



COUNTY OF MERCER
McDADE ADMINISTRATION BUILDING
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JERLENE H. WORTHY, CLERK
BOARD OF COUNTY COMMISSIONERS

EBONY WITHERSPOON
DEPUTY CLERK

MERCER COUNTY BOARD OF COUNTY COMMISSIONERS

FORMAL MEETING OF JANUARY 12, 2023

MINUTES

Chair Walter called the Formal Meeting to order at 7:15 P.M. on January 12, 2023, in Room 211 of the Joyce L. McDade Administration Building, 640 South Broad Street, Trenton, New Jersey.

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

Present – Commissioners Cimino, Frisby, Lewis, McLaughlin, Melker, Stokes, and Walter

The Clerk to the Board read the Invocation.

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

SUNSHINE LAW

The Clerk to the Board announced that in accordance with the provisions of the New Jersey Open Public Meetings Law, notice of this Formal Meeting had been mailed to The Trenton Times, The Trentonian 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 members of the public to comment on any item listed on the Agenda.

There were no comments.

APPROVAL OF MINUTES

On the motion of Commissioner Cimino, seconded by Commissioner Melker, the Minutes of the following meeting was approved:

Formal Meeting of May 26, 2022

VOTE ON MOTION

Ayes - 4. Nays - 0. Abstain - 3. Absent -0.

Ayes – Commissioners Cimino, Stokes, Melker, and Walter
Abstain– Commissioner Frisby, Lewis, and Mc Laughlin

COMMUNICATIONS

A communication was received from Isamar Maldonado, Purchasing Agent, dated December 20, 2022: RE: Minutes and Bid / RFP Results for the week of December 12, 2022.

A communication was received from Isamar Maldonado, Purchasing Agent, dated December 30, 2022: RE: Minutes and Bid / RFP Results for the week of December 19, 2022.

A communication was received from Lillian L. Nazzaro, Esq., County Administrator, dated January 12, 2023: RE: Commissioner Questions for January 12, 2023.

RESOLUTIONS

With the exception of Resolution No. R-2, No. R-6, and No. R-14, the Clerk to the Board called for a Motion to Vote in Block on the following Resolutions listed on the Agenda.

Chair Walter moved, seconded by Commissioner McLaughlin, that:

RESOLUTION NOS. R-1, R-3 THROUGH R-5, R-7 THROUGH R-13, AND R-15
ON THE AGENDA "BE VOTED ON IN BLOCK"

VOTE ON MOTION

Ayes – 7. Nays - 0. Abstain - 0. Absent -0.

Ayes – Commissioners Cimino, Koontz, McLaughlin, Stokes, Walter, and Melker

Commissioner McLaughlin offered the following Resolutions, seconded by Commissioner Frisby:

- NO. 2023-11** COUNTY EXECUTIVE AND CLERK TO THE BOARD AUTHORIZED TO EXECUTE AN EXTRAORDINARY UNSPECIFIABLE SERVICES (E.U.S) CONTRACT (THROUGH A NON-FAIR AND OPEN PROCESS) WITH PROACT, INC., TO PROVIDE PHARMACY BENEFITS MANAGEMENT SERVICES FOR THE OFFICE OF INSURANCE AND PROPERTY MANAGEMENT PERIOD: JANUARY 1, 2023 THROUGH DECEMBER 31, 2023 WITH TWO (2) ONE (1) YEAR OPTIONS TO EXTEND. TOTAL AMOUNT NOT TO EXCEED: \$8,000,000.00
- NO. 2023-12** COUNTY EXECUTIVE AND CLERK TO THE BOARD AUTHORIZED TO EXECUTE A COMPETITIVE CONTRACT WITH THE RESCUE MISSION OF TRENTON FOR THE PROVISION OF SUPPORTIVE SERVICES FOR HOMELESS INDIVIDUALS. PERIOD: JANUARY 1, 2023 THROUGH DECEMBER 31, 2023. AMOUNT: \$52,040.00 (HOMELESSNESS TRUST FUNDS; NO COUNTY FUNDS)
- NO. 202-13** COUNTY EXECUTIVE AND CLERK TO THE BOARD AUTHORIZED TO SUBMIT THE 2023 MERCER COUNTY COMPREHENSIVE FUNDING APPLICATION TO THE STATE OF NEW JERSEY, OFFICE OF THE ATTORNEY GENERAL, DEPARTMENT OF LAW AND PUBLIC SAFETY, JUVENILE JUSTICE COMMISSION. PERIOD: JANUARY 1, 2023 THROUGH DECEMBER 31, 2023. AMOUNT: \$874,060.00 (STATE FUNDS)

