrator that a member of the Sheriff's Office went on an unauthorized, out of state trip.

Mrs. Yard received an inquiry regarding the Sheriff's Office going on out of state trips, one in Harrisburg and another in Colorado. The County's policy adopted on November 18, 2008 regarding Meetings/Conferences/Trips that are funded on behalf of an employee by a third party using non-county funds will be submitted and reviewed by the Board of Chosen Freeholders for approval. A memorandum was sent to all Department Managers and Division Managers on March 17, 2009 stating that all requests for meetings, conferences, trips and educational conferences must be submitted to the County Administrator to determine eligibility. As she stated before her office keeps a database on this and even free trainings and meetings that people go to are in the database. This is done in order to track people's time away from the office because free is not always free because people are spending time away from the office. Mrs. Yard believes there was a four day training in Indian Head Gap which was for an officer so again there is time away from the office and the operations. The training for the Colorado trip had to do with Homeland Security and Nuclear Training and some other training for first responders. Mrs. Yard advised she is asking that the County's policy be adhered to. All other departments follow the County's policy. Mrs. Yard informed the Board that she had received an inquiry about this trip which is how she found out about it. Mrs. Yard asked for guidance from the Board, especially since the Sheriff is present.

Mr. Peterson agreed the policy should be followed unless there is a specific request that gets approval. It's important for County policy to be followed.

Director Mennen stated this is something that already happened. He informed the Sheriff that she has been informed of the policy and asked if her office needs to receive another copy of this policy.

Undersheriff Maloney stated that they are not bound by all of the County's policies. The laws say that the Sheriff is the hiring authority and every personal resolution by the Freeholders do not bind the Sheriff. The court held that although in general the Prosecutor and the Sheriff are the ones that decide how their offices are run and other than the personal procedures of going through the hiring process, the Sheriff's Office has followed those. Every policy approved by the Freeholder Board does not affect the Sheriff, none of these things cost the County a cent and it is the Sheriff's choice to do what she feels fit and if she wants an officer to go to a training that will not cost the county anything than she has the right to do so.

Director Mennen said he hears what Mr. Maloney is saying but the Board respectfully disagrees because time out of the office does create a cost to the county particularly when around ten minutes ago the discussion was the inability to have a full staff load to keep the courts open at night. Director Mennen stated he is glad to hear that the courts will be open two nights a week.



**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."

Items #1 and 12 were held at this time.

Mr. Sworen moved and Mr. Melick seconded a motion to approve the regular session minutes of regular session minutes of May 19, 2009.

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

Mr. Sworen moved and Mr. Melick seconded these:

**See Page 06/16/09-9A RESOLUTION**

**RESOLVED**, Yasmin Rivera Howard appointed permanent, full-time Health Education, Health Department.

**See Page 06/16/09-9B RESOLUTION**

**RESOLVED**, Dana Bivona appointed permanent, full-time Family Service Worker, Division of Social Services of the Human Services Department.

**See Page 06/16/09-9C RESOLUTION**

**RESOLVED**, Edward Regan appointed permanent, full-time Field Representative, Senior Citizens Program, Division of Senior Services of the Human Services Department.

**See Page 06/16/09-9D RESOLUTION**

**RESOLVED**, Anthony Sturchio appointed permanent, full-time Public Safety Telecommunicator, Division of Emergency Services of the Public Safety Department.

**See Page 06/16/09-9E RESOLUTION**

**RESOLVED**, Stephen Allara appointed permanent, full-time Public Safety Telecommunicator, Division of Emergency Services of the Public Safety Department.

**See Page 06/16/09-9F RESOLUTION**

**RESOLVED**, Authorizing six temporary appointments, when and as needed, Recreation Leaders for summer programs of the Parks and Recreation Department.

**See Page 06/16/09-9G RESOLUTION**

**RESOLVED**, Authorizing three temporary appointments, when and as needed, Laboratory Assistants for the summer, Vector Control Division, Health Department.

**See Page 06/16/09-9H RESOLUTION**

**RESOLVED**, Christian Weisenbacher, appointed temporary, when and as needed, Clerk, for clerical 4-H Fair preparation, Rutgers Cooperative Extension Department.

