

HUNTERDON COUNTY BOARD OF CHOSEN FREEHOLDERS

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

March 02, 2010

The regular meeting of the Hunterdon County Board of Chosen Freeholders convened at 4:05 p.m. in accordance with the provisions of the Open Public Meetings Act.

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

OPEN PUBLIC MEETINGS ACT

Director Mennen announced: "This meeting is being held in accordance with the provisions of the Open Public Meetings Act. Adequate notice has been given by posting throughout the year a copy of the notice on Bulletin Boards on the First and Second Floor of the Main Street County Complex, Building #1, Flemington, New Jersey, a public place reserved for such announcements. A copy was mailed on or before January 21, 2010, to the Hunterdon County Democrat, Lambertville Beacon, The Express, Courier News, Trenton Times, Hunterdon Review and Star Ledger, newspapers designated to receive such notices and by filing a copy with the Hunterdon County Clerk."

EXECUTIVE SESSIONS

Mr. Sworen moved and Mr. Holt seconded these:

See Page 03/02/10-1A

RESOLUTION

RESOLVED, Executive Session to discuss legal issues surrounding the development of a policy concerning the use of sick leave as it relates to family leave.

See Page 03/02/10-1B

RESOLUTION

RESOLVED, Executive Session to discuss negotiations with all law enforcement units in Hunterdon County.

See Page 03/02/10-1C

RESOLUTION

RESOLVED, Executive Session to discuss the status of negotiations with the unit that has been designated to represent department heads and the status of the appeal concerning that designation.

See Page 03/02/10-1D

RESOLUTION

RESOLVED, Executive Session to discuss the perspective land acquisition for property on Horseshoe Bend Road, in Kingwood Township and the environmental issues related to that.

See Page 03/02/10-1E

RESOLUTION

RESOLVED, Executive Session to discuss the County's participation in nonprofit farmland acquisition program, in particular in regard to a parcel in West Amwell Township.

See Page 03/02/10-1F

RESOLUTION

RESOLVED, Executive Session to review the executive session minutes of January 19, 2010 and February 02, 2010.

See Page 03/02/10-1G

RESOLUTION

RESOLVED, Executive Session to discuss the status of the dissolution of the Hunterdon County Housing Corporation.

See Page 03/02/10-1H

RESOLUTION

RESOLVED, Executive Session to discuss the status of the development of a contract with the Hunterdon Medical Center for public health nursing.

See Page 03/02/10-1I

RESOLUTION

RESOLVED, Executive Session to discuss an appointment to the Workforce Investment Board.

See Page 03/02/10-1J

RESOLUTION

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

ROLL CALL: (AYES)

**MR. SWOREN, MR. HOLT, MR. MELICK, MR. WALTON,
MR. MENNEN.**

The Hunterdon County Board of Chosen Freeholders went into Executive Session at 4:10 p.m., recessed at 6:00 p.m. and reconvened in Open Session at 6:06 p.m.

PLEDGE OF ALLEGIANCE

PUBLIC COMMENT

The public was not interested in addressing the Board at this time.

PROCLAMATIONS/PRESENTATION

Mr. Sworen moved and Mr. Melick seconded this:

See Page 03/02/10-2A

PROCLAMATION

RESOLVED, Declaring March 14-20, 2010, as "Family and Community Health Sciences – Living Well Week".

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

Director Mennen recognized Alexandra Greci, Family and Community Health Sciences Educator, for Rutgers' Cooperative Extension of Hunterdon who was present to accept this Proclamation on behalf of Rutgers.

Mr. Sworen moved and Mr. Walton seconded these:

See Page 03/02/10-2B

PROCLAMATION

RESOLVED, Recognizing Trevor Hoffman for having attained the designation of Eagle Scout.

See Page 03/02/10-2C

PROCLAMATION

RESOLVED, Recognizing Matthew Bitters for having attained the designation of Eagle Scout.

See Page 03/02/10-2D

PROCLAMATION

RESOLVED, Recognizing Douglas Farrell for having attained the designation of Eagle Scout.

See Page 03/02/10-2E

PROCLAMATION

RESOLVED, Recognizing George F. Hartmann for having attained the designation of Eagle Scout.

See Page 03/02/10-2F

PROCLAMATION

RESOLVED, Recognizing James Saulsky for having attained the designation of Eagle Scout.

See Page 03/02/10-2G

PROCLAMATION

RESOLVED, Recognizing Nathan Turovlin for having attained the designation of Eagle Scout.

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

FARMLAND PRESERVATION

Mr. Sworen moved and Mr. Holt seconded this:

See Page 03/02/10-2H

PROCLAMATION

RESOLVED, Approving a grant agreement with Kingwood Township, for the acquisition of a development easement (Felix Farm), Block 14, Lot 23, consisting of approximately 169.97 acres, (Federal-\$645,886; SADC-\$530,306.40; County-\$176,768.80; Township -\$176,768.80), total amount of \$1,529,730.

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

Mr. Holt moved and Mr. Sworen seconded this:

See Page 03/02/10-2I

PROCLAMATION

RESOLVED, Authorizing preliminary and final approval to provide a cost share of a development easement on the Hunterdon Land Trust Alliance/Stamets Farm, known as Block 25, Lot 60, in Holland Township, consisting of approximately 183 acres, (Township- \$334,600, County - \$283,650; Federal - \$300,000; SADC - \$500,000), total amount of \$1,418,250.

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

PURCHASING

Mr. Walton moved and Mr. Holt seconded this:

See Page 03/02/10-3A

PROCLAMATION

RESOLVED, Approving County Requisition #24842, using County Quote #0012-2010, with Communications Systems, Inc., for video surveillance software, for the Public Safety Department, in the amount of \$19,975, using Homeland Security Grant funds.

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

Mr. Sworen moved and Mr. Walton seconded this:

See Page 03/02/10-3B

PROCLAMATION

RESOLVED, Approving County Requisition #IT.3166, using County Quote #0014-2010, with Software House International, Inc., for email protection software, for the Information Technology Department, in the amount of \$22,087.79.

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

Mr. Holt moved and Mr. Melick seconded this:

See Page 03/02/10-3C

PROCLAMATION

RESOLVED, Approving a contract modification with Brinkerhoff Environmental Services, Inc., review of Phase I Environmental Site Assessment Update Report, for Kingwood Twp. property, increase of \$3,000.

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

Mr. Melick moved and Mr. Walton seconded this:

See Page 03/02/10-3D

PROCLAMATION

RESOLVED, Approving a contract modification with Cherry Weber and Associates, for additional work in connection with the reconstruction of County Bridge W-124 and approach roadway of Alexauken Creek Road, in West Amwell, increase of \$9,854.

