

HUNTERDON COUNTY BOARD OF CHOSEN FREEHOLDERS

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

Flemington, New Jersey 08822

October 18, 2011

The regular meeting of the Hunterdon County Board of Chosen Freeholders convened at 3:40 p.m. in accordance with the provisions of the Open Public Meetings Act.

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

ABSENT: MR. SWOREN.

OPEN PUBLIC MEETINGS ACT

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 October 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. Walton moved and Mr. Melick seconded this:

See Page 10/04/11-1A RESOLUTION

RESOLVED, Executive Session to discuss with the County's Risk Manager various pending litigation and the possible resolution of them. (7)

See Page 10/04/11-1B RESOLUTION

RESOLVED, Executive Session to discuss a contract interpretation with Pino Consulting, Inc. (7)

See Page 10/04/11-1C RESOLUTION

RESOLVED, Executive Session to discuss the acquisition of a right of way on County Routes 600/612 for safety and mobility improvements, in Raritan Township. (7)

See Page 10/04/11-1D RESOLUTION

RESOLVED, Executive Session to discuss a request for reimbursement for attorney's fees criminal defense counsel on behalf of former Sheriff Doyle. (7)

See Page 10/04/11-1E RESOLUTION

RESOLVED, Executive Session to discuss the salary to be set for the County Tax Administrator's position. (8)

See Page 10/04/11-1F RESOLUTION

RESOLVED, Executive Session to discuss personnel issues at the request of the County Prosecutor.

See Page 10/04/11-1G RESOLUTION

RESOLVED, Executive Session to discuss the terms, covenants and conditions and the pros and cons of replacing them in the bid for insurance services for the County. (7)

See Page 10/04/11-1H RESOLUTION

RESOLVED, Executive Session to review the executive session minutes of August 16, 2011, September 06, 2011, September 13, 2011, September 20, 2011 and October 04, 2011, to determine what portions can be released.

See Page 10/04/11-1I RESOLUTION

RESOLVED, Executive Session to discuss the personnel issues which surround a possible new table or organization for the County. (8)

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

The Hunterdon County Board of Chosen Freeholders went into Executive Session at 3:43 p.m., recessed at 5:35 p.m. and reconvened in Open Session at 5:40 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.

Transcontinental Pipeline (Transco)

Andrea Bonnett, resident of East Amwell, stated she has recently seen the Gas Land movie and there was a lot of discussion about the fracking and the pipeline. She asked if Hunterdon County had any input or does that bypass County government.

Director Holt explained there is a segment of the proposed Transcontinental Pipeline that does touch upon two or three pieces of County owned land. The gas company came before the Board at the October 04, 2011 meeting to request the County provide an opportunity for a scoping meeting/public meeting, as has been done with other municipalities to those properties in those townships. Hunterdon County indicated to Transco that all the properties that are impacted, Hunterdon's properties are the least impacted because they are not residential communities and as such, this Board indicated a forum would be provided for them to do so but it was requested that the forum be done at the backend of all other forums with municipalities that are currently in dialog with them.

Choir School

Lois Stewart of Flemington Borough asked the current status of the Choir School Building.

Director Holt advised two weeks ago John P. Glynn, Director, Roads, Bridges and Engineering was going to be reaching out to the Historic Society open up a dialog to determine how they might participate or have input on what might be done with that building.

Director Holt explained due to a family issue, Mr. Glynn is not present this evening to update the Board.

Hawke Property

Ms. Stewart asked the current status of the Hawke Property.

Director Holt reported there is a meeting scheduled for the near future to meet with the County's Facilities Committee and the Borough of Flemington to begin a dialog on that property.

POLYTECH

Kim Metz, Superintendent of Polytech introduced Kari Cregar and Victoria Ware, who are recipients of the recent NJAC (New Jersey Association of Counties) Scholarship awards from Verizon and from Wells Fargo, to Polytech students in each of the 21 counties throughout the State of New Jersey.

Mr. Metz informed the Board that both Kari Cregar and Victoria Ware are recent graduates of the Polytech Culinary program, and are enrolled in the Food and Beverage Management Program which is partnered through Raritan Valley Community College and Warren County Community College.

Victoria Ware informed the Board that she attended the Polytech Culinary program while a student at North Hunterdon Regional High School. Ms. Ware is currently working at the Perryville Inn under an apprenticeship program. The scholarship award from NJAC and Verizon is in the amount of \$675.

Kari Cregar stated she is a recent Polytech Culinary program graduate, who graduated from Voorhees High School two years ago, and is currently working at the Marriott in Branchburg as the morning cook. The scholarship award from NJAC and Wells Fargo Bank is in the amount of \$450.

PRESENTATION, PINO CONSULTING, Inc.

Al Pino of Pino Consulting, Inc., came before the Board to make a presentation on the process/concept with respect to the work his firm presently does for the County. Pino Consulting develops a central service cost allocation plan for the County which is an overhead study required by the federal and state government that allows the identification of the indirect costs and/or overhead costs associated with County Central Service Departments, that is attributable to various state and federal funded programs. The indirect costs/overhead document allows his firm to put claims in for the County to recover indirect costs associated with the Welfare Agency, the Title IV-D, for the Buildings and Security costs the County provides for state judiciary employees that are chargeable to the Title IV-D program (Child Support). The report is done in a lot of details in order to provide meaningful management information to the County to use for various other purposes to assist in generating user fees or to identify costs associated with various other programs. Included in the Cost Allocation Plan is the identification of around \$1.9 million associated with the Hunterdon County Library. The bulk of that cost, \$1.1 million, represents the building related expenses at the Route 31 County Complex (Community Services Building). The plan is very detailed and identifies all the elements of costs that are needed to support the federal and state reimbursement programs. There are also programs for housing, which is around \$139,000.

