

HUNTERDON COUNTY BOARD OF CHOSEN FREEHOLDERS

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

March 16, 2010

The regular meeting of the Hunterdon County Board of Chosen Freeholders convened at 4:08 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 03/16/10-1A

RESOLUTION

RESOLVED, Executive Session to discuss personnel issues involving the Hunterdon Youth facility.

See Page 03/16/10-1B

RESOLUTION

RESOLVED, Executive Session to discuss legal issues surrounding electing to default, by a contractor, on one of the contracts with the County.

See Page 03/16/10-1C

RESOLUTION

RESOLVED, Executive Session to discuss the perspective of land acquisition on Horseshoe Bend Road, in Kingwood Township, from Horseshoe Bend Associates.

See Page 03/16/10-1D

RESOLUTION

RESOLVED, Executive Session to discuss litigation entitled Kneser verses the State Agriculture Development Committee (SADC) and the Township of Tewksbury.

See Page 03/16/10-1E

RESOLUTION

RESOLVED, Executive Session to discuss litigation entitled Kobner versus the Hunterdon County Sheriff.

See Page 03/16/10-1F

RESOLUTION

RESOLVED, Executive Session to discuss law enforcement negotiations.

See Page 03/16/10-1G

RESOLUTION

RESOLVED, Executive Session to discuss a claim by Hunterdon County Regional High School against the County for \$180,000.

See Page 03/16/10-1H

RESOLUTION

RESOLVED, Executive Session to discuss the executive session minutes of February 16, 2010 and March 02, 2010.

See Page 03/16/10-1I

RESOLUTION

RESOLVED, Executive Session to discuss appointments to various boards/committees/councils.

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

The Hunterdon County Board of Chosen Freeholders went into Executive Session at 4:14 p.m. and reconvened in Open Session at 6:16 p.m.

PLEDGE OF ALLEGIANCE

PUBLIC COMMENT

Director Mennen opened the meeting to the public.

Golf Course/Heron Glen

Lois Stewart, Flemington Borough residents, questioned the Board about the golf course and if any figures are available.

Director Mennen informed Mrs. Stewart that the figures for the golf course were being compiled. County Administrator, Cynthia J. Yard advised those figures have not been received yet.

Bridge on Payne Road

Patricia Springwell asked the Board not to widen the bridge on Payne Road, in Clinton Township, or to increase tonnage on the bridge. She does not want to see more traffic being put on that road. Ms. Springwell stated she is present this evening representing the ecosystem and the historical components of that area. The area is environmentally sensitive with wetlands. The brook parallels Route 629 and which Payne Road intersects already has vehicle traffic on it. More traffic in that area would not be in the best interest of the area.

Ms. Springwell asked when the County plans to make a decision on what to do with this bridge.

John P. Glynn, Director, Roads, Bridges and Engineering advised the bridge on Payne Road is in the Capital Improvement Plan, for the scoping phase, so it is very early in the process. Facts about the bridge have to be gathered yet, including wetlands, farmland preservation and all the environmental matters must be reviewed. Mr. Glynn stated the project has not been noticed in the paper yet. At this time, the County is going to solicit proposals for a consultant who will generate all the information.

Director Mennen confirmed the County at this point is in the information gathering and study phase.

Director Mennen asked Ms. Springwell to pass any information she has onto Mr. Glynn, to see if it can be included as a part of the upcoming study related to this project.

Ms. Springwell stated it is important to her to have input into what direction the engineer will be going forward in looking at this bridge.

FINANCE

Mr. Sworen moved and Mr. Walton seconded this:

See Page 03/16/10-2A

RESOLUTION

RESOLVED, Approving the cancellation of a grant receivable for the 2006 Homeland Security Grant, in the amount of \$5,254.38.

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

Mr. Holt moved and Mr. Melick seconded this:

See Page 03/16/10-2B

RESOLUTION

RESOLVED, Approving transfers between certain 2009 Appropriation Reserve Accounts.

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

Mr. Sworen moved and Mr. Walton seconded this:

See Page 03/16/10-2C

RESOLUTION

RESOLVED, Approving the 2010 Emergency Temporary Appropriations.

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

Mr. Sworen moved and Mr. Holt seconded this:

See Page 03/16/10-2D

RESOLUTION

RESOLVED, RESOLUTION - Approving a "Dedication by Rider" for the Attorney ID program.

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

Kim Browne, Finance Director, came before the Board advising that there is funding in an old ordinance to put towards the purchase of the Toll Brothers parcel in West Amwell Township. Mrs. Browne advised this parcel was not listed in the 2008 or 2009 Farmland Preservation Ordinance. She is recommending the funding be taken from a 2002 Ordinance for this parcel.

Mr. Melick confirmed with Mrs. Browne that there is sufficient funding in the 2002 ordinance. Mr. Holt moved and Mr. Sworen seconded a motion approving funding in a 2002 Capital Ordinance for farmland preservation that can be used to fund the West Amwell Township/Toll Brothers Farm.