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

A Request to advertise for the solicitation of competitive bids for County Bid #2010-06, to furnish and deliver long life epoxy resin for the application of traffic stripping, for the Roads, Bridges and Engineering Department. Mr. Melick moved and Mr. Walton seconded a motion granting permission to the County Purchasing Agent to solicit bids for County Bid #2010-06, to furnish and deliver long life epoxy resin for the application of traffic stripping.

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

John Davenport, County Purchasing Agent, came before the Board and explained that figures have been received for testing to be done on the new UPS equipment being installed at the addition for the Emergency Services Building, with Dell, in the amount of \$16,183.84. Mr. Walton moved and Mr. Sworen seconded a motion authorizing a Purchase Order be drawn with Dell, in the amount of \$16,183.84, for testing on the UPS equipment being installed in the Emergency Services Addition.

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

ROADS and BRIDGES UPDATE

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

- The Transportation Trust Fund project, County Route 519 is 40 percent completed and Route 650 has been completed.
- Acknowledgement has been received from the Historic Preservation Office that they have the County's application for County Route 619, Seventh Street from Frenchtown to Alexandria Township limit. An answer should be received so the project can proceed this summer. This project will be coordinated with improvements for Twelfth Street.
- A preconstruction meeting was held for County Route 635, in Hampton and Glen Gardner Boroughs on February 24, 2010. The tentative starting date is March 15, 2010.
- The County will meet the March 15, 2010 deadline and be out of the stream for the Bridge B-26-W project, on Valley Station Road, in Bethlehem Township. The stone veneer on the wing wall on Hunterdon's side will commence next week but it will not jeopardize the stream water permit because the creek will not be disturbed.
- Culvert E-163 (County Route 579), in East Amwell Township the project has been forwarded to the Historic Preservation Office, on February 17, 2010.

- A meeting is scheduled for March 04, 2010 with the property owners to discuss the acquisition of property for the replacement of Bridge Q-168, on Pennsylvania Avenue in Raritan Township.
- Final bridge plans and specifications have been forwarded to the New Jersey Department of Transportation for the replacement of County Bridge R-123, on Holland Brook Road, in Readington Township.
- A contract modification for Bridge W-124, on Alexauken Creek Road, in West Amwell Township, was approved today and it addresses comments made by the New Jersey Department of Environmental Protection. There was a possible encampment of George Washington in the area at the time, so additional discovery is being done on that possible encampment.
- Favorable comment has been received from Delaware Township on Culvert D-329, on Pine Hill Road. The guiderail will be installed when weather permits.
- Drainage projects are on schedule.
- A design meeting was held with the consultant on Bridge F-45, on Whitebridge Road, in Franklin Township, to discuss the acquisition of right of way and how to handle that, as it involves some Green Acres properties.
- The field meeting for Bridge E-174, in East Amwell Township has been scheduled for March 31, 2010, at 4:30 p.m., at the site of the bridge. An updated proposal was received from the consultant today and will be reviewed.
- The project for Bridge E-166, in East Amwell Township was advertised on February 11, 2010 and bids are due on March 04, 2010.
- A preconstruction meeting was held yesterday for Bridge RQ-164, on Rockafellow Mills Road. The bridge will be closed on March 29, 2010 for approximately 200 days. This involves the rehabilitation of the truss. A plaque was salvaged from the original construction of the Bridge.
- Bridge D-300, Raven Rock-Rosemont Road, the preliminary design review will be scheduled in the near future. This is also the restoration of the truss.
- Bridge RQ-179, the C.E.D. document and the 4(f) Report was submitted to the North Jersey Transportation Planning Authority for distribution. This project has to be through the process by the end of June.
- County Routes 517/523 was winterized and the contractor will be starting the project back up around April 06, 2010. The centerline line was re-established yesterday.
- The final plans and specifications for County Route 512 will be approved today, and the project will be getting authorization to bid.
- An invitation to the Board to join the Shade Tree Commission on their road tour to view the shade trees of Hunterdon County and looking at different projects, on March 10, 2010.
- Looking to see a minimum bid set for the public sale of the Bush property which was approved by the Board, declaring the property as surplus in 2009. Also to be considered surplus is the Choir School and a portion on the Hawke property.
- Final plans and specifications are on the agenda for approval today for County Route 623 and Route 625.
- Storm Report: amount spent in 2009 was \$480,882 and the County is nearing the amount of \$480,000 as of March 02, 2010. There is still March and December of 2010 to account for. Mr. Glynn feels the County has adequate salt at this time.
- Pothole season has started and they can be reported to the County Garage at 908-788-1178 if they are on a County road.

COUNTY ADMINISTRATOR UPDATE

Appeals Court rules on copying fees

County Counsel DeSapio informed the Board that the Appellate Division recently ruled that the lawsuit brought against the County for the purposes of obtaining refunds under a class action for the last six years for purported overcharges for copying, that the present language in the statute was unclear and gave a period of time to the legislature to clarify the language. If the legislature does not come up with any kind of clarification then the courts indication was that counties and all municipalities throughout the state would not be able to charge more than their actual costs for people to make copies on self-service copiers.

Mr. DeSapio explained the decisions the Freeholders have to make today are: (1) do you want to participate in an effort to get the legislature to try to clarify the statute or establish a \$0.25 per page uniform cost throughout the state which is what Hunterdon County has been charging; or (2) do you want to establish a system to change the current coping charges that the County makes to an actual cost figure which would require (a) determining what the actual cost is for making a copy at a self-service copier throughout the County; then (b) entering into agreements or establishing a system so that people would only pay the actual costs.

Mr. DeSapio advised these are the County's two options until the attorney who represented the plaintiffs decides to take an appeal.

Mr. Sworen stated there are no current bills in the legislature to do that. There is one that does handle part of it but it also drastically changes OPRA reporting requirements.

Director Mennen asked Mr. DeSapio to discuss the interplay of this decision but this decision is specific to self-service copy machines at County facilities; the interplay of this decision and the underlying OPRA provisions.

Mr. DeSapio explained this matter started a few years back because some counties were charging under a statute in Title XX which said the Clerk's Office, when they furnish a copy of something could charge up to \$1.00. Those counties were challenged and there was a ruling that

those charges only applied when the Clerk's staff actually physically had to make a copy. Other copies made at self-service copiers, which there is no obligation for the County to provide, would have to be at the actual cost or the default rate under OPRA which was \$0.25. The counties charging \$0.25 felt they would be alright.