- NO. 2023-14** COUNTY EXECUTIVE AND CLERK TO THE BOARD AUTHORIZED TO EXECUTE AN AGREEMENT (AWARDED THROUGH A NON-FAIR AND OPEN PROCESS) WITH METALS TREATMENT TECHNOLOGIES, LLC FOR LEAD REMOVAL SERVICES ON AN EARTH BEAM AT THE MERCER COUNTY PROSECUTOR'S OFFICE FIREARMS TRAINING FACILITY. TOTAL AMOUNT NOT TO EXCEED \$32,000.00
- NO. 2023-15** MERCER COUNTY BOARD OF COUNTY COMMISSIONERS AUTHORIZES CHANGE IN CLAIMANT SIGNATURE REQUIREMENT
- NO. 2023-16** AMEND RESOLUTION NO. 2018-435, ADOPTED SEPTEMBER 27, 2018, AND AUTHORIZE THE COUNTY EXECUTIVE AND CLERK TO THE BOARD TO EXECUTE AMENDMENT NO. 1 TO THE COST REIMBURSEMENT AGREEMENT (#2018-DT-BLA-314) WITH THE STATE OF NEW JERSEY FOR THE FINAL DESIGN OF THE LINCOLN AVENUE/CHAMBERS STREET (CR626) BRIDGE NO. 140.9, OVER AMTRAK AND THE ASSUNPINK CREEK, CITY OF TRENTON, COUNTY OF MERCER, NJDOT JOB NO. 6511377. PERIOD: SEPTEMBER 27, 2018 THROUGH DECEMBER 31, 2023. AMEND RESOLUTION TO INCREASE AMOUNT BY \$3,488,715.98. REVISED STATE SHARE AMOUNT: \$4,974,559.08
- NO. 2023-17** COUNTY EXECUTIVE AND CLERK TO THE BOARD AUTHORIZED TO EXECUTE A PROFESSIONAL SERVICE AGREEMENT (AWARDED THROUGH A FAIR AND OPEN PROCESS) WITH VANASSE HANGEN BRUSTLIN INC., FOR ENVIRONMENTAL CONSULTING, ENVIRONMENTAL AND PUBLIC HEALTH SAMPLE COLLECTION AND ANALYSES AND ENGINEERING SERVICES FOR THE COUNTY OF MERCER. PERIOD: JANUARY 1, 2023 THROUGH DECEMBER 31, 2023. TOTAL AMOUNT NOT TO EXCEED \$650,000.00 (RFP2022-04)

