

SPECIAL MEETING

HUNTERDON COUNTY BOARD OF CHOSEN FREEHOLDERS

Main Street County Complex, Second Floor

Flemington, New Jersey 08822

November 29, 2011

The special meeting of the Hunterdon County Board of Chosen Freeholders convened in open session at 9:00 a.m. in accordance with the provisions of the Open Public Meetings Act.

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

ABSENT: MR. MENNEN, MR. SWOREN.

CONVENE

Director Holt announced: "This meeting is being held in accordance with the provisions of the Open Public Meetings Act. Adequate notice has been given by posting throughout the year a copy of the notice on Bulletin Boards on the First and Second Floor of the Main Street County Complex, Building #1, Flemington, New Jersey, a public place reserved for such announcements. A copy was faxed on or before November 16, 2011, to the Hunterdon County Democrat, The Express, Courier News, Trenton Times, and Star Ledger, newspapers designated to receive such notices and by filing a copy with the Hunterdon County Clerk."

Mr. Mennen came into the meeting at 9:08 a.m.

PLEDGE OF ALLEGIANCE

Budget Discussion

Open Space/Green Acres

A question on whether the Open Space Tax could be used for debt service or to maintain the parks was researched for the Board by Shana Taylor, Counsel. There are two issues (1) is it legal to use the dollars generated from the referendum for administrative costs; and (2) whether the Board wants make that decision given the previous discussions in open session regarding the use of those funds. Ms. Taylor explained when the Board changed the Ballot Question before the voters, there was discussion on what "maintenance meant" and from the minutes it appears that the Board determined that maintenance meant stewardship and it specifically did not mean covering costs which are administrative in nature.

The Board, during the initial discussions in 2010 referred to an opinion which was drafted by Kevin Richardson, the County's Open Space Trust Fund Coordinator, which states the expenses excluded, (not allowed) "any administrative or operational costs including but not limited to the procurement of large capital equipment such as vehicles and machinery, Account Labor and professional services such as architectural, engineering and legal fees including the preparation of any plans and specification, bid advertisement, contract documents, or construction supervision etc. The key is any administrative or operational costs. Ms. Taylor said in examining the minutes from March 16, 2010, it appears that the Board felt strongly at that point that administrative costs would be excluded from a permissible use for the Open Space Trust Fund dollars.

Mrs. Yard questioned if the Board would like to digest this information and go over it again at the next meeting. It is clear that the Board in the past has spent much time discussing what is included and not included that the funds could be used for. The Board asked the Open Space Trust Fund Coordinator to write something that was prescriptive and did not want it left open ended.

Mrs. Yard informed the Board there are other statutes such as the Garden State Trust Statute, which covers open space and farmland.

Ms. Taylor informed the Board that there is the question of the legality whether the Open Space Trust Fund could be used for administrative costs. Essentially the statute is silent but the Garden State Trust is a different statute, which is constitutionally tied to the state and is dependent on one provision in the Constitution. Legislature has come forth saying it is inappropriate because of its tie to the Constitution for the Garden State Trust Fund to be used for any administrative costs. In the past, it was used to cover all SADC employee salaries. The argument can be made that the statute is silent and other statutes are not silent, therefore the Legislature meant for it to be up to the local governing body to make that determination as to whether this could be used for administrative costs. If the statute doesn't specifically prohibit this use, it is allowable or the opposite argument could be made, and the Legislature has deemed fit to prohibit that use for administrative expenses in other areas. Previously in the Garden State Trust this was previously permitted with a cap.

After further discussion, it was agreed that the Finance Department will accumulate debt service figures for open space and the Board will again discuss this issue at their next budget session to be held on December 13, 2011.

NEW BUSINESS/FARMLAND

Mr. Melick moved and Mr. Walton seconded this:

See Page 11/29/11-2A

RESOLUTION

RESOLVED, Correcting a resolution adopted on August 16, 2011, for the Boss Farm. The County's contribution is corrected to reflect \$84.

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

CORRESPONDENCE

An email was received from Daniel Torrone requesting to use the North County Branch parking area of the Hunterdon County Library, located on Halstead Street in Clinton Town, as a staging area for the Clinton Christmas Parade, to be held this Friday, December 02, 2011, from 6:30 p.m. till 8:30 p.m. Mr. Walton moved and Mr. Mennen seconded a motion granting permission, provided this is coordinated through the County.

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

EXECUTIVE SESSIONS

Mr. Walton moved and Mr. Mennen seconded these:

See Page 11/29/11-2B

RESOLUTION

RESOLVED, Executive Session to discuss contractual concerns regarding a grant.

See Page 11/29/11-2C

RESOLUTION

RESOLVED, Executive Session to discuss personnel related issues related to the Budget.

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

Mrs. Yard confirmed the Board will hold another budget session on December 13, 2011 as it is the week between Freeholder Meetings.

The Hunterdon County Board of Chosen Freeholders went into Executive Session at 9:45 p.m. and reconvened in Open Session at 11:04 a.m.

There being no further business to come before the Board, Director Holt adjourned the meeting at 11:04 p.m.

Respectfully submitted,

Denise B. Doolan
Clerk of the Board