

SPECIAL MEETING

HUNTERDON COUNTY BOARD OF CHOSEN FREEHOLDERS

Main Street County Complex, Second Floor
Flemington, New Jersey 08822
February 23, 2011

The special meeting of the Hunterdon County Board of Chosen Freeholders convened in open session at 11:11 a.m. in accordance with the provisions of the Open Public Meetings Act.

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

CONVENE

Deputy Director Walton 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 February 17, 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."

PLEDGE OF ALLEGIANCE

BUDGET HEARINGS

Director Holt informed those present that the County has requested a very short dialog with the County Prosecutor, Anthony Kearns and the Board will hold a very short Executive Session with the Prosecutor first.

EXECUTIVE SESSION

Mr. Sworen moved and Mr. Melick seconded this:

See Page 02/23/11-1A

RESOLUTION

RESOLVED, Executive Session to discuss with the Hunterdon County Prosecutor his operating budget.

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

The Hunterdon County Board of Chosen Freeholders went into Executive Session at 11:14 a.m. and reconvened in Open Session at 11:38 a.m.

Department Requests

Memberships, Dues, Licenses, Conference, Meetings, Education and Training
(805/810/815 line item accounts)

Mrs. Yard informed the Board that a memorandum was written to the Prosecutor regarding the items to be addressed today, including 805/810/815.

Mrs. Yard advised each County Department Manager was asked to look at what they are requesting under Memberships, Dues, Licenses, Conference, Meetings, Education and Training, and identify whether it is discretionary or mandated. This Board made a decision on December 29, 2010 that the County was going to reduce the 805/810/815 requests from \$100,000 in 2010 to \$50,000 in 2011. Instructions were given to the Managers to scrutinize their memberships, conferences, education and trips because many are discretionary. Mrs. Yard explained this was in preparation of the Managers' submittal of the January 19, 2011 operating budgets. The operating budgets unfortunately went from \$103,000 to \$99,000 in requests for 805/810/815.

Mrs. Yard reported another memorandum was sent to Department Managers on February 01, 2011, asking them to identify what is mandated versus discretionary and if the 50% reduction in these line items cannot be achieved that the Board will determine the additional cuts. The memorandum talked about the six exceptions for the County to fund those trainings, conferences, trips, meetings which are not mandated.

Mrs. Yard stated the exception which applies to the County Prosecutor's Office is public safety training, training and certification for law enforcement to carry firearms. Those exceptions should be prioritized by the Prosecutor who should decide what is the most important for the operation of the office. Mrs. Yard advised her the memorandum to the County Prosecutor she mentioned there are alternates to funding that perhaps if any of the trainings feel into the eligibility from the two major funds, such as the Forfeiture Trust Fund and the ICE funds.

Mrs. Yard reported the Prosecutor's requests went from \$15,000 in 2010 which the Board had cut last year to the 2011 request in the amount of \$29,725.

Director Holt informed the Prosecutor that he is not qualified to determine what is important or not important when it comes to cross training individuals in any department. He feels department heads have to make those decisions; it is Freeholders' decision regarding financing/what will be allocated.

Director Holt explained when he and Mrs. Yard looked at these three line items he was leaning towards giving a certain amount of funding for these items to each department and ask each department to figure out what should be done.

Director Holt said in many cases there are departments that have an alternate source(s) of funding such as in the Prosecutor's Office and there maybe a number of these memberships, trips or training that may qualify for the use of an alternate funding source.

Prosecutor Kearns advised the Board he is looking at the 805/810/815 line items and comparing them to 2010. He feels 2010 was a transition year in the Prosecutor's Office because there was an Acting Prosecutor from the Attorney General's Office knowing that a new Prosecutor would be appointed to take over. He explained there are things that did not happen last year that should have happened in terms of the Prosecutor's College. He stated no one attended. Prosecutor Kearns stated there are 21 County Prosecutors, an Attorney General and there are issues that are shared and there is a conference/college that is designed specifically for these Assistant Prosecutors and Prosecutors so they can do their job effectively. This college is designed to keep the Prosecutors and Assistants from missteps or lawsuits. The college's ethics courses are designed specifically for Prosecutors. There is training and CLE's are received and they are prosecutorial in nature. The Prosecutors are a regulated profession/group and they need these tools.

