

HUNTERDON COUNTY BOARD OF CHOSEN FREEHOLDERS

71 Main Street, Freeholder's Meeting Room, 2nd Floor

Flemington, New Jersey 08822

July 19, 2011

The regular meeting of the Hunterdon County Board of Chosen Freeholders convened at 2:02 p.m. in accordance with the provisions of the Open Public Meetings Act.

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

OPEN PUBLIC MEETINGS ACT

Deputy Freeholder 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 mailed on or before July 14, 2011, 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 SESSION

Mr. Melick moved and Mr. Mennen seconded these:

See Page 07/19/11-1A RESOLUTION

RESOLVED, Executive Session to discuss appointments to the Construction Board of Appeals and the Greater Raritan Workforce Investment Board.

See Page 07/19/11-1B RESOLUTION

RESOLVED, Executive Session to discuss legal issues with regard to establishing Public Health Nurses positions as County employees.

See Page 07/19/11-1C RESOLUTION

RESOLVED, Executive Session to discuss potential contract negotiations with New Jersey Risk Managers and Consultants, Inc.

See Page 07/19/11-1D RESOLUTION

RESOLVED, Executive Session to discuss an appeal of a demotion at the Division of Corrections, Department of Public Safety.

See Page 07/19/11-1E RESOLUTION

RESOLVED, Executive Session to discuss the status of the matter of Gensch vs. Hunterdon..

See Page 07/19/11-1F RESOLUTION

RESOLVED, Executive Session to discuss contract negotiations in the Prosecutor's Office for the detectives' unit, sergeants and lieutenants.

See Page 07/19/11-1G RESOLUTION

RESOLVED, Executive Session to discuss of litigation and possible settlements in various cases.

See Page 07/19/11-1H RESOLUTION

RESOLVED, Executive Session to discuss contribution to the Park Avenue Alignment.

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

The Hunterdon County Board of Chosen Freeholders went into Executive Session at 3:41 p.m., recessed at 4:53 p.m., and reconvened in Open Session at 5:30 p.m.

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

PLEDGE OF ALLEGIANCE

PUBLIC COMMENT

Director Holt opened the meeting to the public.

Diane Crisman-Race and Lisa Weske, residents of Bloomsbury Borough, came before the Board requesting permission to close a portion of a County Route 579 on April 21, 2012, in order to hold the first annual Robert Crisman Memorial Walk. Mr. Walton moved and Mr. Mennen seconded a motion approving the memorial walk provided this event is coordinated through the County's Department of Roads, Bridges and Engineering.

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

POLYTECH

Dan Kerr, Hunterdon Central Regional High School Campus Principal, came before the Board announcing Polytech's winners of the New Jersey Association of Counties Awards/Investors Savings Bank Scholarship Program: Jessica Chemesky and Alyssa Young and from the award from the PSE&G Foundation, Kevin Scheese. Each student received a \$500 scholarship.

ROADS and BRIDGES Update

John P. Glynn, Director, Roads, Bridges and Engineering came before the Board to provide an update on various County road and bridge projects.

- Bids will be received for County Route 519 running from Route 12 up to Route 513 on August 11, 2011.
- Bids will be received on August 11, 2011 for the DOT Trust Fund Project, County Route 523 and Route 517.
- A public information meeting will be held on August 17, 2011 for the projects in Ringoes, between 6 pm and 7:30 pm.
- The concrete road on Harrison Street, County Route 619, has been removed; subgrade has been put in place and drainage and curbing work has been started.
- The masonry walls for the Stevensburg Bridge are 35% complete. The contractor started on the Hunterdon County side and will then work on the Warren County side.
- The southern abutment has been completed for Bridge W-124, on Alexauken Creek Road, in West Amwell Township, and the northern abutment is under construction. The County is trying to get a set of approved shop drawings for the beams.
- Mr. Glynn addressed the situation on County Route 523 in Readington Township advising County Culvert R-118 is closed. One footing has been completed and the barrel of the retaining wall is being formed. This project is still out around six to eight weeks. Mr. Glynn has addressed as many of the concerns about the detour as possible, trying to keep vehicles off of certain roads. He has talked with the Readington Township Police about the detour and it is a very long detour. He explained that people with GPS units will find their way around the area, through the back roads.

Mr. Glynn informed the Board that there is no point in asking for longer days or Saturdays at this time given the limit of his overtime budget. There are certain pours that have to be made, so it probably won't be helpful to run 6 days a week/10 hours a day.

Mr. Melick said to do whatever is needed to speed up the project or to at least keep it on track.

- Surface treatment has been started at County Route 579 running from Route 523 to Ringoes.
- The alternative study for the Lehigh Valley Railroad Bridge on County Route 579 has been submitted to the Bureau of Environmental Resources to review it.
- Right of Way documents for County Bridge E-174, in East Amwell Township, are being prepared. The application for the modified stream encroachment is at the State Department of Environmental Protection.
- The final report for County Bridge RQ-179 is at the Historic Preservation Office for their concurrence.
- County Route 623 has been completed; as well as County Route 625, in accordance from the federal guidelines. The County has not received final payment in from the contractor.
- County Bridge DQ-321, on Route 579, in Delaware and Raritan Townships, is closed and should be opened by July 27, 2011.
- County Bridge R-183-S, on Higginsville Road, in Readington Township has been closed since Readington Township took out the vertical and they have now finally manufactured the historically correct vertical member and it will be installed on July 25, 2011. It could take two weeks to get this put together.

Old Business:

Mr. Glynn advised the New Jersey Department of Transportation is looking for a resolution supporting their final design for the Flemington Circle at Routes 202, 31 and 12. He worked with the Planning Board to modify the resolution as it was originally presented at an earlier meeting.