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

FARMLAND PRESERVATION

Mr. Walton moved and Mr. Sworen seconded this:

See Page 03/16/10-3A

RESOLUTION

RESOLVED, Approving an acquisition for a right-of-way and/or easement, from the Estate of William P. Staments, for Block 25, Lot 60, in Holland Township, for a bridge maintenance easement in the amount of \$333.25.

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

Mr. Holt moved and Mr. Sworen seconded this:

See Page 03/16/10-3B

RESOLUTION

RESOLVED, Approving an acquisition for a right-of-way and/or easement, from Tewksbury Associates, for Block 16, Lots 23, 23.01 and 23.02, in Tewksbury Township, for a bridge maintenance easement, in the amount of \$342.

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

PURCHASING

Mr. Walton moved and Mr. Sworen seconded this:

See Page 03/16/10-3C

RESOLUTION

RESOLVED, Approving County Requisition #24881, with Unisys Corporation, for hardware maintenance for the Public Safety Department, in the amount of \$17,102.88.

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

Mr. Holt moved and Mr. Sworen seconded this:

See Page 03/16/10-3D

RESOLUTION

RESOLVED, Approving a professional services agreement, using County Quote #0089-2008, to conduct a comprehensive inspection and mapping of various dams located on County Parklands, for Roads, Bridges and Engineering, with Hatch, Mott, MacDonald, in an amount not to exceed \$14,000.

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

Mr. Sworen moved and Mr. Walton seconded this:

See Page 03/16/10-3E

RESOLUTION

RESOLVED, Approving a professional services agreement, using County Quote #0079-2009, for an actuarial valuation of post-employment benefits other than pensions, in compliance with Governmental Standards, with SMART Business Advisory and Consulting, LLC, in an amount not to exceed \$11,200.

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

Mr. Holt moved and Mr. Melick seconded this:

See Page 03/16/10-3F

RESOLUTION

RESOLVED, Approving a contract modification to the professional services agreement with Cherry, Weber & Associates, P.C., for engineering design services in connection with the reconstruction of County Bridge F-45, over White Bridge Road, over the Cakepoulin Creek, in Franklin Township, increase of \$30,372.

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

John Davenport, County Purchasing Agent, came before the Board requesting permission to solicit for competitive bids for County Bid #2010-08, for the Replacement Dual Axle-25 Ton Capacity-Fifth Wheel, Sliding Axle Trailer Trail-King Model TK70SA or approved equal; and for County Bid #2010-09, Furnish and Deliver diesel fuel for Roads, Bridges and Engineering. Mr. Walton moved and Mr. Melick seconded a motion granting permission to the County Purchasing Agent to solicit bids for County Bid #2010-08 and #2010-09.

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

COUNTY UPDATE

Family Leave Policy presentation

Cynthia J. Yard, County Administrator and Cheryl Wieder, Human Resources Director brought before the Board a presentation of the draft Family Leave Policy for consideration at the next meeting.

Ms. Wieder explained this policy was discussed two weeks ago in executive session, about the changes to be considered in requiring people to use their accumulated leave time to cover their absences. Ms. Wieder drafted the policy and County Counsel has reviewed it and it includes the procedure when applying for family leave for either the state or federal family leave and the new family leave regulation with military issues are now included in the policy.

Ms. Wieder advised the County used to give employees the option of using their paid leave time which most employees did. Now, under the law the County can either require them to use it; especially since the family leave insurance came into play in July, it makes more sense for the employees to use their accrued leave time in case they want to apply for family leave insurance.

Mrs. Yard asked the Board to consider the policy and review it and if there are any thoughts or comments, to please get them to Ms. Wieder, so this can be considered for approval at the next meeting.