**See Page 06/16/09-9I RESOLUTION**

**RESOLVED**, Approving a contract modification #1, for a provider service agreement, extending the terms of agreement an additional 12 months, for Hunterdon Helpline, Inc., with the modification not-to-exceed amount of \$81,242.00 for the funding period.

**See Page 06/16/09-9J RESOLUTION**

**RESOLVED**, Approving a contract modification for a provider service agreement, extending agreement terms for an additional 12 months, for North Hunterdon Voorhees Regional High School, with the modification not-to-exceed amount of \$10,000.00 for the funding period.

**See Page 06/16/09-9K RESOLUTION**

**RESOLVED**, Approving recommendations and revisions of the updated Hunterdon County Coordinated Human Services Transportation Plan "United We Ride", which meets the federal requirement to remain eligible for funds from several grant programs.

**See Page 06/16/09-9L RESOLUTION**

**RESOLVED**, Authorizing Contract Modification #1, to provide administrative oversight and to administer non-service related aspects of the PASP to three (3) additional consumers, for the Personal Assistance Services Program, due to increased contracted level of Service with the NJ Division of Disability Services.

**See Page 06/16/09-10A**

**RESOLUTION**

**RESOLVED**, Approving the proposed, revised By-Laws as recommended by the Transportation Advisory Committee on May 26, 2009.

**See Page 06/16/09-10B**

**RESOLUTION**

**RESOLVED**, Approving Change Order #2-Final, Bid #2008-12, for the safety improvements to CR 579 with CR 513, in the Townships of Franklin, Alexandria and Union, for Z Brothers Concrete Contractor, for a decrease in the amount of \$23,794.42.

**See Page 06/16/09-10C**

**RESOLUTION**

**RESOLVED**, Approving payment #3-final payment, for Bid #2008-12, for the safety improvements to CR 579 with CR 513, in the Townships of Franklin, Alexandria and Union, to Z Brothers Concrete Contractor, for an increased amount of \$21,904.60.

**See Page 06/16/09-10E**

**RESOLUTION**

**RESOLVED**, Approving Change Order #1-Final, for Bid #2008-13, for the resurfacing and storm water improvements to CR 523, Readington Township, with Defino Contracting Company, for an increased amount of \$9,197.78.

**See Page 06/16/09-10F**

**RESOLUTION**

**RESOLVED**, Robert Kline appointed permanent, full time Sheriff's Officer, Sheriff's Office.

**See Page 06/16/09-10G**

**RESOLUTION**

**RESOLVED**, Authorize to sign a contract modification with the Medical Center, run through the end of July.

**See Page 06/16/09-10I**

**RESOLUTION**

**RESOLVED**, Appointment of Page Steiger to the Hunterdon County Planning Board

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

Mr. Holt moved and Mr. Sworen seconded a motion to approve claims in accordance with the Claims Register dated June 16, 2009, minus Purchase Order 1078964.

Mr. Melick stated that this Board's personnel resolution concerning the unclassified personnel in the Sheriff's Office requires that there only be two undersheriffs on the payroll. There is funding in the claims register for three. Mr. Melick thinks this is wrong and should be stopped. He also feels it is out of order and illegal. There is only funding for two undersheriffs not three.

Mr. DeSapio explained that it is illegal for the Sheriff to over expend her budget so if the present staffing would go over the approved budget then it is illegal. The County could do an analysis of the present budget and determine what vacancy the Sheriff has and whether the money will project out in an over spending.

Director Mennen asked if that issue is right because if the Sheriff is her own approving authority, she can bring things back to the Board and change things later in the year. He confirmed this would be an issue when there is overspending of the Sheriff's budget.

