COUNTY OF MERCER

McDADE ADMINISTRATION BUILDING
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JERLENE H. WORTHY, CLERK
BOARD OF CHOSEN FREEHOLDERS

LISA M. VENA
DEPUTY CLERK

MERCER COUNTY BOARD OF CHOSEN FREEHOLDERS

FORMAL MEETING OF OCTOBER 18, 2018

MINUTES

Chair Walter called the Formal Meeting to order at 6:07 PM on October 18, 2018 in Room 211 of the Joyce McDade Administration Building, 640 South Broad Street, Trenton, New Jersey.

ROLL CALL:

The following members of the Board announced the Roll Call of the Clerk to the Board:

Present- Freeholder Cannon, Cimino, Colavita, Koontz, Melker and Walter

Absent – Freeholder Frisby

The Clerk to the Board read the Invocation.

Chair Walter led the Pledge of Allegiance and Salute to the Flag.

The Clerk to the Board announced that in accordance with the provisions of the New Jersey Open Public Meeting Law, notice of this Formal Meeting had been mailed to The Trenton Times, The Trentonain and The Princeton Packet newspapers as well as having been posted in both the County Administration Building and Courthouse at least forty-eight (48) hours in advance of the meeting.

At this time, Chair Walter invited the public to comment on any item listed on the agenda.

No public comment.

At this time, Chair Walter asked that the Administration to send notifications to the public regarding the airport meeting held on Friday October 19, 2018.

Freeholder Koontz said he was not comfortable with the response from the administration regarding the Jurisdictional Agreement with the Borough of Hopewell for exchange of ownership of Princeton Avenue, between County Route 569 and County Route 518, Borough of Hopewell, County of Mercer. He asked the following questions: when was the road last surfaced, who will be responsible for sidewalks, who is responsible for tree removal and was the road ever a county road. Freeholder Koontz noted that she would ask to remove the Resolution from the agenda if the questions are not addressed.

Chair Walter suggested removing the Resolution from the agenda until further information was provided.

APPROVAL OF MINUTES:

On the motion of Freeholder Cannon, seconded by Freeholder Colavita, the Minutes of the following meeting were approved:

Formal Meeting of June 28, 2018

VOTE ON MOTION
AYES-4. NAYS-0. ABSTAIN-2. ABSENT-1
Ayes- Freeholders Cannon, Cimino, Colavita and Koontz,
Absent- Freeholder Frisby
Abstain- Freeholder Melker and Freeholder Walter

RESOLUTIONS:

The Clerk to the Board called for a Motion to Table the proposed Resolution that was listed on the agenda.

Freeholder Cannon moved, seconded by Freeholder Colavita, that:

COUNTY EXECUTIVE AND CLERK TO THE BOARD AUTHORIZED TO ENTER INTO A JURISDICTIONAL AGREEMENT WITH THE BOROUGH OF HOPEWELL FOR EXCHANGE OF OWNERSHIP OF PRINCETON AVENUE, BETWEEN COUNTY ROUTE 569 AND COUNTY ROUTE 518, BOROUGH OF HOPEWELL, COUNTY OF MERCER **"BE TABLED"**

VOTE ON MOTION TO TABLE

AYES-6. NAYS-0. ABSTAIN-0. ABSENT-1
Ayes- Freeholder Cannon, Colavita, Cimino, Koontz, Melker and Walter
Absent-Freeholder Frisby

The Clerk to the Board called for a Motion to Vote in Block on the Resolutions listed on the Agenda.

Freeholder Cannon moved, seconded by Freeholder Walter, that:

RESOLUTIONS NO. 1 AND 11 THROUGH 29 AND 31 THROUGH 42 ON THE AGENDA **"BE VOTED IN BLOCK"**

VOTE ON MOTION

AYES-6. NAYS-0. ABSTAIN-0. ABSENT-1
Ayes- Freeholder Cannon, Colavita, Cimino, Koontz, Melker and Walter
Absent-Freeholder Frisby

Freeholder Cannon offered the following Resolutions, seconded by Freeholder Cimino:

NO. 2018-450 RESOLUTION TO CANCEL BALANCES IN THE GRANT FUNDS

NO. 2018- 451 COUNTY EXECUTIVE AND CLERK TO THE BOARD AUTHORIZED TO "EXERCISE AN OPTION TO EXTEND" A CONTRACT WITH PROACT, INC., TO PROVIDE PHARMACY BENEFITS MANAGEMENT SERVICES. PERIOD: JANUARY 1, 2019 THROUGH DECEMBER 31, 2019. TOTAL AMOUNT NOT TO EXCEED: $8,000,000.00

NO. 2018-452 AMEND RESOLUTION NO. 2016-495, ADOPTED OCTOBER 26, 2016 AND AUTHORIZE COUNTY EXECUTIVE AND CLERK TO THE BOARD TO EXECUTE AMENDMENT NO. 1 TO THE COMPETITIVE CONTRACT WITH MERCER COUNTY COMMUNITY COLLEGE, FOR A WIOA IN-SCHOOL YOUTH PROGRAM. AMEND RESOLUTION TO EXTEND THE CONTRACT PERIOD BY AN ADDITIONAL ONE (1) MONTH; THROUGH OCTOBER 31, 2018 TWO YEAR CONTRACT TOTAL REMAINS: $ 225,589.00 (STATE FUNDS- NO COUNTY FUNDS)

NO. 2018-453 AMEND RESOLUTION NO. 2017-615, ADOPTED DECEMBER 19, 2017 AND AUTHORIZE THE COUNTY EXECUTIVE AND CLERK TO THE BOARD TO EXECUTE AMENDMENT NO. 1 TO THE COMPETITIVE CONTRACT WITH CATHOLIC CHARITIES, DIOCESE OF TRENTON FOR THE PROVISION OF BI-CULTURAL TRAUMA TREATMENT SERVICES . PERIOD: JANUARY 1, 2018 THROUGH DECEMBER 31, 2018 , WITH ANY OPTION TO EXTEND FOR TWO (2) ADDITIONAL ONE (1) YEAR PERIODS: AMEND RESOLUTION TO DECREASE AMOUNT BY $25,000.00, RESULTING IN A REVISED TOTAL AMOUNT (1) YEAR PERIOD: AMEND RESOLUTION TO DECREASE AMOUNT BY $55,000.00

NO. 2018-454 AMEND RESOLUTION NO. 2017-498, ADOPTED NOVEMBER 20, 2017 AND AUTHORIZE THE COUNTY EXECUTIVE AND CLERK TO THE BOARD TO EXECUTE AMENDMENT NO. 1 TO THE OPTION TO EXTEND THE COMPETITIVE CONTRACT WITH DAYTOP VILLAGE OF NJ FOR FEMALE HALFWAY HOUSE SERVICES / AMEND RESOLUTION TO INCREASE THE CONTRACT AMOUNT BY AN ADDITIONAL $8,520.00 (STATE FUNDS) REVISED TOTAL AMOUNT: $68,520.00 (STATE FUNDS) (NO COUNTY FUNDS)

NO. 2018-455 COUNTY EXECUTIVE AND CLERK TO THE BOARD AUTHORIZED TO EXERCISE THE OPTION TO EXTEND A COMPETITIVE CONTRACT WITH ARM IN ARM FOR THE PROVISION OF HOUSING STABILITY SHALLOW RENT SUBSIDY SERVICES. PERIOD: JANUARY 1, 2019 THROUGH DECEMBER 31, 2019. AMOUNT: $69,356.00 (HOMELESSNESS TRUST FUNDS) (NO COUNTY FUNDS)

NO. 2018-456 COUNTY EXECUTIVE AND CLERK TO THE BOARD AUTHORIZED TO EXECUTE A COMPETITIVE CONTRACT WITH THE CHILDREN'S HOME SOCIETY OF NEW JERSEY FOR "PRENATAL HEALTH EDUCATION AND SUPPORT SERVICES FOR AT –RISK PREGNANT LATINA WOMEN AND THEIR FAMILIES". PERIOD: JANUARY 1, 2019 THROUGH DECEMBER 31, 2020, WITH AN OPTION TO EXTEND FOR ONE YEAR. AMOUNT: $54,000.00 ($27,000.00 PER YEAR) (COUNTY FUNDS)

NO. 2018-457 COUNTY EXECUTIVE AND CLERK TO THE BOARD AUTHORIZED TO EXERCISE THE OPTION TO EXTEND A COMPETITIVE CONTRACT WITH RESCUE MISSION OF TRENTON FOR THE PROVISION OF TEAM CARE COORDINATOR SERVICES. PERIOD: JANUARY 1, 2019 THROUGH DECEMBER 31, 2019. AMOUNT: $132,000.00 (COUNTY FUNDS)

NO. 2018-458 COUNTY EXECUTIVE AND CLERK TO THE BOARD AUTHORIZED TO ACCEPT THE 2019 INITIAL AREA PLAN CONTRACT GRANT AWARDS FROM THE STATE OF NEW JERSEY, DEPARTMENT OF HUMAN SERVICES, DIVISION OF AGING SERVICES FOR THE PROVISION OF MERCER COUNTY AREA PLAN ON AGING PROGRAMS AND SERVICES FOR MERCER COUNTY OLDER ADULTS AND CAREGIVERS. PERIOD: JANUARY 1, 2019 THROUGH DECEMBER 31, 2019. AMOUNT: $1,827,293.00 (FEDERAL AND STATE FUNDS) (NO COUNTY FUNDS)

NO. 2018-459 COUNTY EXECUTIVE AND CLERK TO THE BOARD AUTHORIZED TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT "AWARDED THROUGH A NON-FAIR AND OPEN PROCESS" WITH CDM SMITH, INC., FOR PREPARATION OF THE MERCER COUNTY WASTEWATER MANAGEMENT PLAN UPDATE. COUNTY COST NOT TO EXCEED $250.000.00. PERIOD: OCTOBER 19, 2018 THROUGH OCTOBER 18, 2019

NO. 2018-460 COUNTY EXECUTIVE AND CLERK TO THE BOARD AUTHORIZED TO EXECUTE A PROFESSIONAL SERVICES TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT AWARDED THROUGH A "FAIR AND OPEN PROCESS" WITH URBAN ENGINEERS, INC., TO PROVIDE CONSULTING SERVICES RELATED TO THE PASSENGER FACILITY CHARGE APPLICATION PROJECT FOR THE TRENTON- MERCER AIRPORT. PERIOD: DECEMBER 20, 2018 THROUGH DECEMBER 19, 2019. AMOUNT NOT TO EXCEED: $50,000.00

NO. 2018-461 COUNTY EXECUTIVE AND CLERK TO THE BOARD AUTHORIZED TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT (AWARDED THROUGH A FAIR AND OPEN PROCESS) WITH URBAN ENGINEERS, INC., TO PROVIDE CONSULTING SERVICES FOR MISCELLANEOUS ARCHITECTURAL AND ENGINEERING PROJECTS AT THE TRENTON- MERCER AIRPORT. PERIOD: DECEMBER 20, 2018 THROUGH DECEMBER 19, 2019. AMOUNT NOT TO EXCEED: $80,000.00

NO. 2018-462 COUNTY EXECUTIVE AND CLERK TO THE BOARD AUTHORIZED TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT (AWARDED THROUGH A FAIR AND OPEN PROCESS) WITH URBAN ENGINEERS, INC., TO PROVIDE CONSULTING SERVICES FOR THE RECONSTRUCTION OF TAXIWAY F (DESIGN) PROJECT AT THE TRENTON-MERCER AIRPORT . PERIOD: OCTOBER 19, 2018 THROUGH OCTOBER 18, 2019. AMOUNT TO EXCEED: $379,876.36

NO. 2018-463 COUNTY EXECUTIVE AND CLERK TO THE BOARD AUTHORIZED TO EXECUTE A SHARED SERVICES AGREEMENT WITH THE TOWNSHIP OF HAMILTON FOR PUBLIC HEALTH PREPAREDNESS AND RESPONSE TO BIOTERRORISM, OUTBREAKS OF INFECTIOUS DISEASE, AND OTHER PUBLIC HEALTH THREATS AND EMERGENCIES FUNDED BY LOCAL CORE CAPACITY INFRASTRUCTURE FOR BIOTERRORISM PREPAREDNESS GRANT (LINCS) PERIOD: SEPTEMBER 1, 2017 THROUGH AUGUST 31, 2020 (NO COUNTY FUNDS)

NO. 2018-464 COUNTY EXECUTIVE AND CLERK TO THE BOARD AUTHORIZED TO EXECUTE A SHARED SERVICES AGREEMENT WITH THE TOWNSHIP OF EAST WINDSOR FOR CONTRIBUTION OF THE MATCHING LOCAL SHARE FOR BUS SERVICE FOR OLDER ADULTS AND PEOPLE WITH DISABILITIES. PERIOD: JULY 1, 2018 THROUGH JUNE 30, 2019. AMOUNT NOT TO EXCEED: $10,400.00 (COUNTY FUNDS)