ROADS and BRIDGES UPDATE

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

- County Route 519 and County Route 650, transportation trust fund project, the preliminary design for Route 650 has been completed and the design for 519 is being finalized. Details will be discussed with Holland Township on March 18, 2010, to go over the left hand turn lane when looking at the school.
- Route 523, Raritan and Readington Township the project will be re-mobilized with a start up date of March 29, 2010 and construction will commence April 5, 2010.
- County Route 579, Ringoes, tentative approval has been received from the Historic Preservation Office that they will not make the County go through a Phase I assessment of Culvert E-163.
- County Route 619, Seventh Street to Alexandria Township Limit, there is an understanding that the State Historic Preservation Office has crafted a letter and will be sending it to the County commenting on the plans for the improvement.
- Bridge B-26-W, Valley Station Road, Bethlehem Township, the contractor was out of the water by March 15, 2010 as was required. On Hunterdon's side of the bridge the stone veneer for the abutment needs to be completed.
- Punch list items for Bridge D-345, in Delaware Township, will be completed in early April.
- There is a problem with Bridge E-140-M, on Route County Route 518, in East Amwell Township, the state now wants a Phase I study. The Phase I was not part of the original engineering contract and a proposal is being sought.
- Bridge Q-168, on Pennsylvania Ave, in Raritan Township, the township has approved the site plan. There was a meeting held with the property owners and the County offered to stake the center line of the new road so the residents can the project.
- Bridge R-123, on Holland Brook Road, in Readington Township, the County has addressed the comments received from the New Jersey Department of Transportation (NJDOT) and it is felt authorization will be received to bid the project.
- Bridge T-102, on Water Street, in Tewksbury Township the punch list items will be completed in the spring.
- Bridge W-124, on Alexauken Creek Road, in West Amwell Township, the County is in the process of addressing comments from the Office of Historic Preservation.
- Delaware Township has approved the installation of guiderail at Culvert D-329, on Pine Hill Road, in Delaware Township.
- Drainage plans and specifications are complete for County Route 513 in High Bridge Borough and County Route 617, in Raritan Township. Those projects should be on the April 06, 2010 agenda for approval.
- Roads, Bridges and Engineering is working with the County's Buildings and Maintenance Department on the sidewalk and drainage project, at the Extension Services Building on Gauntt Place. The water has to be removed from the sump hole because it is in line with all the air conditioning units and the electrical panel box. Some excavation may be needed to get through the side wall to drain the sump hole.
- A meeting will be held with Holland Township to work out the details for the County Route 519 (Warren Glen Hill) Safety Improvement project, before it is taken to the NJDOT. The project has been scaled back in accordance with the comments received at the public session.
- County Bridge E-174, in East Amwell Township, the County has begun meeting with property owners and will be meeting with the golf course owner tomorrow. The center line of the project has been staked out and the other features are currently being staked out. A field meeting is scheduled for March 31, 2010 at 4:30 p.m.
- Bids have been received for County Bridge E-166, in East Amwell Township. The bids came in significantly under the engineers estimate. A recommendation will be made to the Board at the next meeting.
- Authorization has been received from Federal Highway to proceed with County Bridge C-88.
- A preconstruction meeting was held for Bridge RQ-164, on Rockafellows Mill Road. The bridge will be closed on March 29, 2010 and the truss will be taken apart, taken to a steel fabricator and reconstructed and returned, ready to be installed.
- The contractor will be back on site on April 06, 2010, for the Route 517/523 intersection project in Tewksbury Township. It appears an agreement is being worked out between the two parties.

- Route 512/513, in Califon Borough, the County has been in contact with JCP&L, but they are busy putting their lines back together. JCP&L has committee to relocate a pole but they will miss that date.
- The two stimulus projects for overlay will be advertised this week.
- The site tour with the Shade Tree Commission went well. Different communities were toured and additional plantings have been identified along the Spruce Run and several trees were designated to be removed and the County is working with the property owners to replace the trees.
- Arbor Day is the last Friday of April and the County is working with Flemington Borough to have a ceremony at the Court Street Park.

Mr. Glynn reported that Flemington Borough will be asking the Freeholder Board to take action concerning Route 523. Currently 523 is designated to come through the center of Flemington, it comes off the circle and through Mine Street, to Main Street to East Main Street. The County is approaching NJDOT to re-designate 523 to run from Route 31, to the Circle to Route 12, in order to keep the tractor trailers out of town. You can use GPS 523 and currently shows directions to the route through town. There is no need to have trucks traveling through town. Mr. Glynn stated Flemington Borough will be requesting a resolution of support for support in the near future, so they can go back to NJDOT and request the designation of Route 523 be re-routed along County Route 12 and Route 31. Mr. Glynn stated he would support that. The only issue is that Walter E. Foran Blvd. will be made the truck route to Thatcher's Hill (Main Street).

OPEN SPACE

Historic Preservation/Open Space

Sue Dziamara, Planning Board Director provided to the Freeholder Board copies of the draft Historic Preservation section for the Open Space Procedures Manual. They continue to work with the Cultural and Heritage Commission and this will provide the Freeholder Board a first look at the historic preservation section. Mrs. Dziamara reported comments have not been received back from Cultural and Heritage at this time.

Mrs. Dziamara informed the Board that they will be recommending two programs in the Cooperative Program, (the cooperative and the extraordinary) instead of the current four programs, in order to streamline the process. Also, recommending one annual application round. Language will be included in the program which says that the funding requests maybe less than what is asked for depending on the number of applications received and the quality of the applications received. There will also be changes to the application and evaluation ranking system in order to make the changes flow through the program. It will be recommended that the Cooperative Initiatives be up to 20% and not to exceed \$1 million and the Extraordinary Initiatives be up to 50% with a not to exceed \$2 million.

Mrs. Dziamara hopes to bring this back, along with the Cooperative Program back for discussion at the next meeting, on April 06, 2010.

Municipal Resolutions

Mr. Walton moved and Mr. Sworen seconded this:

See Page 03/16/10-5A

RESOLUTION

RESOVLED, Approving a Municipal Grant Program application for Open Space Trust Funds, with Bethlehem Township, in the amount of \$23,452.

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

Mr. Sworen moved and Mr. Holt seconded this:

See Page 03/16/10-5B

RESOLUTION

RESOLVED, Approving a Municipal Grant Program application for Open Space Trust Funds, with Holland Township, in the amount of \$150,664.67.

