



**COUNTY OF MERCER**  
McDADE ADMINISTRATION BUILDING  
640 SOUTH BROAD STREET  
P.O. BOX 8068  
TRENTON, NEW JERSEY 08650-0068  
(609) 989-6584  
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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 APRIL 11, 2019**

**MINUTES**

Chair Cimino called the Formal Meeting to order at 6:03 P.M. on April 11, 2019, in Room 211 of the Joyce L. McDade Administration Building, 640 South Broad Street, Trenton, New Jersey.

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

Present - Freeholders Cannon, Frisby, Koontz, Melker, Walter and Cimino  
Absent – Freeholder Colavita

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The Clerk to the Board read the Invocation.

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

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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 Cimino invited members of the public to comment on any item listed on the Agenda.

There were no comments.

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### **APPROVAL OF MINUTES**

On the motion of Freeholder Cannon, seconded by Freeholder Walter, the Minutes of the following meetings were approved:

Formal Meeting of December 18, 2018  
Reorganization Meeting of January 4, 2019  
Formal Meeting of January 24, 2019

### **VOTE ON MOTION**

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

Ayes – Freeholders Cannon, Frisby, Koontz, Melker, Walter and Cimino  
Absent – Freeholder Colavita

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On the motion of Freeholder Koontz, seconded by Freeholder Frisby, the Minutes of the following meeting were approved:

Formal Meeting of January 10, 2019

### **VOTE ON MOTION**

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

Ayes – Freeholders Cannon, Frisby, Koontz, Melker and Walter  
Abstain – Freeholder Cimino  
Absent – Freeholder Colavita

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**COMMUNICATIONS**

A communication was received from the Purchasing Department, dated March 28, 2019, RE: Minutes and Bid Results for the Week of March 4, 2019.

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A communication was received from the Purchasing Department, dated March 28, 2019, RE: Minutes and Proposal Results for the Week of March 11, 2019.

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A communication was received from the Purchasing Department dated March 28, 2019, RE: Minutes and Bid Results for the Week of March 18, 2019.

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A communication was received from the Purchasing Department, dated April 1, 2019, RE: Minutes and Bid Results for the Week of March 25, 2019.

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A communication was received from the County Monmouth Clerk of the Board, Marion Masnick, dated March 19, 2019, RE: Resolution urging the New Jersey Department of Environmental Protection to conduct a local public hearing regarding the Williams/Nese Pipeline on the Bayshore and to extend the Public Comment Period.

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A communication was received from the Clerk of Sussex County, Teresa Lyons, dated March 27, 2019, RE: Resolution Supporting the Human Trafficking and Child Exploitation Prevention Act.

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A communication was received from Andrew A. Mair, County Administrator, dated April 9, 2019, RE: Question from Freeholder-Chair Cimino.

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A communication was received from Andrew A. Mair, County Administrator, dated April 11, 2019, RE: Questions from Freeholder Meeting on April 9, 2019.

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**RESOLUTIONS**

At this time, the Clerk to the Board called for a Motion to Vote in Block on the following Resolutions listed on the Agenda.

Freeholder Walter, seconded by Freeholder Cannon, that:

**RESOLUTIONS NO. R-1 THROUGH R-17, ON THE AGENDA “BE VOTED ON IN BLOCK”**

**VOTE ON MOTION**

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

Ayes – Freeholders Cannon, Frisby, Koontz, Melker, Walter and Cimino

Absent – Freeholder Colavita

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

**NO. 2019-191** COUNTY OF MERCER 2019 TEMPORARY BUDGET  
ADDITIONAL APPROPRIATIONS

**NO. 2019-192** COUNTY EXECUTIVE AND CLERK TO THE BOARD  
AUTHORIZED TO EXECUTE A COMPETITIVE  
CONTRACT WITH ARAMARK CORRECTIONAL  
SERVICES, LLC FOR THE PURPOSE OF PROVIDING  
FOOD SERVICES FOR THE MERCER COUNTY  
CORRECTION CENTER. TOTAL AMOUNT: \$4,042,147.50  
(ADDITIONAL COSTS: CASE OF ENSURE: \$27.93 DAILY  
RENTAL REFRIGERATED TRAILER: \$169.99) [YEAR  
ONE: \$1,317,282.50] PERIOD: APRIL 1, 2019 THROUGH  
MARCH 31, 2022 (CC2018-12)

- NO. 2019-193** COUNTY EXECUTIVE AND CLERK TO THE BOARD AUTHORIZED TO EXECUTE A PROFESSIONAL SERVICE CONTRACT (AWARDED THROUGH A NON-FAIR AND OPEN PROCESS) WITH THE FIRM OF MCMANIMON, SCOTLAND & BAUMAN, TO DEFEND THE COUNTY IN CERTAIN LITIGATION INVOLVING THE SOLAR PANEL FIELD AT MERCER COUNTY COMMUNITY COLLEGE. AMOUNT NOT TO EXCEED: \$10,000.00. PERIOD: JANUARY 1, 2019 THROUGH DECEMBER 31, 2019. (COUNTY FUNDS)
- NO. 2019-194** 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 LAND RECORDS MANAGEMENT SYSTEM AT THE MARCH 19, 2019 TO MARCH 18, 2021 WITH AN OPTION TO EXTEND FOR ONE (1) YEAR. TOTAL AMOUNT NOT TO EXCEED: \$178,266.00
- NO. 2019-195** COUNTY EXECUTIVE AND CLERK TO THE BOARD AUTHORIZED TO ACCEPT A GRANT FROM THE NEW JERSEY DEPARTMENT OF TRANSPORTATION (NJDOT) FOR A 2017 REGIONAL TRANSPORTATION ALTERNATIVES GRANT FOR THE MERCER COUNTY GREAT WESTERN BIKEWAY. TOTAL PROJECT AMOUNT: \$2,365,900.00
- NO. 2019-196** MERCER COUNTY BOARD OF CHOSEN FREEHOLDERS APPROVES THE PURCHASE OF FIVE (5) VEHICLES (FOUR (4) FROM HAMILTON HONDA; ONE (1) FROM FLEMINGTON CAR & TRUCK); FOR USE BY THE MERCER COUNTY PROSECUTOR'S OFFICE. COST NOT TO EXCEED: \$132,848.00

