

HUNTERDON COUNTY BOARD OF CHOSEN FREEHOLDERS

Main Street County Complex, 2nd Floor

Flemington, New Jersey 08822

May 05, 2009

The regular meeting of the Hunterdon County Board of Chosen Freeholders convened at 3:38 p.m. in accordance with the provisions of the Open Public Meetings Act.

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

OPEN PUBLIC MEETINGS ACT

Director Mennen announced: "This meeting is being held in accordance with the provisions of the Open Public Meetings Act. Adequate notice has been given by posting throughout the year a copy of the notice on Bulletin Boards on the First and Second Floor of the Main Street County Complex, Building #1, Flemington, New Jersey, a public place reserved for such announcements. A copy was mailed on or before 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."

EXECUTIVE SESSION REQUESTS

Mr. Holt moved and Mr. Sworen seconded these:

See Page 05/05/09-1A RESOLUTION

RESOLVED, Executive Session to discuss proposals for auditors.

See Page 05/05/09-1B RESOLUTION

RESOLVED, Executive Session to discuss terms agreed with Kingwood Township regarding property on Horseshoe Bend Road.

See Page 05/05/09-1C RESOLUTION

RESOLVED, Executive Session to discuss labor negotiation strategies for the Prosecutor's Union.

See Page 05/05/09-1D RESOLUTION

RESOLVED, Executive Session to discuss a claim for payment with the Hunterdon Medical Center for public health nursing services.

See Page 05/05/09-1E RESOLUTION

RESOLVED, Executive Session to discuss various executive session minutes for review to determine what can be redacted.

See Page 05/05/09-1F RESOLUTION

RESOLVED, Executive Session to discuss negotiation strategies with regard to the Sheriff's Officers contract, furloughs and the legal impact of furloughs.

See Page 05/05/09-1G RESOLUTION

RESOLVED, Executive Session to discuss a petition filed with PERC for a bargaining unit.

See Page 05/05/09-1H RESOLUTION

RESOLVED, Executive Session to discuss an appointment to the Mental Health Board.

See Page 05/05/09-1I RESOLUTION

RESOLVED, Executive Session to discuss an appointment to the County's Agriculture Development Board.

See Page 05/05/09-1J RESOLUTION

RESOLVED, Executive Session to discuss an appointment to the Parks Advisory Board.

See Page 05/05/09-1K RESOLUTION

RESOLVED, Executive Session to discuss a leave of absence request in the Sheriff's Office.

See Page 05/05/09-1L RESOLUTION

RESOLVED, Executive Session to discuss the acquisition of land in East Amwell Township regarding County Bridge E-166.

See Page 05/05/09-2A

RESOLUTION

RESOLVED, Executive Session to review a contract for unclassified employees who serve at the pleasure of the Board.

See Page 05/05/09-2B

RESOLUTION

RESOLVED, Executive Session to discuss a legal issue concerning the County Clerk's Trust Fund and what it can be used for.

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

The Hunterdon County Board of Chosen Freeholders went into Executive Session at 3:52 p.m. and reconvened in Open Session at 5:13 p.m.

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

PLEDGE OF ALLEGIANCE

Mr. Peterson and Mr. Melick were absent.

FARMLAND PRESERVATION

Mr. Holt moved and Mr. Sworen seconded this:

See Page 05/05/09-2C

RESOLUTION

RESOLVED, Approving the acquisition of a right of way and/or easement from Bryan Lane, for a portion of property in fee simple on Block 16, Lot 4, for a Bridge Maintenance easement, in the amount of \$305.30.

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

Mr. Peterson returned to the meeting at 5:20 p.m.

Mr. Sworen moved and Mr. Holt seconded this:

See Page 05/05/09-2D

RESOLUTION

RESOLVED, Approving a Municipal/County Cost Sharing Agreement with East Amwell Twp., for the acquisition of a development easement on D.W. Vineyards/Wolin Farm, (f/k/a Fisher), Block 17, Lot 16.03.

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

Mr. Sworen moved and Mr. Holt seconded this:

See Page 05/05/09-2E

RESOLUTION

RESOLVED, Approving a Municipal/County Cost Sharing Agreement with East Amwell Township, for the acquisition of a development easement on the Staump Hay Farm, Block 21, Lots 16 and 16.01.

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

Mr. Sworen moved and Mr. Peterson seconded this:

See Page 05/05/09-2F

RESOLUTION

RESOLVED, Approving a Cost Sharing Grant Agreement from Readington Township (Chesla), on Block 64, Lot 29, consisting of 41.283 acres, (SADC-\$458,241.30, County-\$122,197.68, Township-\$183,296.52), total amount of \$763,735.50.