Mr. Pino advised the Board the most recent report is based on the 2009 calendar year costs. There is a two year lag because it takes a long time to get the report done and the County's audit is needed plus process time. The federal government allows two year for develop the report.

Mr. Pino stated the two areas in Hunterdon County that generates reimbursement is from is the County Welfare Agency (Division of Social Services) and around \$135,000 is received back from federal and state reimbursement programs. The County can recovery around 52.5% of every dollar spent in the administration of the Division of Social Services. Mr. Pino stated he identified a total of over \$1 million of indirect costs associated with the Division of Social Services and the County will get back approximately \$533,000.

Mr. Pino advised the other area is the Title IV-D program and by law the County is responsible to provide the building and security related costs to the state judiciary. Back in 1995 when the state took over the courts, the phase out program of the County employees moving to the state. The law required that the County still provide the building and security costs and as a result, there are indirect costs and the County is entitled to recover the Federal Title IV-D reimbursement associated with the space, as well as security costs related with people charged to the Child Support Program.

Mr. Pino further explained through the detailed Cost Allocation Plan claims are put to the state for the County and in 2008 it generated \$117,000 of federal reimbursement to the County. The County Library, based on 2009 indirect costs, the number came to around \$1.9 million and of that \$1.1 million was building related expenses and the rest was general liabilities costs, insurance costs, public employees liability cost, County Counsel, personnel, print shop, and vehicle maintenance. This detailed report identifies a multitude of departments that provide central services and within those departments are various cost centers which measurers the services rendered to the different operating departments, grants and contracts which generate revenue.

Mr. Walton stated on residents' tax bills they get taxed for the Library and for County purposes. Mr. Pino has identified \$1.1 million that goes to the Library wouldn't it be more transparent to have that reflected in the tax rates, so the County's rate would be lower and the Library rate would be able to see what the true costs are for each.

Mr. Pino stated if the Library Commission isn't charged, then the general taxpayer base is funding the Library for central service costs. The \$1.9 million belongs to be charged to the Library and he understands the County does charge \$500,000 the Library Commission.

Mr. Melick reminded the Board that there are three municipalities that do no pay a Library Tax as they have their own municipal library.

Director Holt confirmed with Mr. Pino that his firm assists the County in identifying the costs related to departments that the can recoup revenue from through state and federal grants and programs. Libraries are internal funds and the other departments, especially Social Services, the County can take the documented numbers and get a reimbursement of dollars back to the County.

Mr. Mennen asked how many counties Mr. Pino performs this analysis for.

Mr. Pino stated he is currently performing the same service to 12 other counties in New Jersey.

Mr. Mennen asked if other counties utilize the data for analysis of efficiency; as a comparative analysis on efficiency.

Mr. Pino said his firm has pointed out certain things to his County clients and the areas they should look at. His firm develops a cost plan that provides a lot more information than is necessary for the federal and state reimbursement, so counties have the information for management purposes. They identify what the courts receive in the way of services that they purchase back from the County. The current cost plans don't show any dollars but counties are providing telephone, information technology services, buildings and maintenance service, vehicle maintenance, mail room, records retention/retreatable. The Cost Allocation Plan is structured so they can identify to the County what the services costs so when the counties enter into the annual service agreement with the courts, this document provides assistance in what the costs are to the county to provide the services.

Mr. Mennen asked if a peer group analysis is performed with regards to the questions of efficiency. If not, would it be a difficult add-on for him to include in a report. It would help Hunterdon to know where it is in relationship to the other 12 counties which Pino Consulting prepares reports for.

Mr. Pino advised he has not done that and he would need to thinking about it. The data they have in all the counties cost plans is very detailed. To be considered depends on how each county is organized, there could be a lot of indirect costs or central service costs or there could be less because certain counties may budget their utility cost directly and have an operating department pay those costs directly as opposed to paying it from a central account. There or organizational differences from county to county will change the numbers. All the costs plans have very detailed components. An analysis can be done with those components that are common.

Mr. Mennen asked Mr. Pino to give this some thought over the next week or so and if he feels there are some areas where he could easily perform that analysis and let the Finance Department know since they are your point of contact.

Mr. Mennen explained this Board is always trying to look at efficiency not just the costs. Hunterdon County wants to understand whether it is a comparison between the County and the private sector or the County and a peer group, on where the County stakes up on terms of costs

and expense. Mr. Mennen stated he understands the purpose and function of the analysis but if Hunterdon can take that data to further the initiative which is pervasive across everything the County does, than Hunterdon could get a lot more value from the exercise.

Mr. Pino said from doing Hunterdon's Cost Allocation Plan for the past 20 years that Hunterdon County is very efficient compared to the other counties. Hunterdon does certain things from an accounting standpoint that represents good accounting. Hunterdon does things on a consistent basis which is one of the basic principles of accounting and other counties have two or three different methods of doing different things and it makes it difficult for him when he puts together a Cost Allocation Plan because consistence has to be maintained when identifying costs that are chargeable to a federal or state program that isn't already changed on a direct basis some other way. The way Hunterdon County puts their records together and does their accounting, is one of the best he's worked with.