Mr. Mennen questioned where Flemington Borough stands in terms of their position on this project.

Director Holt feels the Borough of Flemington adopted a resolution, which he has in his emails.

Mr. Glynn confirmed for the Board that the Borough did say they would be doing something in early July 2011, but he has not seen anything yet. The County will work with the Borough and work the issues out.

Mr. Mennen asked why the County's resolution purport to speak for the County and the Borough. If Flemington Borough has their own resolution why is this resolution worded this way.

Mr. Glynn stated he crafted the resolution and takes responsibility for the language. He will change whatever the Board wants. If the Board wants to just say the County of Hunterdon, it can be worded that way so the County acts independently.

Mr. Melick advised he is reluctant to do anything. He agrees something is needed at the Flemington Circle but his feeling is this is going to be a mess to accomplish. There needs to be

a system built for water retention and businesses around the circle will be hurt. The economy is so bad right now.

Mr. Glynn explained the scoping phase for the project has already been done and the project is now into the design phase and it could take the state 2 to 3 years to complete.

Mr. Glynn said the resolution states the state will minimize the impact of traffic. The state could build the inner circle part of the project without disrupting the current arrangements at the circle. The County can be part of the process and DOT is committed to come to the County to discuss the project.

Mr. Mennen would like the resolution to say something more proactive, that says will not impede access. Something should be done but not by making the situation worse than it already is. He is concerned about the businesses on the circle and how they will be affected once the project is done. The County should be doing all it can do to protect what businesses are still in this community. He would hate to see the businesses chased away with what sounds like on paper to be an improvement but may serve to be a detriment. There are a lot of specific comments out in the public domain but the Freeholders have this resolution which the state is waiting to hear from the County before they decide to send money to Hunterdon for this project. Mr. Mennen said that is a new dynamic because the state usually decides what they are going to do. If the state is dependent upon the County that much and they are that interested in the County's input, the County should give them the real input.

Mr. Mennen questioned if the comments from the owner of Dunkin Donuts and other businesses at the circle exist in writing somewhere.

Mr. Walton stated the comments are recorded in the minutes of the public hearing that Flemington had.

Mr. Sworen reported he attended two of the Flemington Circle public meetings and business owners were not in attendance while he was at the meeting.

Mr. Sworen agrees the resolution before the Board needs to be changed. He feels part of the issue is the access between the buildings along 202 because of the rules that were put in place to put in the shopping center behind the circle. There isn't easy access to those places.

Mr. Glynn said the County is involved because this is a regional improvement to the County of Hunterdon; it moves traffic through Flemington Borough and Raritan Township. It is state procedure to try and obtain concurrence from the affected parties.

Mr. Sworen said his understanding is that if Hunterdon tells the state the County doesn't want this then they will take the money somewhere else. The County told that to the state on a similar project a number of years ago. The state wants something from the Freeholder Board that the County will support a project at the circle.

Mr. Glynn said the final design is needed to know how this will affect Dunkin Donuts; they are part of the problem because their driveway is attached to the connecting road. Also at the circle to be affected is STS Tires.

Mr. Glynn stated that NJDOT and Flemington Borough have gone and met with the business owners and the County was not a part of those discussions.

After further discussion, the Board agreed to keep the first paragraph of the draft resolution and the last paragraph.

Mr. Melick moved and Mr. Mennen seconded this:

See Page 07/19/11-3A

RESOLUTION

RESOLVED, Authorizing the support of NJDOT efforts to implement a solution to this long time safety problem that improves traffic flow, improves safety and preserves the viability of existing businesses in the area.

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

Mr. Glynn feels that this resolution will satisfy the state.

Mr. Glynn reported he received a request to utilize Historical Trust funds, in the amount of \$8,954.00, for repairing cap stones, Bridge DQ-320, Delaware Township. He contacted the County's Cultural and Heritage Commission and they would support the replacement of the capstones on the bridge. Cultural and Heritage Commission's recommendation was that this be a three party arrangement with each party (the County, Delaware Township and the Citizen Historical Group) paying one-third the cost each. Mr. Glynn is still waiting for concurrence from Delaware Township and the Citizen Group.

Mr. Melick and Mr. Mennen informed Mr. Glynn that he should bring this back before the Board once the other two parties have responded.

Mr. Glynn advised he needs to have place the cap stones on the bridge and he would like to provide them with a drop dead date otherwise, he needs to pour concrete.

After further discussion, the Board directed Mr. Glynn to inform Delaware Township and the Citizens Historical Group that a response from them is needed by the send meeting in August. The Board confirmed the costs should be split three ways. Mr. Glynn confirmed Delaware Township can use the historical funds allocated to them.

PUBLIC HEARING

County Bridge F-45, (White Bridge Road), in Franklin Township.

Mr. Glynn provided an overview of the project explaining two parcels are needed to be acquired to complete the project. The County has received one parcel which was a diversion of Green Acres along the Coopalong Trail. The one parcel needed is from a property owner whose home sits up on the hill and the County is looking to shift the road away from the current alignment. A small slope easement is required to do this. The County has had three letters of correspondence with the property owner and he has been unresponsive to the County's offer.

Mr. Glynn explained that this public hearing is required as part of the legal process in acquiring parcels. The County has received the final plans and specifications for this project and once this property is attained, the project goes through the construction phase.

