

HUNTERDON COUNTY BOARD OF CHOSEN FREEHOLDERS
71 Main Street, Flemington, New Jersey 08822
May 03, 2011

The regular meeting of the Hunterdon County Board of Chosen Freeholders convened at 2:37 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

Freeholder Director Holt announced: "This meeting is being held in accordance with the provisions of the Open Public Meetings Act. Adequate notice has been given by posting throughout the year a copy of the notice on Bulletin Boards on the First and Second Floor of the Main Street County Complex, Building #1, Flemington, New Jersey, a public place reserved for such announcements. A copy was mailed on or before April 21, 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 SESSIONS

Mr. Sworen moved and Mr. Walton seconded this:

See Page 05/03/11-1A RESOLUTION

RESOLVED, Executive Session to discuss the continuation of budget discussions/contracts.

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

The Hunterdon County Board of Chosen Freeholders went into executive session at 2:38 p.m. and reconvened in open session at 4:00 p.m.

Mr. Walton moved and Mr. Sworen seconded these:

See Page 05/03/11-1B RESOLUTION

RESOLVED, Executive Session to discuss an appointment to the Human Services Advisory Council.

See Page 05/03/11-1C RESOLUTION

RESOLVED, Executive Session to discuss a report on the meetings with the department heads association.

See Page 05/03/11-1D RESOLUTION

RESOLVED, Executive Session to discuss a report on the status of a personnel claim in the Surrogate's Court.

See Page 05/03/11-1E RESOLUTION

RESOLVED, Executive Session to discuss a report on the Sheriff's Sergeants negotiations.

See Page 05/03/11-1F RESOLUTION

RESOLVED, Executive Session to discuss the status of negotiations with Flemington Borough concerning the Park Avenue Realignment. .

See Page 05/03/11-1G RESOLUTION

RESOLVED, Executive Session to discuss the finalization of the negotiating position of the Freeholders in connection with the collective bargaining units for the coming year.

See Page 05/03/11-1H RESOLUTION

RESOLVED, Executive Session to discuss whether or not the Freeholders will appeal an award of counsel fees in the matter of Gensch versus Hunterdon County.

See Page 05/03/11-1I RESOLUTION

RESOLVED, Executive Session to discuss land acquisition in the form of a possible donation in Bloomsbury Borough.

See Page 05/03/11-1J RESOLUTION

RESOLVED, Executive Session to discuss an offer of sale of land in Bethlehem Township.

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

The Hunterdon County Board of Chosen Freeholders returned to executive session and reconvened in open session at 5:30 p.m.

PLEDGE OF ALLEGIANCE

MOMENT OF SILENCE

Mr. Walton stated given the fact that the United States has captured Osama Bin Laden, it is fitting that a moment of silence be observed for all those who lost their lives and those who lost loved ones during the suicide attacks by al Qaeda on September 11, 2001, in New York, Shanksville, Pennsylvania and in Washington, D.C.

PUBLIC COMMENT

Director Holt opened the meeting to the public.

Lois Stewart, Flemington Borough resident, questioned who determines how many voting districts there are in each municipality.

Mr. Sworen advised the State determines the voting districts by population.

PROCLAMATIONS/RECOGNITION

Mr. Sworen moved and Mr. Walton seconded this:

See Page 05/03/11-2A **PROCLAMATION**

RESOLVED, Declaring May 2011 as "Just Bike Month" in Hunterdon.

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

The Board presented a proclamation declaring May as Just Bike Month to Tara Shepherd, Executive Director of HART (Hunterdon Area Rural Transit).

Mr. Mennen moved and Mr. Melick seconded these:

See Page 05/03/11-2B **PROCLAMATION**

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

See Page 05/03/11-2C **PROCLAMATION**

RESOLVED, Recognizing David Riche for attaining the designation of Eagle Scout.

See Page 05/03/11-2D **PROCLAMATION**

RESOLVED, Recognizing Joseph Louis DiGuardia for attaining the designation of Eagle Scout.