- NO. 2019-197** COUNTY EXECUTIVE AND CLERK TO THE BOARD AUTHORIZED TO EXECUTE A LEASE AGREEMENT WITH EWING TOWNSHIP REDEVELOPMENT AGENCY (ETRA) FOR THE LEASE OF CERTAIN PREMISES AND FACILITIES AT 355 4<sup>TH</sup> STREET, EWING TOWNSHIP, BLOCK 117, LOTS 2 & 9 FOR THE STORAGE OF CERTAIN SEIZED AND/OR FORFEITED VEHICLES AND PROPERTY. TERM: MARCH 1, 2019 THROUGH FEBRUARY 28, 2034. ANNUAL RENTAL AMOUNT: \$30,000.00 (\$2,500.00 MONTHLY)
- NO. 2019-198** ACCEPTANCE OF TEMPORARY CONSTRUCTION EASEMENT FROM RUSSELL T. AND CATHERINE A. GRANZOW, TO THE COUNTY OF MERCER, FOR THE PURPOSE OF A BRIDGE (#216.6) REPLACEMENT PROJECT, LOCATED ON WASHINGTON CROSSING-PENNINGTON ROAD (CR 546), HOPEWELL TOWNSHIP, MERCER COUNTY FUNDS REQUIRED: \$1,500.00
- NO. 2019-199** COUNTY EXECUTIVE AND CLERK TO THE BOARD AUTHORIZED TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT [AWARDED THROUGH A NON-FAIR AND OPEN PROCESS] WITH LOOMACRES WILDLIFE MANAGEMENT, INC., TO PROVIDE WILDLIFE HAZARD MANAGEMENT AND TRAINING FOR THE IMPLEMENTATION OF AN INTEGRATED WILDLIFE HAZARD MANAGEMENT PLAN FOR THE TRENTON-MERCER AIRPORT AND SURROUNDING PROPERTIES. PERIOD: APRIL 28, 2019 THROUGH APRIL 27, 2020. AMOUNT NOT TO EXCEED: \$58,962.05

- NO. 2019-200** PARTIAL AWARD OF BID RECEIVED JANUARY 24, 2019 TO MULTIPLE VENDORS FOR SOLID AND LIQUID RUNWAY DEICER FOR THE TRENTON-MERCER AIRPORT. PERIOD: APRIL 13, 2019 THROUGH APRIL 12, 2020 WITH AN OPTION TO EXTEND FOR ONE (1) YEAR. TOTAL AMOUNT NOT TO EXCEED: \$263,000.00 (AB2018-40)
- NO. 2019-201** AWARD OF BID RECEIVED FEBRUARY 20, 2019 TO GARDEN STATE SEALING, INC., FOR TERMINAL APRON RUTTING REPAIRS FOR THE TRENTON-MERCER AIRPORT. TOTAL AMOUNT: \$246,030.00. TERM: 60 WORKING DAYS FROM NOTICE TO PROCEED (AB2019-14)
- NO. 2019-202** AWARD OF BID RECEIVED FEBRUARY 21, 2019 TO STORR TRACTOR COMPANY FOR ONE (1) ALAMO 18" MACHETE FLAIL FOR INSTALLATION ON COUNTY OWNED CASE INTERNATIONAL TRACTOR MODEL 140A OR EQUIVALENT FOR THE MERCER COUNTY HIGHWAY DIVISION AND THE MERCER COUNTY COOPERATIVE CONTRACT PURCHASING SYSTEM. PERIOD: MARCH 18, 2019 THROUGH MARCH 18, 2020. TOTAL AMOUNT NOT TO EXCEED: \$71,513.00 (CK09MERCER2019-04)
- NO. 2019-203** AWARD OF BID RECEIVED FEBRUARY 21, 2019 TO STORR TRACTOR COMPANY FOR ONE (1) ALAMO 18" MACHETE FLAIL FOR INSTALLATION ON COUNTY OWNED CASE INTERNATIONAL TRACTOR MODEL 140 A OR EQUIVALENT FOR THE MERCER COUNTY HIGHWAY DIVISION AND THE MERCER COUNTY COOPERATIVE CONTRACT PURCHASING SYSTEM. PERIOD: MARCH 18, 2019 THROUGH MARCH 18, 2020. TOTAL AMOUNT NOT TO EXCEED: \$71,513.00 (CK09MERCER2019-04)

**NO. 2019-204** MERCER COUNTY EXECUTIVE AND MERCER COUNTY BOARD OF CHOSEN FREEHOLDERS DESIGNATE THE MONTH OF APRIL AS CHILD ABUSE PREVENTION MONTH IN MERCER COUNTY

**NO. 2019-205** MERCER COUNTY BOARD OF CHOSEN FREEHOLDERS RECOGNIZES APRIL 2019 AS AUTISM AWARENESS MONTH IN MERCER COUNTY

**NO. 2019-206** MERCER COUNTY BOARD OF CHOSEN FREEHOLDERS DESIGNATES APRIL AS ESOPHAGEAL CANCER AWARENESS MONTH IN MERCER COUNTY

**NO. 2019-207** MERCER COUNTY BOARD OF CHOSEN FREEHOLDERS SUPPORTS AN ACCURATE 2020 CENSUS

**VOTE ON RESOLUTIONS:**

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

Ayes – Freeholders Cannon, Frisby, Koontz, Melker, Walter and Cimino

Absent – Freeholder Colavita

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At this time, Chair Cimino invited the following members of the public to address the Board. **(See Schedule D, attached hereto and made a part hereof)**

Keith Whitaker  
Lea Durastanti  
Susan Ermi-Campopiano

They were present tonight to discuss the ongoing contract negotiations regarding the Mercer County Special Services School District (MCSSSD).