Mr. Glynn advised all comments received, early on in the project, have been incorporated and a public meeting has been held with Franklin Township. They have discussed various issues and those also have been incorporated into the project; as well as comments received about the trail. A crosswalk has been placed in this project for the trail users to go from one side of the trail to the other. Green Acres wanted a small stabilization done on a small culvert and the small parking area so people can use the trail. Those items can be put into the project as part of the design phase and the federal government will pay for those.

Director Holt opened the public hearing on County Bridge F-45, on White Bridge Road, in the Township of Franklin.

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

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

Mr. Mennen questioned Mr. Glynn about the contract with the property owner and that numerous offers have been made to the property owner and he has not responded with a yes, no or counteroffer.

Mr. Glynn advised he had one telephonic conversation.

Mr. Mennen confirmed with Mr. Glynn that the small slope is necessary to complete the project given the approvals that the conversation and alignment.

Mr. Mennen further confirmed with Mr. Glynn that by virtue of the property owner's unresponsiveness, this public hearing is to advance a taking of the property.

Mr. Glynn advised he has had conversations with County Counsel who will be drafting a letter to assist in resolving this. Mr. Glynn has offered to meet with the property owner to discuss items regarding the road and any particular items.

Mr. Mennen stated the room is empty from public and he is aware this meeting has been properly noticed and that in previous years and meetings the room has not been empty. He concludes from this that the other issues with regard to two lanes versus one, the color of the bridge and so on, have, as evidenced by the lack of participation at the public hearing, been resolved.

Mr. Glynn stated the bridge will be widened and it will be two lanes. He is confident the County has satisfied the outstanding issues raised early on concerning the geometry and the construction of the bridge.

Mr. Mennen asked if the Township has taken a specific position with regard to those revised drawings/plans.

Mr. Glynn reported he has not heard from the Township.

Mr. Mennen asked Mr. Glynn to take another try at settling this. He advised he doesn't recall ever voting for a taking and won't be starting now.

Mr. Walton moved and Mr. Melick seconded this:

See Page 07/19/11-4A

RESOLUTION

RESOLVED, Authorizing the Director of Roads, Bridges and Engineering and County Counsel to proceed with the taking in connection with County Bridge F-45, in Franklin Township.

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

Utility Easement/South County Garage

Mr. Glynn informed the Board that at an earlier meeting, he was authorized to go forward with a utility easement on the South County Garage in West Amwell Township, in connection with solar power.

Mr. Glynn reported he now has the check for \$10,000 for this easement and an agreement which has been reviewed by County Counsel. He is looking for authorization for the Director to sign the utility easement/agreement so the County can receive this check.

Mr. Melick moved and Mr. Sworen seconded this:

See Page 07/19/11-5A

RESOLUTION

RESOLVED, Approving a Utility Easement, for Lot 15, Block 11, located in West Amwell Township at the South County Garage site, for the amount of \$10,000, from Swan Creek SHS, LLC a solar energy facility providing electricity to the South Hunterdon Renewable Energy Cooperative (SHREC), consisting of the following public entity members: West Amwell Township, City of Lambertville, South Hunterdon Regional High School, West Amwell School Board, the Lambertville School Board and the Lambertville Municipal Utilities Authority.

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

FINANCE DEPARTMENT

Kim Browne, Finance Director and Cynthia Yard, County Administrator came before the Board to provide a budget update.

Furloughs

Mrs. Browne informed the Board that the savings to the County for voluntary furloughs for the first six months of 2011, is almost \$24,000.

Mr. Sworen confirmed with Mrs. Yard and Mrs. Browne that the furloughs taken were voluntary furloughs by taken by individual employees to help out the County.

Budgets

Mrs. Browne informed the Board that the County Treasurer, Margaret Pasqua, prepared a comparison for 2009, 2010 and 2011. In 2011 the County is under its budgeted numbers. At the end of the year the County will pick up a little more interest. Also reviewed were Reality Transfer Fees.

Mr. Melick confirmed with the Board that these numbers are a cause for alarm.

Mrs. Browne said if the numbers stay low for next year's budget the County will have to budget less.

Mr. Melick said this is a trend throughout the County and the funds come from the value of taxation on real estate and the economy is down. The County is going to have to tighten down more than last. There are no revenues.

Mr. Mennen advised the Sheriff has provided an explanation of what is going on in his department. He has done no residential foreclosures because of the procedural snafus in terms of what has been done nationally.

Mrs. Yard reported the County's Tax Administrator, Tom Efstathiou, has advised that all the municipal tax bills have been approved to go out late, either the very end of July or beginning of August and won't be due until 25 days after they are sent out so the County will have a potential cash flow problem.

Mr. Melick suggested getting a letter out to all municipalities to inform them of the predicament the County is in, as was done last year. If the County has to borrow money, then everyone will pay.

Mr. Sworen confirmed with Mrs. Browne that this is in accordance with the statute.

Mrs. Yard and Mrs. Browne explained the letter last year was written in conjunction with County Counsel and it is in accordance with the statute. This was researched last year and the statute was quoted in the letter.

Mr. Melick said the letter should be fair to all municipalities.

Director Holt asked Mrs. Yard and Mrs. Browne to undertake the same process as was done last year in order to assist the municipalities and at the same time urging them to get the money in.

2nd Quarter Unemployment Bill

Mrs. Browne informed the Board that the County has received its 2nd Quarter Unemployment Bill from the State of New Jersey, and it is \$115,000. Historically in 2008 the County paid for the whole year \$100,000; in 2007 the County paid \$52,000; in 2009 the County paid \$97,000 and in 2010 the County paid \$140,000. This is almost \$200,000 between the first and second quarters and the County could potentially pay another \$200,000. There was some funds in reserve but the County will have to find money to cover the next two quarters.