- NO. 2023-18** ACCEPTANCE OF DEED OF DEDICATION FROM HOPEWELL CAMPUS OWNER, LLC TO THE COUNTY OF MERCER FOR THE PURPOSE OF ROAD WIDENING ALONG BLOCK 46, LOT 8.0111, (ROUTE 624) HOPEWELL TOWNSHIP, MERCER COUNTY FUNDS: \$1.00
- NO. 2023-19** ACCEPTANCE OF SIGHT TRIANGLE EASEMENT FROM HOPEWELL CAMPUS OWNER, LLC TO THE COUNTY OF MERCER OF PERMITTING THE OPERATION OF VEHICLES AND PEDESTRIANS TO SEE ACROSS SAID LANDS AND TO PROVIDE A CLEAR VIEW OF ROADWAY LOCATED ON BLOCK 46, LOT 8.0111 IN HOPEWELL TOWNSHIP, MERCER COUNTY FUNDS: \$1.00
- NO. 2023-20** ACCEPTANCE OF A SIDEWALK EASEMENT FROM PROVDA, LLC TO THE COUNTY OF MERCER ALONG BLOCK 1636, LOT 6, (ROUTE 535) HAMILTON TOWNSHIP, MERCER COUNTY FUNDS: \$1.00
- NO. 2023-21** COUNTY EXECUTIVE AND CLERK TO THE BOARD AUTHORIZED TO EXECUTE A PROPRIETARY HARDWARE AND SOFTWARE MAINTENANCE AND SUPPORT AGREEMENT WITH COUNTY BUSINESS SYSTEMS FOR THE PROBATE SYSTEM AT THE OFFICE OF THE MERCER COUNTY SURROGATE. PERIOD: JANUARY 1, 2023 TO DECEMBER 31, 2023. TOTAL AMOUNT NOT TO EXCEED: \$21,796.00
- NO. 2023-22** COUNTY EXECUTIVE AND CLERK TO THE BOARD AUTHORIZED TO "EXERCISE AN OPTION TO EXTEND" AGREEMENT (AWARDED THROUGH FAIR AN OPEN PROCESS) TO POSITIVE SOLUTIONS LLC. FOR A PUBLIC RELATIONS PROGRAM TO PROMOTE TOURISM FOR THE COUNTY OF MERCER. TOTAL AMOUNT NOT TO EXCEED: \$30,000.00 PERIOD: JANUARY 1, 2023, THROUGH DECEMBER 31, 2023. **(RFP2020-05)**

VOTE ON RESOLUTIONS:

Ayes – 7. Nays - 0. Abstain - 0. Absent -0.

Ayes – Commissioners Cimino, Frisby, Lewis, McLaughlin, Melker, Stokes, and Walter

Commissioner Frisby offered the following Resolution, seconded by Commissioner Stokes:

NO. 2023-23

MERCER COUNTY BOARD OF COUNTY COMMISSIONERS AUTHORIZES THE ALLOCATION OF AMERICAN RESCUE PLAN ACT (ARPA) FUNDS FOR THE IMPLEMENTATION OF A SMALL BUSINESS GRANT PROGRAM FOR THE COUNTY OF MERCER. TOTAL AMOUNT: \$3,500,000.00 PERIOD: JANUARY 1, 2023 THROUGH SEPTEMBER 30, 2026

VOTE ON MOTION:

Ayes - 7. Nays - 0. Abstain -0. Absent -0.

Ayes - Commissioners Cimino, Frisby, Lewis, McLaughlin, Melker, Stokes, and Walter

Commissioner Frisby offered the following Resolution, seconded by Commissioner McLaughlin:

NO. 2023-24

COUNTY EXECUTIVE AND CLERK TO THE BOARD AUTHORIZED TO EXECUTE A GRANT AWARD FROM THE STATE OF NEW JERSEY, DEPARTMENT OF COMMUNITY AFFAIRS, DIVISION OF HOUSING AND COMMUNITY RESOURCES, FOR COMMUNITY SERVICES BLOCK GRANT (CSBG) FUNDS INITIAL ALLOCATION (GRANT AWARD NO. 2023-05235-0056-00). PERIOD: JANUARY 1, 2023 THROUGH DECEMBER 31, 2023. AMOUNT: \$107,686.00 [STATE FUNDS] [NO COUNTY FUNDS]

VOTE ON MOTION:

Ayes - 6. Nays - 0. Abstain -1. Absent -0.

Ayes - Commissioners Cimino, Frisby, Lewis, Mclaughlin, Stokes, and Walter

Abstain - Commissioner Melker

Commissioner Stokes offered the following Resolution, seconded by Commissioner Frisby:

NO. 2023-25

COUNTY EXECUTIVE AND CLERK TO THE BOARD AUTHORIZED TO EXECUTE A GRANT AGREEMENT WITH THE NEW JERSEY BOARD OF PUBLIC UTILITIES ELECTRIC VEHICLE TOURISM PROGRAM FOR THE INSTALLATION OF TWO (2) DUAL PORT DC FAST ELECTRIC VEHICLE CHARGERS AT TWO (2) COUNTY OWNED SITES. AMOUNT OF: \$150,000.00

VOTE ON MOTION:

Ayes - 6. Nays - 0. Abstain -1. Absent -0.