NO 2018-465 AMEND RESOLUTION NO. 2018-21, ADOPTED JANUARY 11, 2018 AND AUTHORIZE THE COUNTY EXECUTIVE AND CLERK TO THE BOARD TO EXECUTE AMENDMENT NO. 1 TO THE OPTION TO EXTEND THE SHARED SERVICES AGREEMENT WITH THE MERCER COUNTY BOARD OF SOCIAL SERVICES FOR ADULT PROTECTIVE SERVICES PROGRAM "AMEND RESOLUTION TO DECREASE AMOUNT BY $479.00 (ADULT PROTECTIVE SERVICES (APS) FUNDS). REVISED TOTAL AMOUNT: $279,997.00 ($207,997.00 (APS) FUNDS). REVISED TOTAL AMOUNT: $279,997.00 ($207,997.00 {APS FUNDS}; $72,000.00 {PEER GROUPING FUNDS}

NO .2018-466 AMEND RESOLUTION NO. 2018-22, ADOPTED JANUARY 11, 2018 AND AUTHORIZE THE COUNTY EXECUTIVE AND CLERK TO THE BOARD TO EXECUTE AMENDMENT NO. 1 TO THE OPTION TO EXTEND THE SHARED SERVICES AGREEMENT WITH THE MERCER COUNTY BOARD OF SOCIAL SERVICES FOR THE SAFE HOUSING AND TRANSPORTATION PROGRAM" AMEND RESOLUTION TO INCREASE THE AMOUNT BY AN ADDITIONAL $1,585.00 ($1,441.00 [SAFE HOUSING AND TRANSPORTATION (SHTP) FUNDS]; $144.00 [PROVIDER MATCH FUNDS)]. REVISED TOTAL AMOUNT: $50,054.00 ($45,504.00 [SAFE HOUSING AND TRANSPORTATION FUNDS]; $4,550.00 [PROVIDER MATCH FUNDS]; NO COUNTY FUNDS]

NO. 2018-467 COUNTY EXECUTIVE AND CLERK TO THE BOARD AUTHORIZED TO EXECUTE A GRANT AGREEMENT WITH THE NEW JERSEY OFFICE OF HOMELAND SECURITY AND PREPAREDNESS (OHSP), STATE HOMELAND SECURITY PROGRAM (SHSP), FOR THE 2018 HOMELAND SECURITY GRANT FUNDS. AMOUNT: $305,278.11. PERIOD: SEPTEMBER 1, 2018 THROUGH AUGUST 31, 2021

NO. 2018-468 COUNTY EXECUTIVE AND CLERK TO THE BOARD AUTHORIZED TO EXECUTE A CO-SPONSORSHIP GRANT AGREEMENT WITH THE NEW JERSEY STATE COUNCIL ON THE ARTS FOR THE DIVISION OF CULTURE AND HERITAGE TO ADMINISTER THE 52ND ANNUAL STATEWIDE SENIOR CITIZEN ART SHOW; GRANT AMOUNT: $10,000.00, PERIOD: JULY 1, 2018 THROUGH JUNE 30, 2019

NO. 2018-469 COUNTY EXECUTIVE AND CLERK TO THE BOARD AUTHORIZED TO EXECUTE A GRANT AGREEMENT WITH THE NEW JERSEY STATE COUNCIL ON THE ARTS FOR MERCER COUNTY LOCAL ARTS PROGRAMS. AMOUNT: $96,280.00 (COUNTY MATCH AMOUNT: $10,280.00) PERIOD: JANUARY 1, 2019 TO DECEMBER 31, 2019

NO. 2018-470 COUNTY EXECUTIVE AND CLERK TO THE BOARD AUTHORIZED TO EXECUTE FINAL CHANGE ORDER NO. 1 AND FINAL ACCEPTANCE OF CONTRACT WORK WITH MONTANA CONSTRUCTION CORP, INC., FOR THE CONSTRUCTION OF BRIDGE NO. 212.12 AND 218.1 CARRYING RIVER DRIVE OVER FIDDLER'S CREEK AND STEELE'S CREEK, HOPEWELL TOWNSHIP, MERCER COUNTY, CONTRACT AMOUNT REMAINS: $2,860,434.00

NO. 2018-471 ACCEPTANCE OF CONTRACT WORK FOR MONTANA CONSTRUCTION CORP., INC., FOR THE RECONSTRUCTION OF BRIDGE NO. 212.12 AND NO. 218.1 CARRYING RIVER DRIVE OVER FIDDLER'S CREEK AND STEELE'S CREEK, HOPEWELL TOWNSHIP, MERCER COUNTY

NO .2018-472 ACCEPTANCE OF DEED OF DEDICATION FROM BRADY HAMILTON SQUARE, INC., 728 ESTATES BOULEVARD, HAMILTON, NEW JERSEY, 08619 TO THE COUNTY OF MERCER, FOR THE PURPOSE OF ROAD WIDENING, HAMILTON TOWNSHIP, MERCER COUNTY FUNDS: $1.00

NO. 2018-473 COUNTY EXECUTIVE AND CLERK TO THE BOARD AUTHORIZED TO EXECUTE A MEMORANDUM OF UNDERSTANDING WITH THE TOWNSHIP OF HOPEWELL FOR THE USE OF TWO (2) TANDEM AXLE DUMP TRUCKS FOR THE PURPOSE OF ROAD REPAIR AND BRUSH COLLECTION, HOPEWELL TOWNSHIP, MERCER COUNTY, NEW JERSEY. PERIOD: NOT TO EXCEED TWO (2) MONTHS

NO. 2018-474 COUNTY EXECUTIVE AND CLERK TO THE BOARD AUTHORIZED TO EXECUTE AN AGREEMENT FOR THE SALE OF SURPLUS PROPERTY NO LONGER NEEDED FOR PUBLIC USE TO BE SOLD ONLINE THROUGH US GOVBID/AUCTION LIQUIDATION SERVICES FROM NOVEMBER 12, 2018 THROUGH NOVEMBER 12, 2018 THE COUNTY SHALL PAY 4% COMMISSION ON SALES

NO. 2018-475 PARTIAL AWARD OF BID RECEIVED AUGUST 1, 2018 TO MULTIPLE VENDORS FOR THE REBID OF CLOTHING AND FOOTWEAR FOR THE COUNTY OF MERCER AND THE MERCER COUNTY COOPERATIVE CONTRACT PURCHASING SYSTEM. PERIOD: AUGUST 20, 2018 TO AUGUST 19, 2020. AMOUNT NOT TO EXCEED: $253,250.00

NO. 2018-476 COUNTY EXECUTIVE AND CLERK TO THE BOARD AUTHORIZED TO EXERCISE AN OPTION TO EXTEND THE AWARD OF BID CONTRACT WITH GEORGE DAPPER, INC., FOR ROUTE 130 CONNECTION BUS SERVICE JOB ACCESS AND REVERSE COMMUTE PROGRAM FOR THE MERCER COUNTY WORKFORCE DEVELOPMENT BOARD (WDB) PERIOD: JANUARY 1, 2019 THROUGH DECEMBER 31, 2019 WITH AN OPTION TO EXTEND FOR ONE YEAR BASED UPON INDEX RATE. AMOUNT NOT TO EXCEED: $435,632.40

NO. 2018-477 COUNTY EXECUTIVE AND CLERK TO THE BOARD AUTHORIZED TO EXERCISE AN OPTION TO EXTEND THE AWARD OF BID CONTRACT WITH J. FLETCHER CREAMER AND SON, INC., FOR ON CALL SERVICES FOR INSTALLATION, REPLACEMENT AND REPAIR OF GUIDERAILS AT VARIOUS LOCATIONS THROUGHOUT MERCER COUNTY. PERIOD: DECEMBER 25, 2018 TO DECEMBER 25, 2019. TOTAL AMOUNT NOT TO EXCEED: $2,199,275.00

NO. 2018-478 MERCER COUNTY BOARD OF CHOSEN FREEHOLDERS RECOGNIZES OCTOBER 2018 AS BREAST CANCER AWARENESS MONTH

NO. 2018-479 COUNTY EXECUTIVE AND MERCER COUNTY BOARD OF CHOSEN FREEHOLDERS DESIGNATE THE MONTH OF OCTOBER AS NATIONAL BULLYING PREVENTION MONTH IN MERCER COUNTY

NO. 2018-480 AMEND RESOLUTION NO. 2016-496, ADOPTED OCTOBER 20, 2016 AND AUTHORIZE COUNTY EXECUTIVE AND CLERK TO THE BOARD TO EXECUTE AMENDMENT NO. 1 TO THE COMPETITIVE CONTRACT WITH MERCER COUNTY SPECIAL SERVICES SCHOOL DISTRICT FOR A WIOA IN-SCHOOL YOUTH PROGRAM. AMEND RESOLUTION TO EXTEND THE CONTRACT PERIOD BY AN ONE (1) ADDITIONAL MONTH THROUGH OCTOBER 31, 2018; TWO YEAR CONTRACT TOTAL REMAINS: $74, 500.00 (STATE FUNDS – NO COUNTY FUNDS)

NO. 2018-481 COUNTY EXECUTIVE AND MERCER COUNTY BOARD OF CHOSEN FREEHOLDERS SUPPORTS TRANSPORTATION ELECTRIFICATION

ADOPTED
AYES-6. NAYS-0. ABSTAIN-0. ABSENT-1
Ayes- Freeholder Cannon, Colavita, Cimino, Koontz, Melker and Walter
Absent-Freeholder Frisby

Freeholder Cannon offered the following Resolutions, seconded by Freeholder Colavita:

Chair Walter noted that her daughter works for New Jersey Local Government and would abstain from voting on the following Special Item Revenue Resolution.

NO. 2018-482	SPECIAL ITEM OF REVENUE- STATE OF NEW JERSEY, DEPARTMENT OF STATE, NEW JERSEY COUNCIL ON THE ARTS AWARDS FUNDS FOR THE ANNUAL STATEWIDE SENIOR CITIZEN ART SHOW. PERIOD: JULY 1, 2018 TO JUNE 30, 2019; GRANT AMOUNT:$10,000.00
NO. 2018-483	SPECIAL ITEM OF REVENUE – STATE OF NEW JERSEY DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT AND ECONOMIC DEVELOPMENT, PROVIDES WORK FIRST NEW JERSEY (WFNJ) FUNDS TO THE COUNTY OF MERCER FOR WORKFORCE DEVELOPMENT AREA FOR THE STATE FISCAL YEAR 2019, PROGRAM YEAR 2018, (JULY 1, 2018 THROUGH JUNE 30, 2019) FOR TEMPORARY ASSISTANCE FOR NEEDY FAMILIES (TANF) ; WORKFORCE INVESTMENT ACT- ADULT, YOUTH, DISLOCATED WORKERS; AND WORKFORCE LEARNING LINK PROGRAM, WORK ACTIVITIES ADULT, SMARTSTEPS AND CAREER ADVANCEMENT VOUCHER PROGRAM (CAVP). TOTAL AMOUNT: $5,493,791.00
NO. 2018-484	SPECIAL ITEM OF REVENUE- FUNDS WILL BE RECEIVED FOR NATIONAL WILDLIFE FEDERATION COMMUNITY ENGAGEMENT FUND, FOR THE COUNTY OF MERCER, MERCER COUNTY PARK COMMISSION, TULPEHAKING NATURE CENTER, INNOVATION FUND PROGRAM UPON COMPLETION TOTAL ADDITIONAL REVENUE ALLOCATED: $2,000.00

NO. 2018-485 SPECIAL ITEM OF REVENUE- GOLDMAN SACHS COMMUNITY TEAMWORKS (CTW) FOR MERCER COUNTY PARK COMMISSION TOTAL GRANT AMOUNT: $1,542.00

NO. 2018-486 SPECIAL ITEM OF REVENUE – UNITED STATES DEPARTMENT OF JUSTICE, BUREAU OF JUSTICE EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG), PROGRAM FOR THE PROJECT AND BUDGET PERIOD: OCTOBER 1, 2017 TO SEPTEMBER 30, 2021. AMOUNT: $125,466.00

NO. 2018-487 SPECIAL ITEM OF REVENUE – STATE OF NEW JERSEY DEPARTMENT OF HEALTH AND SENIOR SERVICES FOR THE COMMUNITY PARTNERSHIP FOR HEALTHY ADOLESCENTS SERVICES PROJECT. PERIOD: TOTAL AMOUNT: $40,000.00

NO. 2018-488 SPECIAL ITEM OF REVENUE- COUNTY OF MERCER AND CITY OF TRENTON, EXECUTES A SHARED SERVICES AGREEMENT FOR MUNICIPAL ALLIANCE PROGRAMMING FOR THE PROVISION OF DRUG AND ALCOHOL EDUCATION AND PREVENTION. PERIOD: JULY 1, 2018 TO JUNE 30, 2019. TOTAL AMOUNT: $31,609.25

NO. 2018-489 SPECIAL ITEM OF REVENUE – FUNDS RECEIVED FOR AREA PLAN GRANT- NUTRITION DONATIONS. TOTAL AMOUNT: $75,620.00

NO. 2018-490 SPECIAL ITEM OF REVENUE FUNDS RECEIVED FOR NJ TRANSIT – TRADE BUS ADVERTISING TOTAL AMOUNT: $8,460.86

ADOPTED
AYES-5. NAYS-0. ABSTAIN-0. ABSENT-1
Ayes- Freeholder Cannon, Colavita, Cimino, Koontz and Melker
Absent-Freeholder Frisby
Abstain- Freeholder Walter

ORDINANCE INTRODUCTION:

AN ORDINANCE ESTABLISHING THE SALARY FOR 2018 SALARY ORDINANCE FOR THE COUNTY EXECUTIVE, COUNTY ADMINISTRATOR, DEPUTY COUNTY ADMINISTRATOR /FINANCE DIRECTOR, DEPUTY COUNTY ADMINISTRATOR / EXECUTIVE, DIRECTOR OF PARKS, WARDEN, HUMAN SERVICES DIRECTOR, PLANNING DIRECTOR, PERSONNEL DIRECTOR, ECONOMIC DEVELOPMENT AND SUSTAINABILITY DIRECTOR, TRANSPORTATION AND INFRASTRUCTURE DIRECTOR, MERCER COUNTY CLERK, MERCER COUNTY SHERIFF AND MERCER COUNTY SURROGATE

The Clerk to the Board acknowledged receipt of a memorandum from County Executive Brian M. Hughes, dated August 13, 2018, whereby he indicated that he had reviewed the above named Ordinance and found no negative overriding implications, and therefore, he recommended adoption of the Ordinance.

