



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

FORMAL MEETING OF APRIL 23, 2020

MINUTES

Freeholder Chair Koontz called the Formal Meeting to order at 6:02PM on April 23, 2020 through Cisco WebEx Video Conferencing.

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

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

The Clerk to the Board read the Invocation.

Chair Koontz 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 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.

Chair Koontz asked for a moment of silence for the victims in New Jersey and Mercer County who died from COVID-19. He thanked Governor Murphy for recognizing Darlene Mae Andes, Mercer County Public Health Emergency Notification System Coordinator, who died on April 5, 2020, from COVID-19. He asked that the Governor's remarks about Ms. Andes be added to the record. (See Schedule A, attached hereto, and made a part hereof)

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

Susan Herman, resident of Newtown, PA voiced her concerns regarding Resolution 15, 16, 17 and 18. (See Schedule B attached hereto, and made a part hereof)

Judith Hoper, a resident of Yardley PA, also raised concerns on the FlightServ Resolution regarding construction on the contaminant site. She stated that in the remediation plan there are five (5) mentions where the deed notice for that property is forcing them to minimize disturbing contamination in the soil and that it appears that a laptop assessment has been done of existing old data. She urged the Freeholder Board to table the Resolution to consider environmental implementation.

Robin Karf, a resident of Princeton, voiced her concerns regarding FlightServ activity at the naval site.

Debra Baseman, a resident of Princeton, also voiced her concerns regarding the construction at the naval site and reviewed the remediation for the site. She urged the Freeholder Board to table the Resolution and conduct a comprehensive environmental impact study.

Freeholder Cimino said the Board has heard several questions regarding the naval site and asked is there an environmental consultant that could address the PFAS issue. He requested more information on the impacts of the challenges and the contamination in the naval site.

Daniel Markind, Esq., said the PFAS is an emergent situation and thanked Aaron Watson, Deputy Administrator, Melinda Montgomery, Airport Manager, and Paul Adezio, County Counsel, held a meeting last year regarding PFAS issue at the airport and that the issue is at the forefront of discussion. He noted that there are several projects at the airport, at times Resolutions, is acted on collectively and in segments. He indicated that he was only involved in the FlightServ project at the old naval site and that there are two elements to the naval site, one element controlled by the naval and the other element

provided to the airport. He explained that the navy would be responsible for the PFAS remediation on the navy property, and the airport would be responsible for the other parts at the airport. He said the project's hard work was conducted two years ago when presented to the Freeholder Board and the FAA. He stated that there was no material change except for increasing the timeframe for FlightServ responsible for paying for the 600,000 gallons. He said there are many buildings that are being repaired and that there is a barrier that was constructed by the navy to prevent rainwater from flowing into the groundwater that would potentially contaminate the groundwater. He added that as part of the environmental remediation, the project is paid for by FlightServ and that buildings would be demolished. He explained that there is a substantial amount of environmental remediation that needs to be done for the entire community. He mentioned that there has been an extensive discussion on the PFAS issue and that environmental remediation is extremely positive. He also said further delaying the project is self -defeating from an environmental perspective.

Freeholder Frisby asked if there was an engineering firm monitoring the accumulation of the projects. He wondered if a study had been conducted to detect the PFAS in the area.

Mr. Markind said the accumulations are under the airport environment master plan. He noted the PFAS is everywhere and that it is essential to look for sites that are the most contaminated or areas where PFAS stream into the groundwater. He added that he is confident that the environmental remediation would repair, replenish, and replace the barrier to prevent water from flowing into the groundwater.

Freeholder Frisby asked for clarification on repairing the barrier.

Mr. Markind responded, yes would recap the barrier.

Freeholder Walter referred to the lease amendment regarding capping and recapping; however, she mentioned there was no discussion on the flexible membrane that protects the jet fuel storage area. She made reference to Exhibit E.

Mr. Markind said he would look into the concerns and if something needs to be repaired and replaced in terms of the environmental remediation. If FlightServ is conducting the work, the County would be responsible for the repairs.

Freeholder Cimino asked who represents the County and provides environmental advice to the airport on all projects.

Freeholder Walter said Kleinfelder would provide the advice.

Freeholder Cimino asked has Kleinfelder looked into this particular issue.

Mr. Markind said Kleinfelder would not provide a formal environmental opinion; however, Kleinfelder is monitoring the environmental issues.

Freeholder Melker stated that Kleinfelder should provide the County with environmental recommendations for the property.

Mr. Markind said consultants are comfortable with the recommendations to move forward on the projects.