Mrs. Yard confirmed this is one of the push backs from the layoffs but the big issue is that the former Sheriff and the two undersheriffs are receiving unemployment. The Constitutional Officers do not pay in to unemployment however, when they leave whether it is because they don't get re-elected, they are able to collect unemployment. They are not picking up the same unemployment amount the maintenance people are picking up because of what their salaries were they are picking up to \$500 per week.

Mrs. Browne advised when Prosecutor Barnes left he starting collecting unemployment and gets the maximum amount.

Mrs. Yard advised the County has challenged the Office of Unemployment to no avail. She suggested the Board reach out to the County's legislators to get help to get this changed.

Mrs. Browne explained the County is experiencing the turn over of staff in the Sheriff's Office and Prosecutor's Office which are costly for unemployment.

Mr. Sworen asked to see the figures these individuals are getting paid for unemployment. He confirmed this is considered a public record because it is a bill.

Mr. Sworen read from the bill Mrs. Browne provided to him but was stopped by the Board.

Director Holt advised this information can be made available to the public through the OPRA Act and the documents can be made available once private information has been redacted.

Mr. Mennen stated this is an egregious practice that should be brought to the attention of Hunterdon County's Legislative Delegation and the Freeholders should ask them to find a way to remedy this situation. The Board agreed. Mrs. Yard was directed to write to the County's Legislative Delegation to make them informed of this matter and its impact, not only on Hunterdon County but all 21 counties in New Jersey.

Budget Expenditures

Mrs. Browne provided the Board with a comparison of the budget expenditures and stated she did not see any glaring problems with the operating expenses. There is nothing that stands out that there are issues. Mrs. Yard added that managers were told to watch the overtime carefully.

PURCHASING

Mr. Melick moved and Mr. Walton seconded this:

See Page 07/19/11-6A

RESOLUTION

RESOLVED, Authorizing award of Bid #2011-01, for Food and Commissary Services, to Aramark Correctional Services, for a three-year period, in an amount not to exceed \$1,098,821.

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

PLANNING/FARMLAND

Mr. Mennen moved and Mr. Walton seconded this:

See Page 07/19/11-6B

RESOLUTION

RESOLVED, Authorizing final approval on a Grant Easement form Herbert and Audrey Rosenfield Fund, Inc., on Block 18, Lots 14 and 14.09, in Alexandria Township, consisting of approximately 25.1570 acres, (SADC - \$141,885.48, County - \$47,295.16, Township - \$47,295.16), total amount of \$236,475.80.

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

Mr. Sworen moved and Mr. Walton seconded this:

See Page 07/19/11-6C

RESOLUTION

RESOLVED, Authorizing the proposed acquisition of Development Easement, known as Toll/Elbert Farm on Summer Road, Readington Township, Block 94, Lot 17, Twp. of Readington, (SADC - \$252,300.00; County - \$84,100.00; Township - \$84,100.00), for a total amount of \$420,500.00.

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

COUNTY UPDATE

Electrical Inspector's Membership

Cynthia J. Yard, County Administrator informed the Board that Pete Maddalena, Director, Buildings and Maintenance, was present this evening to ask the Board to renew his International Electrical Inspector's Membership, in the amount of \$100, in accordance with the County's policy on Memberships, Training, Trips and Conferences.

After a brief discussion with Mr. Maddalena, Mr. Mennen moved and Mr. Melick seconded a motion to deny Mr. Maddalena's request for renewal to the International Electrical Membership.

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

Pension and Healthcare Reform Actions

Mrs. Yard advised the Board that meetings have been taken place with departments on the Health Care Reform actions. A County Policy will be drafted and presented to the Board on August 02, 2011 to realign the County Policy on Health Benefits and Pension, so it is representative of the new reforms.

Mrs. Yard advised that an individual letter will be sent to all employees once the new premiums are identified, which is supposed to be done in September 2011, so the employees will know exactly what the impact will be to their Health Benefits and what their pension contribution will be going to.

Mrs. Yard reported open enrollment sessions will be extended to allow all employees to attend regardless of their shift assignments.

Mrs. Yard reported that Mrs. Browne and Ms. Wieder will be doing a presentation to the Board on August 02, 2011 with regard to new health plans; including a health savings account, which is now required by law.

Mr. Sworen asked if the County has received all the completed documentation from the state to proceed. Has the County received all the rules the state has put in place. He is aware the state is still making changes.

Mrs. Yard explained the County is not held to the same nine as the state is, because the County is self insured but Mrs. Browne and Ms. Wieder are waiting until August 02, 2011 to make a presentation to the Board in order to wait for the state to finish its rules and regulations.

Mrs. Yard reported the current employee contributions for 2011, were \$274,144.41. The first year reformed employee contributions will be \$337,839. The County will see more savings as each year moves on. The cost of health insurance which does not include prescription coverage in 2010 was \$5,737,000.

Mrs. Yard informed the Board that she contacted Tim Cunningham, of the Governor's Office, because when the state publish the reform, many of Hunterdon County's employees; as well as many of the public employees were on the cusp, as far as the state making allowance for over 25 years, for 20 to 25 years and then if a person had under 20 years it would be what the benefits were at the time of retirement. There are many people on the cusp with 19 years and 7 months and had other pension credit and did not buy it back. The reform said, which came out after January 28th, if you don't buy your credits back by June 28th you can't use those to bring yourself over to the 20 years. No one was notified or alerted of this window of opportunity. Mrs. Yard asked Mr. Cunningham if there was a waiver or something for these people and they are checking into that.