Mr. DeSapio said it is an interesting question. The issue is whether the County waits until the eleventh month and then realizes that all of the money is spent and you not going to pay anyone for the last month of the year. That is the extension of whether it is right or not. At some point the County needs to make a reasonable projection and sit down with the Sheriff to discuss this. He's not saying do it today, but at some point when the Sheriff is seeking to fill a position everyone should sit down and discuss this in order to make a determination. The Board needs to discuss what happen with the Sheriff when she is projecting out for a position to add to current staffing that would cause over spending of the budget. The question is what would be said to the Sheriff? You could say Sheriff if your are allowed to hire this person in 6 months with your other present staffing you will over spend your budget by x-amount of dollars and inform her that the Board is asking before it votes to hire this person what her plans are for reducing costs in salary and wages or else where so she does not over spend her budget.

Mr. Peterson said based on County Counsel's explanation, her recommends and an analysis be done; then if in fact it appears to project out the second half of the year that the budget would be overdrawn then a letter should be sent the Sheriff advising her of this fact and asking her for a game plan as to how she will stay within the budget. The situation has not reached that point yet but atleast this Board should have some kind of responsibility in mind from a legal opinion if the response is achievable. This issue should be monitored to make sure the County doesn't run into that problem.

Mrs. Yard stated Finance is doing a review and it is based off of the presentation from yesterday's meeting about where the County is with the budget. Information will be sent out but an analysis is not being done.

Mr. DeSapio would like to acknowledge publicly just in case one of the Freeholder's has an objection that if an analysis would be done it would show that there was a mathematical error in the budget that left out one person's salary. If an analysis were done, it would have to add that salary back in. He wanted to make that clear so that the Sheriff is not unsure as to what is being analyzed.

Mr. Melick said the County Clerk had a discussion about hiring a special attorney for a review of the primary ballot. This Board did not sanction that expenditure. Mr. Melick said the County Clerk belongs to an association that could deal with such a problem, and said that any County Clerk throughout the State could contact the association for questions and advise, so why to Hunterdon's taxpayers have to pay \$390 to have a special attorney, Mr. Carbone do something for our Clerk. Hunterdon County has a County Counsel to handle problems.

Director Mennen asked for the roll call on the Claims register minus purchase order #1078964.

Mr. Peterson said he had the same question as Mr. Melick and he spoke with the County Clerk and she explained that every County has a different ballot and there may be some similar to ours but you never know as ballots do create lawsuits.

**See Page 06/16/09-11A**

**CLAIMS REGISTER minus PO 1078964**

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

Mr. Holt moved and Mr. Sworen seconded a motion approving payment of Purchase Order #1078964 in the Claims Register dated June 16, 2009.

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

Mr. Holt moved and Mr. Peterson seconded this:

**See Page 06/16/09-11B**

**RESOLUTION**

**RESOLVED**, Approving a contract modification for a provider service agreement, to extend the terms of agreement through August 31, 2009, for Daytop Village.

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

**PROCLAMATION/RECOGNITION**

Mr. Sworen moved and Mr. Peterson seconded this:

**See Page 06/16/09-11C**

**PROCLAMATION**

**RESOLVED**, Recognizing Nicholas G. Vitovitch in obtaining the designation of Eagle Scout.

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

**FINANCE**

Mr. Holt moved and Mr. Melick seconded this:

**See Page 06/16/09-13C**

**BOND ORDINANCE NO. 04-09**

**INTRODUCTION**, BOND ORDINANCE TO AUTHORIZE THE IMPROVEMENT OF VARIOUS PUBLIC HIGHWAYS, ROADS AND STREETS IN, BY AND FOR THE COUNTY OF HUNTERDON, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$4,220,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS.

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

Mr. Melick addressed the introduction of Bond Ordinance No. 05-09, authorizing the improvement of various bridges and culverts in the County. This is a large expenditures and Mr. Melick recommended that the entire Board do an inspection of the roads and bridges listed in this order, so see basically where the problems are so the public can not say that the Freeholders are not involved. It is important for the public to know that this Board is aware of the problems on the County's roads and bridges. Currently the County is receiving very low bids on projects. John P. Glynn, Director of Roads, Bridges and Engineering stated bids have been 25% to 35% below our estimates.

Mr. Melick suggested the Board have a public meeting with the press and anyone that wants to be present go around to view the roads and bridges listed in Bond Ordinance No. 05-09.

