

MINUTES

JANUARY 15, 2011

The Board of Chosen Freeholders of the County of Warren met in Budget Session in its offices in the Wayne Dumont, Jr. Administration Building, Belvidere, New Jersey on January 15, 2011 at 9:01 a.m.

The meeting was called to order by Director Chamberlain and upon roll call, the following members were present: Freeholder Everett Chamberlain, Freeholder Richard Gardner and Freeholder Jason Sarnoski. Also attending were CFO Charles Houck, Fiscal Analyst Dan Olshefski and County Administrator Steve Marvin.

The Pledge of Allegiance was led by Director Chamberlain.

Director Chamberlain read the following statement: **“ADEQUATE NOTICE OF THIS MEETING OF JANUARY 15, 2011 WAS GIVEN IN ACCORDANCE WITH THE OPEN PUBLIC MEETINGS ACT BY FORWARDING A SCHEDULE OF REGULAR MEETINGS OF THE BOARD OF CHOSEN FREEHOLDERS TO THE WARREN COUNTY CLERK, THE STAR-LEDGER, AND DAILY RECORD AND BY POSTING A COPY THEREOF ON THE BULLETIN BOARD IN THE OFFICE OF THE BOARD OF CHOSEN FREEHOLDERS. FORMAL ACTION MAY BE TAKEN BY THE BOARD OF CHOSEN FREEHOLDERS AT THIS MEETING. PUBLIC PARTICIPATION IS ENCOURAGED. IN ORDER TO ASSURE FULL PUBLIC PARTICIPATION, THOSE INDIVIDUALS WITH DISABILITIES WHO WISH TO ATTEND THE MEETING SHOULD SUBMIT ANY REQUESTS FOR SPECIAL ACCOMMODATION ONE WEEK IN ADVANCE.”**

Information Systems Director Barry Smith approached the Board to explain his Capital Improvement budget requests. It was noted that with the exception of Mr. Smith, the department is staffed by contracted workers. This is more cost-effective for the County than having the work performed in-house. Mr. Chamberlain thought that if County employees were hired, the cost of benefits would raise personnel expenses by about 40 percent. In addition, Mr. Smith said Civil Service issues regarding titles may arise with people being asked to perform work out of title.

Mr. Smith outlined the complexity of the phone and data systems and explained how and where data is stored. The reason for the generator request is that the current unit is about 25 years old and there is only about 30-45 minutes of backup for data and 6-8 hours for phones. While data is backed up at a different location each night, data currently being worked on could be lost and certain systems can go down. When asked how many times power has been lost in the past 10 years, Mr. Smith said it usually happens at night, but it did occur once in the morning in the past year.

The good news was that although \$400,000 was the initial budget request for a new generator, the latest estimate was between \$180,000 and \$200,000 which includes installation, pad, shelter and transfer station. The unit would be powered by an existing natural gas line. Homeland Security grant funds will cover \$125,000 of the cost so the net cost to the County would be about \$75,000. Yearly maintenance costs associated with the unit were unknown.

The next item to be discussed was the \$250,000 request for an image storage system. Currently, a lot of documents are being scanned on a device that has reached the manufacturer's end of life. There was mention of certain programs having been implemented due to the P.A.R.I.S. Grant and other Division of Archives and Records Management (DARM)

initiatives; then the grants dry up and the County is expected keep everything going. Mr. Chamberlain asked if this project could be done in phases if the Board agreed to budget \$100,000 for this purpose. Mr. Smith said yes. The lifespan of the new equipment was expected to be about

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five years.

Regarding the \$125,000 request for annual computer/technology upgrades, it was determined that this is routine repair and replacement of equipment that simply must be done on a regular basis. Mr. Smith said the call accounting software for which he requested funding had to do with tracking such as employees spending too much time on personal calls or a bomb threat. Regarding the current \$2 million phone system, Mr. Smith noted that we are in the final two years of a seven year contract. If the County were to continue with the current system, software upgrades would eventually be required. If the entire system is swapped with another, Mr. Smith said it would be nice to have a unified voice mail system. Currently, messages and calls cannot be transferred to and from all departments.