The Clerk to the Board announced that said Ordinance had been properly advertised in accordance with the State Statute, and all requirements had been complied with.

Freeholder Cannon announced the opening of the Public Hearing on said Ordinance. Hearing no comments or questions, she called for a motion to recess the public hearing.

Freeholder Koontz moved **"To Recess the Public Hearing"**, seconded by Freeholder Colavita.

VOTE ON MOTION
AYES-6. NAYS-0. ABSTAIN-0. ABSENT-1
Ayes- Freeholder Cannon, Colavita, Cimino, Koontz, Melker and Walter
Absent-Freeholder Frisby

At this time, Chair Walter invited the public to comment on any item listed on the agenda.

The following individuals spoke about the impact of immigration enforcement on the public and requested information regarding Mercer County policies regarding Immigration and Customer Enforcement (ICE) detainees at the Mercer County Correctional Center.

Ayesha Mughal	Dan Cummings
Fatima Mughal	Mary Cason
Steven Lestition	William Silversmith
Thelma Carrera	Liz Cohen
Brian Lee	Carol Welsch

Ms. Fatima Mughal, member of the Fair and Welcome Coalition, provided the Freeholder Board with documents from American Civil Liberties Union of New Jersey (ACLU) denouncing that New Jersey jails end cooperation with warrantless ICE detainer request. She indicated that there is extensive documentation and reports on the issue. She added that Mercer County has to decide with refusing to help ICE separate families.

Lillian Nazzaro, Deputy County Counsel, made reference to a previous case regarding the warrantless arrests with ICE and holding inmates in custody until ICE arrive at the jail. She noted that County policy does not consist of holding and that the policy is not violating judge orders or any laws. She added that no law in New Jersey talks about the legality of ICE.

Brian Lee, resident of Somerset County, stated that immigrants fear Freeholders and other government officials because they are afraid of being deported. He noted that the Freeholders could create a policy to stop ICE warrantless tactics.

Liz Cohen, a resident of Princeton, said she supports the Fair and Welcoming Coalition principals; she said residents are living in fear with deportation. She added that 42% of deportation hearing is a dehumanizing process and hope Mercer County would agree to stop ICE with deporting from the jail.

William Silversmith, a Princeton resident, read a letter from Jasmine, Ueng-McHale, Ph.D. (See Schedule "B" attached hereto and make a part hereof).

Carol Welsh a Lawrence resident and activist for immigration, asked is it legal or constitutional with holding individuals under ICE detainers. She asked are towns and counties subjected to liability and raised concerns about the legality on the matter.

(See schedule "B" attached hereto and make a part hereof).

Chair Walter spoke about civility and that the Freeholder Board talked to the public with respect and asked that the public demonstrate civility in the room. She noted that the Board could establish a solution respectfully.

Freeholder Koontz said the Board received correspondence and appreciates the comments which could help the County create better decisions and policies. He said the Freeholder Board does not have control with issuing warrantless arrest by the federal government. Freeholder Koontz thanked the Fair and Welcoming Coalition for their involvement and including the Freeholder Board on the matter. He asked could the County ignore ICE detainers at the Mercer County Correction Center.

Ms. Nazzaro responded that a detainer is a legal document with the request to hold an individual.

Freeholder Koontz asked if the County's current policy would expose liability issues, essentially doing something that the Court ruled unconstitutional.

Ms. Nazzaro explained she is unaware of the case that Ms. Welch referenced; however, she would further research the case to find the facts and decide if the case is applicable in this matter. She added that officials are not holding individuals after the judge ordered a release; she said if the inmate is held after 12:01 am the County is then exposed to liability.

Freeholder Koontz asked what time does the County release individuals.

Ms. Nazzaro stated that if there are no ICE detainers they have to wait for the discharge process.

Chair Walter asked why does the County informs ICE officials that they have until 11:59 pm to pick individuals up. She wondered did the County meet their obligations by inputting the individuals information in the system.

Ms. Nazzaro explained that if there is a legal hold on the individual, the County notifies jurisdictions and ICE informing them the inmate is being released.

Chair Walter asked if notifying ICE was a courtesy or legal requirement. She asked was it necessary to advise other agencies.

Ms. Nazzaro said if the County has a legal document must notify agencies that the individual would be released.

Chair Walter believed that the County had met the initial legal obligation by adding their name in the system. She said that she attended a session at the White House regarding Homeland Security and that the representative asked that counties from across the country agree to hold immigration inmates until ICE arrives to detain them, however, she would not agree to that request.

Ms. Nazzaro added that the detainer from ICE states to hold the individual for up to 48 hours after the release date.

Freeholder Cannon was concerned with people living in fear and wanted to create a policy.

Freeholder Melker requested more information about the warrantless process.

Freeholder Cimino also requested additional clarification and asked is the administration taking action until a policy is implemented.

Andrew Mair, County Administrator, said the County Executive issued a policy and would provide the Board with a copy.

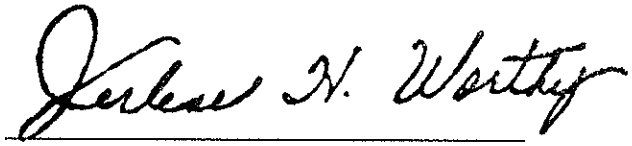
Ms. Nazzaro said the County would continue to monitor the situation.

ADJOURNMENT:

A motion to adjourn the Formal Meeting was offered by Freeholder Cannon and seconded by Freeholder Colavita, which was adopted by the unanimous vote of the members of the Mercer County Board of Chosen Freeholders.

VOTE ON MOTION
AYES-6. NAYS-0. ABSTAIN-0. ABSENT-1
Ayes- Freeholder Cannon, Colavita, Cimino, Koontz, Melker and Walter
Absent-Freeholder Frisby

FORMAL MEETING ADJOURNED AT 7:51 PM



JERLENE H. WORTHY
CLERK TO THE BOARD

10/18/18 Schedule "B"

Fair and Welcoming Statement for Freeholders Meeting 10/18/18
Jasmine Ueng-McHale, PhD

I would like to speak about the impact of immigration enforcement on the public health of our communities from my perspective as a clinical psychologist. Immigration enforcement has changed. It has become much more aggressive with little oversight. Enforcement used to prioritize undocumented residents who had committed crimes. This is no longer the case. Documented immigrants are having their residency documents revoked. We are now talking about deporting our Dreamers, children brought here by their parents. Hundreds of thousands of people formerly given protected status, are having their temporary status taken away, threatened with deportation to countries where they will most certainly be in mortal danger. ICE is using administrative warrants, which are not approved by judges when they go to make arrests. People who have been working with immigration offices for 10, 15, 20 years, working together towards their citizenship are arriving at their appointments only to be arrested and deported. The government is now talking about blocking green card applications for residents who have any history of relying on public assistance programs, demonizing working class people.

We are tearing families apart. This year we saw over 2600 children taken away from their adult caregivers at the border and the administration is now preparing to reinstate and expand on this policy. There are tent camps for children and family detention centers. Many of the children are under six years of age--toddlers, and parents are often not permitted to say goodbye or even explain to their children what is happening. Parents are not even told that their children were going to be separated or where their children are being taken, they are coerced to give up their parental rights. This does not even include the thousands of children and families who are impacted domestically, with children afraid to go to school for fear that their parents will be taken. Citizen children are being threatened with their parents' deportation, suffering from anxiety disorders, depression, and PTSD as a result of the constant threat. The welfare of children is important to me, as I focused on the treatment of childhood trauma early in my career

The American Psychological Association made a statement in our capital calling for the administration "to rescind this policy and keep immigrant families intact" because it is harmful "to the mental and physical health of both children and their caregivers."

The president of the American Academy of Pediatrics issued the following statement, "Separating children from their parents contradicts everything we stand for as pediatricians — protecting and promoting children's health. The new policy is the latest example of harmful actions by the Department of Homeland Security against immigrant families, hindering their right to seek asylum in our country and denying parents the right to remain with their children."

Psychologists have known for decades that you shouldn't separate children from their caregivers at a time of mortal danger. And we all know that families face mortal danger when they cross the border seeking refuge, and they face mortal danger when they are threatened

with deportation into dangerous countries. You should not separate children from their caregivers when they are scared and threatened, because it is at these sensitive times of intense fear and threat, that we humans flee to our refuge. We instinctively flee to seek refuge. And our refuge is not a den. It is not a tree. Our refuge is found in the arms of our loved ones, and for a child that refuge is in the arms of their parents, grandparents, and family members. That connection and contact with a beloved caregiver is the psychological lifeline for a child during times of intense stress, crawling up in the lap and folding into those loving arms—this is the lifeline for emotional survival. And when our government takes that refuge away, we take away that lifeline, that defines the difference between psychological stress and psychological trauma. When we take that lifeline away we traumatize these children. And the younger the child the more vulnerable to trauma. In our own child protection procedures, it is only after extensive investigation and support that as a last resort we remove a child from their parent's care.

The longer the separation in these key times, the more likely the child will suffer from depression and anxiety long term. This trauma of separation will be forever remembered in their hearts and bodies. It will be remembered and relived in their bodies. In the knot in the stomach, in the panic attack that just won't let a child catch their breath, in the fidgety restlessness that wards off an unnameable despair and sadness, in the specter of impending loss and abandonment that will hover in every love relationship to come. This is what we risk not only at the border, but here in our own state and in our own county.

This is not just an immigration policy, this is institutional trauma of families and children. In our state alone, in 2017 there were over 1200 children involved in deportation proceedings. That was for the whole year. In the first three months of 2018 alone, there were over 1600 children involved in deportation proceedings. This doesn't even include the children who are citizens whose family members are involved in deportation proceedings.

Let us consider our county policy to inform ICE of the presence and time of release of someone flagged in their system through administrative warrant, and then to hold the person beyond the regular release time to offer ICE the opportunity to pick them up. The argument has been made by our county leaders that this was a fair compromise. There are good compromises. Compromises might come in the form of what the level of taxation might be or maybe the quantity of funds allocated to a program. There is a difference between compromise and hypocrisy, in which the terms agreed upon violate your stated goals. Perhaps this style of "compromise" is seen in the policies offered regarding the Dreamers: We will grant you documentation to stay in the US and at the same time we will remove your parents. Then when it comes to civil rights violations we see yet another distinction between compromise and *complicity* with injustice. When we as a county publicly assert our support of constitutional procedures and civil rights out of one side of our mouth, and then violate those principles when out of the other side of our mouth as we tell ICE, "Come and collect your guy, I know that you haven't had a judge review this, but this is our show of good faith." This is complicity. We ask you to protect the public health of our county residents and to stop our complicity with these traumatizing, unjust and unconstitutional practices. Thank you!

last speaker. 10/15/18
Ayesha Mughal

In 2016, Mercer County promised not to enforce federal immigration laws, a promise that is not being kept. In fact, individuals who are detained by the county for reasons unrelated to their immigration status are held at the county jail past the time that is legally mandated for their release. According to one county official, there is a need to extend this "courtesy" to a fellow law enforcement agency. The county claims they only hold people who have been charged with serious offenses. If that is the case, those individuals should be treated like anyone else, subject to the justice system.