Mr. DeSapio advised the Freeholder Board has also done that with the County's Agriculture Development Board, touring farms and inviting the public. He noted that the Board will not be able to discuss its observations in the vehicle.

Mr. Melick questioned if the County will be receiving any stimulus money for these projects. Mr. Glynn reported stimulus money is expected. Mr. Holt said our stimulus money has yet to be received but is close to being spent.

The public hearing on this issue will be on July 07, 2009 which is three weeks away. Director Mennen suggested the Board meeting prior to that date. The Board agreed. Mrs. Yard was asked to coordinate schedule for the road trip.

Mr. Melick moved and Mr. Holt seconded this:

**See Page 06/16/09-12A**

**BOND ORDINANCE NO. 05-09**

**INTRODUCTION**, BOND ORDINANCE TO AUTHORIZE THE IMPROVEMENT OF VARIOUS BRIDGES AND CULVERTS IN, BY AND FOR THE COUNTY OF HUNTERDON, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$8,395,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS.

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

Mr. Sworen moved and Mr. Holt seconded this:

**See Page 06/16/09-12B**

**CAPITAL ORDINANCE NO. 06-09**

**INTRODUCTION**, ORDINANCE AUTHORIZING THE ACQUISITION OF OFFICE FURNITURE, FIXTURES AND BUSINESS EQUIPMENT BY THE COUNTY OF HUNTERDON AND APPROPRIATING \$100,000.00 THEREFORE.

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

Mr. Melick moved and Mr. Holt seconded this:

**See Page 06/16/09-12C**

**CAPITAL ORDINANCE NO. 07-09**

**INTRODUCTION**, ORDINANCE AUTHORIZING THE ACQUISITION OF HEAVY PUBLIC WORKS MACHINERY, EQUIPMENT AND TRUCKS FOR THE COUNTY ROADS AND BRIDGES AND VEHICLE SERVICES DEPARTMENTS BY THE COUNTY OF HUNTERDON AND APPROPRIATING \$231,000.00 THEREFORE.

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

Mr. Sworen moved and Mr. Holt seconded this:

**See Page 06/16/09-12D**

**CAPITAL ORDINANCE NO. 08-09**

**INTRODUCTION**, ORDINANCE AUTHORIZING THE ACQUISITION OF COMPUTER EQUIPMENT BY THE COUNTY OF HUNTERDON AND APPROPRIATING \$115,500.00 THEREFORE.

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

Mr. Peterson and Mr. Melick left the meeting at 6:11 p.m.

Mr. Holt moved and Mr. Sworen seconded this:

**See Page 06/16/09-12E**

**RESOLUTION**

**RESOLVED**, Request Division of Local Government Services approve the insertion of an item of revenue in the 2009 Budget for the Highlands Sustainable Agriculture Grant, for the period April 1, 2009 to March 31, 2010, in the amount of \$40,000.00.

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

Mr. Holt moved and Mr. Sworen seconded this:

**See Page 06/16/09-12F**

**RESOLUTION**

**RESOLVED**, Request Division of Local Government Services approve the insertion of an item of revenue in the 2009 Budget for Highlands Sustainable Agriculture Grant, for the period May 15, 2009 to August 15, 2009, in the amount of \$15,000.00.

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



Mr. Holt moved and Mr. Sworen seconded this:

**See Page 06/16/09-13A**

**RESOLUTION**

**RESOLVED**, Request Division of Local Government Services approve the insertion of an item of revenue in the 2009 Budget for Highlands Sustainable Agriculture Grant, for the period June 2, 2009 to June 1, 2010, in the amount of \$75,000.00.

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

Mr. Melick returned to the meeting at 6:13 p.m.

Mr. Holt moved and Mr. Sworen seconded this:

**See Page 06/16/09-13B**

**RESOLUTION**

**RESOLVED**, Request Division of Local Government Services approve the insertion of an item of revenue in the 2009 Budget for the Clean Communities Entitlement, for the period January 1, 2009 to December 31, 2009, in the amount of \$61,000.52.