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

Status of the interpretive language for the 2010 Open Space Ballot Question

Director Mennen stated Kevin Richardson, Open Space Trust Fund Coordinator presented a memorandum to the Board dated March 11, 2010, which is a third try at the Ballot language for the 2010 Open Space questions, which permits monies to be used to develop, improve, or maintain properties under the Open Space Program. The memorandum focuses on stewardship, which is a term the County chose to stress in this regard. Director Mennen stated the language the Board agreed to is included in the memorandum, including the expenses which would be excluded and not allowed such as professional fees: lawyers, engineers and etc. The language also talks about conservation practices, removal of invasive species, and other aspects that are strictly related to the land and its open space.

Mr. Richardson added that commensurate with the statute and public law creating the referendum, is that all development, improvement and maintenance activities must be consistent with an open space and recreation development and maintenance plan that is prepared by a municipality. There is an added benefit of accepting an application by a municipality to improve or for stewardship activities with their park and recreation lands based on an approved plan that can be further evaluated.

Mr. Sworen asked if a walking path could be put in.

Mr. Richardson said it would have to be consistent with a plan and the request for a walking trail would be subject to the review, evaluation and recommendation of the Open Space Advisory Committee to the Board. It would reduce an applicant requesting something that was neither in a plan or is inconsistent with a prepared plan.

Mr. Walton asked if a gazebo would be acceptable.

Mr. Richardson feels if a gazebo was part of a comprehensive improvement, it doesn't preclude a municipality from requesting funds that are allocated to it, for it that purpose.

Director Mennen stated as written, this does not preclude the ability for the funds to be used for a structure, such as a gazebo.

Mr. Holt asked if funds could be used for an organized sports facility, if it is under "recreation/development/maintenance". If a municipality puts that in their plan, is it acceptable.

Mr. Richardson said it would determine the consistency and the eligibility to submit an application but it would have to be reviewed and evaluated by the Advisory Committee and ultimately approved by the Freeholder Board as to whether or not those funds would or would not be used for that purpose.

Mr. Richardson explained that currently there is no real history or sense of what a municipality may request because this is an entirely new authorization of the County trust funds.

Mr. Walton confirmed that a municipality would first go to the Open Space Advisory Committee and ask if their application is a good idea or bad idea and it ultimately comes to the Freeholder Board for a decision.

Mr. Richardson and Mrs. Dziamara stated it would have to be included in the municipal development improvement or maintenance plan that has been specifically prepared.

Mrs. Dziamara advised the Freeholders' could also choose to fund any piece of a plan also.

Mr. Richardson noted that the allocation for municipalities beginning next year is being reduced from 15% to 10% and the amounts that are historically allocated are not significant funds. He does not think the County will get into a situation where someone is requesting, for example: \$25,000 for a major improvement to a park.

Mrs. Yard stated also talked about was if there was something that the Open Space Advisory Committee was not sure of; they could come to the Board and get a feel from the Freeholders if it stumps the OSAC. Mr. Richardson would present the request as a blind recommendation for the Board to determine if it is acceptable as an application.

Director Mennen reported in the program are listed some aspects which would be included, specifically stewardship, land management practices, removing invasive plant species, etc. Also listed are expenses that would be specifically excluded. Director Mennen is pleased with the examples provided for the program as to what it may include and he would recommended the policy say "it shall only include" or "shall be limited to". It is the unknowns that he is troubled by. He feels this is consistent with the spirit of stewardship.

Mrs. Yard asked Mrs. Dziamara to address the "standards" when people refer to USDA standards or stormwater management standards.

Mrs. Dziamara explained if someone called her office asking what the USDA standards or stormwater management standards are she would refer them to the agency where that can be found or they could include the Best Management Practices which was found, after much searching of the internet. They are large documents and there is a Best Management Practice for everything and she could point to the agencies that have best management practices and could provide guidance to any applicant who is not aware because they are too cumbersome to put into the procedures book. Sources and links can be added to provide the most current information.

Mr. Walton stated he is prepared to support this tonight, with the Freeholder Board having the final say.

Mr. Richardson recommended expounding on improvements for passive recreation uses as opposed to active recreation or the construction of large buildings or other types of facilities.

Mr. Holt said he is not adverse to the needs of smaller communities and the dollars they have. This definition is fluid and he feels this policy will be brought back to the Board in a couple of years for revisions, once there is a more clear outline of what the municipalities needs are and what the Freeholders will find and the Open Space Committee will find is needed.

Mr. Holt moved and Mr. Walton seconded a motion to approve the definition for "Development, Improvement and Maintain" as presented by the Open Space Trust Fund Coordinator and the Planning Board Director this evening.

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

INTRODUCTION OF GUEST

Director Mennen recognized New Jersey Assemblyman John DiMaio.

Assemblyman DiMaio explained he is coming from a meeting in Trenton, New Jersey to a meeting in Clinton and he was passing through so he stopped to visit a County of sanity, a level of government that operates itself efficiently. He is proud to represent Hunterdon County, as well as his home County of Warren.