COMMUNICATIONS:

A communication was received from Lillian Nazzaro, Esq., Deputy County Administrator, dated April 21, 2020, RE: Questions and Answers

A communication was received from New Jersey Governor Phil Murphy, dated April 22, 2020, RE: The Governor Memorializes Mercer County Health Educator, Darlene Mae Andes, who died from COVID-19

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 Cannon, seconded by Freeholder Frisby, that:

RESOLUTIONS NO. 1 THROUGH 19 ON THE AGENDA “BE VOTED ON IN BLOCK”

VOTE ON MOTION

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

Ayes- Freeholder Cannon, Cimino, Colavita, Frisby, Melker, Walter and Koontz

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

- NO. 2020-228 MERCER COUNTY BOARD OF CHOSEN FREEHOLDERS APPROVES A GSA CONTRACT PURCHASE (GS-07F-6099R) FROM THERMO SCIENTIFIC PORTABLE ANALYTICAL INSTRUMENTS, INC., FOR A CHEMICAL IDENTIFICATION SYSTEM AND FIRSTDEFENDER UPGRADER EQUIPMENT FOR USE BY WEST WINDSOR EMERGENCY SERVICES RESPONDING TO HAZMAT INCIDENTS IN MERCER COUNTY. TOTAL PURCHASE PRICE: \$54, 250.00 (2019 HOMELAND SECURITY GRANT FUNDS) (919-9142-482-91-20)
- NO. 2020-229 COUNTY EXECUTIVE AND CLERK TO THE BOARD AUTHORIZED TO EXECUTE A SOFTWARE MAINTENANCE AND SUPPORT AGREEMENT WITH TRITECH SOFTWARE SYSTEMS FOR SOFTWARE MAINTENANCE AND SUPPORT FOR THE VISICAD COMPUTER AIDED DISPATCH SYSTEM AT THE EMERGENCY SERVICES COMMUNICATIONS CENTER. AMOUNT NOT TO EXCEED \$133,661.68. PERIOD: JANUARY 1, 2020 THROUGH MARCH 31, 2021

- NO. 2020-230 COUNTY EXECUTIVE AND CLERK TO THE BOARD AUTHORIZED TO SUBMIT A GRANT APPLICATION TO THE NEW JERSEY STATE COUNCIL ON THE ARTS FOR THE CO-SPONSORED PROJECT MULTI-YEARS (CSPM) FOR THE DIVISION OF CULTURE AND HERITAGE TO ADMINISTER THE 54th ANNUAL STATEWIDE SENIOR CITIZEN ART SHOW; (THREE YEAR GRANT PERIOD: FY 2021 THROUGH FY2023)
- NO. 2020-231 COUNTY EXECUTIVE AND THE CLERK TO THE BOARD AUTHORIZED TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT AWARDED (THROUGH A NON- FAIR AND OPEN PROCESS) EAST LATITUDE LLC., FOR A PROPERTY SURVEY ON THE WOLFF PROPERTY, BLOCK 32, LOT 10, WEST WINDSOR TOWNSHIP. PERIOD: APRIL 7, 2020 THROUGH APRIL 7, 2021 (REPORT DUE IN (SIXTY) 60 DAYS). COST NOT TO EXCEED: \$3,200.00
- NO. 2020-232 COUNTY EXECUTIVE AND CLERK TO THE BOARD AUTHORIZED TO EXECUTE A PROFESSIONAL SERVICE CONTRACT WITH THE LENOX LAW FIRM TO REPRESENT MERCER COUNTY WITH EMPLOYMENT, LABOR AND PERSONNEL MATTERS. AMOUNT NOT TO EXCEED: \$50,000.00 (COUNTY FUNDS). PERIOD: JANUARY 1, 2020 THROUGH DECEMBER 31, 2020.
- NO. 2020-233 COUNTY EXECUTIVE AND CLERK TO THE BOARD AUTHORIZED TO EXECUTE A SUBORDINATION AGREEMENT FOR A CERTAIN HOME INVESTMENT PARTNERSHIP PROGRAM LOAN; BORROWER: PROJECT FREEDOM, INC., COUNTY COST: \$0