Michael Herbert, Esq., Board Counsel, informed the Board that they were unable to comment on the matter due to the fact they were still having contractual negotiations.

The Freeholder Board thanked the individuals for attending tonight's meeting.



**ADJOURNMENT**

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

**VOTE ON MOTION**

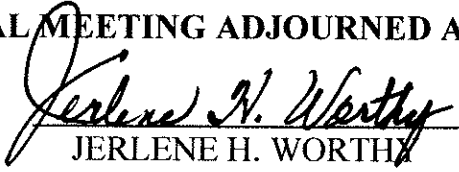
**Ayes – 6. Nays - 0. Abstain - 0. Absent -1.**

Ayes – Freeholders Cannon, Frisby, Koontz, Melker, Walter and Cimino

Absent – Freeholder Colavita

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**FORMAL MEETING ADJOURNED AT 6:34 PM**

  
JERLENE H. WORTHY  
CLERK TO THE BOARD

Presentation to Freeholders 3/28/19

As you are aware, Mercer County Special Services School District serves the needs of students in our county with severe physical, behavioral and cognitive disabilities. Our students range in age from 3 to 21. Many of our staff have worked and have been dedicated to our students for decades.

We are here tonight to share our concerns about a lack of stability in our present district's administration which is leading to difficulties in settling our contract.

For many years, our staff had felt confident in our administrators. These administrators had been at the district for years and were familiar with the students, their families, the school staff and the district. Over the past several years, however, we have had numerous administrators who have come and gone who have not had the opportunity to get to know the students, the staff or the operation of the district. As an example, the Joseph Capello School which serves the needs of the preschool population has had three principals in the last four years, two of which were interims.

Additionally, district administrators have been hired and seem to come and go before staff even know who they are. This has caused a lack of continuity in the operations of the district.

Our superintendent and assistant superintendent are shared with the vocational school. They need to rely on present district personnel who are not familiar with our students or district staff, or the district, to handle day to day operations as well as our negotiation process.

We have been working without a contract since July 2018 and WE continue to be motivated to negotiate. As we move forward in the negotiation process, we feel that the board negotiators are not prepared and feel this lack of stability had affected the ability to negotiate a fair and equitable contract.

We thank you and look forward to your continued support of our district.

My name is Susan Ermi - Campopiano and I am a 21 year veteran of MCSSETA as a teacher in the High School at Mercer County Special Services. I am here on behalf of my Union to shed light on the goings on in our district in just the past 5 years.

400

The approximate number of staff employed in our district of which about 70% have 15+ years of service to OUR district. I say this because it proves the loyalty and dedication we have for the district, the students we service and for their families as a whole.

Now for the NOT SO GOOD numbers

7

The number of supervisors, Interim Principals / interim supervisors that Joseph F. Capello building alone has had in the past 5 years, including this year operating under yet another interim principal.

5

Number of principals, supervisors, interims etc... that Mercer Elementary has had in the past 3 years

In these 2 examples, it is the members of this UNION who have kept the day to day operations running smoothly. With that being said, it should be noted that the instability of not having full time hired principals and supervisors DOES NEGATIVELY IMPACT programming. The "band-aid" fix of interims produces NO LONG TERM VISION for the future therefore having a negative impact on the children too.

12

The number of district administrative personnel that have passed through this district in the past 5 years.

2

Vacant Board seats that have been empty for quite some time now, which pose a major difficulty when trying to get them assembled for discussion and or passing initiatives.

81

The number of combined years of district knowledge and experience 3 secretaries in our district have and who applied for the vacant job of Secretary to the Superintendent yet were passed over in favor of an outsider to the district. When one of these veteran employees tried to address the board members at the last BOE meeting, board president Camille refused to even

discuss the matter saying "we don't do the hiring, we only approve the hires and this is not the time nor the place to discuss this matter". When is it the correct time?

This leads me to the last number of the night and one of the most egregious.

## 0

**HUMAN RESOURCES MANAGER** available for employees of the district to contact when the need arises. The person currently holding the position is out on leave with no return date in sight. This hire comes in to question because this person originally entered the Vocational School in search of a \$70.00 a day substitute teaching job and left with an \$80,000 per year Human Resources Manager job because our Assistant Superintendent had a "good feeling" about her. This person has ZERO education in Human Resources! This person has ZERO background in Human Resources! This person has ZERO prior experience in Human Resources yet the same Board of Education who REFUSES to negotiate with us or go through mediation with us, approved this hire without hesitation. Our last HRM took part in negotiations, while this one has no idea. To make matters worse, the Assistant Superintendent, with her own full set of job responsibilities now feels she is capable of filling this job by acting as Human Resources Manager. This poses 3 major problems for us:

1. She too is NOT qualified to hold this position. She has a background as an LDTC, NOT human resources manager.
2. This is a MAJOR CONFLICT OF INTEREST.
3. Wrong information has been given to people with some major medical issues because people are not qualified.