Mr. Mennen asked Mr. Pino to give thought to areas where it might make sense to perform that analysis and if there is any operational impediment that would keep him from being able to do it. This Board would be very interested in knowing if there is more that can be done. He is proud to hear that Hunterdon is doing things right.

Mr. Melick feels Mr. Mennen would like the detail across the board.

Mr. Melick said Mr. Pino is very forthright in explaining the report and details, he asked if there is anything that jumps out at him. He would like to know if there are two or three things the County can improve upon.

Mr. Pino will review the report to see if they can pinpoint any specific areas and report back to the Board.

SOLID WASTE/RECYCLING

Alan Johnson, Director of Solid Waste/Recycling and Michelle Nodes, Esquire, came before the Board regarding amending the Solid Waste Advisory Council By-Laws.

Mr. Johnson provided the Board with proposed revisions to the Solid Waste Advisory Council By-Laws. This process has been an outgrowth that occurred when working on the amendment to the Solid Waste Management Plan (SWMP) in 2009, referred to as the Recycling Plan. A proposal was put forth by the County to have a certified recycling profession to do much of the work on behalf of the municipalities related to the new requirements of the Recycling Plan. The municipalities were asked if they were interested in contributing a portion of their municipal tonnage grants which they received from the state and at that time a larger majority of municipalities which did respond to the County stated they were not interested. It was thought the municipalities could do the job better themselves.

Mr. Johnson advised the municipalities have been given the opportunity over the past couple years, there were municipal recycling compliance reports that were to be completed annually and the reports consist of answering five questions. The compliance of monitoring reports on what each municipality is doing on the municipal level has been lacking. Reports for the 3rd quarter of 2011 which were due to be returned to the County by October 15, 2011; the County received 8 responses out of the 26 municipalities.

Mr. Johnson reported on the attendance from the Solid Waste Advisory Council (SWAC). The attendance at SWAC has not been what it should be in representing the majority of the County. Mr. Johnson advised Mr. Melick attended a SWAC meeting as a Freeholder Liaison between the Hunterdon County Utilities Authority and SWAC and at that meeting, no quorum was achieved. Consistently at meetings, half of the municipalities in the County attend the monthly meetings. There have been six meetings so far in 2011 and one was cancelled due to a lack of a quorum being present and there was high attendance once with 15 members attending, the next highest would be 12.

Mrs. Yard reported that Mr. Johnson and Mr. Nodes were changed by the Hunterdon County Utilities Authority to look at the statute to see where the responsibility lies to determine if it is with the Freeholders or the Authority. SWAC is an advisory council to the Board of Chosen Freeholders and their number one responsibility is the implementation of the County's Solid Waste Management Plan. The responsibility for SWAC as an advisory committee is with the Board of Chosen Freeholders.

Mrs. Yard stated having a meeting once a month, just to have a meeting, is not purposeful and/or meaningful. Meetings should be driven by need or if they are directed to look at something to provide an opinion. SWAC is to assist the Board in the implementation of the SWMP by statute.

Mr. Johnson stated according to the statute, the Freeholder Board shall designate the size, composition and membership of the SWAC. Some of the proposed changes are designed to reinvigorate and make SWAC more productive for the Freeholder Board. SWAC is to report to the Freeholder Board on matters regarding solid waste.

Mr. Sworen confirmed the new By-Laws say that SWAC only exists when the Freeholder Board directs there be a meeting.

Mr. Mennen stated that SWAC will meet for the purpose of advising the Freeholder Board.

The Board discussed municipal appointments and attendance at meetings over the past few years. SWAC members need to be involved and participate in meetings. The thought was if SWAC honed its focus on their core responsibility and met only when it was to achieve their core responsibility, then perhaps there would be greater participation, greater attendance and more relevance and the outcomes of the meetings would be more fruitful.

Mr. Mennen stated the amendments to the SWAC By-Laws are the total of one years' discussion at the Hunterdon County Utilities Authority meetings, in consultation with Mr. Johnson. Mr. Mennen stated when Mr. Melick attended a SWAC meeting they could not get a quorum and when he and Mr. Melick attended a meeting, they did not have a quorum at that meeting.

Mr. Mennen stated there are instances where reports are supposed to be submitted by the municipalities and many aren't submitted the state required reports. SWAC should be helping the County to get this done. SWAC attendance is poor and incredibly disappointing. This is an effort to make municipalities more streamlined and more focused. The process isn't working the way it is now.

Mrs. Yard advised the By-Laws state SWAC shall hold meetings at the discretion of the Board of Chosen Freeholders. Other meetings shall be called by the chairperson as necessary. So if there is an application sent to SWAC to review and provide advice, that meeting would be initiated by the Board of Freeholders. If SWAC wants to have a subcommittee that meets weekly or monthly, then the chairperson can call them. When the Freeholders convene SWAC it is to get advise on an application or an amendment to the SWMP. Meetings are then held because they are purposeful.

Mr. Sworen agreed many people do not show up at SWAC meetings, however, there is a strong core of people who have been diligent in working on municipal recycling and Countywide recycling. If you read the By-Laws it says the chairperson is appointed by the Board of Freeholders and reports to the Board of Freeholders so the only person that can call a meeting is the chairperson. If the Freeholders tell him not to call a meeting, then he can't call a meeting. As a member of the Freeholder Board, he is questioning this as it is in the By-Laws. Words are important and have meaning.

Mr. Sworen asked who set up the original By-Laws.