- NO. 2020-234 AWARD OF BID RECEIVED MARCH 6, 2020 TO W.E. TIMMERMAN CO, INC., FOR ONE (1) 2020 OR NEWER INTERNATIONAL MODEL #MV607 SBA-4x2 OR EQUIVALENT WITH GRAPPLE SAW (INSTALLED) FOR USE BY THE SHADE TREE DIVISION AND THE MERCER COUNTY COOPERATIVE CONTRACT PURCHASING SYSTEM. PERIOD: MARCH 31, 2020 THROUGH MARCH 30, 2021. TOTAL AMOUNT NOT TO EXCEED: \$391,850.00
- NO. 2020-235 AWARD OF BID RECEIVED FEBRUARY 12, 2020 TO GREENLEAF LANDSCAPE SYSTEMS FOR LAWN MAINTENANCE SERVICES FOR THE MERCER COUNTY LIBRARY SYSTEM AND THE MERCER COUNTY COOPERATIVE CONTRACT PURCHASING SYSTEM. PERIOD: MARCH 21, 2020 THROUGH FEBRUARY 22, 2022. TOTAL AMOUNT NOT TO EXCEED ; \$27,700.00 WITH AN HOURLY RATE OF \$24.00 FOR ADDITIONAL WORK FOR THE COUNTY AND THE MERCER COUNTY COOPERATIVE CONTRACT PURCHASING SYSTEM
- NO. 2020-236 COUNTY EXECUTIVE AND CLERK TO THE BOARD AUTHORIZED TO EXECUTE A GRANT AWARD WITH THE NEW JERSEY ASSOCIATION OF COUNTY AND CITY HEALTH OFFICIALS (NJACCHO) FOR THE HEPATITIS A GRANT FUNDING OPPORTUNITY. PERIOD: FEBRUARY 1, 2020 THROUGH JULY 31, 2020. AMOUNT: \$44,586.00 (STATE FUNDS) (NO COUNTY FUNDS)

- NO. 2020-237 COUNTY EXECUTIVE AND CLERK TO THE BOARD AUTHORIZED TO SUBMIT A GRANT APPLICATION AND SUBSEQUENT SUB-GRANT AWARD DOCUMENTS WITH THE STATE OF NEW JERSEY FOR THE MERCER COUNTY PROSECUTOR'S OFFICE TO PARTICIPATE IN THE VICTIMS OF CRIME ACT GRANT PROGRAM ADMINISTERED BY THE DIVISION OF CRIMINAL JUSTICE, DEPARTMENT OF LAW AND PUBLIC SAFETY. AMOUNT: \$100,000.00 (\$80,000.00 FEDERAL; \$20,000.00 COUNTY MATCH) PROJECT PERIOD: SEPTEMBER 1, 2019 TO AUGUST 31, 2020. GRANT NO. VCS-11-17
- NO. 2020-238 AMEND RESOLUTION NO. 2020-50, ADOPTED JANUARY 23, 2020 AND AUTHORIZE COUNTY EXECUTIVE AND CLERK TO THE BOARD TO EXECUTE AMENDMENT NO. 1 TO THE SHARED SERVICES AGREEMENT (SSA) WITH THE TOWNSHIP OF HAMILTON FOR THE PROVISION OF PUBLIC HEALTH SERVICES "AMEND RESOLUTION TO EXTEND THE PERIOD FOR AN ADDITIONAL ONE MONTH. REVISED PERIOD: APRIL 1, 2020 TO APRIL 30, 2020. AMOUNT NOT TO EXCEED : \$4,000.00
- NO. 2020-239 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 (GRANT AWARD NO. 2020-05235-0219-00) PERIOD: JANUARY 1, 2020 THROUGH DECEMBER 31, 2020. AMOUNT: \$75,487.00 [STATE FUNDS] [NO COUNTY FUNDS]

- NO. 2020-240 COUNTY EXECUTIVE AND CLERK TO THE BOARD AUTHORIZED TO EXECUTE A SHARED SERVICES AGREEMENT WITH THE MERCER COUNTY BOARD OF SOCIAL SERVICES FOR THE PROVISION OF MOTEL / HOTEL PLACEMENTS, 24 HOUR RESPONSE FOR HOMELESS INDIVIDUALS, FAMILIES, AND PERSONS ENTERING THE SYSTEM VIA THE STATEWIDE 211 SYSTEM, AND CODE BLUE ALERT PLANS TO SHELTER AT RISK INDIVIDUALS. PERIOD: JANUARY 1, 2020 THROUGH DECEMBER 31, 2020. AMOUNT: \$121,148.00 (\$82,348.00 [SOCIAL SERVICES FOR THE HOMELESS (SSH) FUNDS]; \$18,800.00 [HOMELESS TRUST FUNDS]; \$20,000.00 [COUNTY FUNDS])
- NO. 2020-241 COUNTY EXECUTIVE AND CLERK TO THE BOARD AUTHORIZED TO SUBMIT AN APPLICATION TO THE GOVERNOR'S COUNCIL ON ALCOHOLISM AND DRUG ABUSE FOR THE MUNICIPAL ALLIANCE TO PREVENT ALCOHOLISM AND DRUG ABUSE PROGRAM [DRUG ENFORCEMENT DEMAND REDUCTION (DEDR) FUND]. PERIOD: JULY 1, 2020 THROUGH JUNE 30, 2021. AMOUNT: \$449,068.00 (STATE FUNDS (NO COUNTY FUNDS))
- NO. 2020-242 COUNTY EXECUTIVE AND CLERK TO THE BOARD AUTHORIZED TO EXECUTE A GRANT AGREEMENT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE RECONSTRUCTION OF TAXIWAY A (DESIGN) PROJECT AT THE TRENTON MERCER AIRPORT. NEW JERSEY DEPARTMENT OF TRANSPORTATION GRANT: \$ 414,000.00; COUNTY OF MERCER AMOUNT: \$61,000.00. TOTAL PROJECT COST APPROXIMATELY \$475,000.00