Prosecutor Kearns stated he wants Hunterdon County's Prosecutor's Office to operate so smoothly that the Freeholders do not know they are there.

Prosecutor Kearns informed the Board that there was not request in last year's budget to attend Prosecutor College and this year that is a priority.

Mr. Mennen asked the Prosecutor how the attorneys in the Prosecutor's Office earned their CLE's last year.

Prosecutor Kearns said the Attorney General has an Advocacy Institute in Trenton, New Jersey which the assistants attended but not every assistant prosecutor is up to date with their CLE's and have they to be brought up to date. He explained it is very hard to get into the Advocacy Institute because the District Attorney Generals get first chance, then there are 21 counties vying for a slot, or they courses aren't held at convenient times and sometimes the assistant prosecutors have to get the CLE's on their own through the State Bar which has programs but that costs additional money.

Mr. Mennen advised CLE's are new and it began in New Jersey last year, where every attorney has to have 12 each year. This is self reporting on a bi-year schedule. Mr. Mennen feels the need for CLE's meets the County's mandatory test because if you don't have these, you are practicing law without a license.

Mr. Mennen asked if the 10 assistant prosecutors who will be attending the college will attain the entirety of their CLE requirement for the year.

Prosecutor Kearns stated they won't receive all 12 CLEs, they will receive 8 but he has put a program in his office that will provide the training for the other 4 in-house.

Mr. Mennen confirmed with the Prosecutor that 1/3rd of his requests are mandatory and 2/3rds are discretionary memberships.

Prosecutor Kearns stated that some of the memberships such as the Juvenile Officers Association, is \$25 and he doesn't want to waste \$25 and if it wasn't necessary, he would not request it. Hunterdon County has one Juvenile Assistant Prosecutor while other counties have 4 or 5 because they are bigger but for this individual to have the latest of what is happening in that field is necessary. Also, McCloughlin provides the Prosecutor's Office with a tremendous amount of training and the County has tapped into them for interpreters and it was free. The County has received thousands of dollars in interpreting services because his office belonged to McCloughlin. He understands it's a \$100 fee but with that the County receives equipment, intelligence and training that is either free or at a reduced rate. The Prosecutor feels there is a benefit to belonging to this group.

Prosecutor Kearns informed the Board that he is removing from his budget, the Association of Traumatic Stress Specialists which is \$85. He asked his people about this and it appears there is no benefit to belonging.

Prosecutor Kearns advised his office belongs to the County Narcotics Commanders Association which is \$400 but they receive a Brendon Byrne Grant through the State which pays a large part of one of their Narcotics Officer's salary (\$50,000 to \$60,000) and by belonging to this association his office has the benefit of that grant.

Mrs. Yard asked the Prosecutor about the itinerary for the Prosecutor's College, which talks about the meet and greet and breakout sessions. The Prosecutor has stated that for the balance of the CLE's the training will be held in-house. She questioned what would preclude all the CLE's being done in-house.

Prosecutor Kearns explained that his staff would be doing this and his staff has limited expertise, and can only speak about what they have expertise in.

Mrs. Yard asked if people could be brought into the Prosecutor's Office that has expertise and could deliver training for the CLE's for the Assistant Prosecutors. Has a cost analysis been done if trainers were to be brought in.

Prosecutor Kearns stated he has not done that analysis but based upon the training that would be received at the college in Atlantic City, New Jersey, it would be cost prohibitive to bring that level of training in-house for 10 assistant prosecutors.

Mrs. Yard asked when an itinerary is available for this year's conference that a copy be provided to her.

Prosecutor Kearns advised his office has looked at how costs could be cut for the Prosecutor's College held in Atlantic City and the thought has been that the lodging would only be for one night, not two because the last night is a social function and if anyone wants to stay for that, they would have to pay.

Mrs. Yard informed the Prosecutor when he talks about all the memberships, there are availability to still attend all the valuable training but you would have to register as a non-member.

Prosecutor Kearns explained these people are busy out working cases, so they learn about the training by being part of the association. He stated in addition to getting the magazine/catalog with updated information and new policy and information about a new course of action. People learn about what worked and what did not work. He agreed with Mrs. Yard that while some of the programs will let you attend training if you aren't a member but it is hard to find out about the training without being a member.

