

# **SPECIAL MEETING**

## **HUNTERDON COUNTY BOARD OF CHOSEN FREEHOLDERS**

Main Street County Complex, Second Floor

Flemington, New Jersey 08822

**December 28, 2011**

The special meeting of the Hunterdon County Board of Chosen Freeholders convened in open session at 9:01 a.m. in accordance with the provisions of the Open Public Meetings Act.

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

**ABSENT: MR. WALTON.**

### **CONVENE**

Director Holt 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 faxed on or before December 20, 2011, to the Hunterdon County Democrat, The Express, Courier News, Trenton Times, and Star Ledger, newspapers designated to receive such notices and by filing a copy with the Hunterdon County Clerk."

Mr. Mennen came into the meeting at 9:02 a.m.

### **PLEDGE OF ALLEGIANCE**

### **NEW BUSINESS**

Mr. Walton moved and Mr. Sworen seconded a motion to approve claims in accordance with the Claims Register dated December 28, 2011.

**See Page 12/28/11-1A**

**CLAIMS REGISTER**

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

Mr. Walton moved and Mr. Melick seconded this:

**See Page 12/28/11-1B**

**RESOLUTION**

**RESOLVED**, Authorizing the submission of proposed layoff plans to the New Jersey Civil Service Commission.

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

Mr. Melick moved and Mr. Walton seconded this:

**See Page 12/28/11-1C**

**RESOLUTION**

**RESOLVED**, Approving a State Change Order, #1, for County Bid #2011-05, for the Reconstruction of County Bridge W-124, over the Alexauken Creek, in West Amwell Township, with Kalogridis Contracting, increase of \$5,010.50.

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

Mr. Sworen moved and Mr. Melick seconded this:

**See Page 12/28/11-1D**

**RESOLUTION**

**RESOLVED**, Authorizing the award of County Bid #2011-31, to furnish and install a closed circuit video system (CCVS) enhancement, at the Hunterdon County Justice Center, for the Sheriff's Office, to System Design Group, LLC., in an amount not to exceed \$78,890.98. (Cops Grant)

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

Mr. Walton moved and Mr. Melick seconded this:

**See Page 12/28/11-1E**

**RESOLUTION**

**RESOLVED**, Approving Application for Payment #3, for County Bid #2010-24, for the Addition and Fuel Island Upgrade at the Everittstown Garage, with Tekton Development, in the amount of \$8,640.

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

Mr. Walton moved and Mr. Melick seconded this:

**See Page 12/28/11-2A**

**RESOLUTION**

**RESOLVED**, Approving Application for Payment #4, for County Bid #2010-24, for the Addition and Fuel Island Upgrade at the Everittstown Garage, with Tekton Development, in the amount of \$72,841.50.

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

Mr. Walton moved and Mr. Sworen seconded this:

**See Page 12/28/11-2B**

**RESOLUTION**

**RESOLVED**, Approving transfers between certain appropriation accounts.

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

Mr. Walton moved and Mr. Melick seconded a motion to approve the Social Services Funds Report for the period of May 01, 2011 through October 31, 2011.

**See Page 12/28/11-2C**

**SOCIAL SERVICES FUNDS REPORT**

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

**FOR DISCUSSION**

Alan Johnson, Solid Waste Recycling Coordinator came before the Board to discuss the changes to the By-Laws for the Solid Waste Advisory Council (SWAC).

Mrs. Yard advised Mr. Johnson has met with SWAC at a special meeting on December 20, 2011 to review the proposed changes to the By-Laws. The changes weren't substantive.

Mr. Johnson informed the Board most of the changes to the By-Laws are minor changes. One of the largest changes would be for SWAC to appoint their own chairman from the body of municipal representatives and Freeholder appointed representatives. The terms and obligations regarding the attendance, after much discussion, SWAC realized the need for having better attendance by all representatives on SWAC and did agree with the three consecutive absences then being removed.

Mr. Johnson advised SWAC wanted to have four meetings a year just so they would have involvement and not become dormant. It was felt if more obligations were going to be place upon municipalities and greater expectations were given, SWAC would like to increase the forum to 12 voting members from the present eight. SWAC feels they are able to do that. SWAC also saw the need to have better representation from municipalities in greater numbers.

Mrs. Yard stated these changes would not preclude what the County originally wanted to do, which was to send a letter to the municipalities and inform them they need to provide interested, contributing recommendations to be on SWAC. Also let the municipalities know if someone doesn't show up for three unexcused meetings they are off the committee.