- NO. 2020-243 AMEND RESOLUTION NO. 2018-36, ADOPTED JANUARY 11, 2018 AND COUNTY EXECUTIVE AND CLERK TO THE BOARD AUTHORIZED TO EXECUTE AN AMENDMENT (AMENDMENT NO. 1) TO THE GROUND LEASE WITH FLIGHTSERV, LLC, TO DEPICT THE AREAS OF DEMOLITION AND REHABILITATION ON THE LEASED PREMISES AND SET FORTH THE AMOUNT OF RENT OFFSET PERMITTED FOR ANY SAID DEMOLITION AND REHABILITATION (NTE \$3,000,000.00)
- NO. 2020-244 COUNTY EXECUTIVE AND CLERK TO THE BOARD AUTHORIZED TO EXECUTE A LANDLORD CONSENT AND ESTOPPEL AND NEW JERSEY AFFIDAVIT OF TITLE WITH FLIGHTSERV TO APPROVE AN ASSIGNMENT OF THE LEASE TO A THIRD LEASEHOLD LENDER AT THE TRENTON-MERCER AIRPORT
- NO. 2020-245 COUNTY EXECUTIVE AND CLERK TO THE BOARD AUTHORIZED TO EXECUTE A GRANT AGREEMENT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE TAXIWAY F RELOCATION PROJECT AT THE TRENTON MERCER AIRPORT. NEW JERSEY DEPARTMENT OF TRANSPORTATION GRANT: \$221, 843.00: COUNTY OF MERCER AMOUNT: \$222,843.00. TOTAL PROJECT COST APPROXIMATELY \$444,686.00
- NO. 2020-246 MERCER COUNTY BOARD OF CHOSEN FREEHOLDER RECOGNIZES APRIL 2020 AS AUTISM AWARENESS MONTH IN MERCER COUNTY
- NO. 2020-247 INTRODUCTION AND APPROVAL OF FIRST READING OF THE MERCER COUNTY 2020 BUDGET

VOTE ON RESOLUTIONS:

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

Ayes- Freeholder Cannon, Cimino, Colavita, Frisby, Melker, Walter and Koontz

At this time, the Freeholder Board moved to discuss the Mercer County 2020 Budget.

Chair Koontz announced the opening of the Public Hearing on the Mercer County 2020 Budget. Hearing no comments or questions, he called for a motion to recess the public hearing.

Freeholder Cimino moved, “**To Recess The Public Hearing**”, seconded by Freeholder Cannon.

VOTE ON MOTION

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

Ayes- Freeholder Cannon, Cimino, Colavita, Frisby, Melker, Walter and Koontz

OLD BUSINESS:

Terry West, Coordinator for Census 2020, provided a brief update on the Census campaign. He indicated that due to COVID-19, canvassing had been suspended; however, Census volunteers mailed 8,000 postcards to residents reminding them to complete the Census. He noted that Census billboards are posted throughout the County in neighborhoods that are hard to count. He added that Census workers started a phone banking campaign to assist people.

NEW BUSINESS:

Freeholder Cannon thanked Chair Koontz for his leadership.

Chair Koontz said that he appreciated her gratitude expressed towards him.

Freeholder Cimino asked about a plan is for employees returning to work under the guidelines of the Center for Disease Control (CDC).

Ms., Nazzaro said no date is set for employees to return to work. The numbers of COVID-19 cases are still high and they were waiting for the numbers to decrease. She said the testing site at Quakerbridge Mall is open and that the County has to upgrade the building by installing plexiglass in various offices.

Freeholder Cannon inquired about having the building disinfected and sterilized.

Ms. Nazzaro said we would have a discussion regarding cleaning the entire County building and that typically when an individual is tested positive, that particular area is deeply cleaned.

PUBLIC SECTION:

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

Jeffrey Laurenti, a resident of the City of Trenton, voiced his concerns regarding the Census outreach in the City. He noted that representatives of the Sacred Heart Church and the Kingsbury Apartments located on South Broad Street were interested in joining efforts with the County to have residents complete the Census, since Governor Murphy closed the River View Park due to COVID-19 and it affected bike lanes to Duck Island.

Chair Koontz asked that administration look into transportation access to Duck Island by bike.