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

Mr. Sworen moved and Mr. Holt seconded this:

**See Page 06/16/09-13C**

**RESOLUTION**

**RESOLVED**, Request Division of Local Government Services approve the insertion of an item of revenue in the 2009 Budget for the Special Initiatives/ Transportation, for the period July 1, 2009 to June 30, 2010, in the amount of \$85,326.00.

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

Mr. Peterson returned to the meeting at 6:14 p.m.

Mr. Sworen moved and Mr. Holt seconded this:

**See Page 06/16/09-13D**

**RESOLUTION**

**RESOLVED**, Request Division of Local Government Services approve the insertion of an item of revenue in the 2009 Budget for the Senior Farmer's Market Nutrition Program, for the period June 1, 2009 to September 30, 2009, in the amount of \$3,000.00.

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

Mr. Holt moved and Mr. Sworen seconded this:

**See Page 06/16/09-13E**

**RESOLUTION**

**RESOLVED**, Request Division of Local Government Services approve the insertion of an item of revenue in the 2009 Budget for the Comprehensive Cancer Control Grant, for the period July 1, 2009 to June 30, 2010, in the amount of \$65,000.00.

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

Mr. Holt moved and Mr. Melick seconded this:

**See Page 06/16/09-13F**

**RESOLUTION**

**RESOLVED**, Authorizing a transfer funds from the Hunterdon County Open Space Farmland and Historic Preservation Trust Fund, to be applied to Bond Ordinance No. 10-2006, for Improvements to the Southard Building and Hall of Records, in the amount of \$300,000.00.

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

Mr. Peterson recused himself from the meeting at 6:15 p.m.

**GRANTS**

Mr. Sworen moved and Mr. Holt seconded this:

**See Page 06/16/09-14A**

**RESOLUTION**

**RESOLVED**, Authorizing a grant application for Sustainable Agriculture Year 2, with the New Jersey Highlands Water Protection and Planning Council, for assessing /promoting sustainable agriculture in accordance with the Regional Master Plan, the amount of \$75,000.00.

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

Mr. Peterson returned to the meeting at 6:17 p.m.

Mr. Sworen moved and Mr. Holt seconded this:

**See Page 06/16/09-14B**

**RESOLUTION**

**RESOLVED**, Authorizing a grant application for J & J Somerset County Companies Healthcare and Basic Need Fund, with the Community Foundation of New Jersey, to cover part of the cost of various health screenings for senior participants in the Senior Health and Wellness Program, in the amount of \$5,000.00.

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

Mr. Sworen moved and Mr. Holt seconded this:

**See Page 06/16/09-14C**

**RESOLUTION**

**RESOLVED**, Authorizing a grant application for the Senior Citizen and Disabled Resident Transportation Assistance Program, utilizing Casino Tax Revenues, through NJ Transit, to provide transportation to citizens aged 60+ and disabled citizens, for the period January 1, 2010 to December 31, 2010, in the amount of \$519,101.00.

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

Mr. Holt moved and Mr. Sworen seconded this:

**See Page 06/16/09-14D**

**RESOLUTION**

**RESOLVED**, Authorizing a grant application for Recreational Opportunities for Individuals with Disabilities, through the New Jersey Department of Community Affairs for the period January 1, 2010 through December 31, 2010, in the amount of \$3,100.00.

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

Mr. Sworen moved and Mr. Melick seconded this:

**See Page 06/16/09-14E**

**RESOLUTION**

**RESOLVED**, Approving a modification of Area Plan Grant #10-055/056, to extend an additional 12 months, for assistance, physical fitness activities and education services for seniors, with the Hunterdon County YMCA, in the amount of \$47,454.00.

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

**CEHA GRANT**

Director Mennen asked to add another grant to the agenda, authorizing the acceptance of the grant award for an additional 12 month period.

Mrs. Yard reminded the Board there were questions raised by them regarding the CEHA grant. The two primary questions were about (1) becoming the state's enforcement agent for the State Department of Environmental Protection (DEP) and (2) concerning the County's Solid Waste Management plan – if the Board would have the cooperation of the Health Department who specifically by statute is prescribed to do the enforcement for the Solid Waste Management Plan. Mrs. Yard has been communicating with the Health Director by email as he's been out of the office due to a family death. Mrs. Yard said she feels satisfied that the Health Department is going to cooperate with the Recycling Plan enforcement as far as the enforcement for the DEP.