Mr. DeSapio advised before OPRA if something was a public record that the public had the right to access to the public entity would have to provide it at the actual cost. Once OPRA came into play, OPRA has confusing language because at one point it says the cost is \$0.25 but in another point it says the cost is not to exceed the actual cost. This decision by the Appeals Court would effect all changes including OPRA and non-OPRA requests.

Director Mennen stated given the two options presented by Mr. DeSapio, he would be in favor of charging whatever the actual cost is. He recognizes there is some lay work to be done to establish what that cost is but Director Mennen said we live in a society where we should encourage the ability and the right for people to access public documents and should not impose anything that could appear to be an impediment to that right.

Director Mennen also feels there is merit to attempting to clarify the statute because the counties thought this was an issue which was resolved with the last Appellate Division case and everyone felt comfortable charging \$0.25 and now this new Appellate Division contravenes that. Director Mennen feels Hunterdon should be moving towards an actual cost for copies.

Mr. Walton agreed with Director Mennen stating when the issue came before his municipality, and their Clerk advocated to the municipal officials to advocate lowering the price per copy to \$0.10. This is public information. He would agree to set the County's copy fee today at \$0.10.

Director Mennen advised the Appellate Division has found that the actual cost is \$0.07 per copy. Mr. Walton would agree to the lower cost.

Mr. Sworen stated the issue of \$0.07 for self-service copiers, those copiers don't take pennies. Another issue is whether the County needs self-service copiers or if credit card machines could be used.

Director Mennen stated the County has until July 01st to put this action into place. He suggested taking two weeks to come up with a mechanism to effectuate that directive.

Mr. Sworen recommended Hunterdon move ahead to find out the actual cost and how and if it is possible to effectuate a system to handle it. He further suggested that Hunterdon's legislators be urged to take action on this and set a price as it would be in all the counties and municipalities best interest to set that value. It was noted that there are several self-serving copiers at the County's libraries.

Mr. DeSapio informed the Board that the statute the Appellate Division is talking about being unclear is the OPRA statute. It is not possible to say that for other than self-service copies, the County will never face this problem again because \$0.25 can be charged under OPRA. The same logic that applies to the self-service copier is going to apply to all. The question becomes how will the County figure the actual costs because figuring the actual costs on three or four self-service machines is one thing but to use the formula which Judge Rubin did was to take a factor or electric and a factor for paper and the cost of the machine and divide by the number of copies made. That is how Judge Rubin came up with the \$0.07 amount. Hunterdon has numerous machines in the County; some are used for OPRA and some are not. Who is going to do the calculation as the cost of making a copy in Hunterdon County. Will the Board charge this task to the Finance Department or will someone be hired to do it. The counties raised a question to the courts on if the studies are supposed to be done, how often will the study be done.

Mr. DeSapio stated the Board is going to have to charge someone to figure out the cost and then the Purchasing Department will have to solicit for the purchase of new copiers.

Director Mennen suggested that in the next two weeks, if the direction is to lower the cost to actual costs that this be brought back with a recommendation on how to quickly and efficiently implement the direction as set forth by this Board.

Mr. Holt stated establishing the cost per copy is an ambiguous challenge. There is a cost to ensuing that the machines stay within a certain temperature range. Are we going to discuss how much space the machine takes up and the cost to keep it at 72 degrees when its 30 degrees outside. This is an ambiguous and arduous task that was brought about not because there was a concern from the public on what it pays for copies but it was brought about by a greedy attorney who was looking for money. When people find out the facts of the case they will find out the statement is accurate.

Mr. Holt said because of this court decision Hunterdon County is going to have to determine what the costs are and Hunterdon should anticipate there will be a challenge to the cost established. All this Board has to do tonight is to set a timeline and somebody to assess the costs, make them reasonable and bring it back before the Board at which time the Board will decide how to make it happen.

Mrs. Yard confirmed for Director Mennen that the Purchasing Agent, John Davenport and the County's OPRA Coordinator, Bob Thurgarland will work on this together and get back to the Board.

Pending retirements

Cynthia J. Yard, County Administrator informed the Board that the County has received notice of pending retirements from the Human Services Administrator, Pamela Pontrelli, effective July 01, 2010; the Supervising Program Development Specialist, Dr. Linda Stampolus, effective August 01, 2010 and this individual does all the County's municipal alliance and substance training; and the Assistant Library Director, Floyd Saums, effective April 01, 2010. Two of the titles are partially covered under grants and there is a possibility some of the grants will dry up. Also being taken into consideration are the personnel restrictions that the Board has imposed and carried over from 2009 into 2010. Mrs. Yard stated a course of action will be developed for the Board to consider and determine how to handle those vacancies.

Mr. Melick recused himself at 6:51 p.m. and left the meeting.

PRESENTATION

Status of Melick LLC settlement.

John Gallina, Esquire, confirmed the Board has had a chance to review the proposed settlement from the Melick LLC's attorney. The variables that appear to be of concern is: (1) If the property were to be disqualified from Farmland Assessment the County would be responsible for payment of damages, if the loss of Farmland Assessment were due to the taking. The Melick's attorney is proposing the time period for that would be 20 years. (2) the amount they would be requesting of damages would be five times the amount of property taxes based on the assessment from the first year the property were denied. (3) Any amount reasonably required to mitigate caused by the taking, resulting in the denial of farmland assessment for the property.

Mr. Gallina confirmed the Melick LLC is asking for this issue to remain open for twenty years and if within that time period the property loses Farmland Assessment, solely because of the taking the County would be responsible for paying five times the amount of property taxes imposed in the year it is disqualified.

Mr. Gallina advised the Melick's attorney added a general clause "in the amount otherwise reasonably required to mitigate damages. Mr. Gallina feels that clause is unclear.

Mr. Gallina asked the Board to consider how it wants to respond to these demands, saying twenty years is a long time to leave this open and the fact, being asked for is five times the amount of damages assessed in the year that it loses farmland assessment. That is an unknown.

Mr. Holt asked if there is a rationale why one would be entitled to more than what actual damages are. Mr. Gallina stated there was no basis presented, nor were there any calculations.

The Board discussed the issue of five times the amount of property taxes imposed in the year disqualified from farmland assessment.

Mr. Sworen recommended setting a cap, such as a set dollar amount, in today's dollars or a cap of the difference, not just the total tax.

Mr. Sworen recalls the Melick LLC was going to purchase a piece of property to make up the difference; the property owner wanted \$4,300 for less than a tenth of an acre.

Mr. Gallina asked if the Board would want to put a limit on the amount to purchase additional land to bring the property back into farmland assessment.

Director Mennen stated there is nothing in the paperwork about purchasing property and the County should not be adding that language.