Assemblyman DiMaio stated that a majority of the Hunterdon Freeholder Board was present in Trenton today for the Governor's speech. Assemblyman DiMaio shared with those present some of what Governor Christie said in his speech today. The State Legislature is going to take the Governor's lead and work to put things in place to achieve the Governor's goals. He believes as the Governor does, if the financial house can be put in order the economy will turn around.

Assemblyman DiMaio commented the Hunterdon County Board of Chosen Freeholders does a great job for its taxpayers and he thanked them for allowing him time to speak this evening.

FOR DISCUSSION

Status – "Friends of" project

Mr. Sworen advised the Board that he was unable to talk with people last week concerning the "Friends of" project but he will be in touch with County Counsel DeSapio soon, to relay comments. He will be contacting three or four organizations and there are more to contact to bring on board.

Horseshoe Bend progress report

County Counsel DeSapio reported he had a conversation with the seller, which followed on the Board's Executive Session discussions. The seller is anxious to schedule a closing this month. As discussed in Executive Session there are still some environmental issues outstanding, namely the removal of a kennel which had mold contamination; the removal of the septic system that serviced the kennel and the testing of the soil around that septic system to determine whether or not there was any contamination from any of the cleaning agents or anything else that was dumped into that septic; and the removal of the dump area across the street. Mr. DeSapio told the seller that the County did not believe, based upon the Executive Session discussion that he could get those items done this month to the County's satisfaction. The seller indicates that he can get those items done.

Mr. DeSapio reported that in discussions this evening, out in the hallway, with the seller and representatives of Kingwood Township, and representatives of the Hunterdon Land Trust Alliance, Mr. DeSapio advised the County would be talking about this again this evening and that a resolution could be proposed authorizing closing provided that the County's Environmental Consultant and John Glynn, Director of Roads, Bridges and Engineering were satisfied that all environmental issues are resolved prior to March 26, 2010. The Freeholder Board does not have another meeting prior to that date, if the Board is amenable to the concept, one or more Freeholders could look over his shoulder and make sure everything is done that needs to be done before closing, that could be incorporated into the resolution.

Mr. Sworen stated the County is not asking for anything new or changed. There have been meetings with the County's consultants, the seller's consultant and members of the Planning Board and Roads, Bridges and Engineering Director and a list of items were generated that need to be done before closing back in January. As of today's meeting, a majority of those items have not been accomplished. The list needs to be accomplished before closing.

Mr. DeSapio informed the Board that what was said in the hall this evening, and he confirmed this with Mr. Glynn, is currently they don't have an area of identified contamination so the State Department of Environmental Protection will not issue a "No Further Action" letter, if there is no contaminated area to comment on. The seller's consultant will provide an LSRP, which is his representation to the County that they have performed all the testing and studies necessary to determine with reasonable assurance that there is no contamination on the property. If they would sign that the County's consultant has already looked at a draft of this document which he proposes to sign, and which the public could rely on that in the future in the event if there was something that was discovered and determined that the consultant missed it. This comes on top of the Freeholders agreeing to hire, last year, Brinkerhoff Associates to look over the work already done. Except for a couple of exceptions, which the Board has seen in the letter and email which was discussed in Executive Session, Brinkerhoff is satisfied that the seller did their due diligence.

Mr. DeSapio stated everyone is anxious and funding is available in the County account. While in Executive Session the Board did not believe the seller could get all the environmental issues done by March 31, 2010, County Counsel was instructed to inform the seller that he needed to get this issues done and then a closing could be discussed. The seller is asking, in view of his representation that he will get the issues resolved, if the Freeholder Board will adopt a resolution authorizing the closing and if the doesn't get the issues resolved, there will be no closing.

Mr. Sworen said if for some technical reason, four days of rain, that he can't get it done, is the seller amenable to putting a specific amount in escrow to guarantee the work gets done.

Mr. DeSapio feels the County would spend too much time arguing/discussing and trying to figure out what would be held in escrow. There was some discussion about one of the funding partners having a portion of their funding not be available after March 31, 2010. The seller wants to set a March 26, 2010 date and if it slips into April, fine, but he wants a date. Mr. DeSapio believes the County should not worry about escrows because if an emergency comes up, where in order not

to loose this transaction, a special could be called by the Board because it would be too cumbersome to try and figure out what the appropriate escrow would be.

Mr. DeSapio recommended to the Board that a resolution be adopted to authorize closing and if the closing doesn't occur by the Board's first meeting in April the Freeholders reserve all rights to re-evaluate the transaction.