See Page 05/03/11-2E **PROCLAMATION**

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

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

Mr. Mennen moved and Mr. Walton seconded this:

See Page 05/03/11-2F **PROCLAMATION**

RESOLVED, Declaring third week of May as New Jersey Early Intervention Week.

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

POLYTECH

Kim Metz, Polytech Superintendent came before the Board and introduced instructor Natalie Guarino of the Family, Career and Community Leaders of America program; as well as students: Amanda Ewing and Heather Kovacs, who are participating in the teacher academy program and early childhood education programs.

Ms. Metz informed the Board that this year Polytech had 16 students compete at the state level and Hunterdon County Polytech took home 11 first place gold metals and 5 silver metals.

Mr. Metz provided donuts for the Board and those present as today is Teacher Appreciation Day.

PURCHASING

Mr. Sworen moved and Mr. Walton seconded this:

See Page 05/03/11-2G **RESOLUTION**

RESOLVED, Approving Requisition #PROS.792483, using County Quote #0026-2011, with Major Police Supply, for automatic license plate recognition system, for the Prosecutor's Office, in the amount of \$18,800.00, (2008 Homeland Security Grant).

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

Mr. Melick moved and Mr. Sworen seconded this:

See Page 05/03/11-3A

RESOLUTION

RESOLVED, Requisition #CountyClerk.1318, with Progress Printing Company, for School Election Ballots, for the County Clerk's Office, in the amount of \$40,740.00.

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

Mr. Walton moved and Mr. Sworen seconded this:

See Page 05/03/11-3B

RESOLUTION

RESOLVED, Requisition #25520, using County Quote #0031-2011, with B JL Audio Visual, for a projector, for Emergency Services, Division of the Public Safety Department, in the amount of \$11,073.00. (2009 Homeland Security Grant funds).

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

FARMLAND PRESERVATION/PLANNING

Mr. Melick moved and Mr. Walton seconded this:

See Page 05/03/11-3

RESOLUTION

RESOLVED, Approving a bridge maintenance easement for structure E-152, from the Harrison Family Trust, on Block 31, Lots 4 and 10, in the amount of \$322.00 and for E-213, in the amount of \$154.00.

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

ROADS and BRIDGES Update

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

- An award recommendation will be made for County Route 619, and a preconstruction meeting will be set up.
- County Bridge R-123 has been completed, including punch list items.
- Bridge painting will be advertised next week.
- There is a problem with Bridge R-118, on County Route 523, and the County will be working with Readington Township on this. The detour will run from Route 22 to Route 629, down to Route 523. This section of highway was going to be redone in the late 1990's but it was held off until now but the bridge needs to be done. The work will begin the 3rd week in June when school is out. The headwall and wingwall will be repaired on the culvert and the project will take 8 to 10 weeks. It should be open before school starts in the Fall.
- The County will be working with Tewksbury Township on arches on Sutton Road and Philhouser Road.
- A Green Acres Diversion has been received for the Whitebridge Road project.
- Bridge E-166 is now complete.
- A meeting was held with HBO on Bridge RQ-179, on Stanton Station Road and modifications have to be made because 80% of the floor need to be upgraded/replaced and the County is asking to replace them in-kind, with similar shape and size with new steel, and they were receptive.
- Paperwork needs to be completed to get the stimulus project money. The final documentation should be ready shortly; the County is waiting to hear from the contractor who did the 517 project.
- Shop drawings for Higginsville Bridge will be ready in about 4 weeks. This historic bridge was damaged during snowplowing and Readington Township has step forward to say they hit the bridge the second time. Insurance company should provide reimbursement funds for the project.

COUNTY UPDATE

In-Kind Print Request/Raritan Twp.

Cynthia J. Yard, County Administrator informed the Board that a request was received from Raritan Township for an In-Kind Print Request. Mr. Walton moved and Mr. Sworen seconded a motion to approve the print request from Raritan Township.