Mr. Mennen advised the County has a policy which states if the training is mandatory the County will pay, and the criteria is listed in the policy. He asked the Prosecutor if the Freeholders held to their policy in recognition that the Prosecutor's Office has other sources of funding available created by state statute if he was prepared to tap into those alternate funds to augment the County allocation if the County only pays for what is mandatory. If the answer to that is yes, then this Board can stay true to what the Freeholders have outlined as the County's course going forward and it would provide the Prosecutor with a level discretion to make these determinations for the other extraneous or discretionary items because the Prosecutor would have the funds through the other statutorily created funds which are available to the Prosecutor.

Prosecutor Kearns said it is fortunate that he has the funds to be able to do that this year; if next year those funds are expended and they haven't been replaced but these expenditures will still be necessary will the Freeholders be willing to allow these expenditures in future years.

The Board discussed with the Prosecutor the spending in 2008 and 2009, if 2010 was a transition year and what was spent in the categories of the 805/810-815 lines items.

Mr. Melick explained that the Freeholders are working on all the budgets and the County has just laid people off so he is taking the budget process very seriously. When the Board has to consider the area of what is mandatory and discretionary it is a sensitive area for him. Mr. Melick realizes that the Freeholders have to go through every Department Budget, so he is going to rely on the fact that if something is discretionary, he is going to hold onto County policy that it won't be approved.

Mr. Melick said there is no department in Hunterdon County is immune from shared services. Hunterdon should be partnering with Somerset County for services.

Mr. Melick said in looking back at last year, \$7 million was spent to fund the Prosecutor's Office. He questioned what the public received for that money. He realizes that Prosecutor Kearns was not here last year, and it was a transition year, so he was not responsible for the office last year. Mr. Melick said there is process here with some people being elected, some people are hired and others are appointed but it cost Hunterdon County \$7 million to run the Prosecutor's Office last year and all the County received was a lot of civil litigation.

Prosecutor Kearns agreed with Mr. Melick saying that also for the \$7 million there was a quality of life that was purchased and the public's health, safety and welfare was maintained despite the civil litigation. He hopes to go forward to continue that quality of life and to continue to protect that quality of life and to continue protect the health, safety and welfare of all the citizens of Hunterdon County because that is his job as a Prosecutor.

Prosecutor Kearns asked the Board what will happen when there are no longer forfeiture funds available for training because he is willing to use those funds for some of the training. There needs to be continual training in the area of law enforcement; it is repetitive, its practice and it is being sharp when the crime happens in order to respond. Who is going to prepare the people to be their best is there isn't any training.

Mrs. Browne stated for the Board and Prosecutor that currently there is a balance of over \$300,000 in the forfeiture funds trust, so \$30,000 could be used for the 805/810/815 line items.

Mr. Mennen confirmed if the Prosecutor carved out the mandatory from the discretionary, the overall request is approximately \$30,000, with the mandatory being roughly \$10,000 and the discretionary \$20,000. He confirmed the Prosecutor has said he is willing to use these funds for this purpose. Mr. Mennen also confirmed there is nothing in the statute governing the forfeiture funds on how they can be used as long as it is for law enforcement purposes.

Prosecutor Kearns informed the Board that these funds will time out in 2012; they have to be used within a certain amount of time. He asked if the Freeholders can put the funds in the budget and he will use the forfeiture funds for the 805/810/815 line items.

Mr. Mennen explained the County would have to generate tax revenue for anything in the budget.

After further discussion, the Board confirmed with the County Prosecutor that he will write a letter concerning what is mandatory/discretionary and submit what alternate funding will be used which is consistent with the County's policy.

Mrs. Yard confirmed that if other departments can find alternate funding for the 805/810/815 line items, they can attend those function also.

Computer equipment

Director Holt asked for an update on items that have not be put into the Capital budget, in the Prosecutor's Office such as vehicles/computers or items that could qualify for alternate funds.

Prosecutor Kearns advised the purpose of the computer requests, such as scanner, monitor, laptop was because there was a detective was sent and trained at the ICAC (International Crimes against Children), and this person has made arrests related to child pornography. That detective will be used for other things but this equipment would aid that detective in enforcing the laws and protecting our children. He understands this is a tough budget year and he will look at how forfeiture funds can be used to build up that department.