Ayes - Commissioners Cimino, Frisby, Mclaughlin, Melker, Stokes, and Walter

Abstain - Commissioner Lewis

OLD BUSINESS

The Board discussed and unanimously chose the date of February 23, 2023 to have a presentation by the election offices; Superintendent of Election, Board of Elections, the County Clerk and the vendors, to discuss the previous election.

Commissioner Melker asked for the transcript from the November 21, 2022 meeting to gather follow-up questions for the February meeting.

Chair Walter said the election bodies would have some time after the January election to formulate answers to the Board's questions.

PUBLIC SECTION

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

There were no comments.

ADJOURNMENT

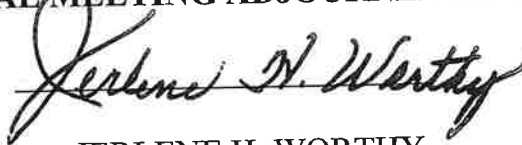
A motion to adjourn the Formal Meeting was offered by Commissioner Cimino and seconded by Commissioner Frisby, which was adopted by the unanimous vote of the members of the Mercer County Board of County Commissioners.

VOTE ON MOTION:

Ayes - 7. Nays - 0. Abstain -0. Absent -0.

Ayes - Commissioners Cimino, Frisby, Lewis, McLaughlin, Melker, Stokes, and Walter

FORMAL MEETING ADJOURNED AT 7:30 PM



**JERLENE H. WORTHY
CLERK TO THE BOARD**

KO



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BOARD OF COUNTY COMMISSIONERS

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DEPUTY CLERK

MERCER COUNTY BOARD OF COUNTY COMMISSIONERS

INFORMAL MEETING OF JANUARY 12, 2023

MINUTES

Chair Walter called the Formal Meeting to order at 6:01 P.M. on January 12, 2023 in Room 211 of the Joyce L. McDade Administration building, 640 South Broad Street, Trenton, New Jersey.

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

Present – Commissioners Cimino, Frisby, Lewis, McLaughlin, Melker, Stokes, and Walter

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

SUNSHINE LAW

The Clerk to the Board announced that in accordance with the provision of the New Jersey Open Public Meeting Law, notice of this Formal Meeting had been mailed to The

Trenton Times, The Trentonian 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.

MINUTES

Formal Meeting of May 26, 2022

COMMUNICATIONS

Three (3) communications were discussed and approved for placement on the Agenda for the Formal Meeting of January 12, 2023.

RESOLUTIONS

Fifteen (15) proposed Resolutions were discussed and approved for placement on the Agenda for the Formal Meeting of January 12, 2023.

Commissioner Cimino made reference to Resolution No. R-2, authorizing the allocation of American Rescue Plan Act (ARPA) funds for the implementation of a small business grant program for Mercer County. He asked how a business could apply with Grantworks and was there a limit on how much they could be granted.

Lillian L. Nazzaro, Esq., County Administrator, answered Grantworks has a portal where it was outlined on how to apply. She said there was a limit of \$10,000.00 per grant and two different zones in which each zone had 1.75 million dollars allocated to the applicants.

Commissioner Melker asked to separate out Resolution No. R-6 from Block, Resolution authorizing a Grant Award from the State of New Jersey, Division of Community Affairs, Division of Housing and Community Resources, for Community Service Block Grant (CSBG). She explained she would have to abstain from voting on the Resolution, since she is a board member of the John O. Wilson Board.

Chair Walter asked that a clause be added that stated that Temporary CFO, Sharon Sharp, shall administer the Grants. She said the original Grants were approved by the state with the previous Chief Financial Officer's name and it could not be changed. The clause as contained within the Resolution would reflect those changes.

Chair Walter made reference to Resolution No. R-7, authorizing a change in Claimant Signature Requirement. She asked that a clause be added to an additional WHEREAS, in the Resolution, which stated that the County does not currently accept Electronic Fund Transfers.

County Administrator Nazzaro answered that she would implement a change of language in the Resolution

Commissioner Lewis asked to separate out Resolution No. R-14 from Block, Resolution authorizing a Grant Agreement with the New Jersey Board of Public Utilities Electric Vehicle Tourism Program for the installation of two (2) dual port dc fast electric vehicle chargers at two (2) County owned sites. She explained she would have to abstain from voting on the Resolution as the State was her employer.