Mrs. Yard also reported on the situation which Hunterdon County chose, which was the public law which allowed an employer to allow people with 15 years of continuous service and be at least 62 years old, to retire. The new reform does not speak to that at all. It is not known if the law is repealed, or if the County can keep doing this. Mrs. Yard said pensions made sure there is something for 25, and between 20 to 25 and less than 20 years; the County is asking about people who fall in the 15 years and are 62 years old.

Mrs. Yard reported the Governor's Office will be informing her on these two issues and then the Board will have to make a decision on whether this will be continued. Mrs. Yard feels the County still needs to give a window of opportunity to those people before the new policy comes into play, if they want to retire.

Mrs. Yard advised once she hears from the Governor's Office, she will report back to the Board.

Update on the disbandment of the Hunterdon County Utilities Authority

Mrs. Yard advised it has been discussed about the Hunterdon County Utilities Authority going under the governing body, the Hunterdon County Board of Chosen Freeholders and there were some issues about whether the governing body would have all the rights and privileges of the statutorily prescribed Utilities Authority. Mrs. Yard has reached out to Senator Doherty's office who put her in touch with Cindy Hespy at the Office of Legislative Services who could not find anything that said the County could not continue to set the rates but recommended talking to Marc Pfiefer of the Department of Community Affairs (DCA). Mrs. Yard has had several communications with Mr. Pfiefer who recommended a member of the legal services for the County be involved and Shana Taylor and Mrs. Yard called Mr. Pfiefer who stated the law was changed around 15 years ago; that the BPU (Bureau of Public Utilities) does not regulate the ability to set fees/tipping fees and that it was taken out of BPU law and the County can set the rates after filing an application with the DCA and adopt a resolution which says there is no debt. Ms. Taylor has written a legal opinion which shows what the County needs to do.

Mr. Mennen stated the Hunterdon County Utilities Authority (HCUA) has been discussing this matter for around the past six months and it was unanimously decided if this could be done, it was the desire of the HCUA to disband as Hunterdon did not need an extra layer of government. The initial research showed the Authority could disband but there was a question about what would happen with the ability to set rates and the other rights conferred upon Utilities Authority when it was created back in 1985; it was a mechanism that afforded the right as the County to maintain control over the setting of rates as opposed to BPU doing it, which would have been the alternate course at that time. Since the law was changed, this is a non-issue.

Mr. Mennen reported that earlier today, the HCUA again reaffirmed its desire to disband and indicated, unanimously, that it would proceed with the submission of an application to that effect, conditioned only upon concurrence from the Freeholder Board. At some point, not today, this Board has to start that process by filling out the application. The legal research has been done and there is no impediment legally and this doesn't strip the County of any authority or control which the Authority currently has and it does away with a separate layer of government including an auditor, attorney and so on.

Mr. Sworen asked the benefit to the County of doing away with the Hunterdon County Utilities Authority.

Mr. Mennen feels the real question is "What is the benefit to the County in keeping the Hunterdon County Utilities Authority?" Doing away with the HCUA means the County would not have a separate body, there isn't a separate layer of government, there isn't the need for a separate auditor, there is no need for separate legal counsel and this would streamline the operation and at the same time does away with those additional expenses.

Mr. Melick added that an Authority is a dangerous thing because an Authority can create public debt and the members can set their own salaries. It is a good idea to get rid of the Authority.

Mr. Sworen questioned what would happen with Hunterdon while this application was being considered, either contractually for finally with the transfer station and those fees.

Mr. Mennen explained most of the HCUA's contracts are in a holdover period because they are in the process of being renegotiated; so this would be the perfect time to do this. The Authority would have the right to transfer subject to Waste Management agreeing.

Director Holt asked about the Solid Waste Management plan.

Mr. Mennen confirmed for the Board that the Solid Waste Management Plan falls under the Freeholders' purview.

Ms. Taylor informed the Board that the dissolution of the HCUA would be no different then when the County disbanded the Hunterdon County Board of Recreation Commissioners where the County assumed all those obligations and privileges of the Commissioners, it just became part of the County's purview. It would be the same here, the County can still enter into a contract and the contracts are still good and viable. Part of the application process to the state, is that the County would get approved having the Freeholder Board be the acting entity with the rights and obligations of the previous authority.

Mr. Mennen confirmed with Freeholder Melick, who was on the Board when the HCUA was created in 1985, that the HCUA was set up at a time when the law was different, to allow the County to set rates and with the HCUA the rates could not be set. That statute has now changed therefore that reason for the HCUA no longer exists.

Mr. Melick added at the reason the transfer station was set up, is because it was part of the County's effort to control solid waste. The HCUA had the authority to ship waste. He noted that Somerset County put their money into recycling and Warren County built an incinerator.

Director Holt stated today's discussion is for information only. Unless there is a major objection, the intention of the HCUA is to start the disbanding process and at some point, it will come before the Board because the Freeholder Board will have to agree to accept these duties.

FOR DISCUSSION

Prosecutor's Vehicles

Mrs. Yard reported the Prosecutor was scheduled for today's meeting and he did talk with Director Holt and it was agreed there would be other meetings. Mrs. Yard advised if the Prosecutor does come back it won't be until September but currently Director Holt and Prosecutor Kearns are working on a different approach.

Mr. Melick stated the County has not appropriated any funding to purchase vehicles in the past few years and vehicles wear out. In addition, the County must be aware of the cost for gasoline and repairs.

He stated Mrs. Yard has reached out to other County Prosecutor Offices in the state and they have different policies regarding vehicles. He noted that a lot of investigators do not have County vehicles.

Mr. Melick moved to set a date, August 05, 2011, that all non-supervisory vehicles be placed in a motor pool and parked. The County does not have the money to keep putting gasoline in vehicles and purchasing vehicles. The Prosecutor is aware of this matter. Mr. Melick stated the County former Prosecutor did use a County vehicle.