Director Mennen stated many a month has passed about pending closing and activities to take place and all have failed. The County has held on and held on, and continued to be in the mix and continued to say the Freeholders are honoring an obligation. The County is turning away other projects because of this. He does not have a problem in principal with what Mr. DeSapio has outlined but he would like to be more affirmative and say if this does not close by X date, through fault of the seller that it is done. The County looked at six properties the last time it met and the Freeholder lamented the fact that it could not fund all of them and meanwhile this project has been sitting on the sideline waiting for the seller to meet his obligations; obligations which he voluntarily agreed to meet on multiple occasions. Mentioned tonight was a meeting that took place on January 7th 2010 but that wasn't the first meeting on this matter. There have been multiple meetings going back as early as last Spring. The County has tied up funds and we are turning projects away. An obligation is an obligation, both to the seller and the County. The County continually lives up to its obligations and we are just waiting for the seller to meet his obligations. If the seller feels they can get this done by March 26, 2010 great and if it isn't done by the end of April 2010, that's it. The money can be put somewhere else where it can be used and where it can be used now.

Mr. DeSapio advised there was a draft resolution in the Freeholders' packet and he asked for time to mark it up, so he can read it back later in the meeting.

Mr. Melick feels the project is too much money and the project has been going on for many months. He said this is being purchased for public purposes and here we are talking about contamination and that stuff can come back and haunt the County.

Mr. Melick doesn't want to authorize anything until more definitive action can be obtained on where this is going. The amount of money being paid for this is huge. We are going back 10 years for comparables on appraisals. To purchase property with all these problems is a poster child for what is wrong with the State of New Jersey. This is not in the best interest of the taxpayer. There is no developer to purchase anything like this. There is no hurry here. This problem has problems; it is horrendous.

Mr. Sworen confirmed Mr. DeSapio will change the resolution and put in a couple of dates.

The majority of the Board asked Mr. DeSapio to work on the resolution.

Analysis of the cost per copy

Director Mennen reported that Bob Thurgarland, Director, Central Printing and Mail and John Davenport, County Purchasing Agent were directed at the Board's last meeting to do a full, true analysis of the cost per copy. That work is almost done and they will report back to the Board at the next meeting on the specifics.

Mr. Melick recommended just charging \$0.10 a copy.

Mrs. Yard reported that Mr. Thurgarland and Mr. Davenport have reached out to some municipalities for information because they don't charge the same.

Director Mennen confirmed there is a lack of uniformity because what it may cost here and at Flemington Borough can be dramatically different. This is not as simple an exercise as one would think and the County is going to get to the bottom of what the true cost is and the County will do what is fair, equitable and right.

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 #1, Claims, held at this time.

Mr. Sworen moved and Mr. Holt seconded these:

See Page 03/16/10-8A

RESOLUTION

RESOLVED, Rachel Wilt appointed permanent, full time Senior Receptionist Typing, Purchasing Department.

See Page 03/16/10-8B

RESOLUTION

RESOLVED, Catherine Antiskay appointed permanent, full time Senior Receptionist Typing, Division of Housing, Human Services Department.

See Page 03/16/10-9A

RESOLUTION

RESOLVED, Joseph Pacella appointed permanent, full time Social Worker Aging, Division of Social Services, Human Services Department.

See Page 03/16/10-9B

RESOLUTION

RESOLVED, Margaret Binion appointed permanent, full time Social Worker Aging, Division of Social Services, Human Services Department.

See Page 03/16/10-9C

RESOLUTION

RESOLVED, Wesley Kollmer appointed permanent, full time County Correction Officer, Division of Corrections, Public Safety Department.

See Page 03/16/10-9D

RESOLUTION

RESOLVED, Gretchen Malone appointed permanent, full time County Correction Officer, Division of Corrections, Public Safety Department.

See Page 03/16/10-9E

RESOLUTION

RESOLVED, Amber Thorsen appointed permanent, full time County Correction Officer, Division of Corrections, Public Safety Department.

See Page 03/16/10-9F

RESOLUTION

RESOLVED, Robert Hanley appointed temporary, as needed, Instructor, Division of Emergency Management, Public Safety Department.

See Page 03/16/10-9G

RESOLUTION

RESOLVED, Nicholas Knechel appointed temporary, as needed, Instructor, Division of Emergency Management, Public Safety Department.

See Page 03/16/10-9H

RESOLUTION

RESOLVED, Approving a Municipal Alliance Subgrant award, with the Central Hunterdon Cluster, represented by Delaware Township, in the amount of \$31,400.

See Page 03/16/10-9I

RESOLUTION

RESOLVED, Approving a Municipal Alliance Subgrant award, with the North Hunterdon Cluster, represented by Clinton Town, in the amount of \$23,800.

See Page 03/16/10-9J

RESOLUTION

RESOLVED, Approving final payment for Emergency Quote #0060-2009, for the emergency Reconstruction of County Bridge T-102, on Rockaway Road, over the Rockaway Creek, in Tewksbury Township, with HC Contractors, Inc., in the amount of \$25,052.17.

See Page 03/16/10-9K

RESOLUTION

RESOLVED, Approving an agreement for special election law counsel for the County Clerk.

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

Mr. Sworen moved and Mr. Holt seconded a motion to approve claims, minus check #1127608.

See Page 03/16/10-9L

CLAIMS REGISTER

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

Mr. Sworen moved and Mr. Holt seconded a motion to approve Check No. 127608.