As a member of Democratic Socialists of America, along with fellow advocates in Mercer County, we demand that the county rewrite its policy. It was unjust in 2016, and it is unjust in 2018 when U.S. Immigration and Customs Enforcement (ICE) is committing the same actions that horrify us on a daily basis: arresting a man on the way to the hospital with his wife preparing to give birth to their child, arresting people who have been in the U.S. since they were children, arresting people for the crime of trying to give their children a better life, right here in our towns. Our county resources should be used to ensure everyone's safety, not to terrorize our neighbors.

Deportations and the persecution of undocumented people are growing. ICE arrested more than twice as many undocumented immigrants with no criminal histories living in New Jersey in 2017 than in 2016. This means that more than twice as many families have been torn apart, more than twice as many children have been separated from their parents, and more than twice as many communities are missing an important member of their social fabric. We saw the media and support for family separation at our borders, but what about in our communities?

I live in the small town of Hopewell Township. Many residents assume that most individuals who are detained live in cities. This is not true. A growing number of people who are at risk of being deported live in towns across New Jersey like mine. They are our friends, family, and neighbors. We must stand up for them like any other neighbor. That's what "community" means.

Adriana Abizadeh, LALDEF Executive Director, is well aware of the of the increased fear in our communities, propelled by increased ICE enforcement. "A number of the families we serve have expressed fear in accessing public programs like WIC for their US citizen children (which they are legally eligible to receive), have decreased their attendance to community events, and the data nationally shows that crime reporting has decreased within the immigrant community in the last two years, particularly as it relates to domestic violence" says Abizadeh.

The ACLU-NJ has warned all New Jersey counties that to avoid liability they should decline to honor all requests from ICE to detain individuals unless these requests are accompanied by a valid judicial finding of probable cause or a warrant.

This policy can change tomorrow. It just requires our community leaders to care enough to match their actions to their words.

Fatma 10/18/15

ACLU New Jersey

ENDING COOPERATION WITH WARRANTLESS ICE DETAINER REQUESTS

The federal Immigration and Customs Enforcement (ICE) agency routinely issues warrantless immigration detainer requests to local jails asking them to hold individuals in their custody for up to 48 hours (excluding weekends and holidays) longer than they would otherwise be released because of suspected civil immigration offenses. Although these requests are not legally binding, New Jersey county jails have routinely honored them.

New Jersey county jails received nearly 6,000 such requests from ICE between October 2011 and August 2013. Two-thirds of those were lodged against individuals who had not been convicted of any offense.

On July 15th, 2014, the ACLU-NJ sent letters to every New Jersey county jail urging them to join the hundreds of jurisdictions around the country that adopted policies declining to honor these requests because they erode trust between local law enforcement and immigrant communities, jeopardize public safety, and pose significant constitutional concerns.

Below is an clickable map of New Jersey showing New Jersey county and municipal policies on warrantless ICE detainer requests. Please click on a county to see the information for that county. The map will be updated as new information becomes available.

COUNTY OF MERCER

OFFICE OF THE COUNTY ADMINISTRATOR
McDade Administration Building
640 South Broad Street
P.O. Box 8068
Trenton, New Jersey 08650-8068

BRIAN M. HUGHES
County Executive

KELVIN S. GANGES
Chief of Staff

ANDREW A. MAIR
County Administrator

March 2, 2018

FILE COPY

Via email
Fair & Welcoming Coalition
c/o Fatima Mughal
FWCMercer@gmail.com

RE: ICE Detainers.

Dear Ms. Mughal:

At the Freeholders meeting of February 22, 2017, you requested information regarding County policies regarding ICE detainers. You requested meetings with the Sheriff and Prosecutor amongst others. Please be advised that neither of those offices has any responsibility regarding policies of ICE detainers. The Correction Center reports to me as County Administrator not to the Sheriff as is the case in some counties. Also, the County does not have a 285G agreement so we have declined to act as an enforcement arm of ICE. Attached, you will find my March 29, 2017, correspondence to the County Executive analyzing our position on ICE. You will also find the County Executive's articulated policy on the matter. Finally, I have enclosed the pertinent parts of the Correction Center's Standards and Operating procedures, which operationalize the policy. I think these documents will be self-explanatory and are entirely consistent with the position you advocate. If you have questions or concerns, please contact me directly.

Respectfully,

Andrew A. Mair
Mercer County Administrator

AAM/cw

COUNTY OF MERCER
OFFICE OF COUNTY COUNSEL
INTER-OFFICE MEMORANDUM

TO: Charles Ellis, Warden

FROM: Brian M. Hughes, County Executive

CC: Kelvin Ganges, Chief of Staff
Andrew Mair, County Administrator
Arthur Sypek, County Counsel

RE: **ICE Detainers**
DATE: May 12, 2017

I am aware that the United States Immigration and Customs Enforcement (ICE) submits detainers to the Mercer County Correction Center (MCCC) requesting that it hold certain inmates beyond the inmates' court-ordered release date. ICE requests are to detain the individual for forty-eight hours; however, in practice, detentions in some county facilities have often been much longer. Federal courts have determined that ICE detainers are not warrants, just requests as there is no determination of probable cause by an independent magistrate.

Until now, Mercer County has had no written policy regarding the honoring of ICE detainers. Our current practice has been that MCCC informs ICE of a detainee's impending release on the day of the detainee's intended release. MCCC then gives ICE until 8:00 a.m. the following morning to arrange for the individual's pick up.

To some, this additional detention of eight hours may seem minimal; however, even that minimally extended detention creates potential liability for the County and, more importantly, violates an inmate's constitutional rights against warrantless arrest and detention.

Therefore, I direct MCCC to notify ICE immediately upon receiving a court order requiring an inmate's release. Depending upon when an inmate returns from court or has his/her video bail hearing, MCCC can provide ICE with seven to ten hours' notice. MCCC will inform ICE that the inmate will be held only until 12:00 midnight that same day or, if ICE fails to collect the inmate, MCCC will release the inmate at that time. By instituting this policy change, the County reinforces its commitment to cooperating with federal authorities, while safeguarding and honoring the constitutional rights of inmates. Please draft a SOP in conformity with this directive.

COUNTY OF MERCER

OFFICE OF THE COUNTY ADMINISTRATOR

McDade Administration Building
640 South Broad Street
P.O. Box 8068
Trenton, New Jersey 08650-8068

BRIAN M. HUGHES
County Executive

KELVIN S. GANGES
Chief of Staff

ANDREW A. MAIR
County Administrator

MEMORANDUM

TO: **The Honorable Brian M. Hughes, County Executive**
Kelvin S. Ganges, Chief of Staff
Arthur R. Sypek, Esq., County Counsel
Charles Ellis, Warden, Correction Center
Julie Willmot, Director of Communications
Paul Adezio, Esq., Deputy County Counsel

FROM: **Andrew A. Mair, County Administrator**

DATE: **March 29, 2017**

RE: **Immigration and Customs Enforcement (ICE): A Division of Homeland Security: Request for Holding of Inmates.**

Earlier this month a reporter for New Jersey Spotlight contacted Communications regarding ICE detainees. The reporter was under the impression that we had an agreement with ICE, referred to as a 285G Agreement, to act as an enforcement arm of that Agency. This belief was a misunderstanding. In 1996 the County entered into an agreement with the US Marshall Service to hold Federal prisoners. This was done for the purposes of revenue enhancement. Immediately upon this Administration's coming to office in 2004 that agreement was terminated because it exacerbated an already critical overcrowding situation. The contract between the County of Mercer and the United States Marshall Service is attached as Exhibit 1. Parenthetically, it should be noted that neither the Department of Homeland Security nor its sub-department, ICE, came into existence until 2002 in response to the events of 9/11.

There is considerable controversy regarding the practice of local jails holding prisoners based on detainers from ICE. A detainer is merely a request. It is not an order. If the Federal government had probable cause to charge an inmate it would issue a warrant which would bind us to hold the inmate until the appropriate Federal agency took custody of him/her.

It is the position of the American Civil Liberties Union of New Jersey (ACLU) that counties that hold inmates due to ICE detainers have violated the inmates' 4th Amendment Constitutional rights against unreasonable search and seizure. The opinion goes on to state that the ICE detainer requests violate the 10th Amendment (the Separation of Powers Amendment) which limits the power of the Federal government to dictate policies to state governments. The State of New Jersey has not issued a policy position regarding this matter.

The ACLU position dating back to 2014, is attached as Exhibit 2.

Relevant correspondence between the County Counsel Office and Warden Ellis is attached as Exhibit 3.

The original correspondence from Michael Boonin regarding the request and citations of case law researched by County Counsel's Office is attached as Exhibit 4.

Of particular interest is the position of the American Immigration Lawyers Association regarding the case of Moreno v. Napolitano. This case was heard by the 3rd Circuit Federal Court which includes New Jersey. This analysis is attached as Exhibit 5.

The full decision regarding Moreno v. Napolitano is attached as Exhibit 6.

A further analysis by the Immigrant Legal Resources Center is attached as Exhibit 7.

I suggest that all the appropriate parties convene, discuss and present to the County Executive a recommendation regarding these matters.

AAM/cw

COUNTY OF MERCER
OFFICE OF COUNTY COUNSEL
INTER-OFFICE MEMORANDUM

TO: Charles Ellis, Warden

FROM: Brian M. Hughes, County Executive

CC: Kelvin Ganges, Chief of Staff
Andrew Mair, County Administrator
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Mercer County Correction Center Department of Public Safety

Standards and Operating Procedures

Subject: SOP 321 Immigration Requests/detainers

Distribution: All SOP Manuals, All Staff

Reference:

Effective Date: 05/19/17

Replaces Date:

Validated by: WARDEN CHARLES ELLIS

Review Date: 06/09/2017

I. Purpose:

To outline the policy and procedures by which the Mercer County Correction Center records/custody staff will adhere to the Mercer County Wardens directive, instituting a procedure to discharge/release inmates to (ICE) - Immigration and Customs Enforcement.

II. Policy:

This policy shall establish the process in which immigration requests/detainers will be processed within a designated time frame. (i.e. ICE and/or their designee will have until 11:59pm on the date of notification to pick up the inmate). Inmates turned over to another authority will be given the ICE request/detainer and will be responsible for handling the ICE request/detainer based on their policies.

III. Procedures:

A. Immigration requests/detainers:

1) If a detainer (ICE) request/detainer is lodged on an inmate, it will be listed in CCIS in the Detainer screen.

2) When all other open charges are satisfied, Mercer County Corrections Center, on the date of said satisfaction of all other open charges, will immediately contact ICE to notify them that the inmate is ready for pick-up.

The contact numbers for ICE are as follows:

a. Burlington # 1-609-499-5270.

b. Mount Laurel # 1-856-810-2880

c. Newark # 1-973-645-3666

- Addresses:

a. 530 Fellowship Rd. Mount Laurel, NJ 08054

b. 970 Broad St. Newark, NJ 07102.

If no answer, use the contact numbers listed on the ICE request/detainer itself. The person contacting ICE will document on the inmates file/folder – who they spoke with and the time.

3) ICE (or their designee) will have until 11:59pm on the date of notification to pick up the inmate.

4) If ICE fails to pick up the inmate by 11:59pm on the date of notification, the inmate will be immediately discharged from the Mercer County Correction Center.

5) If the Mercer County Correction Center turns an inmate over to another authority on their detainer, the ICE request/detainer will be given to the authority, and it will be that agency's responsibility to handle the ICE request/detainer based on their policies.

6) Upon discharge of any inmate, if an Immigration hit is discovered on NCIC, the same procedure applies. ICE will be immediately notified that the inmate is ready for pick-up. Immigration then has until 11:59pm on the same day to pick up the inmate. If Immigration fails to pick-up by 11:59pm, the Mercer County Correction Center will discharge immediately.

7) If an inmate is discharged because Immigration failed to pick-up by 11:59pm, the circumstances must be noted in the CCIS Discharge screen (i.e. "Inmate was not picked up by Immigration by 11:59pm on 01/01/2017. Discharged to street per SOP 320.")

8) If an inmate is discharged under these circumstances and cannot obtain transportation on his/her own, the Shift Commander will **immediately** make arrangements to transport and drop-off at 400 S. Warren St. Trenton NJ (Superior Courthouse location).

attended Feb 22, 2018 meeting

OCT 18

Ask Mercer County officials to stop cooperating with ICE!

Public · Hosted by Fatima Mughal

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Details

Mercer County helps ICE seize immigrants at the county jail without a judicial warrant. Join the Fair & Welcoming Coalition of Mercer County to demand that the county jail stop unnecessarily cooperating with ICE.