In closing, I bring these facts to you as one of your jobs as Freeholders is to oversee appointments by the County Executive including our board, superintendent and assistant superintendent. Our board chooses NOT to engage in any type of negotiations with the 1 constant in the district ... the staff who have daily contact with the students yet they have been extremely generous to interim staff, unqualified hires etc.. They are fine with absenteeism by the Superintendent and assistant superintendent at BOE meetings, which on every Superintendent job responsibilities page we have read, is a requirement of the job. There is no presence in our schools. Months pass without seeing either of them. The board members have never visited to see what we do. There seems to be a major disconnect leaving us wondering if they are interested in what we do and are they as invested in what we do? All of this instability affects the everyday operations of the district as well as it having a negative impact on the students (especially in schools with interim leadership). Lastly, this affects the negotiating process. It seems like every 3 years we are on this roller coaster of stalled contract negotiations well after the current contract has expired. We (and I) appreciate this opportunity to speak to all of you tonight and we hope that we can work together to resolve many of the issues the numbers point out. THANK YOU!!!

Administrators who have left or resigned  
from Mercer County Special Services  
School district:

Jason Ward-Supervisor 8/1/14  
JFC Principal 7/1/17-resigned under duress  
6/30/18

Patricia Caballero-JFC principal 9/12/17  
resigned under mandate 8/30/17

Stacey Jakalow-12/7/05 resigned 8/30/18

Steve DiMatteo-3/20/15 resigned under  
duress 6/30/17

Christopher Harris-7/1/15 resigned under  
duress 5/30/17

Danielle Holly-7/1/15 resigned under duress  
6/30/16

Paulette Bearer-9/20/15 cease and desist  
11/20/15

Micheal Lee-Director of Student Services  
4/20/14 resigned under duress

Brian Bittings-Interim JFC 7/1/15-6/30/17

Robert Pupchik -Interim Supervisor JFC  
1/3/19

Katherine Blades Supervisor Student  
Services 9/30/18 resigned under duress  
12/30/18

Christine Sevilla- Principal JFC10/1/15  
retired under duress

Shirley Turner- Supervisor unqualified

Paul Cicchini- Supervisor of Student  
Services 12/20/16 resign/released 6/30/17

Michael Dillon- Supervisor MHS 9/1/16  
resigned

Additional administrators who have left our  
school district

Alene Bosato-Interim

Michael Luciano

Christine McDonald-Admin

Tonya Dawson-Business Admin

Current Interim at JFC- Ron Concellioni

My name is Keith Whitaker and I am one of the co-chairs for the Negotiations Team for the Mercer County Special Services Educational and Therapeutic Association also known as MCSSETA.

We have been working without a contract since July 1, 2018. We began the negotiations process in March of 2018. We were able to initially make progress coming to tentative agreements on nine proposals and withdrawing 18 proposals from the original combined proposals from both parties. In early fall of 2018 the Negotiations Team for the Board of Education dismantled and went through some major changes. The original attorney representing the Board for her second round of Negotiations was replaced by a new attorney and the Human Resources Director who played a major role behind the scenes in this and many past rounds of negotiations, resigned and went to another district. This left the newly hired Business Administrator as the lone member from the original March 2018 Board of Education Team. We addressed the Board at that time and invited Board Members to join us at the table to help us reach a fair and equitable settlement. The Board President joined their team for the next and subsequent meetings. These changes certainly slowed the process and hindered progress. The Board President commented at the last Board Meeting that we went right to mediation, that was not the case as we had been meeting since March 2018 and made progress, she joined the team late and was not present during that time.

Our progress since March 2018, left only 14 proposals on the table remaining from 41 initial combined proposals. One of these proposals which is very important to our members deals with Chapter 78 relief. Because of Chapter 78 so called contributions, which can be in excess of 10,000 dollars a year, many of our members are taking home less money from their paychecks than they did six years ago or have seen a very minimal increase over that six year period. We made an offer to the Board to make a change dealing with health care benefits which had the potential to save the Board over 700,000 dollars this year and even more in future years, in return for Chapter 78 relief. This proposed change would have created more work for our members, putting the burden on us. The Board turned down our proposal and said that they were not interested in negotiating any Chapter 78 relief.



This made it clear to us that finances were not an issue for the Board. We withdrew that proposal and at that point we felt that we were no longer making progress so we moved to mediation. Currently there are 155 districts in the state of New Jersey that have offered their employees relief from Chapter 78. Recently, Ewing Township ratified their contract which contained Chapter 78 relief.

We had one meeting with the Mediator and he felt that he was not going to make any progress so he moved us to Fact Finding. We are currently awaiting a meeting date with the Fact Finder.

Our Superintendent, Dr. Schneider, sat at the negotiations table the first round of negotiations during her tenure at Mercer County Special Services, but has not been involved in that capacity since. Prior Superintendents played an active part in Negotiations helping us to resolve issues and settle our contracts. Perhaps additional involvement by Board of Education members and the Superintendent would be beneficial to the process.

Working without a contract and all of the uncertainty and woes that go along with it are a great distraction and have created additional stress for our members. We need to settle our contract as soon as possible so that all of our time, energy and focus is directed towards offering our students the very best possible experience at Mercer County Special Services School District.

We welcome any assistance that you can offer to help us to settle our contract with a fair and equitable resolution. Thank you for your time and continued support of our school district.

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My name is Leah Durastanti  
My address is 42 North Main St. Lambertville, NJ 08530

Good evening,

I am a classroom teacher at Mercer High School. I am also the president of Mercer County Special Services Education and Therapeutic Association, MCSSETA for short. MCSSETA represents the one-on-one Assistants, Classroom Assistants, Teachers, Therapists, Child Study, and nurses. Tonight you will be hearing from two members. They are going to discuss some very real concerns that we all have in the district. These concerns are not new. This is not the first time that we have voiced our concerns. It is the first time we are bringing them to you, because we truly feel that no one in our district is hearing us. I ask that you please not only listen to our concerns but hear them. Hear our frustration.



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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 APRIL 9, 2019**

**MINUTES**

Freeholder Board Chair Cimino called the Agenda Meeting to order at 6:02 P.M. on April 9, 2019, in Room 211 of the Joyce L. McDade Administration Building, 640 South Broad Street, Trenton, New Jersey.