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

Mr. Sworen moved and Mr. Holt seconded this:

See Page 05/05/09-2G

RESOLUTION

RESOLVED, Approving a Cost Sharing Grant Agreement from Marie K. Janyszeski, Charles T. Kutz and Abigail E. Kutz, Benjamin Janyszeski and Nancy Janyszeski and Janyszeski and Kutz Partnership, on Block 17, Lot 4, consisting of 35.034 acres, in West Amwell Township, (SADC-\$194,102.37, County-\$54,995.67, Township-\$74,405.91), for a total of \$323,503.95.

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

Mr. Melick returned to the meeting at 5:24 p.m.

PURCHASING

Mr. Sworen moved and Mr. Peterson seconded this:

See Page 05/05/09-3A

RESOLUTION

RESOLVED, Approving Requisition #24323, using County Quote #0037-2009, with Communications Systems, Inc., for a surveillance system for the Division of Emergency Services, of the Public Safety Department, in the amount of \$14,943.10.

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

Mr. Melick moved and Mr. Holt seconded this:

See Page 05/05/09-3B

RESOLUTION

RESOLVED, Approving Requisition #40021300, using NJ State Contract #A-71626, with the Campbell Foundry Company, for inlets, for the Department of Roads, Bridges and Engineering, in the amount of \$12,755.

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

Mr. Melick moved and Mr. Holt seconded this:

See Page 05/05/09-3C

RESOLUTION

RESOLVED, Authorizing the award of County Bid #2009-03, to furnish and deliver structural steel, for the Department of Roads, Bridges and Engineering, with Kane Steel Company, in an amount not to exceed \$33,205.33.

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

Mr. Holt moved and Mr. Peterson seconded this:

See Page 05/05/09-3D

RESOLUTION

RESOLVED, Authorizing the award of County Bid #2009-04, for Intersection Improvements to County Routes 523/517, in Tewksbury Township, for the Department of Roads, Bridges and Engineering, with Kelly Paving and Excavating, in an amount not to exceed \$1,259,260.

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

Mr. Melick moved and Mr. Sworen seconded this:

See Page 05/05/09-3E

RESOLUTION

RESOLVED, Authorizing the rejection of bids received for County Bid #2008-05, for the Resurfacing of County Route 523, in Tewksbury Township, from Z Brothers Concrete and Intercounty Paving Associates, as they did not meet the County's minimum requirements.

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

Mr. Holt moved and Mr. Peterson seconded this:

See Page 05/05/09-3F

RESOLUTION

RESOLVED, Authorizing the award of County Bid #2008-05, for the Resurfacing of County Route 523, in Tewksbury Township, for the Department of Roads, Bridges and Engineering, to Schifano Construction Corporation, in an amount not to exceed \$447,226.27.

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

Mr. Sworen moved and Mr. Holt seconded this:

See Page 05/05/09-3G

RESOLUTION

RESOLVED, Approving an agreement with Suplee, Clooney and Company, for professional auditing services for the Hunterdon County Public Housing Agency of the Department of Human Services, for the period ending December 31, 2008, in the amount of \$7,000.

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

Mr. Melick moved and Mr. Sworen seconded this:

See Page 05/05/09-4A

RESOLUTION

RESOLVED, Approving a professional services agreement with Samuel Kline and Company, to perform the County Audit, Library Audit and Prosecutor's Audit, for the period ending December 31, 2009, in an amount not to exceed \$61,000.