This Thursday, Oct. 18, at 6.00 p.m. the Mercer County Freeholders will meet at 640 S. Broad St., room 211 in Trenton. The Fair and Welcoming Coalition of Mercer County plans to attend and address the Freeholders with the following requests:

1. End Mercer County Jail policy of contacting ICE when they check people into the

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system to notify ICE that they have someone in their custody that has been flagged with
an ICE administrative warrant.
2. End Mercer County Jail policy of holding people past their release time - until
11:59pm so that ICE can come and question or detain them.
3. Institute a county-wide immigration directive (similar to municipal directives) to
ensure that anyone stopped by/interacting with county police are not asked about their
immigration status, except in accordance with AG Directive 2007-3 (in the case of a DWI
or indictable offense).

If you can attend on Thursday, please join us -- the more people they know support these demands, the better.

There is free parking across the street

See Less

Chat (26)

The Washington Post

Public Safety

County by county, ICE faces a growing backlash

By Justin Jouvenal
October 1

Activists in Alexandria, Va., are pressing the sheriff to drop an agreement to detain migrants for ICE. The sheriff in Contra Costa County, Calif., canceled a similar contract in July, soon after at least 1,000 protesters marched on the local jail.

And at Philadelphia City Hall, organizers camped out for weeks beneath a banner that read "I.C.E. Get Out" before the city recently agreed to stop sharing real-time arrest information with immigration authorities.

With little leverage to counter the Trump administration's aggressive immigration crackdown in a Republican-controlled Washington, immigrant advocates and grass-roots groups are mounting a furious backlash in local communities across the country.

They can't stop deportations, but they hope to throw sand in the gears by targeting pressure points in the system: U.S. Immigration and Customs Enforcement relies on local agencies to jail detainees who may be in the country illegally, notify ICE of their release and even help conduct immigration enforcement.

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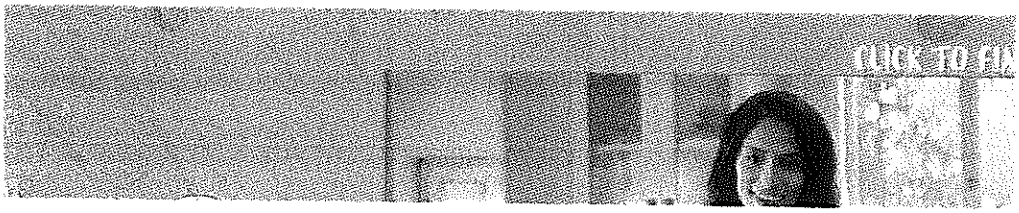

The protests have gained momentum alongside calls to abolish ICE, particularly as outrage spread over President Trump's "zero tolerance" policy that separated some migrant children from their parents at the border.

While dismantling a major federal agency remains a long shot, the more modest local efforts have notched victories in at least a dozen communities. They include Fairfax County, Va., which dropped an ICE contract at its jail, and Hudson County, N.J., where officials this month announced a plan to take the same step.

Contra Costa County Supervisor John M. Gioia, who pushed to end his local jail's contract with ICE, said the issue has spurred more activism than virtually any other in two decades.

"We don't want to be part of Trump's policy of separating families and rounding up immigrants," Gioia said.

The efforts dovetail with campaigns to kill ICE partnerships with universities and corporations. Professors and students at Johns Hopkins University in Baltimore have protested a collaboration between the school and ICE to provide management and leadership training, while more than 300,000 people and 500 employees have signed a petition calling on Microsoft to stop providing cloud computing services to ICE.

But the campaigns have also stirred controversy. ICE and some community members say severing ties with immigration authorities makes communities less safe and note that the agreements and contracts bring millions of dollars to jurisdictions.

"They believe it's putting your thumb in the eye of the current administration," Alexandria Sheriff Dana Lawhorne said of local groups trying to get him to cut ties with ICE. "That's politics. I will not play politics in my office when it comes to public safety."

Dependent on local jails

Ingris Moran said fear rippled through Alexandria's Chirilagua

neighborhood, which is home to many of the city's Latinos, as Trump began ramping up immigration enforcement in his administration's opening months. Large-scale work raids, roundups of immigrants near churches and other tactics spurred concern.

Moran said it became increasingly hard to reconcile a post-election statement the city issued about respecting undocumented immigrants with its long-standing agreements with ICE. Moran, who grew up in Chirilagua and whose parents came from El Salvador, is the lead organizer with the advocacy group Tenants and Workers United.

The sheriff was holding inmates for two days past their scheduled release if ICE suspected they were in the country illegally. The hold gave ICE time to decide whether to begin deportation proceedings. ICE also had a separate agreement to use bed space at the jail.

The latter agreement is part of a larger one with a number of federal agencies. They pay roughly $7 million to the city each year to use a floor of the jail. In 2017, Alexandria turned over 105 people to ICE, nearly double the number from the year before, according to the sheriff's office. In 2018 through August, it turned over 53 people.

"As long as elected officials have a voluntary agreement with ICE, our immigrant families will hide in the shadows and be in fear and not trust law enforcement," Moran said.

Federal law allows ICE to negotiate agreements with local municipalities for the housing and care of its detainees. In 2016, ICE received about $2.3 billion to house immigrants at facilities across the country, according to the Inspector General for the Department of Homeland Security.

Those types of arrangements — which ICE has with more than 190 local jails and detention facilities nationwide — are key to the agency's enforcement efforts. The bulk of the agency's roughly 42,000 detainees are held in local facilities.

The issue has stirred passions in Alexandria. A speaker at a City Council meeting in March accused ICE of being "unhinged" and tearing families apart. A council member said he received emails questioning the sheriff's integrity, and Lawhorne said he had been accused of ethnic cleansing in one

Facebook post.

In July, Lawhorne announced that he would no longer hold immigrants for ICE past the end of their sentences and only for 16 hours in cases where the defendant receives bond. The latter provision was recently dropped to eight hours. The sheriff has also limited ICE to using two beds at the jail for temporary holds.

Moran called it a good "first step," but she and advocates from the Legal Aid Justice Center and Grassroots Alexandria are still pushing for the sheriff to cut ties with ICE altogether. Lawhorne said that while he is sympathetic, he won't go there. He said many of the inmates he is holding for ICE are facing charges for violent offenses.

"I'm not going to ignore a lawful detainer filed by a federal agency and release someone back to the community who poses a threat," Lawhorne said. He added by email: "They are asking me to have no interaction with ICE whatsoever. Under that scenario, Alexandria could become a sanctuary city and be subjected to possible consequences."

Nationwide protests

ICE's relationships with local governments have created similar flash points across the country. Debate has been vocal — and even raucous at times. In Grand Rapids, Mich., protesters pushing to end a local contract with ICE shut down a county commissioners meeting in June by shouting "shame" at elected officials and chanting "ICE out of Kent County!" as officials hurried out of the room.

In Philadelphia, activists erected a tent city outside City Hall in early July to protest the city allowing ICE to access a police database. The protesters later attempted to hold a sit-in in the office of the mayor, who eventually met with them and agreed to drop the agreement.

"If I could abolish ICE, I would," Philadelphia Mayor Jim Kenney (D) said in making the announcement. "But we can abolish this contract, and we are."

In California, Contra Costa County's jail was the scene of numerous protests before a large group turned up on June 30 to rally against Trump's

immigration policies and the local ICE contract.

About two weeks later, Sheriff David Livingston cited a range of reasons for dropping the contract, including the fact that protests and community tension had cast a shadow over the work his deputies were doing at the jail.

Gioia, the county supervisor, said the contract had eroded trust between the local government and the county's immigrants, who make up about a quarter of the population.

"The cost to our county outweighed the net revenue that the sheriff received," Gioia said.

But that was no small sum.

Contra Costa officials had to take $2.4 million from reserves to fill the hole in the sheriff's budget left by the loss of the contract. Other municipalities, including Santa Ana, Calif., have had to scramble to make up for such loses when they canceled their contracts.

ICE officials declined a request for an interview, but a spokesman pointed to a statement from former acting director Thomas Homan about a California sanctuary law that he said highlighted the perils of limiting cooperation with ICE.

Homan wrote that the law would "undermine public safety" and hinder ICE from performing its mission.

"ICE will have no choice but to conduct at-large arrests in local neighborhoods and at worksites, which will inevitably result in additional collateral arrests, instead of focusing on arrests at jails and prisons where transfers are safer for ICE officers and the community," Homan wrote.

In a separate statement about the cancellation of the Contra Costa contract, ICE officials said detainees would suffer since they would have to be placed at facilities farther from their families and immigration attorneys.

While some municipalities are severing ties with ICE, others have increased their cooperation. Late last year, Anne Arundel County in Maryland announced that it had reached an agreement with ICE to house about 130 detainees as part of a $1.7 million annual contract.

The county also joined ICE's 287(g) program, which allows a local jail to screen inmates for immigration violations. Since Trump took office, 78 other jurisdictions have joined the 287(g) program, roughly tripling the number of participants.

Anne Arundel's moves were made in part to combat the MS-13 gang, which has made a local resurgence and draws a chunk of its membership from undocumented immigrants from Central America, county officials said.

The county's cooperation with ICE has sparked protests. Steuart Pittman, the Democratic nominee for county executive, has denounced both agreements in his race against Republican incumbent Steve Schuh.

Schuh's spokesman said the deal has allowed the county to turn an unused wing of the jail into a much-needed moneymaker. "That agreement has

generated nearly $3 million in revenue that has allowed us to increase compensation for our correctional officers," Owen McEvoy said in an email.

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Immigration judges' union calls for immigration court independent from Justice Department

Justin Jouvenal
Justin Jouvenal covers courts and policing in Fairfax County and across the nation. He joined The Post in 2009. Follow

WORLD

An ICE Memo Lays Out The Differences Between Trump And Obama On Immigration Enforcement

Among the instructions: Attorneys were told they no longer had to check the inbox where immigration lawyers emailed requests for deportation relief.

Hamed Aleaziz
BuzzFeed News Reporter

Posted on October 6, 2018 at 2:08 p.m. ET

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Attorneys for Immigration and Customs Enforcement were restricted from granting reprieves for certain immigrants facing deportation, ordered to review and potentially reopen previously closed cases, and told that nearly all undocumented immigrants were priorities for deportation, according to a previously unreleased memo obtained by BuzzFeed News.

The memo, which was issued Aug. 15, 2017, and obtained through a Freedom of Information Act request, provided a roadmap for how ICE attorneys were to prosecute cases under the Trump administration. It was written by Tracy Short, ICE's principal legal adviser and head of the attorneys who handle deportation cases in court.

While immigration lawyers had long reported anecdotally that such changes had taken place in the courtroom, the memo is the first detailed explanation of how government attorneys were told to handle deportation cases and how to implement Trump's executive order on immigration enforcement issued Jan. 25, 2017.

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"Prosecutorial discretion is an act of administrative leniency, it is not an entitlement," Short wrote.

Under the Obama administration, ICE attorneys were encouraged to request the dismissal or indefinite suspension of deportation cases of immigrants who were not serious criminals or national security threats. To do so, the administration directed ICE attorneys to look for qualifying cases and encouraged immigration attorneys to email ICE with requests for "prosecutorial discretion."

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Obama administration officials believed their approach would focus ICE's limited resources on those unauthorized immigrants with the worst criminal records, as opposed to those who were largely contributing members of society.

Short's memo told attorneys they were no longer required to check the email inbox used to receive requests for leniency from immigration attorneys. Short also wrote that ICE attorneys could consider prosecutorial discretion for immigrants in certain circumstances, such as a relative of a military member, has an obvious claim to status, has an "extraordinary humanitarian factor," or is an asset to state or federal law enforcement. Even then, ICE attorneys must receive written

approval from senior leadership in Washington for such a request.

Still, attorneys across the country have rarely seen immigrants granted reprieves, regardless of their circumstances, said Laura Lynch, senior policy counsel at the American Immigration Lawyers Association.

"The revelation of the memo is important because it shows how the ICE trial attorneys were instructed to stop exercising prosecutorial discretion in all but the most extreme circumstances," said David Leopold, an immigration attorney at Ulmer and Berne in Cleveland. "The memo changed prosecutorial discretion by all but forbidding ICE prosecutors from using their common sense or showing any compassion."

Sarah Pierce, a senior policy analyst at the Migration Policy Institute, said the "memo is in line with the broader interior enforcement goal of the administration: Enforce immigration laws against everyone."

The memo also directed ICE attorneys to review previously closed cases, instructing them to look for cases that don't fit the administration's new immigration enforcement priorities, which include practically all undocumented immigrants, and to prioritize reopening cases in which individuals had a criminal history or evidence of fraud. At the same time, attorneys were told that practically all undocumented immigrants were now priorities for deportation in the court.

As of August 2018, the government had requested the reactivation of nearly 8,000 deportation cases that had been administratively closed. The previous fiscal year, which included nearly four months of the Obama administration, there were nearly 8,400 such requests. The pace of such requests is nearly double that of the last two years of the Obama administration, when there were 3,551 and 4,847 such requests, respectively. Attorney General Jeff Sessions limited the ability for immigration judges to indefinitely suspend deportation cases in June.