**ROLL CALL**

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

Present - Freeholders Cannon, Colavita, Koontz, Melker, and Cimino  
Absent – Freeholders Frisby and Walter (Who arrived at 6:13 PM)

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

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**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 Informal 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.

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## VOTING MACHINE PRESENTATION

Ms. Irene Goldman and Professor Andrew Appel were present tonight to discuss the many voting machines the Freeholder Board had viewed over the past several weeks. Ms. Goldman thanked the Board for their time and spoke of the numerous vulnerabilities voting machines can experience. She urged the Freeholder Board to strongly consider hand marked paper ballots for Mercer County. **(See Schedule A, attached hereto, and made a part hereof)**

Professor Andrew Appel presented the Board with a presentation and discussed with them his thoughts and concerns regarding potential voting machines. He agreed that hand marked paper ballots were the best option for Mercer County. **(See Schedule B, attached hereto, and made a part hereof)**

The Freeholder Board discussed the pros and cons of the different options and thanked Professor Appel for his feedback.

Chair Cimino thanked Ms. Goldman and Professor Appel for coming before the Board.

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## MINUTES

1. Formal Meeting of December 18, 2018
2. Reorganization Meeting of January 4, 2019
3. Formal Meeting of January 10, 2019
4. Formal Meeting of January 24, 2019

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## COMMUNICATIONS

Seven (7) communications were discussed and approved for placement on the Agenda for the Formal Meeting of April 11, 2019.

Freeholder Koontz commented on communication C-4, which was received from the Purchasing Department, dated April 1, 2019, RE: Minutes and Bid Results for the Week of March 25, 2019. He asked the Administration if the County had any armored vehicles in their inventory currently.

County Administrator, Andrew Mair, replied he did not know that information off hand, but would get back to the Board.

Freeholder Koontz also asked why the Sheriff's Department would need that type of heavy duty militarized vehicle. He needed further information as to why they were requesting to purchase one.

Freeholder Walter mentioned that at one point the Prosecutor's Office had one for use but the County did not want to take on the responsibility of it. She also questioned the purchase of the vehicle.

Mr. Mair answered that he would obtain further information on the matter.

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### **RESOLUTIONS**

Seventeen (17) proposed Resolutions were discussed and approved for placement on the agenda for the Formal Meeting of April 11, 2019.

Freeholder Walter made reference to the following proposed Resolution authorizing a Competitive Contract with Aramark Correctional Services, LLC for the purpose of providing food services for the Mercer County Correction Center (MCCC). She asked what exceptions were listed in Aramark's proposal for the MCCC nutrition program.

County Administrator Mair replied that he would provide that information to the Board on Thursday.

Freeholder Walter requested that County Counsel review the clause as well.

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Freeholder Cannon made reference to the proposed Resolution authorizing to accept a Grant from the New Jersey Department of Transportation (NJDOT) for a 2017 Regional Transportation Alternatives Grant for the Mercer County Great Western Bikeway. She asked if the existing trails would eventually extend into other areas such as East Windsor or Hightstown.

Mr. Mair said he was not fully aware of the trails being expanded into those areas, but said he would double check.

Freeholder Koontz commented that to his knowledge there are at least two trails in that part of Mercer County already. He requested that the Administration provide the Board with an update regarding the Southeastern part of Mercer County.

Mr. Mair said he would have that information to the Board by Thursday.

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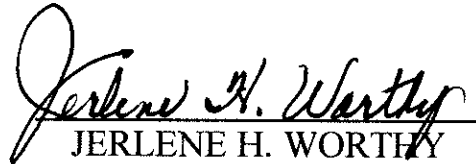
**PUBLIC SECTION**

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

Mr. Jim Burd, a resident of Hopewell, addressed the Board. He was present tonight to discuss the Positive Modification of the NJ Affordable Housing Law. He presented the Board with a handout and asked that they look over the information so he could discuss this matter with each of the Freeholders' personally. Mr. Burd thanked the Board for their consideration and commented that he looked forward to speaking with them in the future. **(See Schedule C, attached hereto, and made a part hereof)**

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**AGENDA MEETING ADJOURNED AT 6:48 PM**

  
JERLENE H. WORTHY  
CLERK TO THE BOARD

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COALITION FOR PEACE ACTION (CFPA).

Stephanie Harris, CFPA Voting Integrity Task Force Chair. 609 466 0194

Irene Etkin Goldman, CFPA Board Chair. 609 882 9186

**Mercer County Board of Freeholders meeting, April 9, 2019. 6pm.**

**The best voting system choice for Mercer County, is one of hand marked paper ballots, a tabulating Optical Scanner, accompanied by a non-tabulating Ballot Marking Device for the disabled. This is the most secure, and by a large margin, least expensive option.**

There are 4 reasons why we urge you to purchase precinct based optical scan and ballot marking devices for the disabled: they are more secure, more efficient, less costly, and a proven technology used in 70% of the states.

1. Dr. Appel illustrates the vulnerabilities of the all-in-one ballot-marking device and the advantages of the op scan system. While an op scan can also be hacked, using the hand marked paper ballot, which is the NJ ballot of record, an audit can insure the integrity of the vote.
2. **NO LINES.** Multiple voters can be hand-marking their ballots at the same time, and then feed them through the op scan, a process that just takes seconds. A voter might need perhaps 10 minutes or more with a ballot-marking device (or All in One system), especially if they detect an error. Voters can hand mark ballots even if there is an electrical or machine failure, and the ballots can be held and counted after the crisis passes. Ballot-marking devices depend upon electricity.
3. **COSTS.** Generally only one op scan is needed for 2400 registered voters. Each can contain as many as 20 different ballot styles. And, for example, if only 50% of the registered voters appear on election day, then 1200 actual voters per op-scan. Many fewer machines means less: storage, maintenance, transportation, and capital costs. The added cost of paper ballots is offset by the elimination of the need for emergency and provisional ballots.
4. **The insecurity of the Hybrid/All-in-One systems such as ES&S ExpressVote and the Dominion Image Cast Evolution are a danger to our voting integrity\*.** And, importantly, they are much more expensive by a factor of about four.