Mr. Johnson advised that was between SWAC and the Freeholder Board. The last revisions were made the early part of the last decade, in 2005.

Mr. Sworen confirmed with Mr. Johnson that the Board of Chosen Freeholders voted on the revision to the SWAC By-Laws when it was last done.

Mrs. Yard confirmed with Mr. Sworen that the By-Laws were purposely taken out of the subcommittee and they are established by the Freeholder Board.

Director Holt stated he has read the By-Law revisions and he does not see where the chairperson would not have full authority to call any and all meetings that he wishes to call. He read that the chairperson can call as many as they wish to call but SWAC shall hold a meeting if the Board of Chosen Freeholders insists and he assumes that would be topic specific. The only reason the Freeholders would request a meeting is if there is a specific topic to be addressed.

Mr. Mennen stated there is an amendment to the SWMP that is proposed and has to be done. When a township committee sends a mandatory referral to a planning board on an ordinance change, and this is what is driving this.

Mr. Johnson explained a public hearing is scheduled for December 06, 2011 on a SWMP facility approval which is a time constraint which is imposed upon the County at the request of the State Department of Environmental Protection (DEP). DEP doesn't want Hunterdon to string an application along and not voting on it. If the Board of Freeholders directs the time requirements can be met.

Mr. Walton asked about feedback from SWAC on the amendments to the By-Laws.

Mr. Johnson explained there was a SWAC meeting scheduled for later tonight but it was cancelled. He did send agenda packets out to members that did include a notice of a discussion on this topic and he has not received any emails or phone calls on this matter.

Mrs. Yard confirmed this has not been presented to SWAC because it had to be brought before the Freeholder Board first.

Mr. Mennen said if it is the will of this Board to accept these changes either in total or general principle that SWAC will not reorganize under the current set of By-Laws.

Mrs. Yard stated there was discussion to draft a letter to all the municipalities and it is reflected in the By-Laws, that the mayors should be informed that if they are interested or have a person interested in participating to inform the County. SWAC needs to be reinvented and so it has the participation of people who are interested and will attend the meetings. The quorum can be determined from that group of interested people.

Mr. Mennen said that vibrant, active, participatory pool of members who are currently in SWAC but can't make a quorum would be the subject of a nomination from their municipality and therefore would be appointed by this Board.

Mr. Walton agrees there needs to be a vibrant and active group of people dealing with these issues and that isn't happening. It feels like a town is being condemned for the actions of one individual and the other members of the governing body may not realize the person from their municipality is not attending SWAC meetings.

Mr. Mennen confirmed with Mr. Johnson that when communication is sent to a municipality, it is sent to the mayor and the municipal clerk.

Mr. Walton further expressed concern that the communication is not going to the entire municipal body. The County has to make a good effort to inform the municipalities on what the County is doing and why it is being done and what the issues are.

Mr. Mennen did not disagree with Mr. Walton and confirmed that Mr. Johnson has been creative in the ways he attempts to communicate with municipalities (email, telephone, certified mail and regular mail). This Board can't lose sight of the fact that SWAC, albeit that it is made up of municipal representatives, is not a municipal body – it is a County body that advises the Freeholder Board. The Freeholder Board can't lose sight of the fact that it has a job to do and business to conduct and at some point this has to say it has done all it can do and move on in order to perform its mandated, statutorily prescribed functions. In some respects, this is impeding the Freeholder Boards' ability to do that.

The Board discussed the currently maximum number of members for SWAC and there can be no more than 30 members according to statute. Hunterdon has 26 municipalities. The Freeholder Board has to determine how many members should be on SWAC. If the number is 12, then you need 6 for a quorum.

Mrs. Yard reported the purpose of the letter was to inform the municipal governing bodies that SWAC is being restructured and they should find a volunteer member that is interested in being on SWAC so there is participation.

Director Holt stated in the By-Laws it states any voting members with 3 consecutive absences is considered to have resigned and that now applies to 13 municipal members. 50% of the municipalities have missed greater than three meetings and according to the SWAC By-Laws have resigned.

Mrs. Yard noted that 7 municipalities have not attended any SWAC meetings.

Mr. Johnson reported the next SWAC meeting will be held on the 5th Tuesday of November (November 29, 2011) so there won't be a conflict with the Freeholder Meeting.

Director Holt stated a resolution to amend the SWAC By-Laws will be on the Freeholders' Agenda for the first meeting in December, 2011 (December 06, 2011). This timeframe will allow SWAC the opportunity to review the revisions before the next Freeholder Meeting.

Mrs. Yard advised before the County can come up with all the Countywide overtures, which are purposeful and meaningful; those quarterly reports which only have 5 questions on them, and they are very easy to answer must be filled out by all the municipalities. Mrs. Yard advised this has been discussed with the DEP. This is a statutorily prescribed municipal function and the County is more than happy to work with them; but municipalities have to do what they are supposed to do at the municipal level.

FINANCE

Kim Browne, Finance Director introduced Mike McGuire, the County's Auditor and advised he is present this evening to answer any questions the Board may have.

Mr. Mennen moved and Mr. Walton seconded this:

See Page 10/18/11-6A

RESOLUTION

RESOLVED, Acknowledging compliance with the Division of Local Government Services, in connection with the 2010 Audit.

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

Mrs. Browne informed the Board that the County's Audit had three recommendations. The first recommendation was that greater care be exercised in the preparation of bank reconciliations for the Sheriff's Office. Mrs. Browne reported that she and Margaret Pasqua, County Treasurer has met with Sheriff Browne and his staff at the Sheriff's Office, on numerous occasions and this has been rectified.