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

Mosquito Commission/Print Request

Mrs. Yard reported that at the last meeting the Board requested her to look further at the in-kind print request from the New Jersey Mosquito Commission. In the past, this was done through the Health Department's Budget because the County's Mosquito/ Vector Control person was on this Commission but is now only a member. The cost to have this done by an outside vendor would be approximately \$1,904 and for Hunterdon do fulfill this request \$823.

Mr. Melick stated the private printer has to pay taxes but the County doesn't which is part of the cost difference.

The Board took no action on this request.

Workforce Investment Board

Mrs. Yard advised Hunterdon and Somerset Counties share the Workforce Investment Board (WIB) and the WIB services. The director of WIB has now gone to work for the state. Somerset County's Office of Human Services is temporarily picking up those duties until they can recruit and hire a new director.

Appreciation Luncheon

Mrs. Yard reported that May is Public Employees Recognition month and Hunterdon is having a luncheon for the County employees. Mrs. Yard asked the Freeholders to attend. In addition, some of the cooking is being done in-house to cut costs.

FINANCE

Mr. Mennen moved and Mr. Walton seconded this:

See Page 05/03/11-4A

RESOLUTION

RESOLVED, Authorizing the County Budget be read by title only.

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

Director Holt opened the public hearing on the County Budget.

Lois Stewart, Flemington Borough resident, questioned the County's tax rate.

Director Holt stated the tax rate will be staying flat for Hunterdon County.

Kim Browne, Director of Finance and Mrs. Yard answered questions for Mrs. Stewart concerning the County Golf Course.

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

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

Mr. Melick said the tax rate is flat and the reason for that is because the amount for taxation/tax levy is down \$2,700,000; and the ratable base, the value of Hunterdon's property is down by almost one billion dollars; and that is why the Freeholder Board was very aggressive in putting together this budget. Mr. Melick stated that valuation in Hunterdon is down by 3.79%. The Freeholder Board saw this coming, the Board of Taxation is holding tax appeal hearings. Mr. Melick stated what helped the Freeholders with this budget, was taking an extra \$1 million out of surplus to keep the tax rate flat.

Mr. Melick said he will vote for this budget but it needs to be stated that this Board immediately has to start working on the 2012 budget. This process is ongoing and more savings have to be found for next year. Mr. Melick feels that the County's ratable base will drop further in the coming year.

Mr. Melick said the County's miscellaneous revenue in the budget is an indicator of what is going on with the economy. There are less demands for the County's services and an example would be the Health Department; they are doing less work as new septic systems aren't being put in. Mr. Melick stated there is a list of activities/services that have decreased and the Freeholders have to be cognizant of this. Another problem is the amount of interest received on investments has decreased. The County has to work to reduce next year's budget also.

Mr. Mennen advised when the County introduced the budget he stated that this is the fourth budget in a row where spending is less than the year before. The 2007 budget was near \$100 million and this budget for 2011 is just over \$90 million; that is a fairly dramatic reduction. This budget like its predecessors is the by product of diligence and planning.

Mr. Mennen echoed what Mr. Melick indicated, this Board needs to start on next year's budget today.

Mr. Walton moved and Mr. Sworen seconded this:

See Page 05/03/11-4B

COUNTY BUDGET 2011

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

Mr. Sworen moved and Mr. Walton seconded this:

See Page 05/03/11-4C

RESOLUTION

RESOLVED, Approving the amount to be raised by taxation for the County's Open Space, Recreation, Farmland and Historic Preservation Trust Fund.

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

Mr. Sworen moved and Mr. Melick seconded this:

See Page 05/03/11-5A

RESOLUTION

RESOLVED, Approving the amount to be raised by taxation for support of the Operating Budget for the County Library.

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

Foreclosures

Mr. Melick asked Sheriff Brown about foreclosures in the County.

Sheriff Brown advised the only sales on foreclosures have been on commercial property as residential foreclosures are tied up in the courts.