Mr. Sworen questioned what equipment is needed for this particular detective to do her job.

Prosecutor Kearns stated since this person works on multiple computers at the same time, he is requesting 8 computers, 3 laptops, a monitor, projector and a scanner. He explained there will be a few people helping this detective but the computers are worked at the same time. The material is sensitive and confidential and must be kept so.

Vehicles/undercover/detective vehicles

Prosecutor Kearns advised the nature of the undercover work requires a turn around of the undercover vehicles. He understands the Board has reviewed this and he may come back before the Board with a plan to use forfeiture vehicles.

Mr. Melick suggested the Prosecutor contact the Purchasing Department to investigate the possibility of using rental vehicles as undercover cars as he feel that may be a cheaper route than purchasing vehicles. He stated the vehicles can be the bottom of the line. They don't have to look good. The Prosecutor agreed. Mr. Sworen recommended rent-a-wreck.

Director Holt asked the status of the 22 vehicles in the Prosecutor's Office.

The Prosecutor explained to the Board he has studied the vehicle situation in his office. Those vehicles are really an internal pool for the Prosecutor's Office as his office is a 24/7 operation. If there is a major crime, not only the person on call or the supervisor shows up, but the whole team shows up and they need access to those vehicles. These people need to perform. The Prosecutor stated the cars are being utilized in a more practical way as he is having the detectives attach to the different local law enforcement agencies where they live; they check in and gather intelligence. He is trying to get the greatest benefit from those vehicles so they are not perceived as just coming back and forth to work; they are being utilized. Last Monday, every one of those vehicles was being used; there were detectives in all four corners of the County working on different issues.

Mr. Melick explained this Board has made the decision to not purchase anymore vehicles, so vehicles are not going to be replaced.

Mr. Melick questioned when the Prosecutor and the Freeholders are going to come to agreement with regard to the vehicle policy. He feels these vehicles are used primarily for transportation from home to work. The Prosecutor's Office does have supervisors and things can be put in place where vehicles can be made available. Also, years ago he was told everyone needed a vehicle because radios were in them but today the County pays for cell phones for everyone and radios aren't needed anymore. He feels a condition of employment could be that a percentage of their time they could come to work in their own vehicle. Corporations do that everyday. The County can't be purchasing vehicles. This policy of giving everyone a vehicle has to stop.

Prosecutor Kearns feels that needs to be considered because you are dealing with law enforcement personnel that are on 24/7 and at times need a siren, need their light and radio. There are detectives in different parts of the County and for to come and pick up a vehicle before responding to an event isn't practical.

Mr. Melick explained 20 vehicles aren't needed because there are supervisors who can be called out.

Prosecutor Kearns stated there is response time in emergency situations which involves preserving evidence to apprehending the perpetrator to preventing a further crime happening. He feels the detectives need cars. The County has 14 police departments and for a majority of them the Prosecutor's Office is the detectives for those departments. His office has to be able to respond and investigate crimes. Equipment is kept in the vehicles and the detectives need them. He feels this is a dangerous slope and said the public's safety would be in jeopardy if those detectives are not able to respond in a police vehicle.

Prosecutor Kearns said he has looked at how the other 20 counties in New Jersey handles this and they all issue police cars to the detectives; they have 24/7 access to the vehicles because that is the nature of the job.

Director Holt informed the Prosecutor that the County's Transportation/Fleet Management Committee was charged starting two or three years ago to review what the County's guidelines were in terms of vehicles and trucks. He understands the County may have to replace vehicles but the County's goal in moving forward is to have each department be more efficient on how vehicles are used. That includes how dump trucks, snowplows to the pool vehicles. Director Holt explained that the issue of vehicles in the Prosecutor's Office has existed for some time. As the County moves forward with all departments, the issue seems to be if vehicles be used more efficiently.

Director Holt advised the Prosecutor that there has been an understanding, on the side of the Freeholders, that vehicles have been promised as part of employment as opposed to being mandatory for a specific job performance. The goal is to say the County will learn how to use the pool of vehicles more efficiently and at the same time not jeopardize the public's safety.