Mrs. Yard said the meetings were to be initiated by the Board if there needed to be some sort of recommendation regarding the Solid Waste Management Plan and SWAC wants to have four meetings a year. The ways things are set up SWAC can call meetings at anytime.

Mr. Walton is concerned about what a quorum would be. He feels the need to find out how many municipalities are interested in having someone serve on SWAC and then the number would be 50% plus 1.

Mrs. Yard agreed the County should wait and see how many municipalities are interested in being contributing, valuable members.

Mr. Johnson stated the reorganization of SWAC takes place in February and the Board will know by then how many municipalities are interested in having someone serve on SWAC.

Mr. Mennen advised the whole idea is to make SWAC a viable operating body. The reason why they haven't been viable is because they have difficulty in cultivating a quorum. He suggested not setting a fixed number for the quorum but rather place in the By-Laws 50% plus 1.

Mr. Sworen asked Mr. Johnson to define voting member and it should be done on the first place where member was crossed out and replaced with representative. It has to say member.

Mr. Mennen moved and Mr. Walton seconded this:

**See Page 12/28/11-2A**

**RESOLUTION**

**RESOLVED**, Approving the adoption of the By-Laws for the Solid Waste Advisory Board.

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

PILOT (Payment in Lieu of Taxes) Program funds

Mrs. Yard provided the Board with a draft letter to municipalities informing them of the PILOT (Payment in Lieu of Taxes) Program. Depending on what a municipality owes the County that would determine if a payment plan would be set up. Finance would like to be able to set up a standard payment plan for when they get those requests for special dispensation. This letter is asking municipalities to include the 2012 payments in their 2012 budget and come up with a payment schedule for the back payments.

Mr. Mennen recommended that at the end of the third paragraph there needs to be clarification that this was brought to the County's attention by its auditor.

Mr. Sworen questioned if there is a statute of limitations on collecting back taxes.

Shana Taylor, County Counsel, will look into that and report back.

Mrs. Yard and Mrs. Browne informed the Board that the original bill went back to 1998 and the County is only looking at 2001 forward.

Mr. Sworen feels a lot of municipalities that don't have the money are going to their Open Space fund to take the payments from there.

Director Holt questioned how a municipality could use Open Space funds because they have to submit an application to the County for the use of those funds and they have to identify the project the funds would be used for.

The Board discussed a time period for the collection of back PILOT funds and determined municipalities could take up to 5 years to reimburse the County.

After further review of the draft letter regarding the PILOT program, Mr. Melick moved and Mr. Walton seconded a motion authorizing Mrs. Yard and Mrs. Browne to send out the PILOT program letter notification to the municipalities.

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

**BUDGET**

Capital Hearings

Mrs. Yard confirmed with the Board that Tuesday, January 10, 2012 at 3:00 p.m., will be set as a special meeting date for capital hearing recommendations.

County funding for medical services for eligible citizens

Mrs. Yard and Ms. Taylor reported since the County has taken over Public Health Nursing (PHN) there have been ideas which have come forward to better utilize County dollars used for provider service initiatives/allocations. The County sets aside a pocket of money for what has been identified as low income women's health issues. Through the Public Health Nursing and the Needs Assessment which is still going on at PHN, Ms. Taylor has identified that there are other needs, not just for low income women's health issues, there are Hepatitis B vaccines needed; there are high risk pregnant women who need co-pay requirements on some of the doctors in Hunterdon County. Last year the County put aside \$15,000 for services. Ms. Taylor is recommending spreading out or redefining services for people who are eligible, either under insured or uninsured for services they would not be able to get. Ms. Taylor recommended calling this allocation Low Income or Eligible Medical Service. If someone has a need it can be met through this pot of funding, it could be done.

Mrs. Yard asked the Board when it makes the consideration for the allocation/provider services that this would expand that definition.

Mrs. Browne confirmed the funding for this line item would not be increased. She advised the Board that the fund was under spent in 2011.

No action required by the Board as it will be voted on at budget time.

Information to be included in the 2012 Operating Budget submissions

Mrs. Yard recommended to the Board that the budgets of the Constitutional Officers and the Prosecutor, since he is like a Constitutional Office, be more itemized than they are and there are statutes that support this.

Mrs. Yard, Mrs. Browne and Ms. Wieder met and identified line items that in the past have been very generic and where there might be money put for things the Freeholders might not agree to/goes against County policies.