Debra Baseman, a resident of Princeton referred to the Resolution about the Amendment to the Lease Agreement for FlightServ at the airport. She questioned the comment about the barrier being in a state of disrepair and requested to review the statement in the report. She noted that the PFAS issue was reported at the airport in 2016.

Paul Adezio, County Counsel, responded that she should complete an OPRA request to receive documentation.

Susan Herman a resident of Newtown, PA, responded that she was troubled that the Board approved Resolutions 15, 16, 17 and 18 tonight (See Schedule D, attached hereto, and made a part hereof).

Freeholder Walter responded that she stated at the previous meeting that she did not have time to read the Amendments. She voiced her concerns that it was time to move forward on the project to repair the issues.

Judith Hoper a resident of Yardley, PA, questioned the Resolution authorizing the lease amendment for FlightServ. She asked about the amount of rent to offset permitted for any said demolition and rehabilitation in the amount of \$3,000,000.00 she asked is that the actual rent that they would pay the County to the project.

Freeholder Walter responded that according to the Amendment FlightServ would not begin paying rent until the demolition phase was done and that rent starts in the construction phase.

ADJOURNMENT:

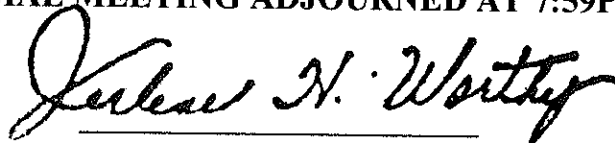
A motion to adjourn the Formal Meeting was offered by the Freeholder Cannon and seconded by Freeholder Walter, which was adopted by the unanimous vote of the members of the Mercer County Board of Chosen Freeholders.

VOTE ON MOTION

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

Ayes- Freeholder Cannon, Cimino, Colavita, Frisby, Melker, Walter and Koontz

FORMAL MEETING ADJOURNED AT 7:59PM



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



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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 ON APRIL 21, 2020

MINUTES

Chair Koontz called the Agenda Meeting to order at 6:00 pm on April 21, 2020 through Cisco WebEx Video Conferencing.

ROLL CALL:

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

Chair Koontz 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 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.

COMMUNICATIONS:

Two (2) communications were discussed and approved for placement on the Agenda for the Formal Meeting on April 23, 2020.

Freeholder Walter commented on the questions and answers from Lillian Nazzaro, Esq., She made references to R-19 amending Resolution No. 2018-36, adopted January 11, 2018, (Amendment No.1) to the Ground Lease with FlightServ, LLC to depict the areas of demolition and rehabilitation on the leased premises and set forth the amount of rent offset permitted for any said demolition and rehabilitation (NTE \$3,000,000.00). She stated that initially, the Freeholder Board was not provided with a copy of the Amendment, and after reviewing the Lease, the Amendment changed several items. She said essentially the Amendment recessed the timeline for the tenants and that there are several target dates within the Lease. She referred to the Estoppel Certificate that stated the tenant had met the terms of the Lease; however, the tenant was unable to meet the terms of the Lease. She said the Board received the Resolution to amend the Lease and that the tenants would meet the terms of the Lease because the Board would have changed the Lease. She explained that she had not reviewed the entire Lease; however, she was concerned with the tenant falling behind on the terms. She felt uncomfortable with the process of the Board approving the amendments to the Lease for the tenant to meet the conditions. She said she would feel better if the Airport Manager could provide a letter stating that the tenant met all the terms of the initial Lease. Also, she was concerned that the Board would approve the Lease without the conditions being fully executed.

Paul Adezio, County Counsel, thanked the Board for adding the late Resolutions to the agenda, adding that the project is managed under the airport attorney, Flaster Greenberg Law Firm. He stated that the best way to move forward was to digest the Amendment, reach out to the Airport Manager, and Flaster Greenberg Law Firm for a detailed explanation. He added that FlightServ is working in good faith to amend the Lease.

Chair Koontz welcomed Daniel Markind, Esq., attorney at Flaster Greenberg PC. Mr. Markind thanked the Board and said that he appreciated Freeholder Walter's concerns. He explained that FlightServ was working with great fortitude by following the terms of the Lease; unfortunately, there were glitches by County departments, which prevented the Freeholder Board to review the amended Lease sooner. He said the agreement asking for an extension of time is nothing new. The extension was approved one year ago because additional testing was required at several locations around the airport. He added that FlightServ agreed to the Ground Lease at the airport and provided further testing in areas at the naval facility, abandoned buildings, and environmental remediation. He said FlightServ provided the test with the understanding that the County would work with them to change the terms of Lease when necessary. He noted that an extension of time was approved last year for both initial and permitting terms; an initial condition is essential due diligence, and the permitting term allows for FlightServ to obtain permits. He explained that FlightServ achieved the initial and permit terms, which is an extraordinary beneficial element for the airport. He said that FlightServ was taking over the naval facility site, demolishing buildings, and providing up to \$3 million dollars of remediation. He apologized for the miscommunication, which delayed the documents to get to the Freeholder Board for approval and that FlightServ was working effectively on the project. Lastly, he said the extension of time was approved one-year ago; however, the Amendment was not presented in a timely manner.