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

ROADS and BRIDGES Update

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

- The Manners Road 514 project has been slowed by the weather; there is one part that needs to be corrected.
- A pre-construction meeting is scheduled for tomorrow regarding County Route 523 in Tewksbury Township. The work will be completed at night time construction at this time.
- Information has been provided to East Amwell Township regarding the Ringoes project. East Amwell will need to make an application for sidewalks and curbs to the State Department of Transportation.
- Work still needs to be done on the retaining wall in Pittstown. A recommendation was made to Purchasing to repair the contract and it should be on the agenda for the next Freeholder Meeting. A pre-construction meeting is scheduled for May 21, 2009 for that project.
- The County is trying to set up a meeting with the State Historic Preservation Office regarding the 619 project in Frenchtown, before the plans are finalized. This work is in the Historic District and Mr. Glynn wants to make sure everyone is on the same page.
- The Borough is looking for additional curb and sidewalk work with regarding to County Route 635 in Hampton. The Borough will be making an application for additional funding for that project.
- The resurfacing project should be ready for Freeholder approval at the next meeting. There is a list of roads for the project; plus municipalities are participating.
- The plans for InterCounty Bridge B-26-W on Valley Station Road, from Bethlehem to Warren County, are expected by the end of May and bidding that for construction should be done by mid summer.
- The plans and specifications are completed for Bridge D-345 and they are ready for Freeholder approval, then the Purchasing Department will advertise that project.
- Proposals will be received for Bridge M-110, in Milford. The County still needs to work out an agreement with a property owner regarding access.
- A meeting is being scheduled with the property owner regarding the Pennsylvania Avenue project, for the right of way.
- A meeting will take place to take the subcontractor to County Bridge W-124, on Alexhaucken Creek Road.
- Delaware Township gives their appreciation to the Board with regarding to Sandbrook Headquarters Road in Delaware Township. Director Mennen and Mr. Glynn visited the bridge; is a nice stone edge bridge and that will be reconstructed. The County has a system in place and will be repairing that bridge.
- The truss for InterCounty Bridge B-64-W has been elevated, the project is moving along. The County will need to fund some unexpected steel work on the Warren County side and the contractors will take care of that.
- Bridge K-137, on Union Road in Kingwood Township will be paved this week. There could be traveling public on the road by this weekend.
- The stone work for Bridge T-52, has been put off again by a week due to weather.
- County Bridge Y-61 in Lambertville is apart and the County is working on repairing the bridge seats.
- Bridge painting specifications are out.
- The fuel system at Parks has received the County's final approval. The software needs to be programmed and that project should be completed by May 11, 2009.
- Traffic counts are done for Bridge F-45 and they will be sent to Franklin Township Administration as well as their Police Department, since there are excessive speeds on that road. The County will try to work with Franklin to repair the bridge.
- The Lehigh Valley Rail Road project on County Route 579 just south of Bloomsbury has been reinstated. The County is waiting for local aid to give the go ahead to start that project up again.
- Negotiations for the right of way for Bridge E-166 continues. The final plans and specifications are done and will be sent to East Amwell Township for their final review. Everything seems to be going on schedule for that project.
- Final plans for bidding the Rockafellow Mills Bridge should be received by May 20, 2009. That project has been authorized for federal funding this year.
- Bridge RQ-179 in Stanton is in a historical truss. The County has not started the project because there are some parklands that need to have a flattened approach.
- The contractor is doing punch list items for the Intersection Improvements for 523/612. There are still some outstanding issues with the signs and some paving of driveways that has not been completed. The County has met with the contractor and their attorney and is waiting to hear from them.
- The digital data for the plans for the Everittstown Intersection has been received. The County is looking to see if this project can be done in-house.

- A preconstruction meeting was held regarding County Route 517/523. The project work should be on May 18, 2009.

OPEN SPACE

Mr. Sworen moved and Mr. Holt seconded this:

See Page 05/05/09-5A

RESOLUTION

RESOLVED, Approving a Deed of Conservation Restriction between Franklin Township, Hunterdon County and the New Jersey Water Supply Authority, affecting a portion of Block 5, Lot 5, in Franklin Township, (formerly known as Summit Manor Company).

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

HART COMMUTER INFORMATION SERVICES

Mr. Holt moved and Mr. Sworen seconded this:

See Page 05/05/09-5B

PROCLAMATION

RESOLVED, Recognizing May 11-15, 2009 as Bike to Work Week in Hunterdon.

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

CONSENT AGENDA

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

Item #2 and 9 held at this time.

Mr. Holt moved and Mr. Melick seconded a motion to approve claims in Accordance with the Claims Register dated May 05, 2009.

See Page 05/05/09-5C

CLAIMS REGISTER

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

Mr. Holt moved and Mr. Melick seconded these:

See Page 05/05/09-5D

RESOLUTION

RESOLVED, Laura Bartram appointed temporary, as needed Student Assistant, Library.

See Page 05/05/09-5E

RESOLUTION

RESOLVED, Ian Krisantis appointed temporary, as needed Student Assistant, Library.

See Page 05/05/09-5F

RESOLUTION

RESOLVED, Tomasina Corley-McGuire, Public Safety Telecommunicator, Division of Emergency Services, Public Safety Department, leave of absence without pay.

See Page 05/05/09-5G

RESOLUTION

RESOLVED, Approving change order #1, FINAL, for the Painting of various Bridges (L-140, K-142, T-24 and R-124), with Aussie Painting Corp., decrease of \$120.

See Page 05/05/09-5H

RESOLUTION

RESOLVED, Approving final payment on County Bid #2008-21, for the Painting of various Bridges (L-140, K-142, T-24 and R-124), by Aussie Painting Corp., in the amount of \$1,937.28.

See Page 05/05/09-5I

RESOLUTION

RESOLVED, Authorizing Art Show Waiver Agreements, with various senior artists, for the 35th Annual Hunterdon County Art Show.