Motion died for lack of a second.

Mr. Mennen stated he doesn't disagree with the initiative and the direction which Mr. Melick has outlined; but he would rather attempt and try to do this as a collaborative effort with the Prosecutor's concurrence. If the Prosecutor is going to have a dialog with the Board within the next four weeks or so, he would rather wait. If the dialog and conversation is never going to happen, then he would feel differently but he is prepared to take the Prosecutor at his word.

Mr. Mennen asked Mr. Melick to hold his action for two weeks pending a report of the ongoing dialog with the Prosecutor in two weeks.

Mrs. Yard reported the Prosecutor's Office has met with the Fleet Management Committee.

After further discussion, Director Holt asked Mrs. Yard to set a meeting up next week with the Prosecutor, himself, Freeholder Mennen and herself. He would like to work out a joint agreement with the Prosecutor on this issue if possible.

Use and Proposed Fee Schedule for County Command Bus

George Wagner, Director of Public Safety informed the Board that the rate being charged for use of the County's Command Bus is the original amount when the bus was first received ten years ago, at \$25 an hour, which was established by the Board at that time. Currently there are several requests for the Command Bus. There is a cost to operate the bus and in most cases it creates overtime. Emergency requests maybe reimbursed through FEMA (Federal Emergency Management Agency) or if it's a Haz-Mat call out it the responsible party can be billed. In addition, there are regular non-emergent requests for use of the Command Bus and some of the requests come from non-governmental entities. Mr. Wagner would like to establish a fee schedule which would encompasses the plethora of requests received, whether they are from governmental entities, non-profit organizations or for profit organizations. The cost to bring in a dispatcher is more than \$25 an hour; based on today's rate of pay and overtime rate of the dispatchers the cost recommended would be \$50 an hour for each dispatcher. A non-emergent governmental event, the set up fee would be waived, as well as the operational fee. A non-profit event would have the setup fee waived and a for profit event there would be a set up fee, plus operating costs.

Mr. Mennen moved and Mr. Walton seconded a motion approving the fee schedule for the County Command Bus as presented by the Director of Public Safety.

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

CONSENT AGENDA

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

Items 16, 17, 24 and 25 were held at this time.

Mr. Walton moved and Mr. Sworen seconded a motion to approve claims in accordance with the Claims Register dated July 19, 2011.

See Page 07/19/11-9A

CLAIMS REGISTER

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

Mr. Walton moved and Mr. Sworen seconded these:

See Page 07/19/11/9B

RESOLUTION

RESOLVED, Edward Davis appointed unclassified, full time Chief Warrant Officer, for a one year term, in Sheriff's Dept.

See Page 07/19/11/9C

RESOLUTION

RESOLVED, Daniel Salvatori appointed permanent, full time, Correction Officer, Division of Corrections, Public Safety Department.

See Page 07/19/11/9D

RESOLUTION

RESOLVED, Anthony Talamini appointed temporary, when and as needed, Laborer, Roads and Bridges Department.

See Page 07/19/11/9E

RESOLUTION

RESOLVED, Brenda Gerry, adjustment of hours, per Board approved reorganization plan, Library Assistant, Library Department.

See Page 07/19/11/9F

RESOLUTION

RESOLVED, Tanvi Rastogi appointed provisional, full time, per Board approved reorganization plan, Librarian, Library Department.

See Page 07/19/11/9G

RESOLUTION

RESOLVED, Jean Raper, adjustment of hours, Librarian, Library Department.

See Page 07/19/11/9H

RESOLUTION

RESOLVED, Michael Sweeney appointed unclassified, full-time Assistant Prosecutor, in the Prosecutor's Office.

See Page 07/19/11/9I

RESOLUTION

RESOLVED, Matthew LaFevre appointed temporary, when and as needed, Laborer, Roads and Bridges Department.

See Page 07/19/11/10A

RESOLUTION

RESOLVED, Matthew Cochran appointed temporary, when and as needed, Laborer, Roads and Bridges Department.

See Page 07/19/11/10B

RESOLUTION

RESOLVED, Frank Ur, adjustment of salary, Instructor, Division of Emergency Management, Public Safety Department, for performing duties of the HCESTC Coordinator.

See Page 07/19/11/10C

RESOLUTION

RESOLVED, Eric Fay appointed temporary, when and as needed, Laborer, Roads and Bridges Department.

See Page 07/19/11/10D

RESOLUTION

RESOLVED, Crystal Barnes, Senior Planner, Planning Board, granted a medical leave of absence, without pay.

See Page 07/19/11/10E

RESOLUTION

RESOLVED, Appointing David Mills, to the Open Space Advisory Committee, to fill an unexpired term.

See Page 07/19/11/10F

RESOLUTION

RESOLVED, Approving proposed changes to the 2011/2012 Deer Management-Controlled Hunting Program, for the Parks and Recreation Department.

See Page 07/19/11/10G

RESOLUTION

RESOLVED, Authorizing Purchasing Dept. to solicit competitive bids for: precast concrete box culvert; IAS voting receiver; snow & ice control materials; maintenance & repair materials; inmate prescription services.

See Page 07/19/11/10H

RESOLUTION

RESOLVED, Approving an Equipment Lease, with NJ Transit Corporation, for 4 minibus vehicles, with Section 5311 ARRA 2009 funds; and a minibus vehicle, using Section 5310 FTA funds.

See Page 07/19/11-10I

RESOLUTION

RESOLVED, Approving a Mutual Assistance Agreement, for the Fatal Accident Crash Team (FACT), for the Clinton Township Police Department.