Mr. Mennen stated to be fair those comments pertain to Sheriff Brown's predecessor in office, not to his tenure.

Mrs. Browne advised the second recommendation is that accurate monthly reports be prepared to reconcile bank accounts for the Division of Corrections, of the Public Safety Department. An outstanding check list needs to be adjusted monthly to reflect which checks have cleared and which are still outstanding. Mrs. Browne advised she and Mrs. Pasqua met with George Wagner, Director of Public Safety at the Jail/Corrections Facility. There was a change in the vendor's personnel and there is now more coordination and it is felt that this has been rectified.

Mrs. Browne reported the third recommendation in the Audit was that management remove terminated employees from medical benefits in a timely manner. Mrs. Browne explained that was a one time issue and it has been corrected. She stated that quarterly meetings will be set up with Human Resources, the County Administrator, the Treasurer and herself to keep track of these matters.

Mr. McGuire stated that the situation was not that the employees were not terminated it was just that it was not done timely.

Mr. Melick questioned Mr. McGuire how many counties his firm audits.

Mr. McGuire advised his firm audits three counties, twenty-seven municipalities, fifteen school districts, five authorities and a couple JIFFS.

Mr. Melick asked Mr. McGuire how he would rate Hunterdon County.

Mr. McGuire said it is a pleasure to come to Hunterdon County. The organization is well run. The documents and cooperation is top notch. Compared to other counties and municipalities, Hunterdon is very well run.

Mr. Walton moved and Mr. Mennen seconded this:

See Page 10/18/11-7A **RESOLUTION**

RESOLVED, Authorizing the cancellation of unexpended balances for various Capital Ordinance/Reserve Accounts.

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

Mr. Mennen moved and Mr. Sworen seconded this:

See Page 10/18/11-7B **RESOLUTION**

RESOLVED, Authorizing the cancellation of reserve and receivable balances for the 2010 HIV Testing and Counseling.

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

Mr. Mennen moved and Mr. Melick seconded this:

See Page 10/18/11-7C **RESOLUTION**

RESOLVED, Authorizing the cancellation of reserve and receivable balances for the 2010 Human Services Advisory Council Grant.

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

Mr. Melick moved and Mr. Walton seconded this:

See Page 10/18/11-7D **RESOLUTION**

RESOLVED, Authorizing the cancellation of the grant receivable balance for the 2010-2011 Special Initiatives/ Transportation grant, in the amount of \$424.

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

Mr. Sworen moved and Mr. Walton seconded this:

See Page 10/18/11-7E **RESOLUTION**

RESOLVED, Requesting the Division of Local Government Services insert an item of revenue in the 2011 budget for the FEMA Emergency Management Performance Grant, in the amount of \$50,000.

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

Mr. Sworen moved and Mr. Walton seconded this:

See Page 10/18/11-7E **RESOLUTION**

RESOLVED, Requesting the Division of Local Government Services insert an item of revenue in the 2011 budget for the Kids are Riding Safe Program, in the amount of \$19,975.

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

Preliminary Budget Update

Mrs. Yard reported that Mrs. Browne, Mrs. Pasqua and Cheryl Wieder, Human Resources Director will be holding meetings again to come up with thoughts for the budget as the Board begins to discuss the budget. Once October 19, 2010, in Executive Session, different scenarios

were presented to the Board to look at an identified shortfall. As was done last year there will be expenditures where the County has no control over such as pension, group insurance and workmen's compensation. Also to be reviewed are the anticipated revenues, the ratable, grants and surplus.

Mrs. Yard advised the Finance Team will be presenting two budget recommendations to the Freeholders' this year. One will be a budget with recognition of a flat tax rate and the other will look at the CAP balance and utilizing the CAP appropriation, so the Board can see what impact it will have on the County and its operations.

Mrs. Yard advised at the second meeting in November they will make this presentation in Executive Session, because it takes time to put together scenarios for consideration.

Mrs. Yard provided an overview of revenues generated and the expenditures from the Open Space Trust Fund. This will be of use to the Board at the November 15, 2011 meeting.

Mr. Mennen asked, as part of the second meeting in November, if the Finance Team would dust off and provide to the Freeholder Board the mandatory versus discretionary policy/resolution. He will go on record as saying the County will endeavor to maintain a flat tax rate and to do that mandatory and discretionary needs to be looked at again.

Mrs. Yard reported the Finance Team has spent several hours coming up with scenarios for the Board to consider. Unemployment does need to be considered and the responsibility with that. They will provide what they think are areas that can assist in putting the budget together.

Mr. Melick asked Director Holt to poll the Board to determine what the goal will be for 2012.

Mr. Mennen would like this Board to go on record, as has been done in preceding years with a formal resolution stating the Freeholders' goal to achieve a flat tax rate. He realizes it will be more difficult for the Finance Team to put together a budget recommendation to achieve a flat tax rate than it would be to put together a recommendation that would be in accordance with the increases allowed by the CAP. He wants this Board to tell Finance not to bother putting together a budget that has spending increases.

Mr. Walton, Mr. Sworen and Mr. Melick agreed the budget should be kept flat.

Mr. Sworen added that if there is something the Board is not seeing that has to be dealt with, then the Finance Team will tell the Board.

Mr. Melick stated the Board will have to make cuts somewhere else in order to achieve a flat tax. There is less activity going on in the County based on real estate and commercial sales. Things are being sold for less than they are assessed for.