Mr. Melick stated during the first three month of 2010, the Sheriff's revenue was \$62,000 and this year it is \$16,000 and that is because of a federal problem which has tied up sales.

Sheriff Brown stated that he has only had two Sheriff's Sales.

Mr. Mennen stated while those revenues increase, at the same time it is going to create valuations that are going to drive the ratable base down.

Mr. Melick said a good indicator is Planning Board revenue, it used to be \$1,500 to \$2,000 for fees/people making applications and now it is around \$975 for this past quarter.

Director Holt thanked Mrs. Yard, Mrs. Browne, Mrs. Pasqua, Mrs. Dziamara and the Sheriff and each department head that assisted in making this budget happen.

COUNTY COUNSEL

Director Holt advised the County has been working on an issue, for a period of time, entitled: Gensch versus the County of Hunterdon. County Counsel has been working on this litigation. Director Holt asked County Counsel DeSapio to provide an outline of this case.

Mr. DeSapio explained a few years ago a County resident, names Mr. Gensch, filed a class action lawsuit against the County Clerk's Office contending that the County Clerk was over charging when they charged \$0.25 for a self-service copy. This plaintiff and the law firm sought an accounting going back six years and the payment by the County of the differential between what they determined to be the actual cost and the \$0.25 into a class action fund that people could make claims for reimbursement.

Mr. DeSapio stated the same law firm that represents Mr. Gensch has sued every other county in the State of New Jersey over the same issue. Some of the counties settled and other counties such as Hunterdon defended because the amount being sought from Hunterdon County was \$300,000 which is a considerable amount of money and the Freeholders weren't inclined to pay it as long as there was a good legal argument that Hunterdon wasn't over charging. After a couple years of litigation, the Appellate Division ruled that Hunterdon County did not have to pay the \$300,000. Mr. DeSapio said there were a number of defenses but he won't go into all of them saying that the Appellate Division said the statute which was in existence; although it wasn't perfectly clear, the counties could have prudently read it to mean that they could charge \$0.25. There was to be a period of six months for the legislature to reexamine the statute and either clarify the language and make it clear that the counties could charge \$0.25 or change it to some other rate. The legislature acted and reduced the rate to \$0.05 a copy.

Mr. DeSapio said the Appellate Division said it would send this case back to the trial court in each county for a determination as to whether or not the plaintiff's attorney is entitled to attorney's fees because the OPRA statute he sued under says if you are denied an OPRA request and the public entity has be found to illegally deny a document and you have to sue for it that you can get reasonable attorney's fees for the denial.

Mr. DeSapio explained each of the counties took the position basically that there was no denial as the document was given promptly. (you make the copy from the copy machine). If there was an error in anything, it was in the amount charged and the Appeals Court had determined that the County Clerk could reasonably interpreted the statute to charge \$0.25, so why would there be an attorney's fee award. Hunterdon County's perspective was also influenced by a number of factors that relate to this particular attorney and this particular situation because the attorney chose to sue all the counties under this class action and he had gotten, as of last year, \$1.4 million in attorney's fees from other counties who settled out of court and he still has at least, seven or eight, including Hunterdon, that he wants more money out of. Hunterdon's position was that nothing has been denied and also, that the attorney wanted \$150,000 attorney fee from Hunterdon. The Freeholders felt there was no choice but to oppose that. Judge Ciccone, Assignment Judge, ruled that the attorney should get a \$95,000 award, in spite of the fact that Hunterdon pointed out all that Mr. DeSapio just stated plus the fact that his costs, if they were \$1.4 million or \$95,000, that they were unreasonable because he used a process, a class action, which the Appellate Division determined was inappropriate; in fact the Supreme Court said a citizen has 45 days to sue a government if the government makes a mistake, like with the copy charge, and if there were a calculation that had to be made, anything older than 45 days could not be collected on. One of the arguments made before Judge Ciccone was the attorney spent money trying to collect \$300,000 and if he had won, he would have been entitled to maybe \$5,000 or \$10,000 and Hunterdon questioned how a counsel fee of \$150,000 is reasonable; plus there was a simpler procedure that could have been used and it could have been used in any of

