

HUNTERDON COUNTY BOARD OF CHOSEN FREEHOLDERS

71 Main Street, Freeholder's Meeting Room, 2nd Floor
Flemington, New Jersey 08822

July 02, 2013

The regular meeting of the Hunterdon County Board of Chosen Freeholders convened at 4:00 p.m. in accordance with the provisions of the Open Public Meetings Act.

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

OPEN PUBLIC MEETINGS ACT

Director Walton announced: "This meeting is being held in accordance with the provisions of the Open Public Meetings Act. Adequate notice has been given by posting throughout the year a copy of the notice on Bulletin Boards on the First and Second Floor of the Main Street County Complex, Building #1, Flemington, New Jersey, a public place reserved for such announcements. A copy was mailed on or before January 02, 2013, to the Hunterdon County Democrat, Star Ledger, Trenton Times, Courier News and the Express Times, newspapers designated to receive such notices and by filing a copy with the Hunterdon County Clerk."

EXECUTIVE SESSION

Mr. King moved and Mr. Holt seconded these:

See Page 07/02/13-1A RESOLUTION

RESOLVED, Executive Session to discuss the Garden State Growers decision and obtain legal advice with regard to that decision.

See Page 07/02/13-1B RESOLUTION

RESOLVED, Executive Session to receive an update on current, ongoing litigation regard Trout/Falat matter.

See Page 07/02/13-1C RESOLUTION

RESOLVED, Executive Session to discuss an update with regard to the finance situation.

See Page 07/02/13-1D RESOLUTION

RESOLVED, Executive Session to discuss an interim County Administrator appointment.

See Page 07/02/13-1E RESOLUTION

RESOLVED, Executive Session to discuss the Human Resources Director position.

See Page 07/02/13-1F RESOLUTION

RESOLVED, Executive Session to discuss an update of personnel actions with regard to Civil Service Commission regulations.

See Page 07/02/13-1G RESOLUTION

RESOLVED, Executive Session to discuss an appointment to the Cultural and Heritage Commission.

See Page 07/02/13-1H RESOLUTION

RESOLVED, Executive Session to review executive session minutes of May 07, 2013, May 21, 2013 and June 04, 2013.

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

The Hunterdon County Board of Chosen Freeholders went into Executive Session at 4:05 p.m., recessed at 4:58 p.m. and reconvened in Open Session at 5:32 p.m.

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

PLEDGE OF ALLEGIANCE

PUBLIC COMMENT

Director Walton opened the meeting to the public.

No one from the public wished to address the Board at this time.

ROADS AND BRIDGES UPDATE

Tom Mathews, Public Works Director brought the Board up-to-date on various County road and bridge projects.

- Final plans and specifications are complete for County Route 513, (2013 State Aid project) in High Bridge Borough to the Morris County Line and they are being sent out to all the stakeholders and this should be on the next agenda in July for consideration.
- County Route 579/602, in Ringoes, East Amwell Township, the project is substantially complete with punch list items are being done. This project has been nominated for an award at the annual HART conference to be held on July 25, 2013, for pedestrian safety.
- County Route 523, Lamington Road and Route 602, (2012 State Aid project), the project is substantially complete and punch list items are commencing.
- A preconstruction meeting was held this morning on the 2013 Surface Treatment program and the tentative start date is July 15, 2013.
- Preliminary plans are expected for County Bridge C-26 at the end of July for review.
- Tentative construction date for Inter-County Bridge E-140-M in Monday, July 15, 2013. This is a joint project with Mercer County.
- The plans for County Bridge Q-168, on Pennsylvania Avenue have been submitted to the State Historic Preservation Office for their review.
- Historical and Archeological Phase I studies are required for County Bridge RT-116 on County Route 523. This will require a contract modification.
- Hunterdon is waiting for Somerset County to approve the cover sheet for the joint project for Inter-County Bridge T-36-S, over the Black River Railroad. This is on Somerset County Freeholders' Meeting agenda for approval on July 09, 2013.
- The demolition of County Culvert U-18 on Race Street, in Union Township is complete.
- Due to the rain in Hunterdon this week, the County's bridge projects are falling behind.
- Columbia and Landsdown Trail project is complete.
- The storm water management had to be changed for County Route 519 which will require a NJDEP permit and the consultant has completed that work and made application to DEP.
- County Bridge F-45, the old structure was removed and construction of the new substructure has begun.
- Plans and specifications for County Bridge E-174, in East Amwell Township, have been submitted to NJDOT for their review.
- The old truss for County Bridge D-300, on Raven Rock-Rosemont Road, in Delaware Township has been removed and is being redone.
- The truss for County Bridge RQ-179, in Stanton Station, was removed on June 10, 2013 and it was delivered to fabricator. A meeting was held on June 20, 2013 to go over the standard operating procedure for the fabrication.
- Construction for intersection improvements to County Routes 512/513 in Califon Borough will begin on July 08, 2013.
- Final plans and specifications for County Route 600/612, known as the Hospital Intersection (Hunterdon Medical Center) are under review and should be ready for Freeholder approval at an upcoming meeting in August, 2013.
- An email has been received that Hunterdon County's FEMA application for Hurricane Sandy has been approved.
- Mr. Mathews reported to the Board that due to yesterday's rain, the County has 11 or 12 bridges were damaged due to debris. This condition was also due to past hurricanes where trees were just hanging. Yesterday's heavy rains washed those downed trees in the bridge structures. More efforts will be concentrated on debris removal.