"This is an unrelenting, unremitting deportation push. From that point of view, it is eye-opening in its scope, trying to make sure that no stone is unturned," said a government official familiar with the memo who was not authorized to speak about it. "It systematically took any possibility where some independent judgment could be exercised by a government attorney and made it very clear they know what their marching orders are."

Sessions Urged Immigration Judges To Show Less Sympathy, Setting Off A Firestorm Of Complaints

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Immigration

Trump administration weighs new family-separation effort at border

By Nick Miroff ,
Josh Dawsey and
Maria Sacchetti
October 12

The White House is actively considering plans that could again separate parents and children at the U.S.-Mexico border, hoping to reverse soaring numbers of families attempting to cross illegally into the United States, according to several administration officials with direct knowledge of the effort.

One option under consideration is for the government to detain asylum-seeking families together for up to 20 days, then give parents a choice — stay in family detention with their child for months or years as their immigration case proceeds, or allow children to be taken to a government shelter so other relatives or guardians can seek custody.

That option — called "binary choice" — is one of several under consideration amid the president's frustration over border security. Trump has been unable to fulfill key promises to build a border wall and end what he calls "catch and release," a process that began under past administrations in which most detained families are quickly freed to await immigration hearings. The number of migrant family members arrested and charged with illegally crossing the border jumped 38 percent in August and is now at a record level, according to Department of Homeland Security officials.

Senior administration officials say they are not planning to revive the chaotic forced separations carried out by the Trump administration in May and June that spawned an enormous political backlash and led to a court order to reunite families.

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But they feel compelled to do something, and officials say senior White House adviser Stephen Miller is advocating for tougher measures because he believes the springtime separations worked as an effective deterrent to illegal crossings.

At least 2,500 children were taken from their parents over a period of six weeks. Crossings by families declined slightly in May, June and July before surging again in August. September numbers are expected to be even higher.

While some inside the White House and DHS are concerned about the "optics" and political blowback of renewed separations, Miller and others are determined to act, according to officials briefed on the deliberations. There have been several high-level meetings in the White House in recent weeks about the issue. The "binary choice" option is seen as one that could be tried out fairly quickly.

"Career law enforcement professionals in the U.S. government are working to analyze and evaluate options that would protect the American people, prevent the horrific actions of child smuggling, and stop drug cartels from pouring into our communities," deputy White House press secretary Hogan Gidley said in an emailed statement.

Any effort to expand family detentions and resume separations would face multiple logistical and legal hurdles.

It would require overcoming the communication and data management failures that plagued the first effort, when Border Patrol agents, Immigration and Customs Enforcement officials and Department of Health and Human Services caseworkers struggled to keep track of separated parents and children.

The Trump administration believes it is on solid legal ground, according to two officials, in part because U.S. District Judge Dana M. Sabraw, who ordered the government to reunite separated families in June, approved the

binary-choice approach in one of his rulings. But a Congressional Research Service report last month said "practical and legal barriers" remain to using that approach in the future and said releasing families together in the United States is "the only clearly viable option under current law."

Administration officials said the CRS report cited earlier legal rulings. But the American Civil Liberties Union, which launched the separations lawsuit, disputed that interpretation and said it would oppose any attempt at expanded family detentions or separations.

"The government need not, and legally may not, indiscriminately detain families who present no flight risk or danger," ACLU attorney Lee Gelernt said in an email. "It is deeply troubling that this Administration continues to look for ways to cause harm to small children."

Another hurdle is that the government does not have detention space for a large number of additional families. ICE has three "family residential centers" with a combined capacity of roughly 3,000 parents and children. With more than four times that many arriving each month, it is unclear where the government would hold all the parents who would opt to remain with their children.

But Trump said in his June 20 executive order halting family separations that the administration's policy is to keep parents and children together, "including by detaining" them. In recent weeks, federal officials have taken steps to expand their ability to do that.

In addition to considering "binary choice" and other options, officials have proposed new rules that would allow them to withdraw from a 1997 federal court agreement that bars ICE from keeping children in custody for more than 20 days.

The rules would give ICE greater flexibility to expand family detention centers and potentially hold parents and children longer, though lawyers say this would be likely to end up in court.

Officials have also imposed production quotas on immigration judges and are searching for more ways to speed up the calendar in its courts to adjudicate cases more quickly.

Federal officials arguing for the tougher measures say the rising number of family crossings is a sign of asylum fraud. DHS Secretary Kirstjen Nielsen has blasted smugglers for charging migrants thousands of dollars to ferry them into the United States, knowing that "legal loopholes" will force the administration to release them pending a court hearing. Federal officials say released families are rarely deported.

Advocates for immigrants counter that asylum seekers are fleeing violence and acute poverty, mainly in Central America, and deserve to have a full hearing before an immigration judge.

"There is currently a crisis at our southern border," DHS spokeswoman Katie Waldman said in a statement, adding, "DHS will continue to enforce the law humanely, and will continue to examine a range of options to secure our nation's borders."

In southern Arizona, so many families have crossed in the past 10 days that the government has been releasing them en masse to shelters and charities. A lack of available bus tickets has stranded hundreds of parents and children in Tucson, where they sleep on Red Cross cots in a church gymnasium.

At a Senate hearing Wednesday, Sen. John Kyl (R-Ariz.) told Nielsen that migrants were "flooding into the community" and that authorities there had "no ability to do anything about it."

Nielsen said lawmakers needs to give DHS more latitude to hold families with children in detention until their cases can be fully adjudicated — a process that can take months or years because of huge court backlogs.

DHS officials have seen the biggest increase this year in families arriving from Guatemala, where smugglers called "coyotes" tell migrants they can

avoid detention and deportation by bringing a child, according to some community leaders in that country.

On Friday, Nielsen called for a regional effort to combat smuggling and violence in the region and to "heighten our penalties for traffickers."

"I think there's more that we can do to hold them responsible, particularly those who traffic in children," she said in a speech in Washington at the second Conference on Prosperity and Security in Central America.

More than 90,000 adults with children were caught at the southwest border in the first 11 months of fiscal 2018. The previous high for a single year was 77,600 in 2016.

Read more:

Watchdog: Trump's family-separation effort was flawed from the start

U.S. border chief finds no easy fix to migration 'crisis' on visit to Central America

'Deleted' families: What went wrong with Trump's family separation effort

COUNTY OF MERCER

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JERLENE H. WORTHY, CLERK
BOARD OF CHOSEN FREEHOLDERS

LISA M. VENA
DEPUTY CLERK

MERCER COUNTY BOARD OF CHOSEN FREEHOLDERS

INFORMAL MEETING OF OCTOBER 16, 2018

MINUTES

Chair Walter called the Agenda Meeting to order at 6:07 PM on October 16, 2018 in Room 211 of the Joyce McDade Administration Building, 640 South Broad Street, Trenton, New Jersey.

ROLL CALL:

Present- Freeholders Cannon, Cimino, Colavita, Koontz, Melker and Walter

Absent- Freeholder Frisby

SUNSHINE LAW:

The Clerk to the Board announced that in accordance with the provisions of the New Jersey Open Public Meeting Law, notice of this Agenda Meeting had been mailed to The Trenton Times, The Trentonian and The Princeton Packet newspapers as well having been posted in both the County Administration Building and Courthouse at least forty-eight (48) hours in advance of the meeting.

At this time, Freeholder Colavita welcomed Cheryl Simone to discuss her trip to Sicily and Italy.

Cheryl Simone provided the Freeholder Board with beautiful proclamations from the Mayors in Sicily. Also, the Freeholder Board generously prepared a proclamation to the towns and Mayor in Villalba and San Cataldo in Sicily. In addition to the proclamations, she presented the Mayors with Freeholder pins and Lenox gifts from her family. Ms. Simone added that while in Villalba everyone on the trip received certificates and gifts of lentils and oregano, and the Mayor made those who were descendants from there honorary citizens. Also, she said Paula Sollami Covello, Mercer County Clerk, also presented proclamations to the two Mayors in Villalba. She explained the family relationships between the Sollami and Mastrosimone families, noting Paula Sollami Covello was her cousin.

The Freeholder Board thanked Ms. Simone for the proclamations and for sharing her experiences in Italy.

Paula Sollami Covello, Mercer County Clerk, and Walker Worthy, Jr., Deputy County Clerk, spoke briefly about the recent changes with the voting laws and the impact on the upcoming general election. She said the law changed in August 2018, whereby individuals who received vote-by-mail ballots in 2016, are not considered "vote by mail" voters and their status will be reflected in the poll books on Election Day. She informed the Board that the State required County Clerks to notify all 2016 vote-by-mail voters of the voter law changes and offered an opportunity to "opt out" of their status as a "vote-by-mail voter in writing. She added that if a voter did not "opt out" through that process, then the voter is placed on the permanent list to receive ballots by mail for all future elections. She said if a voter is on the list and wish to be removed, please send a signed note to the Clerk requesting to be removed from the permanent vote by mail list for future elections. She said the removal may take place after this year's General Elections, however, an individual would still have the right to vote through the provisional ballots and that all provisional are counted. She stated the cost to implement the law was $58,000.00 and that her office is continuing with overtime to print and mail ballots. She stated that her office processed 19,000 ballots. She stated that New Jersey Association of Counties (NJAC) is trying to reimburse Counties from the State. She noted that she could not

utilize funds from the Trust Fund because the costs are operating expenses. (See Schedule "A" attached hereto and make a part hereof).

Freeholder Cimino asked if the process of notifying people every year continue.

Ms. Covello responded that an opt-out letter is not required every year; however, an opt-out letter is required after this year's election to everyone on the 2017 and 2018 permanent list

Chair Walter noted that the main concerns on Election Day are individuals' names not appearing in the voter books and they would have to vote by provisional ballot. She referred to the cost and asked if there were enough funds in the County Clerk's budget to cover the expenses. She added that the Superintendent of Election postage increased because the office receives the returned ballots.

David Miller explained that in November a transfer of funds could happen if needed.

Mr. Worthy explained that additional cost occurred because extra provisional ballots were added to each polling location to prevent voter from being disenfranchised.

Chair Walter asked about specialized training to handle provisional ballots.

Ms. Covello responded that workers are properly trained. She noted her office is transparent with notifying the public about the voter changes. She said there is a pilot program for voting machines and that Mercer County would receive $100,000.00 to participate in the program. She invited everyone to attend the demos on the voting machines.

Chair Walter requested that information be forwarded to the Freeholder Board and the administration.

Doug O'Mulley, Director of Environment New Jersey, located in Trenton NJ; thanked the Board and the County Executive for considering the transportation electrification Resolution. He stated that Trenton City Council voted on a similar Resolution. He noted

that yesterday West State Street was turned into an electrical street with ten (10) electric vehicles, one (1) electric garbage truck and one (1) electric bus that traveled 100 miles to attend the event. He commented that the promise is to clean-up the air. He indicated that the New Jersey legislative environment committee passed a comprehensive Bill that would start to revolutionize how to get around in New Jersey. Specifically, New Jersey Transit buses proposed to electrify all their buses by 2035 without using emission. He said charging stations would appear at bus and rail stations. He noted that other parts of the country are utilizing electric buses. He said President Donald Trump is opposing the electrification of transportation. He said that in 2016 Mercer County had more than 100 unhealthy air days.

Freeholder Cannon stated that she supports electric cars generating better air; however, she raised concerns regarding gas prices increasing by using less gas.

Mr. O' Mulley explained that as more electric drivers appear on the road the issue on increasing gas taxes would be addressed. He explained more information is developing regarding gas taxes.

Chair Walter asked with the permission from the Board; she made changes to the Resolution.

The Board agreed to the changes and added the Resolution to the Agenda.

APPROVAL OF MINUTES:

1. Formal Meeting of June 28, 2018

COMMUNICATIONS:

Seven (7) communications were discussed and approved for placement on the Agenda for the Formal Meeting of October 18, 2018.

RESOLUTIONS:

Forty-one (41) proposed Resolutions were discussed and approved for placement on the Agenda for the Formal Meeting of October 18, 2018.

Freeholder Walter referred to the proposed Resolution authorizing to exercise an Option to Extend a contract with Proact, Inc., to provide pharmacy benefits management services from January 1, 2019, through December 31, 2019, in the amount not to exceed $8,000,000.00. She asked for a five (5) year plan for cost, "rebate" and revenues acquired by the County.

Andrew Mair, County Administrator, replied that he was waiting to hear back from Proact with the information.