the counties or he could have sued all the counties together, a declaratory judgment. A Declaratory Judgment used when there is confusion about what a statute means and you go to court to ask the judge for a prompt ruling interpreting the statute. This involves the attorneys filing briefs and papers saying, in this instance, it is felt they can only charge the actual costs and Hunterdon saying it is felt a quarter can be charged and the judge looks at the papers and makes a decision on a clear record. That would have been much less expensive than \$1.4 million or \$150,000 in Hunterdon. Much of the money sought from Hunterdon involved churning of the legal process including hiring an electrical meter reader expert to sit at the County Clerk's Office for a day and read the electric meter and determine how much electricity the copying machine in the Clerk's Office used, so he could prove Hunterdon was overcharging for copies.

Mr. DeSapio informed the Board that Hudson County has already gone to the Appellate Division and the Assignment Judge in Hudson, said no attorney's fee; there was no denial, so no attorney's fee.

The attorney, Mr. Freeman, took the appeal and went to the Appellate Division and the Appeals Court ruled that overcharging is effectively denying people access; so they ruled he was entitled to an attorney's fee and sent the case back to the Hudson County Judge and told him to figure out how much the attorney is entitled to.

Mr. DeSapio stated the Hudson County attorney has informed him that he intends to recommend to their Freeholder Board that the decision be appealed to the New Jersey Supreme Court.

Mr. DeSapio explained the decision the Freeholders have to make today is do they pay the \$93,000 that Judge Ciccone awarded and put an end to this or does Hunterdon join with the other counties, assuming they decide to appeal and continue with the County's appeal that he is not entitled to this. Hunterdon County's appeal was authorized a few months back and is already filed and sitting on the docket. The decision today is does Hunterdon withdraw it and pay the money or should Hunterdon pursue it further.

Director Holt advised Mr. DeSapio was asked to explain this, one because it is interesting and an interesting case which has transpired over a number of years; and, he felt a history would help to document the case and provide a basis for the Board's decision.

Mr. Walton moved and Mr. Sworen seconded a motion to continue with Hunterdon's appeal in the case of Gensch versus Hunterdon County.

Mr. Sworen questioned Mr. DeSapio on how many copies the gentleman made in Hunterdon.

Mr. DeSapio advised that in the complaint, it is stated that he made four copies and at his deposition he was unclear how many copies he made and he said he went to the County Clerk's Office twice and later in his deposition, he said once. The interesting thing is that he went into the County Clerk's Office with his attorney to make the four copies and his attorney happens to be someone he graduated high school with and they have been social acquaintances for years. They made the copies and did not protest and they did not say anything to inform the Clerk's Office that they have 15 other lawsuits pending and he thinks that by charging him a quarter a copy, that is too much and the Clerk's Office probably would have given them the copies. Instead 5 days later, without a telephone call or anything the suit papers were served.

Mr. DeSapio said when an attorney asks for counsel fees they have to file an affidavit as to what they did and when. Hunterdon suggested to Judge Ciccone that she should look carefully at all the circumstances surrounding this and whether or not this case was just churned. In the affidavit the attorney submitted, he wanted the court to order that the County pay for the fact that three weeks before they came to the Clerk's Office, they were sitting in his office signing a contingent fee agreement for the lawsuit against Hunterdon County. The attorney said it was a typographical error in his office and Judge Ciccone let it pass.

Mr. Mennen clarified that Hunterdon County is contesting the egregious over billing by the plaintiff's attorney. The County is not contesting the right of the public to access information; and in fact Hunterdon was ahead of the curve in amending the County's fee structures and have been recognized by numerous open government policy committees for being on the forefront of openness in government. Hunterdon County is taking an issue with this obscene and egregious attempt to extort excessive fees out of Hunterdon County and counties across the State of New Jersey. Hunterdon County is not against the concept of openness. The only issue is the plaintiff's counsel fees.