See Page 07/19/11-10J

RESOLUTION

RESOLVED, Approving a Volunteer Agreement, for PTL. Jeffrey Glennon, as a member of FACT, for the Clinton Township Police Department.

See Page 07/19/11-10K

RESOLUTION

RESOLVED, Approving a Mutual Assistance Agreement, for the Fatal Accident Crash Team (FACT), with Readington Township Police Department.

See Page 07/19/11-10L

RESOLUTION

RESOLVED, Approving a Volunteer Agreement, for Detective Patrick Gooley, as a member of FACT, for the Readington Township Police Department.

See Page 07/19/11-10M

RESOLUTION

RESOLVED, Approving a Mutual Assistance Agreement, for the Fatal Accident Crash Team (FACT), for the West Amwell Township Police Department.

See Page 07/19/11-10N

RESOLUTION

RESOLVED, Approving a Volunteer Agreement, for PTL. Todd Pantuso, as a member of FACT, for the West Amwell Township Police Department.

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

Mr. Sworn questioned Mr. Wagner concerning the applications for Red Light Permits. At the last meeting the Board approved a Red Light Permit for the Office of Emergency Management Coordinator for the County. There are also blue light permits and yellow light permits which have to be approved by the governing body. The blue light permit is for emergency service people such as fire or EMS or for a municipal OEM coordinator or County OEM coordinator. The next level up is a red light permit and it also allows for sirens to be installed in the vehicle. The red light permits are for acting Fire Chiefs, acting EMS Captains and it can be issued for a County OEM Coordinator or Deputy County OEM Coordinator.

Mr. Sworen expressed concern on these applications because no matter the color of the lights, they are required to follow the speed laws and such. Responding to a scene or incident doesn't give anyone rights. The red light permits allows an individual to have a siren.

Mr. Sworen asked if it would be more appropriate to issue the Deputy OEM Coordinators' a blue light permit versus a red light permit.

Mr. Wagner agreed the approval of the permit does entitle them to have a siren as well as the red lights. The intent and reason this came about is because the County does not have a full time Deputy OEM Coordinator. These are part time deputies that would be activated, if and when needed. It is reasonable to assume that a deputy would have to respond in lieu of the County Coordinator. This request from the OEM Coordinator was so that his deputies respond with a permitted, authorized light it wasn't intended to have sirens.

Mr. Wagner advised the role of the Deputy OEM Coordinators are being expanded by being the authorized Department of Health Haz-Mat responders. These people do not have take home vehicles so they will be responding with their personal vehicles. The two deputies are sworn law enforcement people. He does not feel these individuals will abuse the red light.

Mr. Walton moved and Mr. Mennen seconded these:

See Page 07/19/11-11A

RESOLUTION

RESOLVED, Approving a Red Light Permit with the NJ Dept. of Motor Vehicles, for Gary Breuer, Hunterdon County Office of Emergency Management.

See Page 07/19/11-11B

RESOLUTION

RESOLVED, Approving a Red Light Permit with the NJ Dept. of Motor Vehicles, for Edward Pawlick, Hunterdon County Office of Emergency Management.

ROLL CALL: (AYES)
(NAYS)

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

Mr. Mennen questioned the asked that request from the County Clerk regarding the COANJ conference.

Director Holt reported the request from the County Clerk came by email to himself with a copy to Mrs. Yard and it identified two issues. The Board did approve the Clerk, in her O&E budget to attend the COANJ 2011 conference, in the amount of \$750. In that request, the Clerk asked to move the funding from O&E and return that funding to surplus and have the request taken out of her trust account. The second request is to have the Deputy Clerk to attend the COANJ conference for two nights, in the amount of \$750.

Mr. Melick advised many people have been denied going to conferences and he doesn't agree with approving this request in today's economy, the funding isn't available. This Board established a policy on trips and conferences and needs to stand by it.

Mr. Walton feels there is a line of authority where this Board's ends and the constitutional officers begins in regard to how they run their office. He has a difference of opinion on where that line is. To him, it is not an issue whether or not it is responsible to go or whether he would go, if he were a constitutional officer; it's whether or not, they as elected officials, delineate in the constitution of this state have certain authority over their trust funds and their budgets, which this Board sets. He believes going to these conferences is within their oversight and authority and outside of this Board's. He will allow the Clerk to decide whether to go or not, and whether or not to bring the Deputy Clerk with her.

Mr. Mennen stated the issue whether or not the County Clerk attends the COANJ conference because funds were placed in her O&E Budget to attend the conference. He the question is whether trust funds can be used.

Director Holt stated this is coming before the Board because it is a change in the funding source.

Mr. Mennen advised this Board has an opinion from County Counsel, dated July 02, 2009, which sets forth the criteria as to what appropriately qualifies as a trust expenditure. The trust is maintained within the County and is subject to auditing. The email received today says generically that the five year plan calls for money to be applied for education and upgrades to the office. The email says that this conference meets the conditions of the approved plan. Mr. Mennen said this doesn't exactly qualify with regard to the criteria which was set forth. If this was an ongoing dialog as opposed to the way this is being presented an appropriate determination could have been made. Mr. Mennen doesn't know if he has the requisite level of information to make the determination because this is a generic statement and the legal opinion is clear. Mr. Mennen suggested sending the Clerk, County Counsel's legal opinion. This Board is lacking the full information to make an informed decision.

Director Holt stated he agrees with Mr. DeSapio's interpretation of the statute. He feels the statute can be driven anyway that anyone is directed to drive it.