See Page 05/05/09-5J

RESOLUTION

RESOLVED, Approving a resolution to affirm the County of Hunterdon's Civil Rights Policy with respect to all officials, appointees, employees, prospective employees, volunteers, independent contractors, and members of the public that come into contact with County employees, officials and volunteers.

See Page 05/05/09-6A

RESOLUTION

RESOLVED, Approving a contract modification with the Hunterdon Medical Center.

See Page 05/05/09-6B

RESOLUTION

RESOLVED, Supporting improvements on tracks used to connect the Norfolk Southern Railway at Three Bridges and the upgrade of a 1896 truss bridge over the South Branch of the Raritan River, for the Black River & Western Railroad System.

See Page 05/05/09-6C

RESOLUTION

RESOLVED, Approving the plans and specifications for County Bridge D-345 in Delaware Township.

See Page 05/05/09-6D

RESOLUTION

RESOLVED, Approving the appointment of John Graefe to the Parks Advisory Board.

See Page 05/05/09-6E

RESOLUTION

RESOLVED, Approving the appointment of Elizabeth Schmid to the County Agriculture Development Board as a public member.

See Page 05/05/09-6F

RESOLUTION

RESOLVED, Approving the appointment of Carol Rickard to the Mental Health Board.

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

Mr. Melick moved and Mr. Sworen seconded this:

See Page 05/05/09-6G

RESOLUTION

RESOLVED, Authorizing an alternate member of the Board of Chosen Freeholders, J. Matthew Holt, to sign any and all documents on behalf of the County when the Freeholder Director and/or Deputy Director must recuse themselves.

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

GRANTS

Mr. Sworen moved and Mr. Holt seconded this:

See Page 05/05/09-6H

RESOLUTION

RESOLVED, Approving a contract modification with New Jersey Transit for the FY2006 Job Access/Reverse Commute, Round 8, Section 5316, to extend the grant through December 31, 2009.

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

Mr. Sworen moved and Mr. Holt seconded this:

See Page 05/05/09-6I

RESOLUTION

RESOLVED, Approving a grant application with the New Jersey Highlands Water Protection and Planning Council, in the amount of \$15,000, to provide financial and technical assistance to counties within the Highlands Region in order to assess conformance to the Regional Master Plan.

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

Mr. Sworen moved and Mr. Holt seconded this:

See Page 05/05/09-6J

RESOLUTION

RESOLVED, Approving a grant application for a Sustainable Agriculture Grant with the New Jersey Highlands Water Protection and Planning Council, in the amount of \$40,000, to be used to support Mini-Farm Markets and to promote farm markets.

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

PROCLAMATIONS

Mr. Sworen moved and Mr. Holt seconded these:

See Page 05/05/09-7A

PROCLAMATION

RESOLVED, Recognizing May 4-10, 2009, as "Public Service Recognition Week", in Hunterdon County.

See Page 05/05/09-7B

PROCLAMATION

RESOLVED, Recognizing the volunteers who run the programs for Hunterdon Outreach.

See Page 05/05/09-7C

PROCLAMATION

RESOLVED, Declaring May as National Historic Preservation Month in the County.

See Page 05/05/09-7D

PROCLAMATION

RESOLVED, Recognizing Robert Patterson for attaining the designation of Eagle Scout.

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

FOR DISCUSSION

Director Mennen reported that a request came from the New Jersey Department of Transportation asking for an acknowledgement of the American Recovery and Reinvestment Act (ARRA) requirements to receive funding from the NJ Department of Transportation. This needed to be signed by the Director on short notice without the benefit of the opportunity to discuss this with the entire Board. This request was included in the Board's mail and listed on the mail log a couple of weeks ago. Director Mennen reported he spoke with County Counsel DeSapio the via telephone who advised there is no problem in signing this acknowledgement and the County would have the opportunity to rescind. The Board agreed it was in the best interest of the County to sign the acknowledgement letter.

CORRESPONDENCE

Link Bus

A letter was received from the Progressive Center for Independent Living, Inc., requesting an in-kind service of using a LINK bus on Saturday, May 16, 2009, from 9 a.m. until 1 p.m. County Administrator Yard informed the Board that Pam Pontrelli, Human Services Administrator did submit the requested information in accordance with the policy for in-kind services.

Mr. Sworen informed the Board that this is a major event in training EMS (Emergency Medical Services) personnel in moving individuals with disabilities.

Mr. Sworen questioned who will be driving the bus. Mrs. Yard advised Mrs. Pontrelli will secure a driver from the vendor and provided the cost for same.