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

Item #1 and 2, held at this time.

Mr. Sworen moved and Mr. Melick seconded these:

See Page 05/02/11-7A

RESOLUTION

RESOLVED, Jillian Butler appointed temporary, as needed Recreation Leader, Parks and Recreation Department.

See Page 05/02/11-7B

RESOLUTION

RESOLVED, Deidre Cardenas appointed permanent, full time Public Safety Telecommunicator Trainee, Public Safety Department.

See Page 05/02/11-7C

RESOLUTION

RESOLVED, Christine Castle appointed permanent, full time Public Safety Telecommunicator Trainee, Public Safety Department.

See Page 05/02/11-7D

RESOLUTION

RESOLVED, Jessica Chilmonik appointed permanent, full time Public Safety Telecommunicator Trainee, Public Safety Department.

See Page 05/02/11-7E

RESOLUTION

RESOLVED, Matthew Kelly appointed permanent, full time Public Safety Telecommunicator Trainee, Public Safety Department.

See Page 05/02/11-7F

RESOLUTION

RESOLVED, Justin Sisko appointed provisional, full time Family Service Worker, Social Services Division of Human Services Department.

See Page 05/02/11-7G

RESOLUTION

RESOLVED, Jaclyn Griffiths appointed provisional, full time Family Service Worker, Social Services Division of Human Services Department.

See Page 05/02/11-7H

RESOLUTION

RESOLVED, Caitlyn Patullo appointed temporary, as needed Student Assistant, Library.

See Page 05/02/11-7I

RESOLUTION

RESOLVED, Terence Carrol appointed temporary, as needed Laboratory Assistant, Health Department.

See Page 05/02/11-7J

RESOLUTION

RESOLVED, Margaret Pasqua appointed unclassified, full time County Treasurer, Finance Department.

See Page 05/02/11-7K

RESOLUTION

RESOLVED, James Oberst appointed unclassified, full time Special Deputy Surrogate in the Surrogate's Office.

See Page 05/02/11-7L

RESOLUTION

RESOLVED, Matthew Walker appointed permanent, full time County Correction Sergeant, Division of Corrections, Department of Public Safety.

See Page 05/02/11-7M

RESOLUTION

RESOLVED, Kimberly Niko appointed permanent, full time County Correction Sergeant, Division of Corrections, Department of Public Safety.

See Page 05/02/11-7N

RESOLUTION

RESOLVED, Scott Elliott reappointed to the Human Services Advisory Council.

See Page 05/02/11-7O

RESOLUTION

RESOLVED, Sherol Lewis appointed to the Mental Health Advisory Board.

See Page 05/02/11-7P

RESOLUTION

RESOLVED, Approving application for payment #3, for County Bid #2010-29, for the Addition and Alterations to the Hunterdon County Records Retention Center, with Belmont Construction Corporation, in the amount of \$281,541.26.

See Page 05/02/11-8A

RESOLUTION

RESOLVED, Authorizing the discharge of Mortgage for June Robinson.

See Page 05/02/11-8B

RESOLUTION

RESOLVED, Authorizing waiver agreements for the 37th Annual Senior Art Show.

See Page 05/02/11-8C

RESOLUTION

RESOLVED, Supporting repeal of the Global Warming Response Act (2007) and the Regional Greenhouse Gas Initiative (RGGI) cap-and-trade program.

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

Mr. Mennen moved and Mr. Melick seconded a motion to approve claims in accordance with the Claims Register dated May 03, 2011, minus Check #13524 and #135976.

See Page 05/03/11-8D

CLAIMS REGISTER

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

Mr. Mennen moved and Mr. Melick seconded a motion to pay Check #13524 and #135976 in accordance with the Claims Register dated May 03, 2011.

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

GRANTS

Mr. Sworen moved and Mr. Walton seconded this:

See Page 05/03/11-8E

RESOLUTION

RESOLVED, Approving grant agreement with NJ DEP, #EN11-019, for 2011 County Environmental Health Act (CEHA) in the amount of \$268,400.00, (State - \$134,200.00 and County Match of \$134,200.00).