Mr. Peterson asked if the cost of the grant will cover the cost of taking on these additional responsibilities.

Mrs. Yard feels that would be easier to track if the Health Department did all enforcements. Currently they have five people doing that and they spread the funds over three people's salaries which makes it hard to track. If the Health Department were to spread over three people's salaries it would be easier to track and connect their enforcement responsibility to the actual

performance. Mrs. Yard recommended the Board approve the CEHA grant and accept the award with the understanding that she will work more closely with the Health Director to make sure that those salaries are specifically for a whole person and not a fifth of five different people in order to better track the grant funds. Mrs. Yard reported that the Health Director did perform and provide an analysis to the Board on the CEHA grant.

Mr. Holt moved and Mr. Melick seconded this:

**See Page 06/16/09-15A**

**RESOLUTION**

**RESOLVED**, approving the County Environmental Health Act (CEHA) Grant.

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

**PUBLIC HEARING - SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANT**

Director Mennen opened the public hearing on the Small Cities Community Development Block Grant explaining the purpose of the public hearing is to review the grant's performance and receive citizens' comments and recommendations concerning the Small Cities Community Development Block Grant award of 2007 for housing rehabilitation.

There being no comments or questions from the press or public, Mr. Melick moved and Mr. Holt seconded a motion to close the public hearing.

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

Cynthia J. Yard, County Administrator, advised Frank J. Bell, County AIA, and Alan Johnson, who administer the grant are present to provide the Board with an update of the program. Mrs. Yard explained that as with most grants the reporting responsibility is strictly prescribed and must be followed. The County has been working with the New Jersey State Department of Community Affairs (DCA) diligently to make sure all the paperwork and reporting that is compliant with the program.

Mrs. Yard reported the citizen participation requirement is to have a public hearing halfway through the grant so that the governing body, as well as the public, can publicly be updated, as well as participate in the grant process.

Mrs. Yard explained that the County has received an extension on the grant, stating that the County took over the administration of the grant from the Hunterdon County Housing Corporation. Since the County is now approved for the extension and has drawn down over half of the grant amount, the County is now eligible to apply again for another Small Cities Community Development Block Grant and the County is exploring what needs to be done to apply.

Mrs. Yard stated that DCA Commissioner Joseph Doria addressed the Hunterdon County Chamber of Commerce at a dinner last week.

Mrs. Yard advised the grant is proceeding nicely and Mr. Bell and Mr. Johnson are doing a commendable job while balancing other responsibilities.

Mr. Bell provided the Board with the cost evaluation for the Small Cities Grant, saying that roughly \$220,000 has been spent and there is another \$50,000 allocated, which brings the total to about \$270,000. Mr. Bell advised another three to four projects will be closed and they are approximately up to \$25,000 each. The Small Cities Grant extension is through September 30, 2009 and Mr. Bell feels the County will meet that deadline. Mr. Bell informed the Board that the County will be doing the draw down this month.

Mr. Bell informed the Board that approval is needed on the Policy and Procedures Manual for Hunterdon County Housing Rehabilitation Citizen Participation.

Mr. Sworen moved and Mr. Holt seconded this:

**See Page 06/16/09-15B**

**RESOLUTION**

**RESOLVED**, Approving Small Cities Community Development Block Grant for Hunterdon County's Housing Rehabilitation Citizen Participation.

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

Mr. Bell advised a number of applicants have been very grateful that the grant money has been there. They have been working with the County's Mr. Fixit program, for example the Small Cities program could not provide the funds for a specific client and the Mr. Fixit program stepped in who provided volunteers to assist the client.

Mrs. Yard informed the Board when the suggestion was made to have the County bring the Small Cities Housing program in-house there was concern but the grant takes a third of Mr. Bell's time and half of Mr. Johnson's time. Mr. Bell and Mr. Johnson meet with the applicants; talk with them to figure out what they need. It is done tastefully and respectfully to the applicants and they are doing a great job.