Director Mennen stated as a County, the Freeholders need to know that no one can come and make a demand under this consent judgment but for some period of time the landowner needs to know they are protected. The question is where is the cross over where those two dynamics and interests meet. In his opinion, he would take 20 years if it is shown that it is directly attributable to the action of the County.

The Board agreed there should be language added that if the property is sold to a third party then the question of damages would become mute.

After further discussion, the Board directed Mr. Gallina to have Section 4, Paragraph 2 defined as to its meaning and that \$12,900 offered for the property is in accordance with an appraisal. The County is only offering to give what the appraised value of the taking is and the amount of legal fees which the County is order to give by the judge. The only open issue is the look back window of 20 years if there is a loss of farmland assessment. The only monetary transfer here is per the appraisal and per court order.

The Board directed Mr. Gallina to communicate with the Melick LLC attorney based on this discussion today regarding revisions to the agreement and wait for their response.

Mr. Gallina informed the Board that the Motion for Reconsideration has been put off until March 19, 2010, so that gives the County time to work this out.

Mr. Melick returned to the meeting at 7:20 p.m.

OPEN SPACE

Review - Cooperative Open Space Funding Applications

Kevin Richardson, Open Space Trust Fund Coordinator and Sue Dziamara, Planning Board Director came before the Board

Director Mennen framed the discussion with opening thoughts saying that six applications were made for the Cooperative Open Space Acquisition Assistance. This year the Freeholders allocated \$2 million for this cooperative program. The Board is aware that the funds requested far exceed that \$2 million. Specifically they amount to around \$4.9 million. This foray represents the first time the County is using this new process and this process, to some degree remains a work in progress and will continue to require some modifications. The policy which initiated this process asked the Open Space Advisory Committee to review, rank and recommend applications for Freeholder consideration. The Freeholders know that as a governing body this Board is vested with the authority to accept or reject those recommendations.

It was acknowledged that certain statements of support have been made over the years by the County to Clinton Township in regard to the Windy Acres property.

Director Mennen informed Kevin Richardson, Open Space Trust Fund Coordinator, that in reading his submission, the voting on some of the applications that the Open Space Advisory Committee considered cannot be classified as anything other than odd. Furthermore, Capital Ordinance No. 14-05, which Mr. Richardson referenced in his memorandum discussing possible funding scenarios, is not funded fully. In fact, it only has around \$140,000 allocated to it.

Director Mennen asked Mr. Richardson to talk to the Board about the process.

Mr. Richardson explained how the OSAC was charged by the Board and how they reviewed each application based on a priority evaluation system adopted by this Board.

Six applications were submitted for this 2010 round by the Hunterdon Land Trust Alliance; the Township of Lebanon; the New Jersey Conservation Foundation; the Township of Raritan; the Township of Readington and the Township of Clinton. The later two requests (Clinton and Readington) were classified under the extraordinary preservation project policy, which is specific to municipal requests where there is imminent change in the property's use based on intensive development. The OSAC also conducted a site visit, going to each property.

Mr. Richardson shared the results of OSAC's ranking:

Hunterdon Land Trust Alliance – Ranked #1

Township of Lebanon – Ranked #2

New Jersey Conservation Foundation – Ranked #3

Township of Readington – Ranked #5

Township of Raritan – Ranked #4

Mr. Richardson recommends the Board consider the top 3 OSAC recommendations based on the \$2 million threshold. He realized the Board can take actions on applications not recommended by OSAC.

Mr. Melick asked if the appraisals have been updated on these properties being considered today.

Mr. Walton stated he understands the object of the new formula was to make this simpler and straight forward but it looks like it makes it worse. The OSAC does this ranking with a point system but frankly the Clinton Township/Windy Acres project is the poster child for extraordinary aid for municipalities. The greatest purpose for open space is to put off or keep from having developers turn property into McMansions and other things that aren't wanted in the County. The fact that Windy Acres ranked 6th surprises him.

Windy Acres

Mr. Walton feels that Windy Acres should be given \$500,000 in aid right now, from this pool of funding and then the Board can deal with the other projects in turn. This project was the most in need of support; plus Clinton Township fronted that money and the County made it known that their actions were in support of saving the region from a large development and the County should honor that intention.

Director Mennen confirmed Mr. Walton's statement was an actual motion to provide Clinton Township with \$500,000 towards the purchase of Windy Acres.

Mr. Holt explained that while he doesn't disagree; he would like to have the motion put together as an entire package.

Mr. Walton recommended a straw vote for the \$500,000 for Windy Acres so the Board knows how much funding is available for the rest of the applications.

Director Mennen seconded the motion for Board discussion.

Director Mennen agrees the regional impact from Windy Acres project is undeniable and ongoing discussions and statements of support were made to Clinton Twp. throughout the years. Given that and the fact that Clinton Twp. is willing to work within the County's fiscal constraints (they are willing to take a partial payment). There are compelling reasons to help with the acquisition is compelling.

Mr. Holt does not disagree but the County has always had a list of large projects for which there was always a theoretical game plan to assist for the reasons outlined, and Windy Acres was part of that.

Mr. Holt commented completing the second ballot referendum in preparation for the new 2011 ballot referendum, the County will need to revisit the entire preservation process, including "extraordinary" and "CAPS" on not to exceed limits.

Mr. Holt stated he would support Mr. Walton's motion on Windy Acres but he wants the Board to put the entire (all projects) in a motion.

Mr. Sworen stated the Freeholders went through a lot of effort to restructure the plan and the Open Space Policies for the OSAC giving them rules for the precise reason of taking politics out of this and to put an intrinsic value on the property, the reasons to preserve the properties which was charged to the process of OSAC reviewing, ranking and recommending applications to the Board. OSAC has worked on these 6 applications for numerous hours.

Mr. Sworen stated the Freeholders agreed last year that any new project coming in, including ones which the Freeholders support, had to go through the entire process again to be ranked. The policy was designed so it did not matter how many people lived in the town or came into this room – that element was to be taken out of the selection for property to support. This is the first test of the process.

Mr. Sworen agrees that Windy Acres is an important piece, however, it did not rank high enough for whatever reasons.

Mr. Sworen went on to comment, if the Freeholders are going to support extraordinary aid, with the referendum in place now, such as Windy Acres - it should be done over a period of time, such as 5 to 10 years, in smaller amounts instead of giving the extraordinary amounts that may use up the entire open space budget.

Mr. Sworen thinks the Freeholders should follow OSAC recommendations. For the Freeholder to disregard OSAC recommendations does not say good things about OSAC.