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

Mr. Sworen moved and Mr. Walton seconded this:

See Page 05/03/11-8F

RESOLUTION

RESOLVED, Approving a grant application with the NJ Division of Highway Traffic Safety, for the Kids Are Riding Safe program, in the amount of \$27,575.00.

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

Mr. Sworen moved and Mr. Walton seconded this:

See Page 05/03/11-8G

RESOLUTION

RESOLVED, Approving a grant application with the New Jersey Division of Criminal Justice, for the Victim and Witness Advocacy Supplemental Grant, in the amount of \$12,385.00.

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

Mr. Mennen moved and Mr. Sworen seconded this:

See Page 05/03/11-8H

RESOLUTION

RESOLVED, Authorizing the 2011 Special Projects grant awards to support/promote historic and cultural programs in Hunterdon County through the Cultural and Heritage Commission, in the amount of \$52,000.00.

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

CORRESPONDENCE

A request was received from the Frenchtown Fire Department asking permission to hold a Coin Toss on Saturday, May 14, 2011 and Sunday, May 15, 2011, at the intersection of Kingwood Avenue and Race Street, between 9:00 a.m. and 4:00 p.m. Mr. Mennen moved and Mr. Melick seconded a motion granting permission provided this event is coordinated through the County's Department of Roads, Bridges and Engineering.

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

Somerset Wheelmen is requesting permission to conduct the annual Masters Road Race in East Amwell Township, on Saturday, June 14, 2011, between 7:00 a.m. and 10:00 a.m. Course to be the same as previous years: Dutch Lane to Old York Road to Manners Road to Wertsville Road

and back to Dutch Lane. Mr. Mennen moved and Mr. Melick seconded a motion granting permission provided this event is coordinated through the County's Department of Roads, Bridges and Engineering.

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

Correspondence was received from the Flemington United Methodist Church requesting permission to use the County's parking areas on Main Street, from 6:00 p.m. until 10:00 p.m., during the week of May 16, 2011 through May 20, 2011, during the second annual church revival meetings. Mr. Mennen moved and Mr. Melick seconded a motion granting permission provided this event is coordinated through the County's Department of Roads, Bridges and Engineering.

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

A letter was received from the American Diabetes Association, requesting permission to holding a fundraising cycle event, the annual Northern New Jersey Tour de Cure, on Sunday, June 05, 2011, using County Route 532 between New Bromley Road and Halls Mill Road and County Route 517 between Homestead Road and Church Street. Mr. Mennen moved and Mr. Melick seconded a motion granting permission provided this event is coordinated through the County's Department of Roads, Bridges and Engineering.

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

A request was received from the New Jersey Ride against Aids asking permission to use a portion of County roads, during their 10th annual fundraising event, to be held the weekend of September 23, 2011 to September 25, 2011. Mr. Mennen moved and Mr. Melick seconded a motion granting permission provided this event is coordinated through the County's Department of Roads, Bridges and Engineering.

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

A letter was received from Marcy Scalera, a Fieldview Lane resident, in Tewksbury Township, requesting permission to place a plaque in front of a stone retaining wall in remembrance of Ron Heinkel. Mr. Mennen moved and Mr. Sworen seconded a motion granting permission provided this is coordinated through the County's Department of Roads, Bridges and Engineering.

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

FREEHOLDERS COMMENTS/REPORTS

County Vehicles

Mr. Melick asked if at a future meeting, the Board could have a discussion on the use of County vehicles because it has been an ongoing problem of his.

Mrs. Yard reported the County Prosecutor is coming before the Board on June 07, 2011. When the Prosecutor came before the Board previously, the Board had requested he take a couple of months and evaluate the program and come up with some recommendations.

Mrs. Yard reported in addition to the Prosecutor coming on June 07, 2011, the Fleet Management Committee will also be present to provide a report to the Board.