Mrs. Yard said if the detectives are following the vehicle policy, each time they go out in the car, they are to sign on and sign off. They do not need to advise where they are going but they need to inform Emergency Services/Public Safety that a vehicle is leaving the lot. She explained Public Safety produces a CAD report and a Gas Boy Report and a Gas Boy report tells how many miles the vehicle goes on any given month. Mrs. Yard stated those reports could be shared with the Prosecutor, if the detectives are following the County policy by signing on and off and that would provide a handle on how much time other than the commutes that they spend on the road or how many times they are called out. Also, when the Transportation Committee was convened a hard look was taken at the Prosecutor's Office and there is a report generated that talks about many of the Prosecutor's Offices in the counties that are moving away from either everyone has and takes home a vehicle, and everyone is on 24 hour call. Mrs. Yard offered to share that report with the Prosecutor. There is movement to try and find efficiencies and effectiveness because technically people are paid to be on-call.

Prosecutor Kearns said he does have people on-call and a supervisor is on-call but if there is a major crime, everyone comes to the scene. He would like to evaluate the vehicle situation and see if alternatives can be considered and if there might be a middle ground.

Director Holt said the objective for all County vehicles is to utilize them where needed and to ensure there is no abuse of vehicles going on. The County has successfully reduced the vehicle fleet. He told Prosecutor Kearns that he appreciates that he will also be looking at the vehicles in his office.

Mr. Melick would like to revisit this matter of the vehicles again in two months in order to give time for the Prosecutor to make his review. The Board and the Prosecutor agreed. Mrs. Yard was asked to provide the Prosecutor with copies of the CAD and Gas Boy reports.

Nameplate

Director Holt asked the Prosecutor about a request for a new nameplate for his office.

Prosecutor Kearns explained to the Board that there is no name other than Prosecutor's Office. At one time there is a brass plate and to replace it would cost \$1,500 and there was an alternative of \$750 and he is checking into something that would cost less than the alternative. He wanted to get the request placed in the budget. He feels it is important that he take ownership of that office and it is important that his name is listed in some shape or form because he is the Prosecutor.

Prosecutor Kearns told the Board he is looking forward to meeting in the future after he has a chance to review the office.

The Prosecutor and members of his staff left the meeting at 12:40 p.m.

Energy Efficiency Block Grant

Frank Bell, AIA, County Project Administrator came before the Board concerning applying for an Energy and Efficiency Block Grant. Last year the County was able to receive \$50,000 from the state under the Energy Efficiency Block Grant for the Route 31 County Complex to replace the HVAC units and this is a continuation of that grant. This year the amount would be for \$125,000 that would be used to upgrade two satellite garages and the Records Retention Center for HVAC systems and lighting. Mr. Bell stated the County would be saving money equivalent to 5 years.

Mr. Mennen left the meeting at 12:49 p.m.

Mr. Walton moved and Mr. Sworen seconded this:

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RESOLUTION

RESOLVED, Authorizing the submission of an application for an Energy and Efficiency Block Grant for the HVAC and lighting for the Records Retention Center, the Lebanon Garage and the Everittstown Garage, in the amount of \$125,000.

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

Mr. Mennen returned to the meeting at 12:52 p.m.

Memberships, Dues, Licenses, Conference, Meetings, Education and Training
(805/810/815 line item accounts)

Director Holt asked Mrs. Yard to complete the discussion regarding the 805/810/815 accounts.

Mrs. Yard informed the Board that the requests for memberships, dues, licenses, conferences, meetings, education and training have been funded through the years by the Freeholder Board. Times have changed and the Board, two years ago, began doing the mandated versus discretionary. She feels the Board will see that most of these requests are discretionary.

Director Holt stated he and Mrs. Yard have had this discussion and the challenge is that there are some departments, such as the Planning Board, are discretionary. He noted that all mandatory requests do fall under the County's policy and he feels that any other requests should be funded by an alternate source of funding.

Mrs. Yard advised she had dialog with the Sheriff because she was looking at cutting additional items. The Sheriff stated he was willing to cut more funding from his uniforms and his psychiatric line. The same discussion was held with the Human Services Administrator. Mrs. Yard explained there are things the Sheriff and Human Services Administrator belong to such as the Juvenile Commission, Hunterdon Drug Prevention, and the Mental Health organization which are clearly discretionary but they want to belong. The Human Services Administrator offered to cut her budget in other places in order to keep attending these organizations. The costs are around \$50 and \$75 for membership. She feels its laudable that people are willing to find other places in the budget to cut but the County has the criteria it set, Mandated versus Discretionary. Last year when the County started looking at this, they found coded CEUs, which was under \$7,000.