Mr. Holt moved and Mr. Sworen seconded a motion granting permission for the Progressive Center for Independent Living, Inc. to utilize the County's LINK bus on May 16, 2009.

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

Peace Pole/Library

Hunterdon County Library is seeking permission to have a Peace Pole planted at the Friendship Garden, at the Route 12 Library Headquarters. The Library Commission approved this request from the Community Diversity Council of Hunterdon County.

Mr. Peterson questioned if there is a political purpose for this request. County Counsel questioned if any information was submitted with the request on who/what this organization is. After a brief discussion, the Board asked Mrs. Yard to obtain additional information on this matter from the Library Director.

Memorial Tree/Arboretum

Mrs. Yard reported a request was received from Susan Strain to plant a tree at the County's Arboretum in memory of her sister, Judith Garey, who passed away, who was a Master Gardner. This individual's memorial service was held at the Hunterdon County Arboretum and the surviving sisters would like to memorialize their sister by planting a tree at the Arboretum. They understand the terms in the County's policy and have specified the type of tree and what the plaque will say. Mr. Sworen moved and Mr. Melick seconded a motion granting permission, provided this is coordinated through the County's Department of Parks and Recreation.

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

Memorial Tree

Director Mennen reported that a request was also received from Arina Scanna to have a tree planted in her husband's memory at a public park. Mrs. Yard confirmed for the Board that the request will be forwarded to the County Parks and Recreation Department who will guide Mrs. Scanna through the process.

ADMINISTRATOR'S Update
Employee Luncheon

Cynthia J. Yard, County Administrator informed the Board that the luncheon to recognize County employees will take place this Friday, May 08, 2009 starting at 11:00 a.m. at the Route 12 Assembly area. The Parks and Recreation Department will be selling plants for Mother's Day.

Economizing

Mrs. Yard reminded the Board that a presentation will be made on June 01, 2009, regarding cutting costs. She stated the County is carefully tracking the number of employees, the number of individuals who leave, and the 24/7's. So far in 2009, 20 people have left the County's employment. The department managers have been told to work with what they have and to reallocate their resources. The salary amount saved from those individuals is \$755,000 and the average salary was \$37,767. The County currently has 637 employees which is the lowest number of people the County has had in many years.

Mrs. Yard reported the County has received over 100 suggestions on how to have money. That analysis will be on June 01, 2009. The mandated services versus discretionary services from the departments were received yesterday and will be analyzed.

FINANCE

Kim Browne, Finance Director introduced Steve Rogut, Bond Counsel to the Board.

Director Mennen opened the public hearing on Bond Ordinance No. 01-09, authorizing the acquisition of real property for Open Space – Park and Recreation purposes in the amount of \$2,000,000.

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

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

Mr. Peterson advised he has had concerns over the way the County has authorized certain projects saying the County doesn't bond for these types of projects; it pays for them out of County's funding from the Open Space Trust tax Ballot Referendum.

Mr. Peterson stated the County has been advised it has to introduce this bond ordinance even though the Board has no intention of bonding for this project. He has always been concerned about the language of the bond ordinances and understands that the Freeholder Director has asked if there is some language which could be placed into the ordinance that would alleviate his concerns.

Mr. Rogut explained if an amendment is made to the ordinance to either remove or insert language, it could be considered a substantial amendment to the ordinance and the County would have to reintroduce the ordinance and the County would be required to re-advertise and then have another meeting on the ordinance. This would cause a delay in being able to fund for project or close on these properties listed in the ordinance. Mr. Rogut advised that adding any type of language at this point would cause a delay to getting the ordinance effective.

Mr. Peterson questioned if language could be added in subsequent ordinances. Mr. Rogut said generally yes, but the concern would be that it would be binding to a future Freeholder Board by putting in limited language in the ordinance. There are statutory requirements on procedures for authorizing debt so if the language became too restrictive then the argument could be made that it is too binding for future boards in a way that is not permitted by State law. Mr. Rogut suggested the Board adopt a debt policy in order to get its concerns on record and to set forth a policy for future Boards to act within.

Mr. Rogut explained the bond ordinance process to the Board and briefly described how the process contains protection for the County. He added that once the Board goes through the bond ordinance adoption, then appropriations can be made; once there is a legal appropriation the County is able to enter into contracts and spend money. Doing this does not require the County to borrow anymore; it just set in place a process to get a project going. Bond Ordinances are done to authorize projects, get the appropriation on the books and often times there is no present need to borrow the money.