**The best voting system choice for Mercer County, is one of hand marked paper ballots, a tabulating Optical Scanner, accompanied by a non-tabulating Ballot Marking Device for the disabled. This is the most secure, and by a large margin, least expensive option.**

**Therefore, please purchase, or lease with an option to buy, such optical scan machines for Mercer County to reassure our citizens that we have a secure, efficient, cost conscious voting system. Thank you for your consideration.**

\* please refer to the articles we sent in advance expanding on this statement



# New Jersey counties should switch to optical scan voting of hand-marked paper ballots

Andrew W. Appel

April 2019

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Almost all NJ's counties use paperless DRE (direct-recording electronic, "touchscreen") voting machines. Because these voting computers have no paper trail that could detect and correct computer hacking, New Jersey's counties should switch now to a more trustworthy voting method used by most states: precinct-count optical scan voting.

By background, I am a computer scientist with expertise in computer security and formal verification of software. But for the last 16 years I have also studied, and written about, elections and voting technology.

Andrew W. Appel  
Professor of Computer Science  
Princeton University

## Fundamental flaw of voting computers:

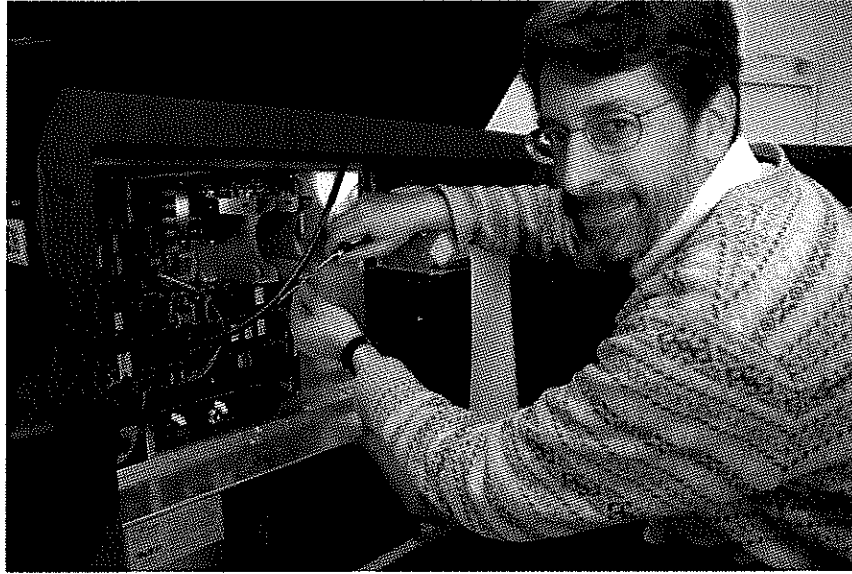
Whoever programs the computer,

decides what election results are reported by the  
computer program inside the voting machine

3

'nuff said.

Here's how to install a vote-stealing program into one of NJ's AVC Advantage voting machines

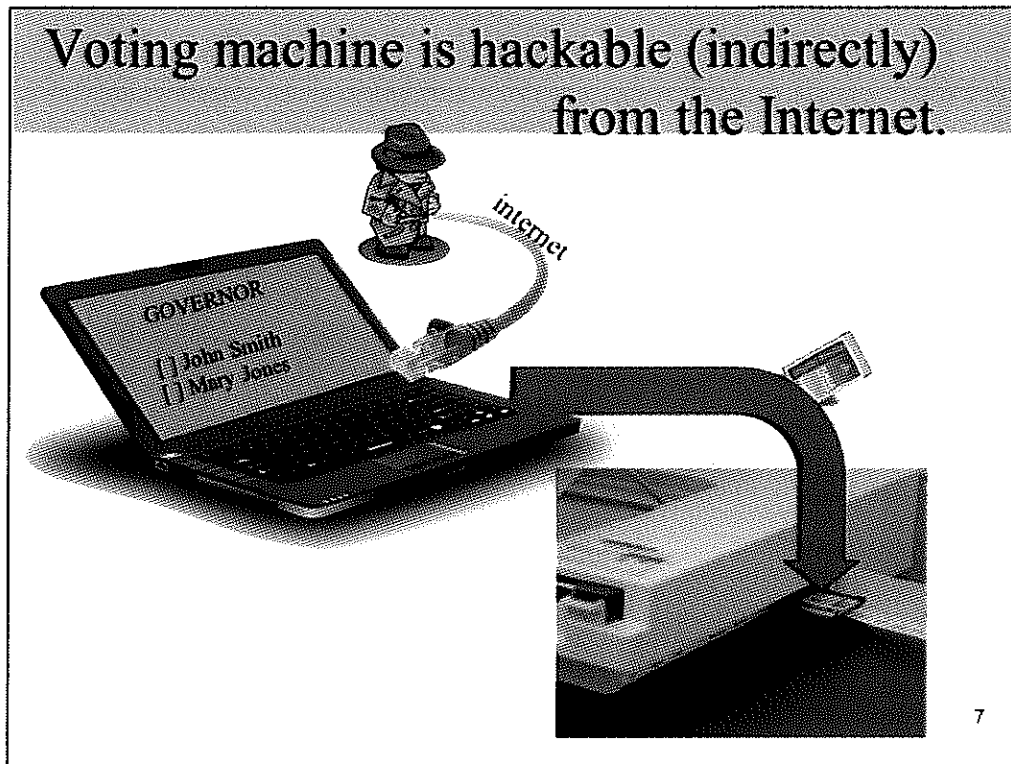


(This machine is still used in NJ, LA, PA)

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In 2008 I demonstrated (for a case in the Superior Court of New Jersey) how easy it is to write a vote-stealing program and install it in one of New Jersey's voting machines. It takes about 7 minutes to open up the machine, unscrew the motherboard cover, replace one chip (where I'm pointing with the screwdriver), and replace the screws.