Mrs. Yard advised this years other things have been requested and in the past were funded by the County but aren't mandatory.

Mr. Sworen said the Freeholders have a responsibility to consider the future of the County, not just today in the County. The County should provide training to people. The training is important and managers are willing to cut their budgets someplace else in order to provide their people with training. This isn't people just wanting to go to a class or conference; people want and need to be trained. Managers are making the hard choice saying it is critical for their departments. The Freeholders should respect that and look at it.

Mrs. Yard agreed but explained she is looking at mandated versus discretionary. There are exceptions in the Policy that do cover such situations. Mrs. Yard explained it isn't the training that is causing problems it is the conference and the memberships that are causing a problem.

Mr. Sworen feels there are conferences and one day meetings that are incredibly valuable and he agreed there are conferences that don't teach anything.

Mrs. Yard said that is taken into consideration when training is approved. She agreed people do need tools in their toolbox.

Director Holt said in looking at the numbers, when the Prosecutor reduces his requests the amount for memberships, dues, licenses, conferences, meetings, education and training will be reduced to \$70,000 from \$103,000 and the Board's goal is to get that number down to \$50,000.

Director Holt stated he does not want to make these decisions for department heads on what they should or should not attend because that is up to the department head.

Mr. Mennen doesn't want to make that individual decision either because this Board made the decision collectively with the County Policy which was unanimously approved by this Board and the purpose was to send out a general direction on how to proceed. In the past there have been instances where a department head has felt the application of the policy was a hardship and came before the Board asking for relief. Sometimes the Board gave relief but many times it wasn't given.

Mr. Mennen said \$8,000 was spent last year on things that were mandatory. The County has a policy and he has challenged this Board multiple times when this has come up over the past few years, if you don't like the policy, get three votes and change it.

Mr. Melick said he would like to uphold the policy.

Mr. Mennen and Mr. Melick would like everything cut that is discretionary.

Mr. Walton added that if a department has alternate funding, such as trust or grant, where the expense can be paid, they should be able to use those funds.

After further discussion, the Board agreed mandatory items will be funded up to \$50,000 and discretionary items will not be funded unless departments can find alternative funds. The Board further agreed that no operating and expense budget funds are to be used for this purpose. Department Managers are still able to come before the Board to plead their case if they request a waiver.

Mrs. Yard informed the Board that they agreed in 2009 and 2010 that the Constitutional Officers could attend COANJ (Constitutional Officers Association of New Jersey). Mrs. Yard explained the Surrogate got her request in very early this year and she approved it. Mrs. Yard stated the Sheriff has also put in for this conference. There is a question with the County Clerk as to where

the registration would be paid from. The Clerk has the funds coming from her trust and the County's attorney has said it isn't an appropriate use for the trust. If the County Clerk was going somewhere to look at new voting machines or something new to improve the office or new techniques then it would be allowable because of the improvements to the office. The Freeholder Board last year agreed, and it wasn't a unanimous decision, that the Constitutional Officers could attend the COANJ. Mrs. Yard reported the cost for this conference for the Surrogate has always come out of her operating budget.

Director Holt feels there should be uniformity with regard as to where the funds come from.

The Board asked Mrs. Yard to determine through statute what the trust funds money can be used for and match it to the departments that have trusts.

Mrs. Yard responded by briefly informing the Board of what departments, that have trust funds, will have budgets offset by those funds. Mrs. Yard advised the Prosecutor's Trust fund is the only trust that is open for them to use everything else fairly prescribed. The Surrogate has been asked this year to use her trust fund for items that are clearly for modernization of the office.

Mrs. Yard confirmed for Mr. Melick that the County's policy states that effective immediately the County will no longer pay for fees, registration, tuition or attendance at conferences or for the costs of trips, mileage, training, conferences except (to obtain CEU's, under a collective bargaining agreement, employment training courses, PTC training or certifications, required as part of a grant, or Administrator and Human Resources Director determine training is necessary for job performance). The policy says governs payments to be made out of the County Budget and further governs payments to be made out of Trust Funds maintained by Constitutional Officers and other Departments. The Treasurer shall not pay with the use of Trust Funds any expense for which payment is otherwise suspended or prohibited under this policy.