Mr. Sworen feels a compromise would be taking money out of the County's piece (smaller amount of \$) towards Windy Acres and pledge a long term agreement (5 years) and give them \$100,000 a year or \$200,000 a year. This is the last ranked project – why are we saying that's the most important.

Mr. Walton asked if the Freeholders follow OSAC recommendations or the point system. OSAC has gone out of rank and it says the point system doesn't work.

Mr. Sworen agreed Clinton did the right thing for their community in purchasing that property.

Director Mennen stated there was encouragement and support from the County to the Township of Clinton throughout the years.

Mr. Walton reminded the Board that his motion was a \$500,000 payment to Clinton Township towards their purchase of Windy Acres and has been seconded. This will catch the process up to where it should be and will keep the County from borrowing from future funds.

Director Mennen stated this also meets the spirit of what Mr. Sworen was saying because Clinton's request was for \$1.5 million. Clinton is being given a partial payment and in subsequent years there will have to be discussion about subsequent payments.

Mr. Sworen confirmed that there is no guarantee Clinton will get \$500,000 next year and that they have to go through the process again.

Director Mennen stated it is County Counsel's legal opinion that while those sorts of structured payment terms over time, under the guise of the farmland program, are specifically contemplated by statute, no such statute exists for this type of scenario and Mr. DeSapio is of the belief that it is probable that such a structured payment term over time would not be legally appropriate. Mr. DeSapio confirmed that statement, adding that it would be borrowing.

Director Mennen explained there is a history of supportive action on behalf of Windy Acres by this Board. In addition, there is \$140,000 in an old ordinance that could be utilized if this Board contributed \$500,000 for Windy Acres from this \$2 million bringing the total down to \$1.5 million. He added that the top 3 properties add up to \$1.65 million and if the County adds in the \$140,000, the County would be at \$1.64 million and that is close. He thinks the Freeholders could maintain the integrity of the process by following the recommendation and funding the top 3 application and also maintain the integrity of supportive statements with regard to the Windy Acres acquisition.

Mr. Sworen advised the funding is the most important piece. What can be funded and can the County fund the first 3 projects and still fund Clinton Township? If that can be done, then he doesn't have an objection to it. This is very important, every application/every process has to go through the proper process. An application goes to the OSAC, then the Freeholders discuss it and make the final funding choices.

Mr. Holt made the statement that whatever decisions are made by the governing body, the funding mechanism must be clearly spelled out. If the Board decides to fund Windy Acres for \$500,000 that \$140,000 will be funded from an ordinance and added to the balance.

Director Mennen advised that the Hill and Dale Property/Tewksbury Township applied for more than \$1 million but that funding request exceeds the not to exceed amount in the policy.

Mr. Sworen stated he supports the funding of Windy Acres but needs to hear what will happen with the rest of the applications before he votes. Mr. Sworen questioned if the Board will support the first three projects.

Mr. Walton informed the Board that he wants to vote on Windy Acres first, before the other applications are considered; stating he has concerns about two of the top three projects and depending on the answers he may or may not support purchasing them.

Mr. Melick stated he is very uncomfortable with this process. He asked the Board to think about the economy. The County is supposed to economize. He questioned the value for the properties, stating that in this economy there are better values and the land values aren't adding up to what they should be. No one is purchasing land but government. This is the public's money at stake. Again, Mr. Melick stated he is uncomfortable with the amount of money being spent and how it's being dispensed. The County can't make any promises for next year.

Mr. Walton again stated his motion was seconded by Director Mennen to give the Township of Clinton, \$500,000 for their application for Windy Acres.

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

Hunterdon Land Trust Alliance/Raritan Township/Urbach

Mr. Walton said he would support the application by the Hunterdon Land Trust Alliance for the Urbach property. He knows there have been issues and this is the second go around for this property with the County. He is concerned regarding the environmental issues which were the reason the property was not purchased by the County a few years ago. If the property is purchased the same environmental constraints should be issued as was done before. This was the highest ranked project by the OSAC committee.

Mr. DeSapio advised the County should insist the environmental issues be taken care of because public funds are being used so the buyer/purchaser needs to do their due diligence and because the reason the County did not purchase the Urbach directly was because the Urbach's refused to permit the County to do that. If the County allows property owners to pick and choose what programs they are going to apply to in order to get out of the County's requirements; that is a bad precedent to set. Property owners should not go to nonprofits to get what they want to get around the County's requirements.

Mr. Melick stated that the County has had many discussions with Raritan Township regarding the Urbach property. This has gone back and forth and Urbach refused to sign the environmental agreement so the County could investigate it.

Mr. Walton stated that the Lebanon Township application for the Pelio has no development pressure.

Mr. Melick added that the property was never farmed and stated it has major wetland issues.

Mr. Walton informed the Board that the Chairman of the County's Parks Advisory Committee said at the Parks Advisory Board meeting last night that the County would be best suited to get an easement in order to continue the hiking paths that the County has on properties adjacent to this. Having it would be nice but spending ¾'s of a million dollars to continue a hiking path may not be fiscally prudent. Mr. Walton is not convinced that Pelio is a wise purchase. He agrees with Mr. Melick's statements. Mr. Walton feels the value of this parcel for parkland and hiking trails could be achieved for a much lower cost and there is no development pressure for this property.

Director Mennen questioned whether he read that a subdivision application for the Pelio property was denied?

Mr. Richardson stated it was. He explained this was part of the major subdivision approval submitted back in the early 2000's by Toll Brothers of which there were 50 homes being proposed – part of which includes the acquisition of another lot submitted by Lebanon Twp. The bulk was on 3 adjoining parcels which aren't part of the application. Director Mennen again confirmed that it included this parcel also.

Mr. Melick stated regarding Pelio that a private person could not develop that property because of all the wetlands restrictions, and it has had set backs but yet the Hunterdon County is spending money on something that no one else can use. Mr. Walton agreed.

Mr. Melick does not feel the County should be bailing out people. The public is getting snowed. He questioned how accessible is this for developing. It would be interesting to see what could be built there before the County throws money at it. He isn't sure 50 houses could be built there. Then we have to think about access.

Mr. Walton agreed saying spend zero for Pelio.

Mr. Sworen stated that Pelio has been on the Park and Recreation Department's wish list for many years.

Mr. Sworen advised that the Parks and Recreation Director has gained partners on both sides of the property so the trails can be better utilized. Pelio has been identified as a key piece for the park system. He agreed the price is too high. It is better for the County to own it than to just have an easement through it.

Mr. Walton questioned why it would be better to own the whole parcel if the easement would achieve the County's objective for connection.