Mr. Mathews informed the Board that in 2011 a driver knocked down at pole at the Pittstown light. The cost to replace that pole was \$32,777.50. The driver's insurance paid \$25,000 with the remaining balance of \$7,777.50. There is an upcoming court date for this issue to obtain that balance. The driver's attorney is asking to strike a deal and pay half of that balance (\$3,888.75). Mr. Mathews recommended settling as the depositions will drive the costs up. Mr. Mathews asked the Board to think this over and he will bring it up at the July 16, 2013 Freeholder meeting.

PURCHASING

Mr. King moved and Mr. Melick seconded this:

See Page 07/02/13-2A

RESOLUTION

RESOLVED, Approving Requisition #26727, using State Contract #A-83907, with R.F. Design & Integration, for a combiner, for Emergency Services, in the amount of \$23,922.80.

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

Mr. Mennen moved and Mr. King seconded this:

See Page 07/02/13-2B

RESOLUTION

RESOLVED, Approving Requisition #40033737, using County Quote #0049-2013, with South Camden Iron Works, for snow fence, for the Roads and Bridges Division of the Public Works Department, in the amount of \$14,142.

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

Mr. King moved and Mr. Melick seconded this:

See Page 07/02/13-3A

RESOLUTON

RESOLVED, Approving modification #3, to the professional engineering services agreement, with Dewberry-Goodkind, Inc., in connection with the Readington-Tewksbury TID Route 523 Improvement and for the Reconstruction of County Bridge RT-12, increase of \$19,890.

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

Item #4 (To discuss a fee for Municipal-County Shared Service Agreements/ Purchasing Agent) tabled until the July 16, 2013 meeting.

CONSENT AGENDA

Director Walton 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."

Director Walton took questions from the public on Consent Agenda items.

Lois Stewart, Flemington Borough resident questioned item #17.

Director Walton explained this amends a previous resolution which these individuals were left off of. He explained these individuals were given 2% increases which is in line with what the union contracts are being negotiated for.

Ms. Stewart questioned if the personnel listed on the agenda are new hires.

Director Walton explained they are not new hires, except for the seasonal people in Parks and Recreation.

Terry Wright, reporter for the Hunterdon County Democrat, ask for the amount for items 11 and 20.

County Counsel, Shana Taylor advised these are letters of engagement, which do not list the amount yet. The amount will come with the contract.

Mr. King moved and Mr. Melick seconded a motion to approve the claims in accordance with the Claims Register dated July 02, 2013.

See Page 07/02/13-3B

CLAIMS REGISTER

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

Mr. King moved and Mr. Melick seconded a motion to approve the regular session minutes of June 18, 2013.

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

Mr. King moved and Mr. Melick seconded these:

See Page 07/02/13-3C

RESOLUTON

RESOLVED, Ryan Ziemba, Assistant Supervisor of Traffic Maintenance, Vehicle Services Division of Public Works, salary adjustment.

See Page 07/02/13-3D

RESOLUTON

RESOLVED, Kristen Shoop appointed provisional, full time Family Service Worker, Social Services Division of Human Services.

See Page 07/02/13-3E

RESOLUTON

RESOLVED, Jennifer Schaefer appointed part time, Library Assistant, Library.

See Page 07/02/13-3F

RESOLUTON

RESOLVED, Richard Knechel appointed part time, Library Assistant, Library.

See Page 07/02/13-3C

RESOLUTON

RESOLVED, Grant Jensen appointed temporary, seasonal Laborer, Roads and Bridges Division of Public Works.

See Page 07/02/13-4A

RESOLUTON

RESOLVED, Melissa Tulley appointed provisional, full time Program Development Specialist, Social Services Division of Human Services.