By the way, you might think that the state could install some tamper-evident security seals, and that would prevent the crooks from getting in there. But you would be wrong! Supposedly "tamper-evident" seals don't provide much protection. See my paper, "Security Seals on Voting Machines: A Case Study," by Andrew W. Appel. *ACM Transactions on Information and System Security*, vol. 14, no. 2, pages 18:1--18:29, September 2011.



An election administrator may say, “our voting machines don’t connect to a network, so they can’t be hacked from the Internet.” That’s not true: even if a voting machine has no network connector, it *can* be hacked from the Internet.

And here’s how to hack a voting machine from the Internet. The attacker hacks in to the election administrator’s network, and gains access to the computer used for programming Ballot Definition Files. He hacks that computer so that, in addition to putting Ballot Definitions into the removable cartridge, the election management system computer also writes a fraudulent vote-counting (vote-stealing) program to the cartridge. The computer will put the vote-stealing program into every Ballot Definition cartridge destined for every voting machine. Then, when that cartridge is loaded into the voting machine, before the election, it will be installing the vote-stealing program.

This attack was first demonstrated in 2006, on a real voting machine:

Security Analysis of the Diebold AccuVote-TS Voting Machine, by Ariel J. Feldman, J. Alex Halderman, and Edward W. Felten. *Proceedings of the 2007 USENIX/ACCURATE Electronic Voting Technology Workshop (EVT’07)*, August 2007.

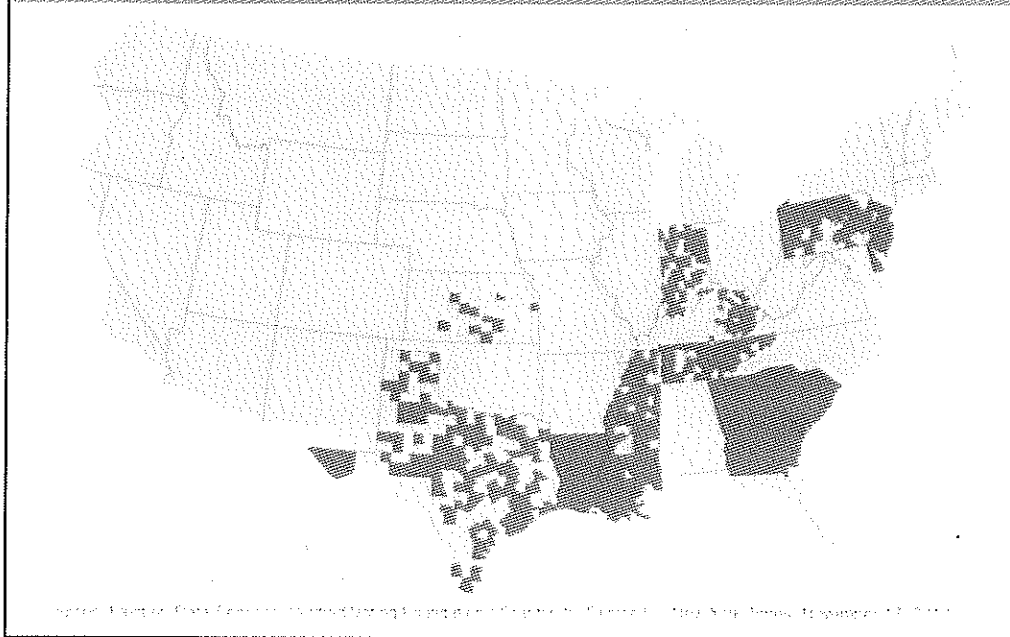
## ... but we can still run trustworthy elections

- Here's how:

1. Voter marks a paper ballot
2. Voter feeds ballot into precinct-count optical scanner (PCOS)
3. PCOS counts the votes, drops ballot into ballot box
4. At close of polls, PCOS tells you the results
5. Next day, do RLA "risk-limiting audit:" inspect a small sample of the paper ballots to make sure the PCOS was not cheating

(Or: use central-count optical scanner (CCOS) with mail-in ballots, do RLA to make sure the CCOS wasn't cheating)

## Counties that used paperless DREs in 2018



About 10 states still use paperless direct-recording electronic (DRE) “touchscreen” voting computers, for most or all of their voters. Two or three states use touchscreen DREs with a “voter verified paper audit trail,” which is not quite as bad. About 37 states use optical-scan balloting for almost all their voters.

Of these states, several of them are in the process of switching to paper ballots: Pennsylvania, Delaware, Georgia, ...

## Ballot marking device (BMD)



Need one of these in each polling place (not in each *precinct!*),  
to accommodate voters not able to mark an optical-scan ballot using a pen. 12

Federal law requires a “voting system equipped for individuals with disabilities at each polling place” (Help America Vote Act, 2002).

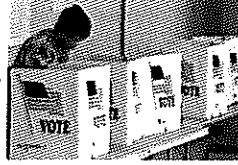
When optical-scan voting is used, this “accessible voting system” usually takes the form of a Ballot-Marking Device (BMD), which can produce a paper ballot that can be counted by the optical scanner.