Mr. Rogut stated in this case, the assumption is that there would be grant money coming in that would reduce the debt authorized and at the end of the day you have a bond. In order to issue bonds, there would be a requirement that there be a future resolution of the Freeholder Board to authorize the issuance of bonds and that is a protection for the Board. There is language in the ordinance in the way of a short term note which would delegate the power to a Finance officer. If the Board desires, that language could be remove and it would be left up to a future Freeholder Board to issue short term notes.

Mr. Rogut advised the ordinance provides that the Finance Officer is given the power to sell notes and the reason that is done, is so that there be no delay in being able to issue short term debt. If you got into a situation where bills were being paid and bills where due, the County would need access to the debt. If that is something you do not want to do in the future the Board could adopt a policy that before any notes are issued you would want a formal request from the Finance Department and there would be a discussion. Mr. Rogut does not think that anyone in Finance would act without the Board's direction. Mr. Rogut informed the Board that notes can be held for up to ten years. He stated the County has never limited the language in its bonds.

Mr. Peterson asked if the Board were to pass a resolution which stated that the Finance Department needed to get the approval of the Board before they could issue any short term notes doesn't that contradict what is stated as to what the requirements are? Mr. Rogut said the Board could adopt a resolution saying that no notes can be issued under the ordinance without the approval of the Freeholder Board and that would take away any authorization Finance has in the bond ordinance.

Mr. Peterson stated his question itself is that the ordinance does not set forth the restrictions, and the question is would someone rely upon the underlying ordinance. Mr. Rogut stated they would be relying upon the opinion of the bond attorney that everything has been properly authorized. Basically the subsequent resolution would travel and remain tied to the ordinance.

Mr. Rogut stated his concern with the concept of saying you would only issue notes as a last resort is that it is hard to define what the circumstance(s) would be for a last resort. The County is relying upon state funding and it could turn out that the state funding may not become available or it could be reduced. A lot of things could happen down the road that could make it hard to lay out the circumstances of what you mean.

Mr. Peterson stated that Mr. Rogut has set forth what his concern is. The fact is the County will have this ordinance out there that could be used for anything else that the Board has not contemplated tonight and in introducing this, it could cause an issue somewhere down the road. Mr. Peterson stated the County does this other things besides land acquisition; such as buying equipment and paving roads; and if they have catchall phrases in those ordinances and it bothers him that these bond ordinance that have been introduced and they are only one step away from borrowing the money. Mr. Peterson advised he is also concerned about any debt being authorized without the Board's approval. He feels debt is a serious issue that the Board should not delegate the authorization to anyone, unless there is a healthy public discussion. He believes that Board should not delegate that responsibility to anyone besides the Board. If an emergency meeting is needed to discuss and make decisions concerning these issues, then it should be done. Mr. Peterson stated these are the issues he has, which is why he had concerns about the whole process itself. He thanked Director Mennen for bringing this up.

Director Mennen asked if removing the language would constitute a significant amendment and would require public notices. Mr. Rogut confirmed if the Board were to strike language from the ordinance, it would change the ordinance and a new ordinance would have to be introduced, noticed and adopted.

Mr. Peterson recommended revoking the ordinance resolution today, in order to move forward and pass a resolution tonight for any bond ordinance

Mr. Holt advised the procedures are set up to help the County move forward and in order to do that, the County needs to borrow money and to have that authorization; it must come from this Board. He does not understand the concern with the regard to the bond ordinances because the County can not borrow until the ordinance comes before the Board for approval. Our Finance Department has the right at any time to sell short term notes and he thinks this is two different issues. He asked what the actual concern is.

Director Mennen stated Mr. Peterson expressed some concerns to him, which is why he asked Bond Counsel to be present this evening. He thinks that Mr. Peterson has a concern with the bonding process and he is concerning about this Board issuing debt.

Mr. Sworen confirmed with Mrs. Pasqua and Mrs. Browne that no bonds have been issued in the past ten years. The County has paid its own way for projects. .

Mr. Peterson explained he looks at this as debt; whether it is called a bond or debt, it is debt. He continued by saying that whether you take the money as a note or a bond, it is owed. He does not feel the County should be taking debt on certain types of projects. He does not like debt and he does not think the County should use it and if the County has to, it should be in few instances.

Mr. Melick explained this is a management tool. It is a way to run the finances and there have been times where the County has borrowed money and lent it back to the banks and made money on it.

Mr. Melick told Mr. Peterson that he feels this is beginning to become a political statement. He informed Mr. Peterson that bonding is a management tool which is accepted in the State and it is a way to manage money to get projects done.

Mr. Peterson said for the next ten years we will be here and have a voice and questioned if this Board shouldn't put certain policies and procedures into place today. Mr. Melick said no because policies can be changed at anytime in the future because any resolution made tonight can be changed in the future. Mr. Melick again stated that he feels Mr. Peterson is getting into a political statement.