Director Holt asked the Finance Team to look at the CAP changes, saying it does not mean it has to affect the tax rate, there maybe some ways to incorporate the CAP requirements. He feels Hunterdon County needs to be looking out 5 years to where the County will be and this Board needs to understand what that impact will be and how it will affect the County.

Director Holt advised this Board has worked on its capital accounts for many years and no matter where the economy goes for whatever period of time, the County's roads and bridges need to be addressed and cannot be left unattended to. This Board has to look at where those capital accounts are, what's in surplus, and make sure the County is not shortchanging itself two, three, four or five years from now, when it is going to come back and smack is in the face.

Director Holt said this Board has never taken a position to spend more money than it has to and neither have the professionals who have worked with this Board for years but the Freeholders need to look at the financial picture of this County to make sure as little as possible is spent but also that the future of the County is not decimated through neglect.

Mr. Melick stated in order to balance capital the County has to cut operating expenses, in order to achieve a flat tax rate. He noted that miscellaneous revenues in the County are going down. There are less people using certain County services. Things have to be done differently. The County put its money into automation and now is the time to reap those benefits.

Mr. Sworen said the Freeholders have to keep in mind that there have been two major incidents this year, with Hurricane Irene and Tropical Storm Lee that has cost the County millions of dollars to repairs its roads and bridges. The County is expecting money back from FEMA (Federal Emergency Management Administration) in the amount of around 75% but that probably is not a realistic figure. Mr. Sworen advised the State will not be contributing to this amount.

Mr. Sworen has begun dialog with the Office of Homeland Security and the Governor's Office about this situation but the probability is that Hunterdon County will not see any money from FEMA this year. The County may receive some FEMA money next year to be used in 2013.

PURCHASING

Mr. Walton moved and Mr. Sworen seconded this:

See Page 10/018/11-9A

RESOLUTION

RESOLVED, Approving Requisition #CountyClerk.1352, using NJSA 40A:11-5L, with Progress Printing Company, for ballots for the General Election, for the County Clerk's Office, in the amount of \$55,896.

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

Mr. Walton moved and Mr. Sworen seconded this:

See Page 10/018/11-9B

RESOLUTION

RESOLVED, Approving Requisition #Sheriff.1440, using State Contract No. A-53804, with Motorola, for radios for the Sheriff's Office, using the COPS grant, in the amount of \$18,424.

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

Mr. Sworen moved and Mr. Melick seconded this:

See Page 10/018/11-9C

RESOLUTION

RESOLVED, Authorizing the rejection of a bid package for County Bid #2011-12, for the replacement of chillers at the Hunterdon County Justice Center, with Pennetta Industrial Automation, as the bond was insufficient.

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

Mr. Walton moved and Mr. Sworen seconded this:

See Page 10/018/11-9D

RESOLUTION

RESOLVED, Authorizing the award of County Bid #2011-12, for the replacement of chillers at the Hunterdon County Justice Center, to Mechanical Preservation Associates, Inc., in an amount not to exceed \$370,500.

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

ROADS and BRIDGES Update

Mrs. Yard informed the Board that due to a family situation, John P. Glynn, Director, Roads, Bridges and Engineering is unable to attend tonight's meeting.

The Hunterdon County Board of Chosen Freeholders accepted the updated of various County road and bridge projects as written by Mr. Glynn.

Bridge HA-14

Mrs. Yard informed the Board of a situation with County Bridge HA-14 on Sweet Hollow Road due to recent weather conditions it is in need of emergency repairs and is currently closed. Mrs. Yard reported the Board did view this bridge during the September 13, 2011 road trip when various structures were reviewed.

Mr. Mennen moved and Mr. Melick seconded a motion declaring County Bridge HA-14 as an emergency repair project and authorizing the County Purchasing Agent to solicit proposals for this emergency repair.

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

Hot Tar Trailer

Mrs. Yard reported Delaware Township has sent a letter expressing interest in acquiring permission to purchase a Hot Tar Trailer, in the amount of \$2,000, which has been deemed surplus. The County has received estimates on this item and the amount offered by Delaware Township is more than fair. Mr. Sworen moved and Mr. Walton seconded a motion granting permission for Delaware Township to purchase the surplus Tar Kettle Trailer.

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

COUNTY Update

Cynthia J. Yard, County Administrator informed the Board that the Hunterdon County Employee Appreciation Committee will hold a brunch on Thursday, October 17, 2011, to recognize the six County employees who are being recognized this year. The department managers of the recipients will be present at the brunch, as well as the Freeholder Board to provide recognition. The honorees are: Pamela Jamele, Graphic Artist 1, in the Central Printing and Mail Department; Christopher Botzan, Senior Mechanic in Garage Services, Brayden Fahey, Emergency Management Coordinator, Public Safety Department, Arlene (Kay) Strain, Administrative Clerk, Human Services Department, Christian Legere, Family Service Worker, Division of Social Services of the Human Services Department and Kristen Larsen, Investigator Sergeant of the Prosecutor's Office.

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."

The minutes of September 20, 2011 will be held at this time in order to provide time for the Clerk of the Board, Denise Doolan to research an item for Freeholder Mennen. The minutes will be placed on the November 01, 2011 minutes for consideration for approval by the Board.

Mr. Walton moved and Mr. Sworen seconded a motion to approve the Claims Register dated October 18, 2011.