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

PROCLAMATIONS/PRESENTATION

Mr. Holt moved and Mr. Walton seconded this:

See Page 03/16/10-9M

PROCLAMATION

RESOLVED, Declaring March as Brain Injury Awareness Month.

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

Mr. Sworen moved and Mr. Walton seconded these:

See Page 03/16/10-10A

PROCLAMATION

RESOLVED, Recognizing Joseph Charles Picardo for attaining the designation of Eagle Scout.

See Page 03/16/10-10B

PROCLAMATION

RESOLVED, Recognizing Ryan Markmann for attaining the designation of Eagle Scout.

See Page 03/16/10-10C

PROCLAMATION

RESOLVED, Recognizing Nicolas George Entrabartolo for attaining the designation of Eagle Scout.

See Page 03/16/10-10D

PROCLAMATION

RESOLVED, Recognizing Andras Matyas Kiss for attaining the designation of Eagle Scout.

See Page 03/16/10-10E

PROCLAMATION

RESOLVED, Recognizing William Reinhardt for attaining the designation of Eagle Scout.

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

GRANTS

Mr. Holt moved and Mr. Walton seconded this:

See Page 03/16/10-10F

RESOLUTION

RESOLVED, Approving a Section 5310 Grant application with New Jersey Transit for the purchase of 4 small transit buses designed to carry up to 24 ambulatory and/or 2 forward facing mobility devices. New Jersey Transit will provide the required 80 percent.

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

Mr. Holt moved and Mr. Walton seconded this:

See Page 03/16/10-10G

RESOLUTION

RESOLVED, Approving the Job Access/Reverse Commute (JARC-Round 10) Operating Agreement, in the amount of \$60,000 with a County match of \$60,000. Total grant amount \$120,000.

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

Mr. Sworen moved and Mr. Walton seconded these:

See Page 03/16/10-10H

PRESOLUTION

RESOLVED, Approving an amendment to the 2009 Recreational Opportunities for Individuals with Disabilities grant agreement, redistributing the funds. No change in amount.

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

CORRESPONDENCE

A request was received from Califon Borough, for permission to use and close a portion of County Route 512 from School Street to Academy Street, for one hour, commencing at 10:45 p.m., on Monday, May 31, 2010, for the Califon Memorial Day Parade. Mr. Walton moved and Mr. Sworen seconded a motion granting permission provided this event is coordinated through the County's Department of Roads, Bridges and Engineering.

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

Correspondence was received from Team Somerset Bicycle Club, requesting permission to use roads in Readington Township to conduct individual time trials, on Saturday, May 08, 2010, from 7:30 a.m. until 9:30 a.m. Mr. Walton moved and Mr. Holt seconded a motion granting permission provided this event is coordinated through the County's Department of Roads, Bridges and Engineering.

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

A letter was received from the Hunterdon Harmonizers, requesting permission to use the steps and porch of the historic Court House as a performance stage during the 26th Annual Craft Fair, on September 18 and 19, 2010. Also requesting again, to use the County bathroom facilities in the rear of the building, between 9:00 a.m. and 5:00 p.m. during the event. Mr. Sworen moved and Mr. Holt seconded a motion granting permission provided this event is coordinated through the County's Department of Buildings and Maintenance.

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

Rutgers' Cooperative Extension of Hunterdon County is asking the Freeholder Board for a rain date of April 10, 2010, for their approved 4-H Shooting Sports State March (scheduled for March 13, 2010) which was cancelled due to rain. Mr. Holt moved and Mr. Walton seconded a motion granting permission for a rain date for this event.

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

Horseshoe Bend Resolution

Mr. DeSapio read the resolution to the Freeholder Board and those present concerning the pending purchase of property on Horseshoe Bend Road, in Kingwood Township, from the Horseshoe Bend LLC. The resolution contains the date of May 04, 2010 as the date when all environmental issues must be remediated, reviewed by the County's Environmental Consultant and be to the County's satisfaction.

Mr. Sworen moved and Mr. Holt seconded this:

See Page 03/16/10-11A

RESOLUTION

RESOLVED, Approving the acquisition of property on Horseshoe Bend Road, in Kingwood Township, from the Horseshoe Bend LLC, in the amount of \$2,800,000; New Jersey Green Acres will be contributing \$1.5 million (subject to possible adjustment based upon the reduction of the purchase price); Hunterdon County will contribute the sum of \$1.3 million/possibly \$1.4 million subject to the terms of the contract for the purchase of real estate. The property is known as Block 14, Lot 30 located in the Township of Kingwood, in the County of Hunterdon.

Mr. DeSapio confirmed for the Board that if anything should come out of the removals, any contamination issue that the seller has to treat it/remediate it to the County's satisfaction. Also, if something is found, the closing will not take place on March 26, 2010. This is a good faith representation by the County. The closing shall be completed by May 4, 2010 or the Freeholders reserve the right to terminate the contract.