# What I recommend

Sign the pollbook.  
receive a ballot



Mark the ballot  
with a pen



Insert the ballot  
into the scanner





## What I don't recommend

Sign the pollbook



Use a ballot-marking device



Insert the ballot into the scanner



## What I don't recommend

Sign the pollbook



Use an all-in-one machine



# How we should vote

**OFFICIAL BALLOT**  
CONSOLIDATED GENERAL ELECTION  
COUNTY OF SAN DIEGO

**Most voters**

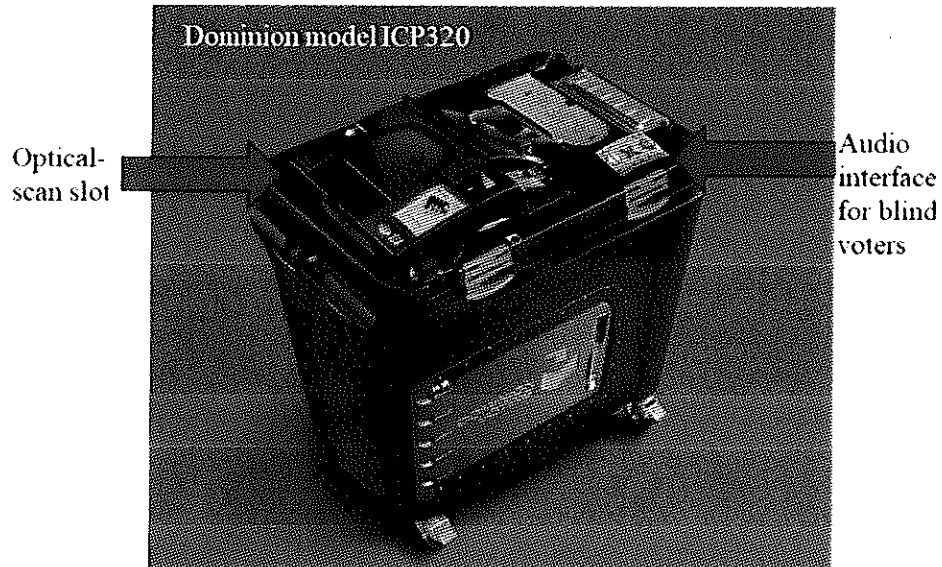
**Voters with disabilities use the BMD**

**Optical-scan vote counter**

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The BMD is still necessary to accommodate voters with disabilities.

## Safely combining BMD with opscan



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In December 2018, I observed this machine in use during a bond referendum election in Princeton, NJ. It has an interesting feature: On one side there is the slot for voters to feed their ballots in; on the other side is a ballot-marking interface that can be used by disabled voters. One of these optical scanners can serve a polling place with up to 1200 voters (2400 registered voters) *without needing a separate BMD for use by disabled voters*.

Earlier I explained that one should not use all-in-one machines that can mark votes after the last time the voter verifies what's on the paper. This machine does *not* have a vote-printer in the same paper-path as the vote-scanner. Therefore, there is no voter-verifiability problem with this machine.

I am told that Dominion is offering this machine in New Jersey at \$4000 per unit.

## Conclusion

### **Safest way to vote**

**Hand-marked paper ballot,  
precinct-count optical scan**

**(touchscreens are not recommended  
because, if hacked, they can mark  
fraudulent votes, and voters  
won't notice)**

### **Cheapest way to vote**

**Hand-marked paper ballot,  
precinct-count optical scan**

**(touchscreens cost much more)**

New Jersey is...

- 1st in the nation for highest property taxes
- 3rd most expensive state to live in
- 5th in the nation for highest per student school spending
- 5th in the nation for highest state income tax
- 6th most expensive state to purchase a home
- #1 most densely populated state in the nation with 1,216 people per square mile

Land is at a premium and developers want to cash in and develop every last inch

FACT: Renting or owning a home should be affordable to NJ residents who qualify, but not at the expense of local ordinance that is contrary to NJ municipal land use law.

FACT: NJ's affordable housing (AH) mandates are not working and our government is not listening to the voice of the people – who support AH but want it to be implemented fairly, honestly and sensibly.

FACT: The current pace of proposed AH development is not reasonable or sustainable and will be catastrophic to towns, schools, volunteer emergency services, infrastructure and to NJ's natural resources, ecosystems, waterways and environment.

What We Want

- 1) We believe municipal AH obligations should not be determined by the courts and that there should be clear, statewide guidelines to follow.
- 2) "Builder's remedy" lawsuits should be eliminated as a mechanism used to satisfy a municipality's AH obligations.
- 3) We believe the laws governing AH must consider the impact on our schools, roads, traffic and congestion, emergency services and the preservation of open space and our quality of life.
- 4) NJ's environment must be protected from sprawl and overdevelopment; AH should not be built on environmentally-sensitive land or land that has been remediated from contamination.
- 5) AH that is built should not "expire" and should count towards all future AH rounds and obligations.
- 6) We, the residents of NJ, seek to disband the Fair Share Housing Center (FSHC) who takes our hard-earned tax dollars to enrich the wallets of lawyers and developers at the expense of NJ's future.
- 7) We, the people, demand a bi-partisan review of AH and legislative reform to make NJ's affordable housing fair.

We are calling for reasonable ways to address the current problems to enact clear legislative guidelines that will: 1) ensure that AH benefits those in need; 2) implement a regional or

statewide approach; 3) expand the ways in which municipalities can address their fair share of affordable housing—FAIRLY!

<https://www.thepetitionsite.com/572/858/429/new-jersey-affordable-housing-time-to-make-it-fair/>

OR

<https://bit.ly/2KAXg1B>

April 9, 2019

Freeholders of Mercer County, NJ please contact Jim Burd, President of Citizens Improving Affordable Housing and Former Mayor of Hopewell Twp., Mercer County, NJ

Cell Phone: 609-790-9487

Email: [jim.burd@gmail.com](mailto:jim.burd@gmail.com)

We must discuss this important issue that needs to be properly reformed.