See Page 10/18/11-10A

CLAIMS REGISTER

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

Mr. Walton moved and Mr. Sworen seconded a motion to approve the regular session minutes of September 06, 2011.

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

Mr. Walton moved and Mr. Sworen seconded this:

See Page 10/018/11-10B

RESOLUTION

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

See Page 10/018/11-10C

RESOLUTION

RESOLVED, Alycia Wolf appointed permanent, full time Family Service Worker, Division of Social Services, Department of Human Services.

See Page 10/018/11-10D

RESOLUTION

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

See Page 10/018/11-10E

RESOLUTION

RESOLVED, Stephanie Beach appointed provisional, full time Public Health Nurse, Division of Public Health Nursing, Department of Human Services.

See Page 10/018/11-10F

RESOLUTION

RESOLVED, Alyson Yu appointed temporary, as needed Student Assistant, Library.

See Page 10/018/11-10G

RESOLUTION

RESOLVED, Amy Switlyk appointed unclassified, full time Clerk to the Constitutional Officer, County Clerk's Office.

See Page 10/018/11-10H

RESOLUTION

RESOLVED, Nichole Karpenko appointed provisional, full time Keyboarding Clerk 2, County Clerk's Office.

See Page 10/018/11-10I

RESOLUTION

RESOLVED, Approving and authorizing the submission of the "Hunterdon County 2012 Request for Application (RFA) update and County Alliance Plan", to the Governor's Council on Alcoholism and Drug Abuse.

See Page 10/018/11-10J

RESOLUTION

RESOLVED, Approving the reappointment of Elizabeth Martin to the Hunterdon County Vocational Education School District (Polytech).

See Page 10/018/11-10K

RESOLUTION

RESOLVED, Approving Change Order #1, for Bid #2011-04, for the 2010 Demolition of various County structures throughout the County, with RVT Construction Inc., decrease of \$1,774.44.

See Page 10/018/11-10L

RESOLUTION

RESOLVED, Authorizing final payment for Bid #2011-04, for the 2010 Demolition of various County structures throughout the County, with RVT Construction Inc., in the amount of \$8,679.59.

See Page 10/018/11-11A

RESOLUTION

RESOLVED, Approving application for payment #8, 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 \$125,589.37.

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

Mr. Walton moved and Mr. Mennen seconded this:

See Page 10/018/11-11B

RESOLUTION

RESOLVED, Approving Change Order #1, for Bid #2011-06, for resurfacing and drainage improvements to County Route 619, in Frenchtown Borough, with Reivax Contracting Corporation, decrease of \$61,639.37

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

GRANTS

Mr. Walton moved and Mr. Sworen seconded this:

See Page 10/018/11-11C

RESOLUTION

RESOLVED, Approving the Comprehensive County Youth Services Grant plan/application, to the New Jersey Juvenile Justice Commission, in the amount of \$295,227, (consisting of State/Community Partnership funding of \$191,117; Family Court funding of \$97,157 and Juvenile Accountability Block Grant funding of \$6,953).

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

Mr. Walton moved and Mr. Sworen seconded this:

See Page 10/018/11-11D

RESOLUTION

RESOLVED, Approving a grant in the amount of \$65,000 from the FY09 Urban Areas Security Initiative, from the Office of Homeland Security and Preparedness.

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

Mr. Walton moved and Mr. Sworen seconded this:

See Page 10/018/11-11E

RESOLUTION

RESOLVED, Approving a renewal grant application for the County Environmental Health Act grant, with the State Department of Environmental Protection, in the amount of \$292,976 (\$146,488-state funds and a County Match of \$146,488), to provide environmental inspections, enforcement and education.

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

Mr. Walton moved and Mr. Sworen seconded this:

See Page 10/018/11-11F

RESOLUTION

RESOLVED, Approving a grant application with the National Association of County and City Health Officials (NACCHO), for \$5,000 in federal funds to provide support for activities that develop the Medical Reserve Corps (MRC) unit's capacity and community resiliency through recruitment, training, exercises and situational medical liability insurance.

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

FREEHOLDERS COMMENTS/REPORTS

There were no comments or reports from the Hunterdon County Board of Chosen Freeholders this evening.

OPEN TO THE PUBLIC

Vehicles

Lois Stewart, Flemington Borough residents asked the Board about the use of County vehicles by County employees, as those in the Prosecutor's Office and other departments. Mrs. Stewart told the Board that she cannot believe that all employees are on call all day every day.

Director Holt advised that at this time the County is considering a change to the County's vehicle policy which, if adopted, would be adopted in the beginning of the year. That policy has been shared with the County's Prosecutor. The Freeholders' responsibility lies essential with the financial aspect/budgeting for the amount of money allocated to that department. Statutorily the Prosecutor has authority to operate that department within budget. However, all departments must follow County Policy. The County's Fleet Committee has looked at the policy, it has been revised, is under review, it has been shared with the Prosecutor and if it moves forward it will be adopted at the first of the year.

Tax Rate

Mrs. Stewart asked Mrs. Yard what one percent of the tax rate equal on expenditures.

Mrs. Yard stated it is \$2.5 million or a little less.

Mrs. Stewart is concerned when the Board was talking about the budget and trust funds for Open Space. On her tax Board there are three items listed under the County which are the (1) County Rate; (2) the Library Rate; and (3) the Open Space Rate.

Mr. Melick said the Library Rate on Mrs. Stewart's tax bill does not include a library rate for the County Library since Flemington Borough has its own Library and does not contribute towards the County Library.