See Page 07/02/13-4B

RESOLUTON

RESOLVED, Stephanie Beech appointed permanent, full time Public Health Nurse, Public Health Nursing Division of Human Services.

See Page 07/02/13-4C

RESOLUTON

RESOLVED, Correcting the resolution of June 18, 2013, approving the appointment of Kyle Gross, temporary, seasonal Laborer, Parks and Recreation Division, of the Land Use and Facilities Management Department.

See Page 07/02/13-4D

RESOLUTON

RESOLVED, Louis Garbaccio appointed interim Chief Financial Officer, Finance and Administrative Services.

See Page 07/02/13-4E

RESOLUTON

RESOLVED, Correcting a resolution, approving the appointment of Mark Bacchetta, temporary, seasonal Laborer, Parks and Recreation Division of the Land Use and Facilities Management Department.

See Page 07/02/13-4F

RESOLUTON

RESOLVED, Jennifer Pfurr title changed to Graduate Nurse, Division of Health Services, Department of Public Safety and Health Services.

See Page 07/02/13-4G

RESOLUTON

RESOLVED, Richard Booth appointed Senior County Park Ranger, Division of Parks and Recreation, Department of Land Use and Facilities Management.

See Page 07/02/13-4H

RESOLUTON

RESOLVED, Warren Schultz appointed Senior County Park Ranger, Division of Parks and Recreation, Department of Land Use and Facilities Management.

See Page 07/02/13-4I

RESOLUTON

RESOLVED, Cindy Rochman appointed permanent, full time Key Boarding Clerk 2, Division of Senior, Disability and Veterans Services, Human Services Department.

See Page 07/02/13-4J

RESOLUTON

RESOLVED, Salaries for unclassified/unaffiliated or non-contractual employees for 2013.

See Page 07/02/13-4K

RESOLUTON

RESOLVED, Daniel Wyckoff appointed provisional, full time Senior Registered Environmental Health Specialist, Division of Human Services, Public Safety and Human Services Department.

See Page 07/02/13-4L

RESOLUTON

RESOLVED, Lauren Atkins appointed part time, Clerk 1 Board of Elections, Department of Finance and Administrative Services.

See Page 07/02/13-4M

RESOLUTON

RESOLVED, Approving an engagement letter with Donohue, Gironde and Doria for accounting services.

See Page 07/02/13-4N

RESOLUTON

RESOLVED, Approving the solicitation of bids for Grounds Maintenance Equipment and Pharmacy Services for Corrections.

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

Mr. King moved and Mr. Melick seconded this:

See Page 07/02/13-5A

RESOLUTION

RESOLVED, Approving Change Order #1, for County Bid #2011-16, Resurfacing of County Route 519, in Alexandria and Kingwood Townships, with Intercounty Paving Associates, Inc., decrease of \$94,919.18.

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

CORRESPONDENCE

A request was received from the Del Val Cheer Boosters, asking permission to hold a Coin Toss on Sunday, July 14, 2013, from 10:00 a.m. until 4:00 p.m., on the Bridge Street side of the Milford/Upper Black Eddy Bridge; at the intersection of County Route 519 and 619; and in front of the Milford Co. Firehouse. Mr. Melick moved and Mr. King seconded a motion granting permission provided this event is coordinated through the County's Public Works Department.

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

Correspondence was received from the East Whitehouse Fire Department, requesting permission to hold a Coin Toss, on Saturday, July 27, 2013 and Sunday, July 28, 2013, at the intersection of County Route 523/22. Mr. Melick moved and Mr. King seconded a motion granting permission provided this event is coordinated through the County's Public Works Department.

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

A letter was received from the Frenchtown Fire Department, requesting permission to hold a Coin Toss on Saturday, July 13, 2013 and Sunday, July 14, 2013, from 9:00 a.m. until 4:00 pm., at the intersection of Kingwood Avenue and Race Street. Mr. Melick moved and Mr. King seconded a motion granting permission provided this event is coordinated through the County's Public Works Department.

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

A request was received from the Good News Home for Women, asking for permission to hold a Coin Toss on Saturday, September 07, 2013, during their 11th Annual Harvest Festival and Craft Fair, from 8:30 a.m. until 4:30 p.m., at the intersection of County Route 523 and River Road. Mr. Melick moved and Mr. King seconded a motion granting permission provided this event is coordinated through the County's Public Works Department.