Freeholder Cimino made reference to the following three (3) proposed Resolutions:

AUTHORIZING TO EXECUTE A PROFESSIONAL SERVICES TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT AWARDED THROUGH A "FAIR AND OPEN PROCESS" WITH URBAN ENGINEERS, INC., TO PROVIDE CONSULTING SERVICES RELATED TO THE PASSENGER FACILITY CHARGE APPLICATION PROJECT FOR THE TRENTON- MERCER AIRPORT PERIOD: DECEMBER 20, 2018, THROUGH DECEMBER 19, 2019. AMOUNT NOT TO EXCEED: $50,000.00

and,

AUTHORIZING TO EXECUTE A PROFESSIONAL SERVICES TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT AWARDED THROUGH A "FAIR AND OPEN PROCESS" WITH URBAN ENGINEERS, INC., TO PROVIDE CONSULTING SERVICES FOR MISCELLANEOUS ARCHITECTURAL AND ENGINEERING PROJECTS AT THE TRENTON- MERCER AIRPORT. PERIOD: DECEMBER 20, 2018 THROUGH DECEMBER 19, 2019. AMOUNT NOT TO EXCEED: $80,000.00

and,

AUTHORIZING TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT (AWARDED THROUGH A FAIR AND OPEN PROCESS) WITH URBAN ENGINEERS, INC., TO PROVIDE CONSULTING SERVICES FOR THE RECONSTRUCTION OF TAXIWAY F (DESIGN) PROJECT AT THE TRENTON-MERCER AIRPORT. PERIOD: OCTOBER 19, 2018 THROUGH OCTOBER 18, 2019. AMOUNT TO EXCEED: $379,876.36.

Freeholder Cimino commented that he has no issues with the contracts at the airport, however he asked are there other engineering firms that could offer the same services.

Andrew Mair, County Administrator, replied that Urban Engineers specializes in airport services.

Freeholder Cimino said he appreciates Urban Engineers expertise, but was displeased that one entity fully receives the contracts. He noted that there is no backup with how the County is vetting companies.

Mr. Mair responded that the Federal Aviation Administration (FAA) required a consultant selection process from 2014 determines the use of firms available for projects at Trenton-Mercer Airport. He stated that Urban Engineers, Inc., has used many local sub-consultants: Amy Greene, JM Sorge, Van Cleef, Sapphire +Albarran, AID and Richard Grubb and that the sub-consultants have worked on previous tasks in the last four (4) years and all of them have roles in the Terminal project going forward.

Freeholder Koontz referred to the proposed Resolution authorizing to enter into a Jurisdictional Agreement with the Borough of Hopewell for the exchange of ownership of Princeton Ave, between County Route 569 and County Route 518, Borough of Hopewell, County of Mercer. He questioned why the County would take jurisdiction over a portion of Princeton Avenue when there is no advantage to the County. Additionally, the Freeholders noted that it is not uncommon for County roads to become local roads as they pass through municipalities and then return to County jurisdiction as they exit the town. Freeholder Koontz was concerned that granting this request would stimulate other request, especially from Princeton. He asked the administration for an explanation on the decision.

Mr. Mair responded that Princeton Avenue is essentially a continuation of a County roadway, Carter Road (CR 569), which links to another roadway under Mercer County jurisdiction, West Broad Street (CR 518). Mr. Mair added that it is understandable that there are concerns that this action may encourage other requests for additional County takeovers of municipals roads; there are a few, if any, situations in Mercer County where similar conditions exist. He said typically when a municipality is taking over jurisdiction of a County roadway of same length and condition, in the case of Princeton Avenue, there are no County roads within the Borough that would be appropriate for Hopewell Borough to assume jurisdiction. Lastly, he said that the County takeover of Princeton Avenue, an approximate ¼ mile, two-lane section of roadway with no drainage or pavement condition issues, and no known current or prospective traffic safety concerns, would not be a significant additional maintenance burden for Mercer County.

Freeholder Cimino referred to the Resolution authorizing to execute an agreement for the sale of surplus property no longer needed for public use to be sold online through US Gov/Bid Auction Liquidation Services from November 12, 2018, through November 12, 2018, the County shall pay 4% commission on sales. He asked what would the County generate from the services.

Mr. Mair said he would provide further information.

ORDINANCE –SECOND READING AND ADOPTION:

AN ORDINANCE ESTABLISHING THE SALARY FOR 2018 SALARY ORDINANCE FOR THE COUNTY EXECUTIVE, COUNTY ADMINISTRATOR, DEPUTY COUNTY ADMINISTRATOR/ FINANCE DIRECTOR, DEPUTY COUNTY ADMINISTRATOR /EXECUTIVE, DIRECTOR OF PARKS, WARDEN, HUMAN SERVICES DIRECTOR, PLANNING DIRECTOR, PERSONNEL DIRECTOR, ECONOMIC DEVELOPMENT AND SUSTAINABILITY DIRECTOR, TRANSPORTATION AND INFRASTRUCTURE DIRECTOR, MERCER COUNTY CLERK, MERCER COUNTY SHERIFF AND MERCER COUNTY SURROGATE.

The Clerk to the Board acknowledged receipt of a memorandum from County Executive Brian M. Hughes, dated August 13, 2018, whereby he indicated that he had reviewed the above named Ordinance and found no negative overriding implications, and therefore, he recommended adoption of the Ordinance.

The Clerk to the Board announced that said Ordinance had been properly advertised in accordance with the State Statute, and all requirements had been complied with.

Chair Walter announced the opening of the Public Hearing on said Ordinance. Hearing no comments or questions, she called for a motion to recess the public hearing.

Freeholder Koontz moved, "To Recess The Public Hearing", seconded by Freeholder Cannon.

VOTE ON MOTION
Ayes-6. Nays-0. Abstain-0. Absent-1
Ayes- Freeholders Cannon, Cimino, Colavita, Koontz, Melker and Walter
Absent- Freeholder Frisby

ON-GOING BUSINESS:

Freeholder Walter announced that a hearing would be held on October 23, 2018, at 7:00 pm at the Element Hotel, Ewing, NJ regarding the Environmental Assessment (EA) for construction of a proposed passenger terminal building at Trenton-Mercer Airport. She noted that the EA would prepare by the requirements of the National Environmental Policy Act and FAA orders. She added that the meeting was to obtain public input on the issues and alternatives that should be considered in the EA.

Freeholder Cimino commented that the County has articulated with the public; however, the public concerns are not taken seriously. He stated that the Board was in the position to hold contracts.

Freeholder Walter announced Mercer County Sheriff Prescription Drug Take-Back Day was scheduled for October 27, 2018. She explained the public could dispose of unused or expired prescription drugs.

PUBLIC SECTION:

Ann Chmieleski, a resident of Ewing, NJ and a member of Mercer Quiet Sky's, thanked the Board for listening to her concerns regarding the upcoming projects at the airport. She asked if the engineering vendor was following the scope of work. She indicated that she is aware of the separation of powers, with the Freeholder Board asking questions; however, the administration only responds on the matter. She raised concerns about the number of trees in the area that could get knocked down during the construction at the airport and asked for the Board to consider the trees.

Tracey Kirlcuk, Mercer Quiet Sky's, questioned the scope of work meeting held at the Element. She thanked the Board for listening to the public's complaints regarding the picture displays at the previous meeting. She reiterated that the picture displays held at the last meeting was not useful for the people. Ms. Kirlcuk indicated that the County should consider hosting the meeting at Fisher Middle School in Ewing, NJ because the facility is accessible for seniors.

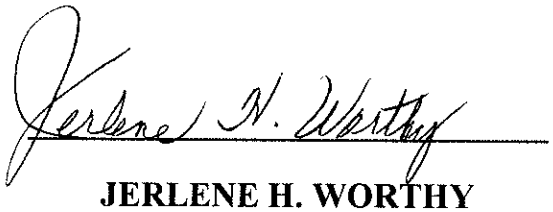
Freeholder Walter asked for the cost to rent the meeting room at the Element Hotel and the price of the security.

Mr. Mair replied the cost to rent the meeting room is $350.00 and the County would not incur any costs for security.

The Freeholder Board asked to be included in any demonstration of voting machines.

Mr. Mair said the Superintendent of Elections agreed that the Freeholders could participate in the demonstration.

AGENDA MEETING ADJOURNED AT 8:06 PM



JERLENE H. WORTHY
CLERK TO THE BOARD

Schedule A

COUNTY OF MERCER

OFFICE OF THE COUNTY CLERK
P.O. Box 8068
Trenton, New Jersey 08650-0068

PAULA SOLLAMI COVELLO
County Clerk

Phone: 609-989-6998
Fax: 609-989-1111

Mercer County Clerk
Paula Sollami Covello
609-989-6945

For Immediate Release:

Mercer County Clerk Explains Recent Changes in Voting Laws and Impact on Upcoming General Election

This year voters will encounter some changes at the polls. For starters, due to a NJ State audit of polling locations using satellite precision, many NJ voters may find that they were moved to a new polling location so it is important that you carefully check your sample ballot, and take note of your polling location before you set out for the polls. Your voting location may have changed. Sample ballots will be mailed to registered voters during the last week of October and will list the location of each voter's specific polling place on the front of the ballot.

Also, it is important to note that voters that used a "vote by mail" ballot in the November General Election in 2016, are now considered permanent "vote by mail" voters and their status will be reflected in the poll books on Election Day. If you were one of these voters, you will not be allowed to vote in the voting machine. However, you may vote on a provisional ballot (paper ballot). This is your right as a voter.

This change in the law was passed in August 2018, by the NJ legislature. My office notified all 2016 vote-by-mail voters of this law change and offered an opportunity to "opt out" of their status as a "vote-by-mail" voter in writing. However, if a voter did not "opt out" through that process, then the voter is likely on a permanent list to receive ballots by mail for ALL future elections. If you are on this list and wish to be removed, please send a signed note to your County Clerk requesting to be removed from the permanent vote by mail list for future elections. This removal may take place after this year's General Election, however, you still have the right to vote with via provisional ballot. Rest assured that all provisional ballots are counted.

Lastly, voters will find that school board elections are set up in a different manner. A new law that passed in July, 2018, allows school board candidates to "bracket" with other candidates with whom they wish to run for office. This means that candidates can have their names placed together on the ballot. It does not mean you have to vote for all of the candidates in the same bracket. For example, if school board candidates "A, B and C" run together, a voter can vote for "A, B and D" or "B, D and E." You simply have to observe how many seats are open in the

COUNTY OF MERCER
OFFICE OF THE COUNTY CLERK
P.O. Box 8068
Trenton, New Jersey 08650-0068

PAULA SOLLAMI COVELLO
County Clerk

Phone: 609-989-6998
Fax: 609-989-1111

instructions, and vote for that same number of candidates. Of course, if you wish to vote for all candidates in a bracket, you absolutely may do so. It's your choice completely.

Sample ballots for each of Mercer County's twelve municipalities are now posted on the web to allow the public to preview candidates for Federal, State, Municipal and School races on the ballot for Tuesday, November 6, 2018. Under State law, a sample ballot must be delivered by mail to every registered voter prior to each election and will be mailed out approximately one week prior to election. However, the County Clerk's office has placed sample ballot information on the Mercer website as an additional convenience so that voters can view the candidates in each race, and the ballot questions, to determine how they wish to vote. To preview a sample ballot online, please visit www.mercercounty.org/government/county-clerk and click on the Elections page. Sample ballots are listed by town.

Mercer County Election Officials, and many other County Clerks in New Jersey, are working to make sure that voters are aware of the changes and updates in the law by the NJ legislature. Please know that my office will have extra provisional ballots on hand so that no voter is disenfranchised due to unfamiliarity with the law. It is important that everyone can vote and participate. Should you have any questions, please do not hesitate to contact my office at 609-989-6494.