Mr. Walton confirmed that the New Jersey Conservation Foundation application for the Hill and Dale parcel in Tewksbury Township, even though it ranked #3, was recommended by OSAC with a 3 to 2 vote plus 4 people on the OSAC not voting did not vote. Three because they were absent and one abstained. He is also concerned regarding the assessed value, stating there is a pre-highlands value and a post-highlands value. He questioned if the County should be in the business of fixing the state's taking of the rights by compensating the owner for that taking. The State should do that. The state is supposed to be compensating landowners for takings by the Highlands Act, not the Counties purchasing it as open space. Regardless, the Highlands Act was done by the State and the State should give the landowners the property value difference.

Mr. Richardson explained that regarding Hill and Dale, it is required of the Highlands Act, as well as in the Administrative Code of Green Acres and the amended Garden State Preservation Trust Act that when those funds being provided by the standard being used, it requires a pre and post Highlands value and outside of the highlands a pre and post storm water management regulation due to the state's regulations and restrictions. That is an act requirement/that's a statute and that is how the appraisals are done. The use of those funds requires that the higher value be provided to the property owner/seller and be used as the basis in negotiations.

Mr. Walton confirmed the other buyers of the property are getting money from the state they have to use the criteria to set the value. The state sets the value and the County is asked to acquiesce along with their rules.

Mr. Richardson advised the county is being requested to contribute a portion of those funds.

Readington/Toll Brothers

Mr. Walton advised he has no issue concerning the Readington Township/Toll Brothers application if the County wants to purchase that.

Mr. Melick questioned the price and if it was the actual value or a settlement deal to prevent litigation?

Mr. Sworen moved and Mr. Walton seconded a motion to approve the Hunterdon Land Trust Alliance application (Urbach), in the amount of \$300,000, stating OSAC ranked it as #1. Mr. Sworen and Mr. Walton agreed that this application is approved with the caveat that they comply with the environmental requirements.

Mr. Richardson advised the previous issue concerning this purchase was that the seller at the time wanted the County to remove the environmental representations out of the contract. It had nothing to do with the County's due diligence. The County completed the preliminary assessment and it came down to the contract that the County prescribed which says the environmental representation survive closing. It was that issue that the sellers did not accept and the contract was not signed for that reason.

Mr. Melick confirmed that all contracts with the County has that language put in them regarding environmental issues.

Mr. Richardson confirmed saying yes and that the County suspended contract negotiations when questioned about development pressure of this parcel. Mr. Richardson commented that 13 homes could be built there according to current zoning.

The Board asked County Counsel DeSapio to review the contract prior to the Board signing it.

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

Lebanon Township/Pelio

Mr. Sworen moved and Mr. Holt seconded a motion to approve the Lebanon Township/Pelio application, in the amount of \$350,000.

Director Mennen noted from the additional property summary sheet that the Planning Board Director, Sue Dziamara and the Open Space Trust Fund Coordinator, Kevin Richardson put together that this unlike the others contemplates that the County will manage the property after the deal is consummated.

Mr. Richardson advised that the Township indicated it would be willing to convey its interest to the County so the County would be the sole/exclusive owner of the property. It would be managed as part of the County's park system.

Mr. Melick stated that you can't walk on the wetlands on the property.

Mr. Richardson stated that information was addressed within the information provided that the Board requested.

Director Mennen advised that 8.99% of the tracts, Lot 12 and virtually all of Lot 15 is undevelopable due to the lots configuration.

Director Mennen has walked this property and he sat on the Parks Advisory Board last year and listened to the rationale with regard to the fact that it is contiguous to other parkland and other public use parcels. Recalls reading in the newspaper that if it were purchased under the SADC program the County would have received an easement granted to connect the properties which would have resolved the connectivity issue and the perceived benefit. Director Mennen recalls the State rejected this because it was felt the appraisals were too old.

Mr. Richardson stated his interpretation is that the state indicated it was going to purchase the property in fee for farmlands preservation purposes and then sell that subject to a deed of easement however, the state revisited that and now they are only offering to purchase a development easement on a portion of the property.

Mr. Melick questioned the comparables used when the appraisals were done and how far back they go. A lot of the comparables used are only government to government. Government is the only one purchasing this stuff.

Director Mennen questioned the Open Space Advisory Committee process and how someone can vote in absentia?

Mr. Richardson explained that was his euphemistic term because he wanted to have the OSAC members who had attended and actually gone on the site tour have an opportunity to get involved in the discussion. Potentially as well, not having a sufficient number of voting members to have a quorum, Mr. Richardson asked informally a vote in absentia not that it was going to be included as part of the formal vote and recommendation.

Director Mennen asked for the roll call regarding the Lebanon Township/Pelio application.

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

New Jersey Conservation Foundation/Hill and Dale/Tewksbury Township

Mr. Sworen moved and Mr. Holt seconded a motion to approve Cooperative Application #3, with the New Jersey Conservation Foundation, (Hill and Dale), in Tewksbury Township, in the amount not to exceed \$1 million, Block 51, Lots 80, 80.05, and 80.06.

Mr. Walton confirmed that the original application requested \$1.28 million.

Mr. Sworen stated that \$1 million is the maximum a municipality can receive.

Mr. Melick questioned how much is being spent for this and where is the County standing with the amount of money already spent today. He asked if someone could add up everything.

Mr. Walton stated there is \$200,000 left.

Mr. Melick asked what the County would be getting for this application.

Mr. Richardson advised there are two applications which have been voted on by OSAC to participate and the amount is \$800,000.

Mr. Walton confirmed that the reason the assessed value is set at this mix is because there is an order to use state funds so the County has to use this prescribed means. The other partners purchasing this with the County are adding most of their funding from state funds.

Mr. Richardson stated Mr. Walton is correct.

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

Director Mennen suggested the Board regroup in terms of applications and in terms of funding remaining. He noted that Mr. Richardson and Mrs. Dziamara are intending to come back before the Board in approximately four weeks to discuss need policy and definitional tweaks and changes to this program taking into consideration this was the first time this program was done; so lessons have been learned.

Director Mennen confirmed with Mrs. Dziamara and Mr. Richardson that meetings have taken place with the Hunterdon County Cultural and Heritage Commission in trying to come up with recommendations for a policy or procedure for requests that will come into fruition next year for the ability to use a portion of these funds for historic preservation, not just for municipal or county owned structures but also in accordance with historic structures owned by nonprofits. Mr. Richardson reported the meeting with the Cultural and Heritage Commission will take place next week, as it was postponed. Mr. Richardson advised he has prepared initial draft policies and procedures which have been provided to the Cultural and Heritage Commission and that will be discussed with them tomorrow.