Mr. Rogut stated that his concern is with the language; if you put language in this ordinance that is too limited than you are going to be limiting your powers by statue. Hunterdon is governed by state statue as to how money can be borrowed and how debt can be authorized.

Director Mennen stated Mr. Rogut indicated there are other ways that this can be done, which allows this Board to approve a project without going through a bond ordinance process. The Board could put funds within the general fund or capital fund but the County would have to be fully liquid at the time when the project is undertaken. Mr. Rogut stated that is correct.

Mr. Peterson said he understands that and suggested this Board take out of the ordinance that the Finance Department can issue notes without the Board's approval.

Mr. Melick stated he thinks that is unwise.

After further discussion, Mr. Rogut advised removing the last sentence from Section 7 on page 2. Director Mennen read the sentence: "Power in determining any matters with the respect to said bills not determined by this ordinance and also the power to sell said notice is also delegated to the County Treasurer who is hereby authorized to sell said notes either from one time or time to time in a matter provided by law." Mr. Rogut said the Board could remove the entire sentence or just leave in the power to determine powers of certain notes, strike and also the power to sell notes. Mr. Holt said there are times when it is necessary and times when we need it.

Mr. Rogut stated that one of the reasons that we have this language is because the bonds are issued for a year and they have to be renewed so the County would either have to pay them off in their entirety or roll them over. He does not think the County wants to have a situation where the notes are coming due in two or three weeks and there is not a freeholder meeting in place in time or to have a special meeting in order to roll those over. The County doesn't not want to be in a position where it doesn't have the proceeds of the new notes to pay off the old notes. That is the main reason for the language in the ordinances.

Mr. Peterson moved and Mr. Mennen seconded a motion to remove said language from ordinances.

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

Motion did not pass.

Mr. Holt moved and Mr. Sworen seconded this:

See Page 05/05/09-10A

RESOLUTION

RESOLVED, Adoption of Bond Ordinance No. 01-09, authorizing the acquisition of real property for Open Space - Park and Recreation purposes, in the amount of \$2,000,000.

Director Mennen stated he would like to see the language taken out but he believes in the project and will vote yes.

Mr. Sworen stated in the last two years we have worked on very hard budgets and have turned to our staff and Finance Department time and time again for guidance. This Board has trusted in its personnel to assist the Board in finding money. He does not distrust the County's professionals and would like the Board to rethink this one because projects like this would help the County.

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

Ordinance not approved, due to the lack of four approving votes by the Board.

Mr. Sworen stated the ordinance has been denied so now it must be re-noticed and re-introduced. He asked if the Board needs to wait until the next meeting to re-introduce. Mr. Sworen advised this is the first time he has ever seen a bond fail to be adopted.

Mr. Sworen informed Mr. Peterson that he should not have let an ordinance get to this level if he had questions on the language. This should have been discussed when it was first introduced.

Mr. Peterson asked Bond Counsel and County Counsel if the Board could re-do the voting.

Mr. Rogut stated to County Counsel DeSapio that if you can find a way in the Roberts Rule of Order and the County's procedures for this to be brought back up that would be fine.

Mr. Sworen stated if an ordinance gets defeated it must be re-introduced, there is no do over. So what is required is that this must be introduced with a new bond number, as a new bond, and it has to be re-advertised and another public hearing must be held.

County Counsel DeSapio recommended Director Mennen announce that the proceedings are not closed, so anyone in the audience does not leave.

Director Mennen stated for the record that the two individuals who had left the meeting have returned to the room.

Mr. Sworen suggested that while County Counsel DeSapio was researching this issue, that we continue with the meeting.

Director Mennen opened the public hearing on Bond Ordinance No. 02-09. There being no comments or questions from the press or public, Mr. Sworen moved and Mr. Holt seconded a motion to close the public hearing.

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

Mr. Sworen moved and Mr. Melick seconded this:

See Page 05/05/09-11A

BOND ORDINANCE NO. 02-09

ADOPTION, BOND ORDINANCE TO AUTHORIZE THE RESURFACING OF VARIOUS COUNTY ROADS IN, BY AND FOR THE COUNTY OF HUNTERDON, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$3,720,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS. (federal stimulus funding).

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

Mr. Sworen moved and Mr. Holt seconded this:

See Page 05/05/09-11B

RESOLUTION

RESOLVED, Authorizing the cancellation of a grant receivable for the 2007 Recreation Opportunities for Individuals with Disabilities, in the amount of \$2,188.91.