Paula Sollami Covello
Mercer County Clerk
Section Chief, County Clerks, COANJ

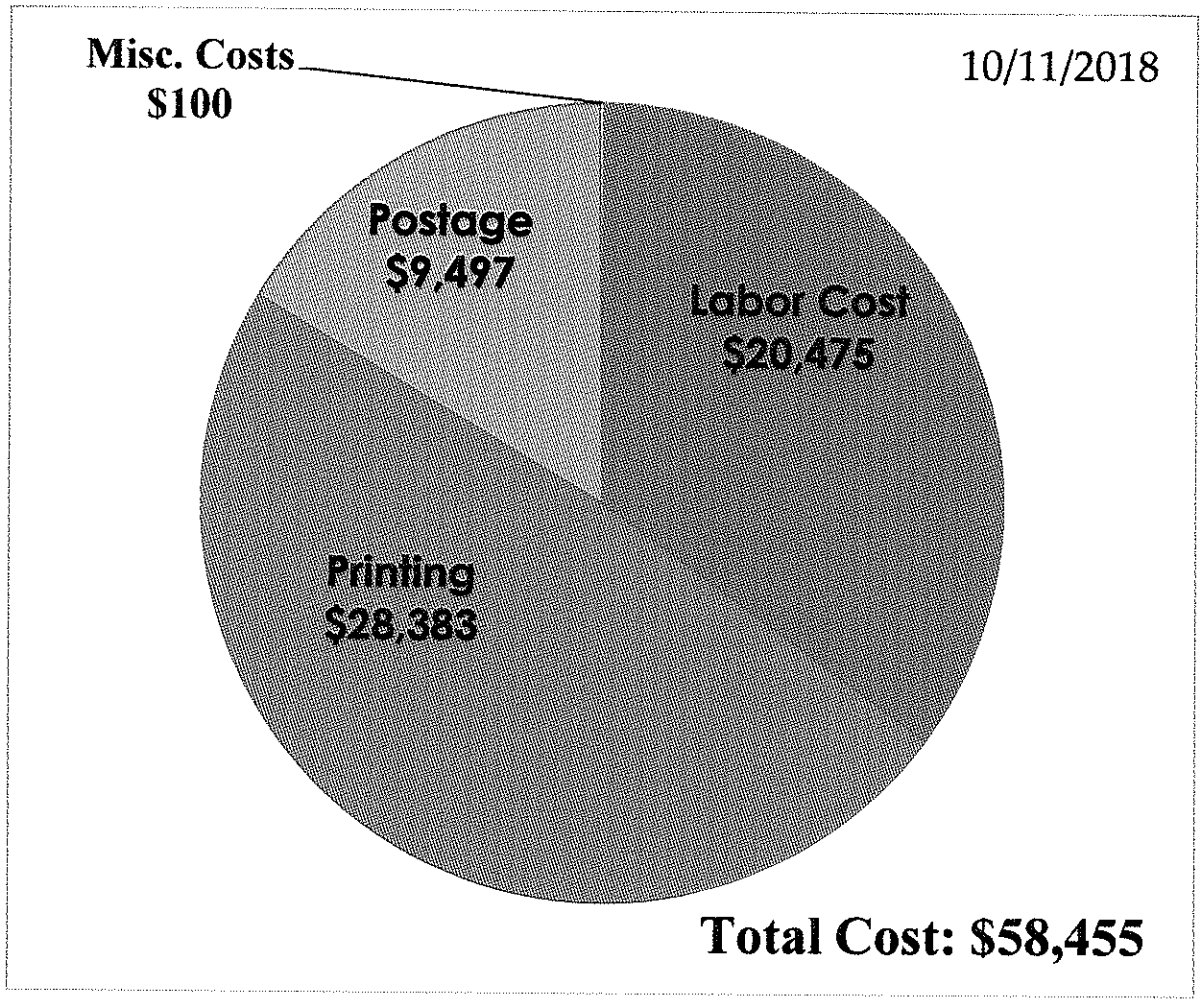
Financial Report

Additional Election Costs

Additional Election Costs

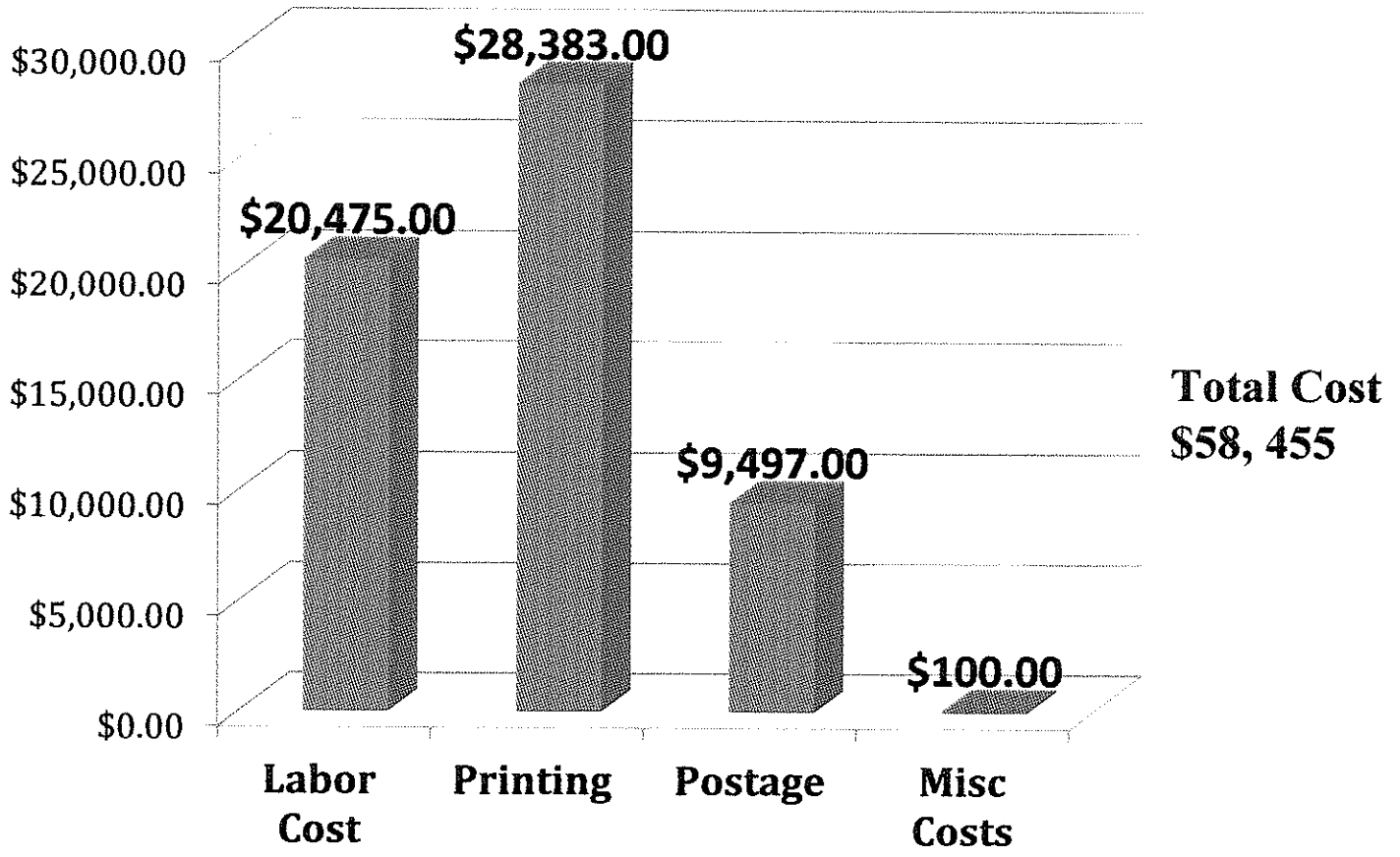
Labor Cost	$20,475.00
Printing	$28,383.00
Postage	$9,497.00
Misc. Costs (Office Supplies)	$100.00
Total Number of OT Hours	682.50
Total Cost	$58,455.00

Additional Election Costs



Additional Election Costs

10/11/2018



Total Projected Cost

Projected Total Printing	**$45,135.00**
Projected Total Postage	**$10,672.00**
Misc. Costs (Office Supplies)	**$100.00**
Projected Total Labor/Overtime	**$31,077.00**
Total Projected Cost	**$86,984.00**

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Document:N.J. Stat. § 19:45-4

N.J. Stat. § 19:45-4

Copy Citation

This section is current through New Jersey 218th First Annual Session, L. 2018, c. 115, and J.R. 9

LexisNexis® New Jersey Annotated Statutes Title 19. Elections (Subts. 1 — 17) Subtitle 13. Public Election Expenses (Ch. 45) Chapter 45. Liability (§§ 19:45-1 — 19:45-9)

§ 19:45-4. County's expenses

All costs, charges and expenses incurred by the county clerk, county board, commissioner, superintendent, or any other officer or official of a county in carrying out the provisions of this title and the salaries of the members of the county board, commissioner, superintendent, salaries and compensation for extra service of the clerk and other employees of the county board and the compensation of the members of the district boards, except as herein otherwise provided, shall be paid by the county upon certification by the county clerk, county board, commissioner, superintendent or other county officer or official; but the board of chosen freeholders of any county, to facilitate the prompt payment of the compensation of members of district boards and the rental of polling places, is authorized to pay to the several municipal clerks in the county one payment for the gross amount due for such compensation and rentals in the municipality and direct the municipal clerks to pay the individual amounts due the members of the district boards and the lessors of the polling places in the municipality upon the proper certification of the county board. Where any municipality may provide voting machines there shall be paid by the county to such municipality the difference between the costs, charges and expenses incurred and the costs, charges and expenses which would have been incurred had such voting machines not been provided by such municipality, including the saving in rental of polling places and in compensation paid to members of district boards resulting from consolidation of or reduction in number of election districts, and including the saving resulting from the payment of a lesser rate of compensation to members of district boards where such machines are provided by the municipality.

▼ Annotations

LexisNexis® Notes

Case Notes

Governments: Local Governments: Administrative Boards

Governments: Local Governments: Elections

Governments: Local Governments: Finance

Governments: State & Territorial Governments: Elections

Governments: Local Governments: Administrative Boards

Provisions of N.J. Stat. Ann. § 19:45-4 are qualified by N.J. Stat. Ann. § 19:6-17, which provides in counties of the first class that the salaries of the election board clerk, and the salaries of other election board employees are to be as recommended by the county board and approved by the board of chosen freeholders. Trainor v. Burlington County Bd. of Chosen Freeholders, 216 N.J. Super. 289, 523 A.2d 682, 1987 N.J. Super. LEXIS 1102 (App.Div.), certif. denied, 108 N.J. 209, 528 A.2d 29, 1987 N.J. LEXIS 1771 (N.J. 1987).

N.J. Stat. Ann. § 19:45-4 was not intended to give the county election board complete autonomy over its entire annual fiscal needs, as the statute made certain categories of costs, charges, expenses, and salaries exempt from the board of freeholders discretion, while leaving other items open to the limited or complete discretion of the board of freeholders. Trainor v. Burlington County Bd. of Chosen Freeholders, 216 N.J. Super. 289, 523 A.2d 682, 1987 N.J. Super. LEXIS 1102 (App.Div.), certif. denied, 108 N.J. 209, 528 A.2d 29, 1987 N.J. LEXIS 1771 (N.J. 1987).

Governments: Local Governments: Elections

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In plaintiff board of freeholders' declaratory judgment action against defendant municipality seeking a determination of the rights of defendant to modify the county board of elections certified budget, N.J. Stat. Ann. § 19:45-4 required plaintiff to accept the election board's certified budget without modification and to appropriate funds accordingly, unless it successfully challenged the budget by proceedings filed in the court. Trainor v. Burlington County Bd. of Chosen Freeholders, 211 N.J. Super. 498, 511 A.2d 1293, 1986 N.J. Super. LEXIS 1333 (Law Div. 1986), rev'd, 216 N.J. Super. 289, 523 A.2d 682, 1987 N.J. Super. LEXIS 1102 (App.Div. 1987).

Governments: Local Governments: Finance

N.J. Stat. Ann. § 19:45-4 was not intended to give the county election board complete autonomy over its entire annual fiscal needs, as the statute made certain categories of costs, charges, expenses, and salaries exempt from the board of freeholders discretion, while leaving other items open to the limited or complete discretion of the board of freeholders. Trainor v. Burlington County Bd. of Chosen Freeholders, 216 N.J. Super. 289, 523 A.2d 682, 1987 N.J. Super. LEXIS 1102 (App.Div.), certif. denied, 108 N.J. 209, 528 A.2d 29, 1987 N.J. LEXIS 1771 (N.J. 1987).

Governments: State & Territorial Governments: Elections

Provisions, including N.J. Stat. Ann. § 19:6-21 and N.J. Stat. Ann. § 19:45-4, relating to the needs of Board of Elections and Superintendent of Elections are not discretionary, they are mandatory. Trainor v. Burlington County Bd. of Chosen Freeholders, 200 N.J. Super. 288, 491 A.2d 69, 1984 N.J. Super. LEXIS 1312 (Law Div. 1984).

Research References & Practice Aids

Cross References:

Voucher for compensation, see 19:45-6.1.

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Content Type: Statutes and Legislation

Terms: County w/p funding w/p statute w/p election w/s necessary

Narrow By: Sources: 3rd Circuit - US Court of Appeals Cases or U.S. Supreme Court Cases, Lawyers' Edition or NJ Superior Courts, Unpublished - Trial Orders or NJ Miscellaneous Cases 1923 - 1949 - Trial Orders or NJ Chancery Court Cases 1830 - 1948 - Trial Orders or NJ Tax Court, Unpublished - Trial Orders or NJ Tax Court - Trial Orders or NJ Prerogative Court Cases 1831 - 1948 - Trial Orders or NJ Superior Courts - Trial Orders or NJ Supreme Court Cases 1789 - 1948 - Trial Orders or NJ Superior Court, Appellate Division - NJ Tax Court Reports Cases or NJ Superior Courts, Appellate Division, Unpublished or NJ Superior Courts, Appellate Division or NJ Supreme Court Cases from 1821 or New Jersey Bankruptcy Courts or New Jersey Federal District Courts or Administrative Codes & Regulations

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