The Board discussed a deadline for accepting applications for 2010. The policy currently accepts applications twice a year but based on volume of applications and the amount of money being distributed, Mrs. Dziamara recommended the deadline for applications for review by the OSAC committee be once a year and suggested June 01, 2010 for this round, as it takes six months to evaluate the applications. After further discussion, Mr. Sworen moved and Mr. Holt seconded a motion authorizing July 01, 2010 be designated as the deadline for acceptance of applications for the Cooperative Program for review by the Open Space Advisory Committee.

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

FOR DISCUSSION - Status – “Friends of” project

Director Mennen advised the “Friends of” project is a long standing initiative which seeks to establish an umbrella organization which would be the “Friends of Hunterdon County” for the purposes of trying to tap into additional funding sources, fundraising opportunities.

County Counsel DeSapio informed the Board that a couple of years ago, Pete Tarricone was the chair of the County’s Parks and Recreation Committee, he is also the County’s risk manager, he approached County Counsel and advised that the Parks Advisory Committee wanted to establish an organization called the “Friends of the Hunterdon County Parks” to do nonprofit fund raising to support the Parks operation. Mr. Tarricone described the organization as similar to the “Friends of the Hunterdon County Library” which is an existing group. He also had knowledge there were people who wanted to do a “Friends of the Hunterdon County Health Department”. Mr. Tarricone had concerns on how this would be structured since he was also the County’s Risk Manager, he did not want to see liability on behalf of the County in regard to fund raising activities (fraud, solicitation and misuse of funds). He also wanted to set a framework where the County would have control over the use of its name for fundraising purposes. Mr. DeSapio and Mr. Tarricone worked on an overall “Friends of Hunterdon County” umbrella organization that would have a contract with the Board of Freeholders and be authorized to use the name of the County and charter subFriends groups who could do fundraising for particular departments or agencies.

Mr. DeSapio reported that recently the County has received interest in doing a “Friends of the Jail”; “Friends of the Surrogate”; and there was discussion about a friends groups for a portion of the Department of Human Services. In order to qualify for tax exempt status would have to be organized in a certain manner; would have to have an accounting regime; and an attorney to apply to the IRS for tax exempt for status. Mr. DeSapio explained that what Mr. Tarricone conceptualized was an overall “Friends Organization” would obtain the tax exemption and the other chartered friends groups could go under their umbrella and would not have to spend money to qualify under the IRS rules. Also, an annual report would be made to the Board.

Director Mennen confirmed what Mr. DeSapio has presented to the Board is a set of corporate documents, governance and creation documents which establish the umbrella organization which would be for the County as a whole but would permit separate subgroups. This was discussed last year when he was liaison to the Parks Advisory Board and it has been a subject of discussion this year also by that body and they are pushing for this most stridently.

Mr. Sworen reported that the comments from the Parks Advisory Board will be going to County Counsel DeSapio this week. He has had long discussions with Mr. DeSapio about the structure and possible changes which can be discussed another day.

Mr. Sworen reported he has reached out and talked with the potential other three subgroups. He will reach out to the others that have been listed before the end of next week. Mr. Sworen feels the initial board should have a representative from each group. The main group who has an interest has been Parks and their comments will be forwarded to the Freeholder Board and County Counsel this week. Once those comments have been received and reviewed, then this can be discussed at a future meeting.

Mr. Walton feels it maybe worthwhile to the County to amend this five group umbrella to make it more expansive; to include members of the subgroups as Freeholder Sworen indicated.

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 #7, 8 and 9 were pulled and held at this time.

Mr. Walton moved and Mr. Sworen seconded a motion to approve claims in accordance with the Claims Register dated March 02, 2010.

See Page 03/02/10-12A

CLAIMS REGISTER

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

Mr. Walton moved and Mr. Sworen seconded a motion to approve the Social Services Funds Report for February, 2010.

See Page 03/02/10-13A

SOCIAL SERVICES FUNDS REPORT

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

Mr. Walton moved and Mr. Sworen seconded a motion to approve the regular session minutes of February 16, 2010.

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

Mr. Walton moved and Mr. Sworen seconded these:

See Page 03/02/10-13B

RESOLUTION

RESOLVED, Anna Pinkerton appointed permanent, full time Senior Clerk Typist, Rutgers' Cooperative Extension of Hunterdon.

See Page 03/02/10-13C

RESOLUTION

RESOLVED, Approving the 2010 Budget Statement Certification by Welfare Agency.

See Page 03/02/10-13D

RESOLUTION

RESOLVED, Approving the specifications and plans for Drainage Improvements for Culvert X-2C, on County Route 513, (West Main Street), in High Bridge Borough.

See Page 03/02/10-13E

RESOLUTION

RESOLVED, Authorizing the release of a cash Maintenance Bond to Gregory Egnatuk, in the amount of \$10,204.

See Page 03/02/10-13F

RESOLUTION

RESOLVED, Authorizing the release of a cash Performance Bond to Gregory Egnatuk, in the amount of \$2,300.

See Page 03/02/10-13G

RESOLUTION

RESOLVED, Authorizing the return of a Road Opening Deposit, to Adamsville Maintenance, Inc., Permit #06-0039, in the amount of \$500.

See Page 03/02/10-13H

RESOLUTION

RESOLVED, Authorizing the return of a Road Opening Deposit, to Adamsville Maintenance, Inc., Permit #07-0039, in the amount of \$500.

See Page 03/02/10-13I

RESOLUTION

RESOLVED, Approving Federal Change Order #1, Final, County Bid #2008-05, for Resurfacing of Route 523, in Tewksbury Township, with Schifano Construction, decrease of \$78,210.94.

See Page 03/02/10-13J

RESOLUTION

RESOLVED, Approving final payment for County Bid #2008-05, for Resurfacing of Route 523, in Tewksbury Twp., to Schifano Construction, in the amount of \$13,552.20.

See Page 03/02/10-13K

RESOLUTION

RESOLVED, Approving grant awards for the Cultural and Heritage Commission, in the amount of \$11,952.

See Page 03/02/10-13L

RESOLUTION

RESOLVED, Approving the appointment of Toni Hansen to the Transportation Advisory Committee.

See Page 03/02/10-13M

RESOLUTION

RESOLVED, Approving the redacted Executive Session minutes of October 06, 2009, October 20, 2009, November 04, 2009, and November 10, 2009.

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

GRANTS

Mr. Walton moved and Mr. Sworen seconded this:

See Page 03/02/10-14A

RESOLUTION

RESOLVED, Approving the 2010 Recreation Opportunities for Individuals with Disabilities grant agreement, in the amount of \$1,100, with a County Match of \$220, total grant amount of \$1,320.