Freeholder Colavita asked if the buildings were facing Parkway Avenue.

Freeholder Walter responded that the buildings are located in the back of the previous water tower.

Freeholder Walter stated that she would feel better if the Amendment was received a year ago; she was concerned that the Amendment came at the same time as the Estoppel certificate. She said she has no problem with the project and would support the Amendment, however, she felt concerned with the requirements not being met and that the Board was not updated on the additional terms of the agreement.

Mr. Markind said he understood her concerns, apologized for everyone involved in the project, and promised to answer any further questions.

RESOLUTIONS:

Twenty (20) proposed Resolutions were discussed and approved for placement on the Agenda for the Formal Meeting of April 23, 2020.

Freeholder Frisby referred to the proposed Resolution authorizing to submit an Application to the Governor's Council on Alcoholism and Drug Abuse (GCADA) for the Municipal Alliance to Prevent Alcoholism and Drug Abuse Program [Drug Enforcement Demand Reduction (DEDR) fund] for the period of July 1, 2020, through June 30, 2021, in the amount of \$449,068.00 (State funds) (No county funds). He asked if the numbers in this particular Resolution have changed over the past few years.

Lillian L. Nazzaro, Esq., County Administrator, responded that the current award amount for July 1, 2019, through June 30, 2020, is \$435,401.00 and the amount of \$449,068.00 represents an increase of \$13,667.00. She said she would provide a comparison from the previous years at the next meeting.

Freeholder Walter made references to the following Resolutions: Resolution amending Resolution No. 2018-36, adopted January 11, 2018 (Amendment No. 1) to the Ground Lease with FlightServ, LLC to depict the areas of demolition and rehabilitation on the leased premises and set forth the amount of rent offset permitted for any said demolition and rehabilitation (NTE \$3,000,000.00) and the Resolution regarding a landlord consent and estoppel and New Jersey affidavit of title with FlightServ to approve an assignment of the Lease to a third leasehold lender at the Trenton-Mercer Airport. She stated that the Amendment must come before the Estoppel Resolution.

ON-GOING BUSINESS:

Freeholder Walter asked for an update on scanners for the Board of Elections.

Ms. Nazzaro responded that the Board of Elections has looked into leasing scanners, however waiting for New Jersey Governor Phil Murphy to decide if Primary Day, July 7, 2020 would be all voted by mail ballots. She said once that the decision was made that would determine how many scanners would be needed.

OLD BUSINESS:

Chair Koontz updated the public on the Mercer County Budget process informing that a budget hearing is expected for April 23, 2020.

Due to the Covid-19 shutdown, Freeholder Frisby asked if the County was anticipating an extended approval from the State.

Dave Miller, CFO, answered that he was unsure about the time-frame for approval; however, State officials were set- up to handle the situation and that another concern was obtaining a certification on the tax levy. He said he was confident of receiving a timely response from the State.

NEW BUSINESS:

Freeholder Cimino asked that Rob Davis, Research Director, look into several Legislature Bills about raising funding through bonding due to COVID-19 and if the State Treasurer would have the authority to raise taxes. He was concerned with the proposed bills and asked for further research.

PUBLIC SECTION:

Judith Oakner, a resident of Yardley, PA, asked for a brief description of the FlightServ project at the Naval Center.

Ms. Nazzaro responded that the FlightServ project is a Fixed-Based Operator (FBO) regarding a new hanger size of 80,000 square feet. She stated that FlightServ is leasing ten acres at the airport.

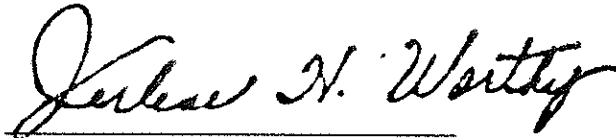
Chair Koontz added that FlightServ is demolishing buildings at the Naval Site.

Ms. Oakner asked about the remediation at the site. Ms. Nazzaro said she would provide an answer at Thursday's Formal meeting.

Shirley Matlock, a resident of Hamilton, NJ, residing on County Road 416, complained that her property was damaged again and that she has addressed her concerns in the past. She stated that the speed limit is 30 mph and that the road has no guardrails and sidewalks. She said that accidents often happen at the curve on the road and that the guardrails were removed. She pleaded with the County to fix the road and suggested adding speed bumps.

Chair Koontz asked her to provide him with pictures of her damaged property and said that he would forward the information to the Administration and the Department of Transportation and Infrastructure for information.