Mrs. Yard stated in August 2011 she submitted to the Board areas of the Governor's report which were applicable to budget development. This also involves identifying the two departments of those four departments which have Fleets (vehicles) being the Sheriff and the Prosecutor. Mrs. Yard confirmed with Margaret Pasqua, County Treasurer, that the guidelines from Trenton instructs the County that the budget for vehicles, maintenance of vehicles and gas does not go into each individual budget, however, it is truly an expenditure the Freeholders need to be aware of; especially in light of the Freeholders and the County's Labor Counsel, Matthew Giocobbe, looking at the Fleet size of the Prosecutor's Office and where the responsibility lies of the governing body.

Mrs. Yard, Mrs. Browne, Mrs. Pasqua and Ms. Wieder went through the Gasboy reports and the Dacia and the Vehicle Services Division provided the figures for 2010 and 2011 of what the Prosecutor's Office and the Sheriff's Office spent on gas and labor and parts to maintain their fleets.

Mrs. Yard explained when Finance has to send out of the operating budget instructions to all departments, these four departments would get a different letter because the Freeholders have the right to approve the bottom number of each of those budgets, but if they don't come with itemized, anticipated expenditures then the budget is fungible and if the need comes up and something is order that is not within the County's policies or practices, the Board needs to be made aware.

Mrs. Yard understands departments may not know what they are going to spend which is why they are being asked what they are anticipating. If they know they want to order new cars or request certain items, it should be put before the Board to make an informed decision concerning their budget. These departments with fleets should be able to inform the Board of what they are proposing goes into their budget.

Director Holt sees this as a positive. If you look at the two larger departments and the maintenance costs for vehicles, these are signs of an aging fleet, which need to be looked at.

Mrs. Yard suggested another column could be added to the budget to show the Board what is spent in commuting miles.

Director Holt advised he would also like to see the breakdown on vehicles in other budgets also. Mrs. Yard said the information can be gathered.

Mrs. Yard said the Finance Team would get the Gasboy and Dacia reports and include in all department budgets vehicle information that has a fleet. The Finance Team will also gather information on commuting miles for anyone who takes a County vehicle home.

Mr. Walton would like to see this information posted on the internet so that taxpayers can see where their money is going. In addition, departments such as Health can organize their trips in a regional way.

Director Holt would like to see the maintenance on the County's trucks and vehicles in order to determine the status of the County's fleet and which departments are spending more for maintenance. He feels that is a good forecasting tool. Mrs. Yard stated that can be done.

Mrs. Yard reported to the Board that they can ask about any line item for any department and what is anticipated to be spent. The operating budgets for most departments are very small and they have been trimmed down.

Director Holt advised dialog is needed when maintenance numbers get high.

Mr. Sworen suggested the County also look into leasing vehicles versus purchasing.

Mrs. Yard is aware the screening meeting being held on January 09, 2012 that John Glynn, Director, Roads, Bridges and Engineering has done an analysis of the vehicles/their age and mileage.

Mr. Mennen questioned why the Division of Local Government Services makes the County lumps vehicles across the County as a whole; as opposed to having the ability to break them out by department, so the County could actually track which individual departments are spending and using.

Mrs. Browne explained it is similar to the telephones which used to be in everyone's budget. The Division of Local Government Services wants a standardized charge of accounts so they can compare Hunterdon to other counties.

Mr. Sworen said the County can put what it wants in its local budget but the part that goes to the state has to be more standardized.

Mr. Mennen stated he would like to see an analysis about vehicles as was done with legal services, for each department. These departments ought to be run the best they can be; almost as if they were individual businesses in terms of accountability and budgeting. This Board has to understand exactly what is being spent.

Mrs. Yard will include from the Gasboy and the Dacia reports, the 2010 and 2011 information for every department that has a vehicle or a fleet; the departments could be asked to include a request for funding to be put into their line items or it could be put on their worksheet.

Mr. Sworen suggested Information Technology take the information and load it into a spreadsheet. The County has electronic capabilities and should be using it.

Mr. Mennen feels an individual department should make a request at budget time for either the number of miles, vehicles or gallons needed. Departments should have to justify what they want to do and to the degree they want to do it.

Mrs. Browne asked what the consequences would be if a department goes over the number of miles, vehicles or gallons of gas.

Mr. Sworen and Mr. Mennen feel if someone goes over their numbers, they should have to explain why to the Board.