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

Mr. Holt moved and Mr. Sworen seconded this:

See Page 03/02/10-14B

RESOLUTION

RESOLVED, Approving a grant agreement from the National Association of County & City Health Officials (NACCHO) for participation in the NACCHO MRC (Medical Reserve Corps) Capacity Building Awards Grant, in the amount of \$5,000 for 2010.

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

Mr. Holt moved and Mr. Sworen seconded this:

See Page 03/02/10-14C

RESOLUTION

RESOLVED, Approving an application for grant funds from the New Jersey Department of Health and Senior Services, for Senior Farmers' Market Mini Grant, in the amount of \$1,200 in state funds and a County match of \$2,085, total grant amount of \$3,285.

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

Mr. Holt moved and Mr. Sworen seconded this:

See Page 03/02/10-14D

RESOLUTION

RESOLVED, Approving a subcontract for the Supplemental Subregional Staff Support for ARRA (American Recovery and Reinvestment Act), in the amount of \$37,200.

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

CORRESPONDENCE

A letter was received from the High Bridge Fire Department, requesting permission to hold a coin toss, on Saturday, April 10, 2010 and Saturday, November 27, 2010, on County Route 523 between Grayrock Road and Arch Street, from 7:00 a.m. until 3:00 p.m. Mr. Walton moved and Mr. Sworen seconded a motion granting permission provide this is coordinated through the County Department of Roads, Bridges and Engineering.

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

A request was received from Lucy Bush, asking permission to again use the historic Court House steps, on Thursday, May 06, 2010, for the 59th Annual National Day of Prayer. Ms. Bush asked requested permission to access an electric outlet. Mr. Walton moved and Mr. Sworen seconded a motion granting permission provided this event is coordinated through the County Department of Buildings and Maintenance.

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

Correspondence was received from Victoria Grimes, requesting permission for a tree to be planted in memory of her father, John Tetkwa, at the Route 31 Arboretum. Mr. Walton moved and Mr. Melick seconded a motion granting permission provide this is coordinated through the County's Department of Parks and Recreation.

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

A request was received from Franklin Township, asking permission for the Hunterdon County Print Shop to produce the Township's annual public information packets and stationary. Mr. Walton moved and Mr. Sworen seconded a motion granting permission.

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

FREEHOLDERS COMMENTS/REPORTS

Polytech

Mr. Sworen reported that Hunterdon County Polytech received a \$10,000 grant from State Farm for a program for students to learn about energy and saving energy. The grant can be used for the tools and tool kits for the students.

Supplemental Subregional Staff Support

Mr. Holt reported that one percent of the stimulus money that came into the counties was approved by the Federal government to help offset overtime in the counties, subregions. This grant is about getting money to help offset overtime. He urged if the County is able to apply for such a grant again that Hunterdon submit to recover that cost.

OPEN TO THE PUBLIC

Director Mennen opened the meeting again to the public.

Senior Market grant

Mrs. Lois Stewart, of Flemington Borough asked what the Senior Farmers market is about. Director Mennen explained it is an opportunity which allows seniors to go to farm markets to get some relief. Janet Previte, of Human Services explained that in order to be eligible, seniors must meet certain requirements.

Park Avenue

Mrs. Stewart questioned if the County is giving Flemington Borough money towards the work on Park Avenue. Director Mennen stated there is a written agreement between the Borough of Flemington and Hunterdon County concerning Park Avenue. At this time, the County has asked the Borough for some supplemental information; notably how much has been spent to date; how the scope of the project has changed and the County has not yet received that information.

Music Concerts

Mrs. Stewart asked if the Board would consider having local groups perform at the County's Music under the Stars Concert series. Mr. Sworen advised that was a topic of discussion by the Board and it is being considered. The Board is discussing if there will be any concerts this year.

Heron Glen Golf Course

Mrs. Stewart informed the Board she would like to know the statistics on the Heron Glen Golf Course again. She's aware that information is not available this evening.

Mr. Sworen informed Mrs. Stewart that he has been asking for a report on the status of the golf course and that should be available within the next month or so. The golf course returns is over \$249,000 for 2009.

Director Mennen explained a couple of years ago, prior to him coming on the Board the golf course was a discussed and it was decided that each department who would put effort, time and resources into the golf course would "bill" for their services in order to get a true picture of the costs. He is aware that the County Administrator has clarified that directive to the County's department heads as recently as a week ago because the Board wants to have a true picture of the costs for the golf course.

Hunterdon Land Trust/West Amwell Twp/Toll Brothers South property

Margaret Waldock of the Hunterdon Land Trust Alliance (HLT) came before the Board concerning one of their farmland preservation projects, in West Amwell Township on the Toll Brothers South Farm. This is a farm that has been approved.

Sean Pfeiffer, a representative from West Amwell Township and their Planning Board Director, came before the Board to further discuss the West Amwell Township Toll/HLT acquisition.

This parcel was one of the first acquisitions in a new State Agriculture Development Committee (SADC) nonprofit program. The County when entering into a partnership with acquisitions is to maintain an interest, usually in the form of holding an easement. The County's share in this acquisition was \$227,700 which should have resulted in the County holding an interest. This interest resulted in a restricted mowing covenant which the SADC holding the easement.

Mr. Pfeiffer's position on behalf of West Amwell was that the County adopted a resolution (unanimously) on October 09, 2009 that gave final approval to the proposed County cost share at the easement value for the fee simple acquisition on property known as Block 8, Lots 20 and 36, in West Amwell Township. Mr. Pfeiffer articulates that this is a formal agreement to cost share and West Amwell has made budgetary decisions counting on the County living up to their commitment. Mr. Pfeiffer said he made numerous attempts to discuss this acquisition with both County Counsel and the Planning Board Director throughout the process and if there was an issue with the mowing covenant the County should have expressed concern throughout the process.

Director Mennen confirmed with Mr. Pfeiffer that West Amwell would be auctioning off the parcel and that Hunterdon would not receive any return on their investment.

Director Mennen reiterated that due to the commitment made by the County to West Amwell Township, the County would fulfill its obligation. The Board unanimously agreed that the appropriate checks and balances be installed in the process of this new SADC/nonprofit program to ensure it proceeds as prescribed.

Mr. Walton moved and Mr. Holt seconded a motion to approve the County obtain a restrictive mowing covenant from West Amwell Township on Block 8, Lots 20 and 26.

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

There being no further business to come before the Board, Director Mennen adjourned the meeting at 9:33 p.m.

Respectfully submitted,

Denise B. Doolan
Clerk of the Board