Mr. Mennen asked Mrs. Yard to inform the County Prosecutor that he should be prepared to talk about vehicles on June 07, 2011.

Auction

Mr. Sworen is aware the County is planning to hold a surplus sale and he would like to try to make this a Countywide auction for all the municipalities.

Concert Series/Parks

Mr. Sworen would like to invite people to attend the Concert Series at Deer Path Park starting in June. He attended the Hunterdon Symphony Orchestra on Saturday evening; along with the Hunterdon Coral Group. This is all Hunterdon County people playing and if anyone has the opportunity, they should come.

Rail Coalition

Director Holt advised at the Rail Coalition meeting there was a presentation from New Jersey Transit and one of the topics of discussion was the Route 78 Corridor Study which is now, the third study done in the past 10 years. Being looked at is the Hampton extension; proposed ridership numbers and proposed costs. Those costs were \$155 million to extend this up to Hampton and about \$230 million to go out to the Bethlehem area.

Director Holt advised this evening Somerset Freeholder Palmer and he hosted the meeting for municipalities along the Route 202 corridor. This was an update by North Jersey Transportation Planning Authority and by New Jersey Transit on the study which was started in January 2011, of which Phase I will be completed around June with regard to corridor improvements along Route 202 which include intersection improvements, lighting improvements, Central Bus Service improvements and rail improvements.

Director Holt explained the meeting was for municipalities affected by this corridor have an opportunity to hear, express opinions, and learn accurate information.

Donation from Johanna Farms to Sheriff's Office

Sheriff Brown informed the Board that in 2009 the Sheriff's Office received a COPS grant for \$250,000. In August of 2010, under the previous administration, they applied for a modification of the grant and it was denied which put the entire grant in jeopardy. This past February 2011 he learned of this denial and the jeopardy of the COPS grant and he started to actively pursue the grant and as of last week, he received notice of approval saying the \$250,000 will be received by Hunterdon County and his department will be able to receive 55 new cameras for security purposes in the Justice Center (there is currently 21); a new controller console; new radios which will also be available to the Corrections Division and Emergency Services. The receipt of this grant will save County taxpayers money and it will increase the security at the Justice Center.

Mrs. Yard confirmed with the Sheriff that the grant funds can be spent until March 2012.

George Wagner, Director, Public Safety Department, informed the Board that on this evening's Claim Register there was a bill for inmate medical services. He has been tracking this bill. There was an inmate who ended up going to the hospital with a serious medical condition and eventually passed away. Mr. Wagner anticipated the bill would be exorbitant and he put the Freeholders and Finance on Notice. The bill was received in the amount of \$156,923 and because the County privatized inmate medical back in 1996 and the County's vendor, Correctional Health Services (CHS) is tasked with not only medical care and supplying nurses and such; but they also provide Utilization Review services so when this medical bill was received they actively negotiated it down to \$27,699 which saved the County \$129,224.

OPEN TO THE PUBLIC

Director Holt opened the meeting to the public.

Shared Services

Frances Gavigan, East Amwell Township resident, came before the Board advising that at the Township's meeting last night ideas were exchanged and there was talk about working with other communities and the County in terms of equipment or repairs. When she googled shared services she came up with a letter which was in the Hunterdon County Democrat on April 07, 2011, talking about a tool that the County was putting in place for financial cost savings, the municipal database. Ms. Gavigan asked if the County would consider expanding that so whether sharing or bartering could be worked out. The County could play a role in facilitating these things and maybe they could use in-house legal and such, so that individual municipalities and taxpayers aren't making huge payments for lawyers.

Wertsville Road Bridge

Ms. Gavigan advised East Amwell Township will be issuing a letter of support to the application by the County's Department of Roads, Bridges and Engineering to the State Department of Transportation, for the Wertsville Road Bridge to not require a full Department of Environmental Protection review.

There being no further business to come before the Board, Director Holt adjourned the meeting at 7:08 p.m.

Respectfully submitted,

Denise B. Doolan
Clerk of the Board