OLD BUSINESS

Chair Walter formally welcomed Commissioner Cathleen Lewis to her first Board meeting as a Commissioner.

NEW BUSINESS

County Administrator Nazzaro said the Mercer County's Engineering Department would be receiving two awards from the Professional Engineering Society of Mercer County for design and construction of the bridge on Lower Ferry Road, the Roundabout on Rosedale Road, in Ewing Township that the Board discussed last year. She offered her congratulations to Director Aaron T. Watson and his team.

Commissioner Frisby asked whether there was a Covid update and if there had been any indicator that Covid numbers decreased.

County Administrator Nazzaro answered the numbers had gone up but also said that she would have an accurate accounting for the Board in an email for the next Board meeting.

Michael Herbert, Esq., Board Counsel, said that the number of Covid infections increased by 18% approximately.

Chair Walter requested the Administration hold a monthly meeting in which the Board may review and become aware of matters to be discussed in the coming month.

PUBLIC SECTION

At this time Chair Walter invited the members of the public to comment on any item listed on the Agenda.

Patricia Johnson, Hamilton Township resident, addressed the Board. Ms. Johnson said she had previously attended the Board's meeting about the election process. She said that although the court case found the mismanagement of voter ballots to be unintentional she felt the residents of Mercer County no longer trust in the voting system. She said that no one addressed what was being done to ensure voters are not being disenfranchised. She asked that the Administration find a solution and to keep voters informed.

Chair Walter said there was an ongoing election in the city of Trenton. She said that during the budget process- election departments would attend those meetings to discuss election procedures. She explained that until the final election is certified the Administration cannot intervene.

Orion Wade, a Trenton resident, addressed the Board. As a young preteen he felt everything should be free and available to all young people. He said there was a lack of safe places for parents to send their children. He said that children were angry because their parents struggle to provide for them and the lack of outlets resulted in them picking up guns or getting into troubles.

Commissioner Frisby applauded Orion for actively voicing his concerns. He suggested that Orion's mother consider local YMCA's.

Cassandra Candya, Trenton resident, Orion's mother addressed the Board. She said that most parents cannot afford the costs of those programs and that they should be free to all. She said that kids are afraid for their safety as most of those programs are located in a heavily crime ridden part of the city.

Councilman Mike Todd, Robbinsville Township resident, addressed the Board. He said that he had information that the most recent votes were not counted. He said a failure

of two elections was too many. He felt that residents of Mercer County were not very optimistic about the election process and many voters do not think that their votes were counted.

Don Stanley, Yardville resident, addressed the Board. He said that this was his second time at a Commissioner's meeting. He brought up the topic of Service Level Agreement, which is a contractual piece of monetary ramification when a vendor does not meet their requirements in terms of what they failed to produce contractually. He asked if Dominion Voting System, Inc., had taken responsibility for the outcome of the election because this failure should not fall on tax payers.

Chair Walter asked County Administrator Nazzaro and County Counsel Paul Adezio if they were aware of any types of payments made by Dominion and if there was a Service Level Agreement clause.

Both County Administrator Nazzaro and County Counsel Adezio answered that they were unaware of any payment from Dominion to the County.

Chair Walter explained that because the election and voting process was still ongoing that the Administration could not interfere or ask questions mid progress. She said the governing body had a limited role in the election process outside of budgeting for it.

Christine Rule, a resident of Princeton Township, addressed the Board. She said that she was a poll challenger and was concerned with the chain of custody. She said she was at the election warehouse six days after the election concluded and witnessed ballots being unloaded from Atlas trucks and that not all ballot bins were completely emptied. She asked who was responsible for each step of the election process. Ms. Rule asked what was legally required to maintain the chain of custody.

Chair Walter suggested that Ms. Rule contact the Board of Elections and the Superintendent of Elections as they were the bodies that govern the election process. She said they were responsible for training the poll workers and securing the ballot bags. Chair Walter explained that the Administration only funds elections but that the Superintendent of Election is chosen by the Governor, and the Board of Elections are brought to the Board by the Democratic and Republican chairs.