Director Holt disagrees with Mr. Walton regarding the constitutional officers' trust funds. He has strong opinions on where this Board's line ends and where their line begins.

Mr. Mennen asked Mrs. Yard to ascertain how much this Board paid for this legal opinion that has been cast aside.

Mr. Walton moved and Mr. Sworen seconded this:

See Page 07/19/11-12A

RESOLUTION

RESOLVED, Authorizing funds for the COANJ for the County Clerk be taken from the Clerk's Trust Fund and the funds allotted for this in the O&E budget be returned to surplus.

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

Mr. Walton moved and Mr. Sworen seconded this:

See Page 07/19/11-12B

RESOLUTION

RESOLVED, Approving the Deputy County Clerk, to attend the COANJ conference using monies from the Clerk's Trust Fund account.

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

Director Holt informed those present that he pulled the resolution dealing with Flu Clinics stating it was carefully crafted by Mrs. Yard and Freeholders Mennen, Walton and Sworen. The language recognizes that the market for Flu Vaccine availability is dramatically different than it was 20 years ago and in fact, at this time, it has been determined that it is not necessary for the County to be the provider of that vaccine because it is numerous available and in 2010 Hunterdon County had 35 locations offering the vaccine. This resolution recognizes that one of the purposes of the clinics was to work on training for mass inoculations. This Board is resolute about making sure there are opportunities both locally and regionally for training.

Mr. Walton moved and Mr. Mennen seconded this:

See Page 07/19/11/12C

RESOLUTION

RESOLVED, County deferring flu clinics to private sector.

Mr. Sworen said he doesn't disagree with the resolution but expressed concern for the indigent population being able to be vaccinated. He asked if the Health Department will be restricted from purchasing any vaccine which may go to vaccinating the indigent population in Hunterdon County.

Director Holt said there may still be the need for the County to house/stock certain product; in certain quantities because the County may wish to have vaccine available for those who walk in the door and have no other resource to get the vaccine. That would most likely be channeled through the Human Services Department because that is where the greatest demand would be.

Director Holt advised this has been discussed with the Purchasing Agent to have the physical vaccine available.

Director Holt advised he is in favor of a voucher program, where the County would provide an opportunity for someone to get the available resource but not have the County stock it and issue it because it is a product which has an expiration date.

Mr. Mennen advised in looking at the data, only 5 indigent were serviced in 2010. He feels this plan will put Hunterdon in a better place to serve that population because it will focus the County's efforts on those who really need it.

Mr. Sworen said he is also concerned about training. He asked if this resolution would remove the availability for training for the Medical Reserve Corps. (MRC).

Mr. Walton has talked with Mr. Mennen and Director Holt about training and he feels training is encouraged but those training exercises do not require that vaccine be purchased and stick it in someone's are. Those exercises can be done without purchasing vaccine.

Director Holt reported that through researching this, he found there has been ongoing training in multiple counties, counties which Hunterdon currently has dialog with for other issues where there may be a better opportunity to train and include other elements that would actually happen in the event of a mass emergency. He sees a greater value in Hunterdon participating with the neighboring counties and OEM's. He feels there may be opportunities where Hunterdon's people can get a better level of training on what might be reality when disaster comes.

Director Holt feels it is important to reaffirm the fact that when training opportunities come about that makes sense then the Board will embrace them.

Mr. Mennen confirmed the verbiage in this resolution makes it clear that there are numerable opportunities offered by the private to obtain flu vaccines and that this Board heard from public experience last year that the public clinic offered wasn't the most convenient and wasn't user friendly and that there are other more user friendly opportunities offered by private sector. The County is confident this is not doing away with the opportunity for people to get flu shots.

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

GRANTS

Mr. Sworen moved and Mr. Walton seconded this:

See Page 07/19/11-13A

RESOLUTION

RESOLVED, Authorizing the Planning Board to submit a grant proposal, for additional grant funds from NJ DEP, to continue preparation of the County's Wastewater Management Plan, with a cap amount of \$75,000.00.

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

Mr. Walton moved and Mr. Sworen seconded this:

See Page 07/19/11-13B

RESOLUTION

RESOLVED, Approving a grant to replace 5 LINK buses, through Section 5310.

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

FREEHOLDERS COMMENTS/REPORTS

Route 31/Energy Efficiency

Mr. Sworen updated the Board regarding the Route 31 County Complex emergency efficiency project. The County has been working with the vendor to come up with a solution on this project. It seems the County will have to add money to this project.

South County Park

Mr. Sworen reported the information for the septic system for the South County Park has been forwarded to East Amwell Township shortly. It has been signed off on by the County Board of Health and Soil Conservation.

Retirement

Mr. Walton noted that Bill Clothier of the Parks and Recreation Department will be retiring after over 30 years of service. He is wished well in whatever he does in retirement.

Gas Pipeline

Mr. Mennen feels it is important for the County to receive public input with regard to hearings that will be taking place on the extension of a gas pipeline. The pipeline goes through Clinton and Union Townships. It is important for the County to send a staff member to the public hearings on this issue, who has an understanding and can take a position if need be.

Director Holt asked Mrs. Yard to have someone from Engineering and/or Planning attend the public hearing tomorrow at the Clinton Holiday Inn.

Polytech

Mr. Mennen attended the Polytech meeting last night and they are excited about their scholarship awardees who attended tonight's meeting. He is glad to see that this scholarship came through this year after the problems that occurred last year.

OPEN TO THE PUBLIC

No one wished to address the Board at this time.

There being no further business to come before the Board, Director Holt adjourned the meeting at 7:52 p.m.

Respectfully submitted,

Denise B. Doolan
Clerk of the Board