Mrs. Stewart said when the Board talks about a flat tax rate, she hopes this Board is looking at keep each of those items flat and not raiding one to keep another. She would like to see the three components looked at individually and not a total. She is concerned about Open Space and the Library and feels they are crucial o the County.

Mr. Melick explained for those present that in 1932, a referendum was placed on the County Ballot on whether the County should have a Library and shall there be a dedicated tax for that purpose. That referendum was approved sometime in the early 1930's. Most municipalities voted for the referendum and 3 did not out of the 26 municipalities. So the Library was established and participating municipalities would be taxed to share in the cost of it.

Gas Pipeline

Andrea Bonnett asked about private property and the gas pipeline and if eminent domain would be used to take property from people, so they can put in the pipeline.

Director Holt informed Ms. Bonnett that the County did adopt a resolution concurring with Clinton Township over the pipeline. There are three municipalities involved in the pipeline project: Clinton, Franklin and Union which will be impacted. Union and Franklin Townships impact is less residential and is through farmland and open space. Clinton Township is most impacted residentially. The Clinton Township governing body adopted a resolution regarding the gas pipeline and the County also adopted a resolution supporting Clinton Township's request. When the pipeline company came before the Freeholders' two weeks ago, they asked the Freeholders to provide the public forum for the scoping dialog that would happen that would allow the public to look a the impact to County properties. This Board very clearly advised them that the challenge is not the County's pieces of property, the challenge is clearly the residential properties and that they need to address that with the residents to determine how the resolution will be. In the dialog with the gas company the question was proposed "What if the County does nothing" and the answer is that yes, at some point the issue of eminent domain could come up and in fact, that may be the process by which the process may go through. At this point, the County has supported Clinton Township and has also stated it would allow a scoping meeting to take place but it was requested that not occur until the residential issues have been resolved.

County Route 512 incident on June 23, 2011

David Barnes, Tewksbury Township resident came before the Board and explained that his daughter was involved in an accident in June, 2011 on County Route 512 in Tewksbury Township. She hit the end of a guardrail and a pole. The vehicle bounced back into the street and the car was total, the pole was broken and she hit the end of the guardrail.

Mr. Barnes said he wished Mr. Glynn was present this evening to provide an explanation because he doesn't understand why his daughter received a bill from the County of Hunterdon, Roads and Engineering Department in the amount of \$1,600 plus change. It appears a County sent a supervisor, and assistant supervisor, a road repairer and an assistant road repairer to this job and they then called a laborer. His daughter got billed for 4 men for 4 hours each. Mr. Barnes said only 2 hours worth done. The guardrail was not broken and he did not take pictures of it because there was no damage to it; it was the post that was broken. \$1,600 to replace a post in the ground is uncalled for.

In addition the owner of the property, also sent his daughter a bill for \$3,000 to have this yard re-landscaped and her vehicle never entered his property except to hit the mailbox and the pole. People are trying to take advantage of her for her misfortune.

Mr. Barnes stated he would like to discuss this issue with Mr. Glynn.

Director Holt appreciates Mr. Barnes coming before the Board this evening. This is the first time this Board has heard about this matter. He apologized that Mr. Glynn is not present this evening as he would be able to provide a more immediate reaction/answer.

Director Holt stated this matter will get to Mr. Glynn and he will be asked to contact Mr. Barnes directly.

Mr. Barnes reported he has already spoken with Mr. Glynn on this a few weeks ago and Mr. Glynn dismissed it telling him to send the bill to his insurance company or write a check. If this is the answer he will be providing this bill and the landscape bill to Criminal Justice in Trenton. Mr. Barnes disputes the validity of this.

Mr. Mennen confirmed the location of the accident and stated he will be looking at it.

Director Holt assured Mr. Barnes that the Freeholders will get an explanation on this matter.

Wireless Tower/Raritan Township

George F. Wagner, Director, Public Safety, reported at the last Freeholder Meeting he was directed to contact the Raritan Township Fire Department concerning their request with reference to the County's wireless tower at the Route 12 County Complex. Mr. Wagner did contact the individual from the Fire Department who made the request, with specific questions his department had, and he has not responded as yet.

Flags/Half Mast

Mr. Wagner reported that the Governor has ordered that flags be flying at half mast for a patrolman who was working in Mount Arlington who was killed while on duty. This individual is a former County employee who worked at the County Jail for several years, and then worked at the Clinton Township Police as a special and he also worked in Lebanon Borough until they closed the department. This individual's viewing will be on Thursday evening with services on Friday.

Damaged vehicles

Mr. Melick recommended the County consider a policy on damaged county vehicles. He asked how the County collects when someone damages a County vehicle.

Mrs. Yard reported there was an incident at the Parks and Recreation Department where they backed into another vehicle.

Ms. Wieder advised in that incident, the individual's insurance company paid for the damage to the County vehicle.

Mr. Mennen feels the problem is the liability issues when someone is commuting.

EXECUTIVE SESSION continued

Mr. Walton moved and Mr. Sworen seconded this:

See Page 10/18/11-13A

RESOLUTION

RESOLVED, Executive Session to discuss a personnel matter.

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

The Hunterdon County Board of Chosen Freeholders returned to Executive Session at 7:40 p.m. and reconvened in Open Session at 7:55 p.m.

There being no further business to come before the Board, Director Holt adjourned the meeting at 7:55 p.m.

Respectfully submitted,

(Mrs.) Denise B. Doolan
Clerk of the Board