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

An email was received from Reach the Beach Relay, requesting permission to use various County roads through Bethlehem, Glen Gardner, Lebanon, Union Franklin Clinton and Readington, between the hours of 7:30 p.m. to 4:30 a.m., on October 18 and 19, 2013, during their relay race. Mr. Melick moved and Mr. King seconded a motion granting permission provided this event is coordinated through the County's Public Works Department.

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

Correspondence was received from Grace Cathedral International, requesting permission to use the Main Street County Complex parking area, from 1:00 p.m. until 6:00 p.m., on Sunday, August 11, 2013 (August 18 rain date), during their annual Community Worship Service and Fair. Mr. Melick moved and Mr. King seconded a motion granting permission provided this event is coordinated through the County's Public Works Department.

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

FREEHOLDERS COMMENTS/REPORTS

The Hunterdon County Board of Chosen Freeholders had no comments or reports this evening.

OPEN TO THE PUBLIC

Director Walton opened the meeting to the public.

Ms. Stewart thanked the Board for the work done on Main Street in front of the County's buildings and advised there are dead plants outside the Hall of Records.

Andrea Bonnett, East Amwell Township resident, advised she has asked several times about the Request For Proposals (RFP) to be done, now that Planned Parenthood isn't being used by the County for women's health.

Director Walton stated his understanding is that the County has a standing agreement with a clinic (Zufall) which does other work for the County, and it has been decided to allocate those patients who were receiving care to that facility.

Cynthia J. Yard, County Administrator reported that George Wagner, Director of Public Safety and Health Services and Taghgh Rainey, Division Manager of Health Services will be meeting with Zufall next Friday, to talk about an arrangement so that anyone who needs healthcare will be able to be serviced.

Ms. Bonnett advised that Union County was balking at paying their share for the special primary election on August 13, 2013 and the special senatorial election in October. She questioned if Hunterdon County is paying their share and if so, what is the cost.

Director Walton feels the amount is \$200,000 and the County will be reimbursed by the state. Hunterdon County will not decline to pay for the special elections. The County will not disenfranchise its voters. While it is all taxpayer money, the County will be reimbursed by the state.

Ms. Stewart questioned what kind of services are going to be provided for lower income women for healthcare through the Zufall clinic.

Director Walton explained that most services these individuals need are provided through various state and federal programs. This is a service of last resort. If for some reason a particular service is not offered or able to be received through a state and/or federal program the County would pick up the tab if they were eligible and in need of the service.

Ms. Stewart questioned where individuals can go if they just need to be educated on certain health issues.

Director Walton and Mrs. Yard advised the County's Division of Public Health Nursing provides such education and services to eligible individuals.

Mr. Wagner informed the Board that there is outreach by staff members at Public Health Nursing into the Hispanic community. There is also the County's website, Facebook and contacts in the community.

Director Walton added that the County's Division of Social Services reaches out to all institutions where one might go for assistance. He attends the Social Services Advisory Committee meetings and the County has a very aggressive social service network in Hunterdon of not for profit agencies and the County's staff which goes out to try and get as much help as possible to the people in the County who are in need.

Director Walton further stated that while the County has been in a hiring freeze over the past few years, the Human Services Department has been able to fill vacancies as it is those individuals who assist those in need during a downturned economy.

Gaetano M. DeSapio, Esquire, of Frenchtown Borough, came before the Board stating he is representing Kim, Megan and Margaret in connection with their current re-assignment. He is here principally this evening to ask the Board to re-instate these individuals to their lawful positions effective immediately irrespective of whether the Board wants to conduct an audit or not. There is no basis in law for removing these individuals from their positions, particularly Margaret, as the Chief Financial Officer and Treasurer. She has a three year term; there is no authority for the Board of Chosen Freeholders to shorten that term; there is no authority to take her out of that position; there is no authority to appoint someone else. The philosophy behind the law is that the Chief Financial Officer and Treasurer has to have independence and independence of judgment and the political people cannot for any reason, without a court order and a hearing, say you can't perform your work anymore and someone else will do the work, because otherwise, it would be a perfect situation for political mischief, if the political people were to remove a financial person. Margaret should be put back in her position immediately.