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

FREEHOLDERS COMMENTS/REPORTS

Hunterdon Central Regional High School

Director Mennen advised in Executive Session the Board discussed a movement/action that is being taken by the Hunterdon Central Regional High School District Board of Education and it appears there is a genuine difference of opinion on this Board. This was discussed in an effort to resolve that. The difference of opinion appears to be substantive and substantive in an architectural fashion. This Board will dispatch the County Architect, Frank Bell, to hopefully meet with Hunterdon Central's Administrator of that School District, a representative of their Board of Education and a member from this Board in an effort to resolve that situation.

Director Mennen advised earlier this evening the question was raised as to who from this Board would serve as that representative to the working group and the thought was it made sense for it to be someone who is already involved with or a liaison to Polytech given that the genesis of this difference of opinion involves Polytech and a construction project.

Director Mennen noted that Freeholders Sworen and Walton are liaisons to Polytech and they can decide.

County Counsel DeSapio recommended the County Administrator, Cynthia Yard arrange the meeting date and time.

Governor's Speech

Director Mennen stated that the Governor's speech today was sobering, interesting and refreshing. Someone is actually tackling the real problems and its long overdue.

Mr. Walton stated he was struck by how serious the Governor is about getting back to core government functions. This will hurt a lot of people in this County and the state but it will hurt everyone; it will be shared pain.

Mr. Holt stated he was not disappointed on where the Governor stood on transportation. Approximately 3% in cuts for transportation to counties. One of the greatest needs Hunterdon County has is to find alternative forms of transportation. Last evening he, Sue Dziamara, and Peter Palmer from Somerset County and a couple of people from the Rail Coalition started working on a resolution for the Rail Coalition to present to New Jersey Transit regarding fare increases. The resolution does not tell the Governor or legislature what to do but it does point out the issues involving concerns with the decrease in fares.

Mr. Holt stated the federal government and the state of New Jersey have combined to commit to \$8 Billion dollars for the Art Tunnel to be rebuilt. The purpose of the Art Tunnel being rebuilt is to double the capacity of a potential rail system within the state. Mr. Holt advised he strongly supports an increase in the rail transportation in the State of New Jersey. Language/Resolution is being crafted and will be ready by May. The North Jersey Transportation Planning Authority is also working on this issue.

Mr. Melick stated the Governor's speech was refreshing and long overdue. Hunterdon County is in a bad place because you can't raise taxes because people are leaving the County. The Freeholders are now going to have to start saying no. He hopes when the cuts come to Hunterdon County this Board is prepared because the citizenry is pressed hard.

Sheriff's Office

Mr. Melick stated several pieces of correspondence came in from the Sheriff's Office because the County Administrator denied a request. He would like to confirm, for the record, that this Board will not be taking action on the Sheriff's request.

Director Mennen told Mr. Melick if he is responding to the correspondence from the Sheriff asking the Freeholder Board to implement pay raises for her appointed undersheriffs and other appointees within her office. He responded and in that response he directed her to the Freeholders' previous correspondence that went out in January 2010 under his signature, indicating that discussions with regard to unclassified appointees and constitutional offices, that their pay for this year will be dealt with as part of the budget. He indicated to the Sheriff that the budget at this point and time, as we all know, is not yet adopted.

Mrs. Yard reported to the Board that this morning when she, Ms. Wieder, Human Resources Director and Kim Browne, the Finance Director were working on the Action and Status Report, which was prepared for the Budget Work Session, not only did the Sheriff put in some recommended raises for her appointed people, she also increased the hours of the Security Guards. That is not what appears in the Budget Workbook prepared for the Freeholder Board. The Sheriff also put in funding for one of the positions which the Freeholder Board did not fund last year, 2009. That information was placed in the Action and Status so when the Board talks on March 31, 2010, this would be brought to your attention and the Board can decide and reconcile how it should appear in the budget workbook. Mrs. Yard stated the Salary and Wage Budgets in the workbooks are taken right from a picture of last year so none of the department, except for the Sheriff, at this point, have asked for extra hours or raises.

Mrs. Yard advised she is still following the policy set by the Freeholder Board and if a request comes before her that does not follow policy, she will deny it.

Mr. Melick stated he brought that up to make sure that the whole Board confirms the work being done by Mrs. Yard.

Director Mennen advised the Sheriff has received answers and while she may not be happy with the answers, but she did receive answers. The Sheriff will continue to get answers for her other questions as the budget process evolves.

OPEN TO THE PUBLIC

Director Mennen opened the meeting to the public.

Patricia Springwell, Clinton Township residents, commented regarding the Freeholders' discussion on Open Space and the language discussed today. Open space should be kept true to the language "Open Space" and Green Acres. There should be restrictions and limitations in how the County's program is worded. She does not believe black macadam parking lots, structures, lighting, rest rooms or anything like that are true to the words "open space" and stewardship and maintenance of the open space.

There being no further business to come before the Board, Director Mennen adjourned the meeting at 7:53 p.m.

Respectfully submitted,

Denise B. Doolan
Clerk of the Board