AGENDA MEETING ADJOURNED AT 6:49 PM

A handwritten signature in black ink, reading "Jerlene H. Worthy", written in a cursive style. The signature is positioned above a horizontal line.

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

GOVERNOR MEMORIALIZES MERCER HEALTH EDUCATOR



During his Coronavirus Task Force Briefing today, Gov. Phil Murphy paid tribute to Darlene Mae Andes, the Public Health Emergency Notification System Coordinator for the Mercer County Division of Public Health, who died April 5. She is one of 4,753 New Jersey residents reported to have lost their lives due to COVID-19.

Gov. Murphy made the following remarks about Ms. Andes:

“Darlene Mae Andes was a health educator and risk communicator responsible for planning, organizing and conducting various emergency management operations right here for the Mercer County Division of Public Health. Before that, she had worked for the Hunterdon County team. In fact, she helped craft the health education materials and tools that Mercer County is using, as we speak, in its current COVID-19 emergency response.

“Well known, well respected and loved by her colleagues and peers, Darlene is being remembered for her patience and kindness, for her innovative thinking, and for her love of family and her faith. And she was only 54 years old. I spoke yesterday with her sister Barbara, who lives in the Shenandoah Valley In Virginia, and as you could imagine, like all these conversations, it was emotional, and God bless and God speed the precious life of her sister Darlene.”

Mercer County Freeholder Formal Meeting dated April 23, 2020:

Susan Herman's FIRST Public Comment (on Behalf of Residents for Regional Traffic Solutions, Inc.) regarding the Trenton- Mercer Airport agenda items R15 – R18

Good evening. I'm Susan Herman, President of Residents for Regional Traffic Solutions, Inc. (a.k.a. RRTS), P.O. Box 285, Newtown, PA 18940. I am making public comment on behalf of New Jersey and Pennsylvania residents living in municipalities surrounding the Trenton- Mercer Airport ("The Airport").

NJ and PA residents living in municipalities surrounding The Airport are gravely concerned that the Freeholder Board is considering **Resolutions #15, #16, #17 and #18** tonight, all involving The Airport.

- **R16** is an amendment to the ground lease with FLIGHTSERV, LLC involving property at the Naval Warfare Center where demolition is planned and rehabilitation is needed.
- **R17** authorizes the Board to execute a landlord consent and Estoppel and New Jersey Affidavit of Title with FLIGHTSERV to approve an assignment of the lease to a third leasehold lender at The Airport.

As you are aware from RRTS's September 30, 2019 letter and RRTS's November 14, 2019 Public Comment made and submitted at your November 14, 2019 Agenda & Formal Meeting, there are serious environmental concerns on the Naval Warfare Center property. As you are aware, Pennsylvania Congressman Brian Fitzpatrick has weighed in on these concerns in formal correspondence to the Federal Aviation Administration (FAA) and the U.S. Department of Transportation. The PA politicians and grass roots groups that are extremely troubled by your consideration of these resolutions tonight-during a time when there is a COVID crisis and with insufficient environmental review and transparency- include: Congressman Fitzpatrick, State Senator Steve Santarsiero, State Representative Perry Warren, the Bucks County Commissioners, Lower Makefield and Upper Makefield Townships, Yardley and Newtown Boroughs, Newtown Township, RRTS and Bucks Residents for Responsible Airport Management (a.k.a. BRRAM).

In RRTS's Public Comment at your 11/14/19 Agenda/Formal meeting, we stated,

"...The losses potentially will include, but not be limited to, **irreparable damage to our water supply**. A November 12, 2019 letter from PA Congressman Brian Fitzpatrick to Elaine Chao of the U.S. Department of Transportation states this about the Runway Protection Zone Project, 'The TTN EA [Environmental Assessment] indicates that the proposed project will result in the clearing of 2.3 acres of trees within 100 feet of contaminated groundwater associated with the Naval Air Warfare Center (C&S Companies Environmental Assessment for Runway Protection

Zones and Obstruction Mitigation page 3-24, July 2019). Although several contaminants are listed in the EA, there is no mention of the presence of PFOS/PFOA. However, according to a 2018 Congressional Brief by Maureen Sullivan, Deputy Assistant Secretary of Defense, the DoD monitored groundwater wells around the Naval Air Warfare Center Trenton and found that the majority tested near above the EPA LHA for PFOS/PFOA. Of the 38 wells tested, 23 tested above the EPA LHA ...Considering the proximity of the wells to TTN, and how quickly PFOS/PFOA contaminations bioaccumulate, it is likely that the contaminants have spread to neighboring wells and ground water. Given the health risks associated with PFOS/PFOA exposure, it is critical that the environmental assessment for any project at TTN take these risks into account.”