Susan Gaul, a West Windsor Township resident, addressed the Board. She was also concerned with the 2022 election. She asked why the Administration purchased additional scanners from Dominion despite having knowledge of their poor outputs. She felt that the failures on election day were intentional. She called for accountability on what happened and assured that voters were always watching.

Lance Gator, a Hamilton Township resident, addressed the Board. Mr. Gator asked why sharpie markers were used on the paper ballots rather than a black or blue ink pen.

Chair Walter answered that due to the lining of the ballots the sharpies read best. The Chair recommended that Mr. Gator contact the Board of Elections for his various extensive questions.

Mr. Gator asked what was the acceptable adjudication rate by statute or law.

Chair Walter answered there were audits conducted after each election and if there was more than one percent adjudication then that could cause a problem.

Mr. Gator asked why voters were unable to vote in person with their mail-in ballots on election day.

The Clerk to the Board, Jerlene H. Worthy, answered that voters may change their minds and vote in person although they must physically take the Vote-by-Mail to the County Clerk's office so they can verify a vote was not already cast.

Patricia E. Stanley, a Franklin Township, Somerset County resident, addressed the Board. Ms. Stanley implored the Administration to seek out all reports available on the voting machines. She said the Commissioners, of all 21 counties, must educate themselves on voting machines prior to making decisions on purchasing them. She felt the election processes in the state of New Jersey were in poor condition. She said the adjudication rates vary throughout the state and that is a violation of voters' rights.

Kim Johnson, a Hopewell Township resident, addressed the Board. Ms. Johnson asked who made the decision to purchase the current machines. She questioned whether it was the decision of the Superintendent of Elections, recommended by the Board of Elections or unanimously voted on in a public meeting.

Chair Walter answered that it was all of the above.

Commissioner Frisby said multiple open public meetings occurred where there were showings of multiple machines. He said the decision to purchase the machines occurred within a special meeting. Commissioner Frisby said there was three separate entities; Superintendent of Elections that is employed by the governor, the Board of Elections and the County Clerk, that operate differently and they are responsible for various different form of the election process. He said that the Board would listen to concerns from constituents but cannot answer for those different departments' operation processes.

Stephanie Reichart, a Freehold Township resident, addressed the Board. She asked how a voter could direct their questions and/or concerns to the directors of elections departments.

Chair Walter suggested that voters email the County Clerk, Paula Sollami-Covello, directly and that they may carbon copy the Board.

Ms. Reichart said that she was still waiting for a Republican appointee to oversee the election.

Chair Walter said that was the responsibility of the Republican County Chair and are approved by the governor.

Melissa Elsner, a Jackson Township resident, addressed the Board. She referenced a statement that was made by County Clerk Covello at the November 21, 2022 public meeting where a decision was made, by the County Clerk to change the way the ballots were being created, to save money. She felt the decision, consequently, resulted in the issues that occurred on election day. She felt that Dominion Voting System. Inc., were the scapegoats for the failure and that the decision makers avoided any mentioning of their accountability.

John Hart, a Hopewell Township resident, addressed the Board. He said that he was a challenger at Hopewell Train Station on election day. He said that the provisional ballots at the location did not work and that the mail-in ballots had addresses that were outdated. He said that people were voting out of an address that they did not reside in. He felt that this election was fraudulent and that there should be another election. He said that the County made the mistake, not the voters.

ADJOURNMENT

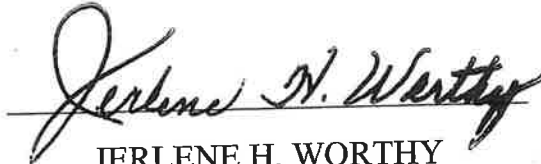
Adjournment of the Informal Meeting was offered by Commissioner Cimino and seconded by Commissioner Frisby, which was adopted by the unanimous vote of the members of the Mercer County Board of County Commissioners.

VOTE ON MOTION:

Ayes - 7. Nays - 0. Abstain - 0. Absent - 0.

Ayes - Commissioners Cimino, Frisby, Lewis, Mclaughlin, Melker, Stokes, and Walter

INFORMAL MEETING ADJOURNED AT 7:10 PM



**JERLENE H. WORTHY
CLERK TO THE BOARD**

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