Mrs. Yard said the reporting is complicated but she feels the County has a handle on it now and Bruce Benton has been very helpful.

Mr. Holt moved and Mr. Melick seconded this:

**See Page 06/16/09-16A**

**RESOLUTION**

**RESOLVED**, Approving Small Cities Community Development Block Grant for Hunterdon County's Housing Rehabilitation Citizen Participation.

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

**ROADS, BRIDGES AND ENGINEERING**

John P. Glynn, Director, Roads, Bridges and Engineering came before the Board of Chosen Freeholders to ask for approval for sale of a vehicle to Alexandria Township that was advertised from the Public Works People and it was part of the sale since Alexandria Township showed interest and they have agreed to pay \$15,000.00 for the truck.

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

Mr. Sworen said he would like to see the next surplus sale include all of Hunterdon's municipalities. They could assist in the payment of the auctioneer. He believes that if the surplus sale were moved to another location which is larger, it would work and it would benefit the County and its municipalities should they choose to be involved.

**OPEN SPACE**

Mr. Sworen moved and Mr. Holt seconded this:

**See Page 06/16/09-16B**

**RESOLUTION**

**RESOLVED**, Approving Municipal Grant Program Applications for County Open Space Trust Funds for Raritan Township, in the amount of \$203,936.09; Union Township in the amount of \$47,782.32. Approving Nonprofit Grant Program applications for County Open Space Trust Funds for the following: New Jersey Conservation Foundation in the amount of \$400,000.00; the Hunterdon Land Trust Alliance, Inc., in the amount of \$26,600.00; and the New Jersey Audubon Society in the amount of \$54,000.00; and, the New Jersey Audubon Society, in the amount of \$95,400.00.

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

Director Mennen asked Kevin Richardson, Open Space Trust Fund Coordinator if something could be added to the policy manual for Open Space. Director Mennen would like there to be an affirmative statement so it gives the policy some teeth to the purpose as to why this mechanism was put in place. He would like to see something to the effect of wording which states no decision will be undertaken by the Freeholder Board unless a project has followed the proper procedure as outlined by the policy. The Freeholders want to make it clear that if applicants want to have a funding decision undertaken by this Board that the project has to have gone through the correct channels and followed the correct procedures. The purpose of that is so there are no false expectations and so everything is clear. While it may be duplicated, he feels it is worthwhile.

Mr. Richardson will look to see where they would best fit in the policy, and he will forward it to Director Mennen for review.

Director Mennen asked that it be placed in one specific area in the manual and suggested Page 10. Mr. Richardson has no problem including it in every section within the manual.

Mr. Holt moved and Mr. Sworen seconded this:

**See Page 06/16/09-16C**

**RESOLUTION**

**RESOLVED**, Approving Open Space, Farmland & Historic Preservation Trust Fund Policies & Procedures Manual, subject to inclusion of Director Mennen's above listed suggestion.

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

**Interpretation/discussion of the term "development" as used in the 2008 Ballot Question.**

Director Mennen informed Mr. Richardson that there have been some questions on what the definitions of the word "development" was that appears on the ballot question. There was discussion and we need to find the best meaning to clarify the wording.

Mr. Richardson is aware the Board discussed adding the word "improved" along with "development". They are essentially synonyms of one another. Improvements would either be expanded or modifications to specific facilities. Mr. Richardson said so long as the facilities and structures are related to the question and the statue which defines what recreation and conservation are, beyond that he hasn't gotten to the point in the policy and procedures manual of improvement of County and department facilities for recreation and conservation. The funds

that would be used for those services would not become available until 2011. This is something that needs to be looked at and considered as the process moves along, so that the polices and procedures can be defined.

Director Mennen asked Mr. Richardson to report back on this topic in a month or some, which will allow more time to come up with the information. Mr. Richardson asked to add to that discussion maintenance because he has a concern about what that actually means.

Director Mennen stated that Mr. Richardson would come back before the Board in the middle of August.

### **CORRESPONDENCE**

The Hunterdon County Solid Waste Advisory Council (SWAC) is inquiring of the Board's willingness to consider investigating proposed solutions to the challenges of achieving the 50 percent target for recycling.