The Board directed Mrs. Yard to send a memorandum to all department managers telling them their mandated has been approved.

Director Holt reviewed the list of which departments cut their request budget by 50% and those who did not. He feels the departments who did not cut their budgets by 50% should be informed that the Board is going to hold to the 50%.

Mrs. Yard advised her February 01, 2011 memorandum to the department managers asked them to return budget preparation sheets to identify mandated and discretionary and if the 50% reduction in the line items (805/810/815) cannot be achieved the Board will determine the additional cuts.

Director Holt recommended Mrs. Yard further inform departments that the direction of the Board has been to reduce the budget 50% unless the reduction shown falls under the category of all items being mandatory.

Mr. Mennen moved and Mr. Melick seconded a motion to inform all departments that the mandated requests will be placed in the budget which complies with the County's resolution adopted on March 17, 2009. If a request is not mandatory there will be no County allocation with the proviso being that if there is an applicable trust fund for which the expenditure meets the statutory criteria then it is an exception and it will be funded from that trust.

Director Holt said department heads that have discretionary items in their budget should be approached with the County's criteria again.

Mrs. Browne confirmed for Mr. Sworen that she will contact the County Auditor to confirm how trust funds monies are controlled and if the Freeholders have any real control over them.

Mrs. Yard confirmed with the Board its directive is that she is to send a memorandum to all departments to inform them there will be a County allocation placed in the 2011 Budget and she is to list all the mandated services and each department is to receive their own list. She is to inform them regarding discretionary that according to the March 17, 2009 resolution, the discretionary requests do not meet the exceptions outlined in that resolution and therefore will not be included in the 2011 budget unless there is an applicable trust fund for which the use of is statutorily prescribed.

Mr. Walton questioned if the Freeholder Board has the authority to govern the trust funds beyond the scope of the law. Can this Board increase the list of what a trust fund cannot be used for beyond what the law sets for the trust fund or is the trust fund account solely for the constitutional officer's to spend without the Freeholders saying yes or no and therefore is this policy going beyond this Board's authority as a Freeholder Board.

Mr. Mennen stated the County's policy was deemed as being consistent with the statutory regulations governing trust accounts because this Board has recognized the level of discretion on the part of the constitutional officers and the prosecutor. He doesn't feel this intersects with or necessarily contradicts what the statutory provisions are that govern those trust accounts.

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

The Board further discussed the direction to be taken with regard to the COANJ conference for the Constitutional Officers. Director Holt moved and Mr. Sworen seconded a motion directing the County Administrator to approve the COANJ conference requests for the Constitutional Officers for this year.

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

The Board agreed to again meet to discuss the County budget at 2:00 p.m., on Tuesday, March 01, 2011 just prior to the next regular meeting.

Transportation

Mrs. Yard informed the Board that the Transportation Committee reconvened because the County will be putting out a bid in April or May for the operation of the County's Transportation System. The Committee reconvened because the hourly rate Hunterdon was getting from its vendor is much higher than some of the sister counties are paying. The Committee will be recommending the County go out for an RFP (Request for Proposals) to see what interest/competition there is for this service.

Mrs. Yard that HART (Hunterdon Area Rural Transit) has money available to help the County with its rider guides and it is about ready to go to print. The Committee wants to eliminate one of its shuffles because there are two shuffles that go counterclockwise in Flemington all day and the Committee wants to drop one of those routes while expanding the route which remains so there will be continuous coverage. The reduction will save the County approximately \$112,000 which is all County money.

Mrs. Yard reported there will be a reduction of the medical response time and other counties are advising riders that for example, Tuesday, Wednesday, and Thursdays will be for arranged Doctor's appointments and this could bring in a savings of \$80,000 a year. Mrs. Yard stated the Transportation Committee will be meeting with The Arc, who is one of the big customers to see if this can be modified.

The Board agreed and directed Mrs. Yard to continue with reducing the On Demand to Tuesday, Wednesdays and Thursdays for medical appointments and to eliminate one of the routes of the Shuffle.

There being no further business to come before the Board, Director Holt adjourned the meeting at 1:55 p.m.

Respectfully submitted,

Denise B. Doolan
Clerk of the Board