Mr. DeSapio advised the second purpose he is here, is to ask the Board to immediately release the reasons why the County is conducting this forensic audit. The understanding is that it has to do with payments for health insurance. He understands this has to do with paying health care premiums for employees that were placed in the wrong tier; paying health care premiums after people retired who should not have received them; and in one or more instances, not taking someone off the health insurance rolls who was deceased. Mr. DeSapio thinks the publicity which has come out certainly leaves the impression that these ladies have engaged in some sort of gross misconduct verging on criminal that warranted the Freeholders' action. These individuals are entitled to have the air cleared and the public is entitled to know because there are few people in this County who are more honest than these three people; who are more sincere than these three people; who have worked during the periods of fiscal crisis over the last couple of years to trim the budget and cooperate with the Freeholders and they do not deserve this because in addition to releasing the reasons why the Freeholders have asked for this audit to be done; he would like to see and they would like to see, and the public deserves to see something, anything in writing that says this was their responsibility to deal with. The Freeholders should have had that before these people were reassigned because everything that relates to health insurance and employees is the responsibility of the Human Resources Department. The Human Resources Department is responsible for looking at the insurance bill; they decide where people are placed; the bill gets signed by someone in the Human Resources Department and it goes on the agenda and the Freeholders vote to approve it and then it goes to Finance who cuts the check. How does that make them responsible for this situation.

Mr. DeSapio has been informed that one of these conditions has gone on for at least 16 years. These people haven't been with the County in those positions for 16 years but there have been two administrators; there have been two or more Treasurers; there have been two or more chief

financial officers; there have been around a half a dozen auditors and periodically the Freeholder Boards would hire a consultant to review health services to see if they could be procured at a lower prices; plus the County has moved in and out of the State Health Benefits plan. All of these people have had their fingers in this pie and yet for some reason these three decent people are being tarnished. Mr. DeSapio asked the Freeholder Board to acknowledge these people's basic decency and put them back in their positions and audit about whether someone should have been paid in tier 1 or tier 2 or tier 17 of health insurance can be done easily while they are doing their jobs and their reputations can be somewhat vindicated. What is the County going to do a month from now when the audit comes back and it says these payments were made but they aren't expressing any opinion as to who was responsible for it but that the County should put better internal controls in place. Who is going to give them back their reputations. It does not suffice that they are getting paid their salaries and it doesn't suffice in regards to the Chief Financial Officer and Treasurer that you are doing something illegal because if it was illegal to make those insurance payments, which he doesn't doubt that it was; what about the Freeholders replacing someone who has a term. He questioned who make the decision to reassign these people. He has looked on the agenda and there is no Freeholder resolution authorizing these people be placed in different offices. The Board needed to vote in order to do that. He questioned if there was some discussion about this. These individuals did not receive a Rice Notice that this was being discussed because if they had, they would have insisted that the discussion be in public so they could defend their reputations. The Freeholders need to correct this situation. This needs to be corrected out of basic decency but more than that, it needs to be corrected out of law.

Mr. DeSapio doesn't want to get into a Donnie Brook with the Hunterdon County Board of Chosen Freeholders but this is absolutely not right. He isn't saying the Freeholders don't have the duty to investigate is someone was paid health insurance and they should not have received it; he doesn't doubt that but Hunterdon has always had a practice of compiling with the law to acknowledging the basis decency of the people who work here. In the 30 years he was County Attorney he can't remember how many times people were paid the wrong salaries. The County did not fire Charles Balogh or Ron Matthews because the wrong salaries were paid, no because the schedule was put together in Human Resources and a few months later people noticed it was wrong and sometimes it would get adjusted. He recalls early on when it could not be adjusted because it had gone on so long it could not be changed. There was no announcement in the newspaper and the Freeholders did not ask for anyone's head. Back then it was rationally and calmly looked into and fixed.

Mr. DeSapio asked the Freeholder Board to reassign these individuals back to their position and the County can do whatever it wants with the audit. He would like a public statement on what it is that the County is checking because if it isn't them stealing money, the public needs to know it and the people who have respected them for years needs to know it and they need to know it. Mr. DeSapio asked to see a report, or something, a piece of paper that says this was their responsibility to check those statements.

Mr. DeSapio respectfully asked the Board of Freeholders to reconsider and fix this before it gets out of hand.

Lois Stewart asked the situation Mr. DeSapio just mentioned.

Director Walton stated that the fact that these individuals have retained counsel and the fact that this is under investigation has been noted and the Freeholders cannot comment on this. He echoed Mr. DeSapio's comments about the employees saying they are outstanding individuals. He does not believe the Board is acting outside of the law. The law was reviewed regarding the authority with these positions.

Mr. DeSapio informed the Board that the three individuals and he give their consent for the Board to discuss this matter. If you are saying you can't talk about this because they have an attorney, they waive every condition and legal precondition for the Board to discuss this because they want their reputations vindicated and your silence condemns them.

There being no further business to come before the Board, Director Walton adjourned the meeting at 6:05 p.m.

Respectfully submitted,

Denise B. Doolan
Clerk of the Board