### **COUNTY Update**

#### **Planning**

Cynthia J. Yard, County Administrator advised Sue Dziamara, Planning Board Director came to talk about several issues and at the time, she demonstrated what the Planning Board's work program was. Mrs. Dziamara was asked to place statutory responsibilities to each Planning Board employee.

Mrs. Yard stated the reason why there are mandated requirements in the Planning Board Office is because the Board of Chosen Freeholders elected to create a Planning Board. They have specific tasks which were taken out of the statute which also appears on the Mandated versus Discretionary study which was done three years ago. Mrs. Dziamara also talked about the TDR statutory requirement that municipalities have to provide an ordinance and implementation program review by the County Planning Board. This is as a result of having a Planning Board. Mrs. Yard stated there is a statute that says you have to review plans but it is because the Board of Chosen Freeholders elected to create a Planning Board.

Mrs. Yard advised there is also an ordinance review under the storm water plan and there is a statute which talks about a review and approval of a planning agency or a water resource allocation agency. This too is being the Board of Chosen Freeholders created a Planning Board.

Mrs. Yard advised even in mandated services, whether they be discretionary or mandated, the governing body has the right and the obligation to determine what resources are going to meet those discretionary or mandated services. This is information requested by the Board on what the current staffing allocation is doing and what responsibilities they are meeting. Mrs. Yard reminded the Board that all grants are discretionary.

#### **805/810/815/820**

Mrs. Yard stated the Finance Team wanted to look at the 805/810/815 and 820 line accounts this year. The Finance Team is asking the Board to loosen up a little on the restrictions which have been placed on memberships. That budget last year was greatly reduced but it is being found out that there are some legitimate memberships that are needed. Mrs. Yard informed the Board that she wrote letters this past year to some of the memberships asking for people to still be able to participate without paying dues. Some associations agreed and some did not.

Mrs. Yard said the Finance Team wants to come up with a proposal for the Board's consideration when the time comes. First they would see what people are requesting for 2012 and the Finance Team would come up with a recommendation/dollar amount. There are memberships that promote and help the County's professionals and it gives them legitimate networking opportunities.

#### **Petty Cash Policy**

Mrs. Yard reported to the Board that last year, the Finance Team came up with a Petty Cash Policy which was held in abeyance and they would like to make sure it gets on the Board's agenda for reorganization. Mrs. Yard explained a situation occurred which has been rectified but those petty cash accounts are for very specific items and a situation came up in one of the office this year which Mrs. Yard had denied a request for certain refreshment items and this office paid for those items out of petty cash which is absolutely not allowed. Mrs. Yard supports the County Treasurer in the position she took that this was not an allowable petty cash expense.

Mrs. Yard stated the current County Petty Cash policy states if the petty cash comes up short it is the expectation that it is the custodian of the petty cash account who will make it whole. This morning it was decided the custodian would not make the petty cash whole but the funds will be coming out of a trust fund for reimbursement. Mrs. Yard doesn't feel this should be tolerated and asked the Board to consider the new policy at reorganization. The Board agreed.

### **PUBLIC COMMENT**

Director Holt opened the meeting to the public.

Terry Wright, Hunterdon County Democrat Reporter, asked the Board for a copy of the County's layoff plan.

Matthew Giacobbe, Labor Counsel, reported the County has already met with the union on this matter and will be meeting with them again to explore alternatives as required by law. Once the plan is signed it will be submitted to the State Division of Civil Service for their review and ultimate approval.

Mrs. Yard will provide this information to Mr. Wright once it has been signed. Mrs. Yard confirmed for Mr. Wright that this is just a plan and it has to be approved by Civil Service. This is a proposed layoff plan and until Civil Services returns it approved to the County, it is still a plan.

### **EXECUTIVE SESSION**

Mr. Mennen moved and Mr. Melick seconded these:

**See Page 12/28/11-5A**

### **RESOLUTION**

**RESOLVED**, Executive Session for the purpose of discussing personnel in the Health Department.

**See Page 12/28/11-5B**

**RESOLUTION**

**RESOLVED**, Executive Session for the purpose of discussing correspondence received from the Partnership for Health.

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

The Hunterdon County Board of Chosen Freeholders went into Executive Session at 10:12 a.m. and reconvened in Open Session at 11:20 a.m.

There being no further business to come before the Board, Director Holt adjourned the meeting at 11:20 a.m.

Respectfully submitted,

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Denise B. Doolan  
Clerk of the Board