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

Mr. Sworen moved and Mr. Holt seconded this:

See Page 05/05/09-121

RESOLUTION

RESOLVED, Authorizing the cancellation of a grant receivable for the 2008 Recreation Opportunities for Individuals with Disabilities, in the amount of \$875.85.

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

Mr. Sworen moved and Mr. Holt seconded this:

See Page 05/05/09-11D

RESOLUTION

RESOLVED, Authorizing the cancellation of a grant receivable for the 2008 Municipal Alliance Program, in the amount of \$9,443.07.

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

FREEHOLDERS COMMENTS/REPORTS

Garden State Preservation Trust Fund

Mr. Sworen advised he and John Trontis, Director of Parks and Recreation attended the Garden State Preservation Trust fund Meeting. The Garden State Trust fund is trying to get Green Acres on the ballot this year. Mr. Trontis did collect information and will make it available upon request. They are trying to get the funds and green acres on the ballot this year. After the meeting, Mr. Trontis attended as well. He has information if anyone wants it.

Stimulus funding/projects

Mr. Holt stated he had a meeting Thursday morning regarding the Stimulus Fund and projects. There is close monitoring being done and the State Department of Transportation is extremely concerned that projects get up and running. There is a strong belief that many states, because of their budget issues, will not be able to pre-fund the money granted and if projects are not done in a timely fashion it will become available for use in other states and New Jersey is trying to position itself to get those funds.

The Hunterdon County Board of Chosen Freeholders recessed at 6:50 p.m. and reconvened in Open Session at 7:08 p.m.

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

County Counsel DeSapio informed the Board that the Finance Department needs to know that the Board can hold a special meeting for the adoption of the new ordinance if it were to be introduced this evening. The earliest the public hearing could be held would be May 21, 2009. He explained the introduced ordinance would not be able to be advertised until May 14, 2009 and the hearing could be held anytime seven days thereafter. Director Mennen confirmed the Board will hold a special meeting on Thursday, May 21, 2009, at 5:00 p.m.

Kim Browne of Finance was instructed that the bond needed to have a new number for the ordinance which would make it #03-09.

Mr. Peterson apologized to the Board and those present stating that he "goofed". He thought the Board was introducing the Bond Ordinance. He said he got caught up in the discussion of the language of the bond ordinance and goofed. Mr. Peterson said he would have voted for the ordinance itself because as Director Mennen stated, he feels that the underlying aspects of the ordinance itself of the various projects, he has supported all of them and continues to support all of them, he was just confused.

Mr. Peterson stated he feels very strongly about how the County goes about obtaining debt. He regrets any inconvenience this has caused. Mr. Peterson advised he will vote for the ordinance to pass as that was his intention all along.

Mr. Peterson stated he is aware that the only cost to the County will be some advertizing costs and he will gladly reimburse the County for that cost since it was his mistake and he does not want the taxpayers to be burdened due to his mistake. He regrets this mistake.

Mr. Peterson moved and Mr. Sworen seconded this:

See Page 04/21/09-12A

BOND ORDINANCE NO. 03-09

INTRODUCTION, BOND ORDINANCE TO AUTHORIZE THE ACQUISITION OF REAL PROPERTY FOR OPEN SPACE, PARK AND RECREATION PURPOSES IN, BY AND FOR THE COUNTY OF HUNTERDON, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$2,000,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS.

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

OPEN TO THE PUBLIC

Director Mennen opened the meeting to the public

Francis Gavigan of West Amwell Township informed the Board that the Director of Roads, Bridges and Engineering, John Glynn and a road crew came to West Amwell to stabilize and repair the bank on Wertsville Road. She explained a plow had gotten stuck and they replaced and repaired the mailboxes that were destroyed and they are in the process of making a bank. Mrs. Gavigan stated West Amwell and the County continues to work together to hopefully resolve the issues with the bridges at Amwell Valley.

Mrs. Gavigan asked for a copy of the bridge lists because West Amwell is trying to track down some bridges that may not be affected by State Department of Transportation.

Mrs. Gavigan informed the Board that East Amwell Township made a mistake with their budget and funding for the East Amwell Rescue Squad was cut in half for the equipment, and the Squad is suffering. The Township is trying to get money restored to the Squad because they save lives and she asked if the Freeholders could provide donations or if there are any Shared Services to assure that this volunteer squad is able to run and continue to help people. Mrs. Gavigan stated this is the Amwell Valley Rescue Squad.

Mr. Holt stated concerning the bridges; it is wonderful that discussions are taking place with East Amwell and the County; and that problems were identified and are being remedied. He is confident that the County and East Amwell will come together to resolve issues on Wertsville Road.

There being no further business to come before the Board, Director Mennen adjourned the meeting at 7:18 p.m.

Respectfully submitted,

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