Mr. Cronce explained he is part of the subcommittee looking at bringing the recycling numbers up. Some of the members were unable to make tonight's meeting but they asked him to make sure the subcommittee is on the right track. They want to make sure that the Freeholders want them to continue. They also wanted to make sure that they are doing the right thing regarding grant money as they don't want to overstep their bounds.

Mr. Sworen commented he attended their meeting a week ago and part of the discussion was how to use the funding which is received. Part of this is how to make recycling better; do we invest money to hire someone or do a shared cost or do we use that to fund or partly fund training through the County utilizing County facilities, i.e. printing and such.

Mr. Johnson said one of the problems for Paul being chairman for SWAC is that the people who wrote the letter are not present tonight. There was a grant in the amount of \$113,000 and some will be used to fund what is described as shared services. There has been discussion on SWAC's part to come up with initiatives that were important to carry out, such as to identify goals like education. The grant could also be used to pay for the printing of materials, but they wanted to identify three or four goals for the plan. This is a work in progress to identify what the goals are going to be.

Mrs. Yard said some of these suggestions are in concert with the County's Solid Waste Management Plan, in other words the plan helps us figure out what to consider and how to meet our goals.

Mr. Johnson said another way to explained this is flow control. There needs to be a stable source of funding for energy and SWAC wants to explore that idea again.

Mrs. Yard said these are suggestions that can help the County achieve its Solid Waste and Recycling Plan. Mr. Johnson agreed.

Mr. Sworen said part of the process that was discussed for utilities was using outside sources. If the program could be rolled out to other communities, there would be a second level. Hopefully the Hunterdon County Utilities Authority will get a signed contract for recycling because without a contract then the whole process will be held up.

Mr. Johnson said feels the contract will be completed and signed by the next HCUA meeting.

Director Mennen said in the interest of using your time usefully the Board wants to make sure that everything is on track. He told Mr. Cronce that the Board appreciates the effort of SWAC and everyone's suggestion is an asset.

Mr. Sworen said SWAC had a very engaged discussion for an hour and a half and that was just the subcommittee talking about recycling. The SWAC members are on board and want recommendations from this Board as to what direction to go in. His opinion is that people need to be educated instead of forcing them to do one thing or another. One comment that came back from the public is that the high schools are not recycling.

Mrs. Yard reported that Mr. Johnson presented that at the HCUA meeting this afternoon and that is a major part of recycling and it will help the County's numbers.

### **SOLID WASTE MANAGEMENT PLAN AMENDMENT**

Mr. Johnson presented the final version of the County's Solid Waste Management Plan which was unanimously approved at the May 19, 2009 SWAC meeting.

Mr. Sworen moved and Mr. Holt seconded this:

**See Page 06/16/09-18A**

### **RESOLUTION**

**RESOLVED**, Approving an amendment to the Solid Waste Management Plan.

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

**FREEHOLDERS COMMENTS/REPORTS**

**RVCC**

Mr. Sworen attended a meeting at RVCC and brought back from it, that RVCC was the first community college in the nation to sign an Environmental Stewardship with the EPA, out of the 4,000 plus community colleges in the nation. RVCC was the only one to make an effort with their new plan, heating facilities and lighting. Also, RVCC was the first in the nation to be acknowledged by the EPA. Mr. Sworen said it is special to be the first recognized.

**High School Baseball**

Mr. Sworen recognized that the Hunterdon Central Regional High School Boys Baseball Team are the Group IV Champions in the State of New Jersey.

Mrs. Yard will draft a letter of congratulations to be sent to them.

**Planning Board Director**

Mr. Holt brought informed the Board that the County's Planning Board Director had a car accident over the weekend and said hopefully she will be back to work shortly.

**OPEN TO THE PUBLIC**

Director Mennen opened the meeting to the public.

A member of the public asked about the bridge in Franklin Township.

Director Mennen stated he received correspondence from this individual today and a meeting is being set up to discuss the bridge.

There being no further business to come before the Board, Director Mennen adjourned the meeting at 7:00 p.m.

Respectfully submitted,

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Denise B. Doolan  
Clerk of the Board