We submitted Congressman Fitzpatrick’s letter to you that evening. NJ and PA residents are aware of this letter.

In addition to **R16 & R17**, tonight you are considering **R15, for the Reconstruction of Taxiway A (DESIGN) Project at The Airport, and R18, for a Grant Agreement for the Taxiway F Relocation Project.**

WE RESPECTFULLY ASK YOU TO DENY RESOLUTIONS #15, #16, #17, and #18 THIS EVENING.

Consideration of these projects, perpetuates your ongoing practice of looking at the environmental impacts of individual projects at the Airport and the adjacent Naval Warfare Center site in a segmented fashion, rather than looking at or assessing the cumulative impacts of these projects together on our water supply, streams and the health, safety and welfare of your constituents and affected PA residents.

WILL YOU DENY THESE RESOLUTIONS THIS EVENING?

I then stated that, in addition to my oral comment, I would be emailing my Public Comment to akoontz@mercercounty.org and asked that it be included in the Public Record. Freeholder Koontz responded that he would include it in the Public Record.

SUSAN HERMAN'S FIRST PUBLIC COMMENT (page 2 of 2)

Mercer County Freeholder Formal Meeting dated April 23, 2020:

Susan Herman's SECOND Public Comment (on Behalf of Residents for Regional Traffic Solutions, Inc., P.O. Box 285, Newtown, PA 18940) regarding the Trenton- Mercer Airport agenda items R15 – R18

We are extremely troubled that your Board voted to approve Resolutions #15, #16, #17 and #18 tonight. Airport attorney Dan Markind's responses to your questions about FLIGHTSERV Resolutions **R16** and **R17**, were circuitous deflections and non-answers. The serious environmental issues - including the acknowledged presence of PFOS/PFOA - became even murkier.

The health, safety and welfare of New Jersey and Pennsylvania residents living in municipalities surrounding the Airport is in your hands. You had the power to vote NO to these Resolutions that potentially will severely harm us and our drinking water supply. We have less confidence than ever that you are being vigilant about protecting us.

We were troubled by much of the conversation that transpired at your April 21, 2020 Agenda Meeting and want you to hear it, so you understand why our confidence in you continues to erode. These statements were made about **R19**, which in today's meeting was replaced by **R16** and **R17**:

Lucy Walter: "Originally, they hadn't been given R19. The amendment is changing many items. It resets the timeline of the tenant. The Estoppel certificate says the tenant has met the terms of the lease. But they haven't..."

Airport attorney Dan Markind, in response to L. Walter's concerns: I appreciate Ms. Walter's concern. FLIGHTSERV is doing all they can to follow the terms of the lease... This is an extraordinarily good element for the airport. Taking over old naval site. Will demolish a lot of abandoned buildings. Delay in documentation to get it done. Beneficial to airport and the County."

L. Walter: "The extension of lease also gives them more lease. The Estoppel Certificate, you can understand why there would be Board concern... We didn't meet the requirements... No one got back to us to say remediation is required. Concerned. Board wasn't told, "Oops, there's a problem"... She went on to say, "I will approve it on Thursday".

A. Koontz: On the heels of this disturbing interchange, Freeholder Koontz said, "I don't hear that there's an appetite for removing this resolution from the Formal Meeting agenda."

Your attention to the details surrounding the unchecked expansion of airport-related operations through many segmented projects needs to be sharpened and improved, BEFORE IT'S TOO LATE. In PA Congressman Fitzpatrick's 11/12/19 letter to Elaine Chao of the U.S. Department of Transportation he states, "... according to a 2018 Congressional Brief by

Maureen Sullivan, Deputy Assistant Secretary of Defense, the DoD monitored groundwater wells around the Naval Air Warfare Center Trenton and found that the majority tested near above the EPA LHA for PFOS/PFOA. Of the 38 wells tested, 23 tested above the EPA LHA ...Considering the proximity of the wells to TTN, and how quickly PFOS/PFOA contaminations bioaccumulate, it is likely that the contaminants have spread to neighboring wells and ground water. Given the health risks associated with PFOS/PFOA exposure, it is critical that the environmental assessment for any project at TTN take these risks into account.”

If Congressman Fitzpatrick can quantify data about the presence of PFOS/PFOA, why haven't you compelled Congresswoman Watson-Coleman to do the same and why hasn't she advocated for doing whatever it takes to address this serious issue? Why are you so uneducated about this issue?

It is unconscionable that you rubber-stamped Resolutions #15, #16, #17 and #18 that ignore properly addressing grave environmental concerns.

I then stated that, in addition to my second oral comment, I would be emailing my second Public Comment to akoontz@mercercounty.org and asked that it be included in the Public Record.

SUSAN HERMAN'S SECOND PUBLIC COMMENT (page 2 of 2)