In review, Mr. Chamberlain expressed an inclination to fund the generator at a cost of \$75,000 to the County and utilizing \$125,000 in grant funds; to approve \$110,000 for a phase of image software, the \$125,000 annual computer/technology upgrades and \$12,000 for call accounting software.

Mr. Smith made a final request regarding staffing assistance. If existing personnel could be made available on a part-time basis, it would be greatly appreciated, he said.

After a short break, the Board welcomed Prosecutor Scott Ferguson at 9:39 a.m. He was accompanied by Bill Harzer, Angela Borkowski and Kelly Shelton. Mr. Ferguson handed out information packets and began by citing numerous crime statistics in Warren County compared to its neighbors, Sussex and Hunterdon. Warren has a significantly higher rate of violent crimes and sex crimes and ranks 3rd or 4th in the state in the number of registered sex offenders per capita. Warren County ranks 8th in a statewide ranking of violent crime (first being least violent, 21st being the most violent). These crimes result in a higher number of trials. "Warren County is not the bucolic little county everybody likes to think it is," Mr. Ferguson said. "You're not dealing with the same animal here that you are in Hunterdon and Sussex."

The Prosecutor stated he has saved the County \$359,814 since he arrived in 2004 by either reducing staff or bringing in cheaper personnel. Right now, we're down two lawyers. The retirement of Craig Barto was a huge loss; he will be difficult to replace. The average annual salary of an attorney in the Warren County Prosecutor's Office; and most of them have been here a long time, is \$83,182 compared to \$97,000 in Sussex and \$102,000 in Hunterdon.

Mr. Ferguson went on to convey various accomplishments of his office during his tenure including the establishment of a branch office in Phillipsburg, a child advocacy center, a mental health unit and a shaken baby educational program. He cited articles and awards. "I think you're very, very fortunate to have the people you have employed here. You have a lot of good people here," he said.

Discussion ensued regarding the pervasiveness of domestic violence and drug crimes. Mr. Ferguson noted that most local police departments don't have a narcotics division so they

look to the County for help with major cases. Regarding prevention programs in the schools, it's hard to say they aren't working. We don't know the impact we have on the kids that don't embark on that path.

Mr. Chamberlain said the crime statistics are rather embarrassing, but today, we are here to look at budgets and we're seeking to reduce the size and cost of government through attrition. Two Assistant Prosecutor positions are currently vacant with a third leaving shortly and one lieutenant that ran five different units is gone. After some back and forth with Mr. Marvin regarding

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who has replaced whom in his department, Mr. Ferguson said we're down three people however you want to shuffle the deck. He reiterated that he eliminated two jobs during his tenure without even being asked. "I can't have one 28 year old kid running Sex Crimes with 177 cases," he said.

Mr. Chamberlain asked about the department's relationship with Warren County Community College. Mr. Ferguson said they help with the MOI (Methods of Instruction) basic police training program. It supports the local police. A few detectives spend a couple of hours a year (an "infinitesimal" amount of time) teaching a few different programs.

Mr. Olshefski thought an organization chart of the department by unit would be helpful to the Freeholders. Mr. Ferguson said he could provide it. Mr. Chamberlain pointed out that the S&W in the office increased by about \$200,000 over last year, but Mr. Olshefski reminded him that was due to the settlement with the bargaining units that included secretaries and detectives.

There are 60 positions in the entire department of which three are now vacant. Mr. Chamberlain reiterated that he felt there was opportunity now to reduce the number of positions due to retirements. If there's any possibility to reduce personnel, now's the time to do it, he said. Mr. Ferguson said it could not be done in Sex Crimes; it was simply impossible. He said he didn't see how a lawyer could be cut. Could you save some money on hiring another person? Yes, he said, but in terms of eliminating jobs, I don't see how you can do it.

Moving on to Capital Improvement requests, Mr. Ferguson had initially requested funding for a TAC truck. He said years ago when the TAC people approached him, he said he would be willing to fund one-third of the cost out of his forfeiture fund and suggested they get the towns to put up a third and ask the Freeholders to fund a third. "I guess that didn't work out," Mr. Ferguson said, adding he could see why they want a new one.

The Freeholders seemed disinclined to approve a fire suppression system requested for the evidence storage building since it is not a County owned property. Mr. Ferguson said he thought a generator was part of the request as some of the evidence requires refrigeration and could be compromised should there be a power failure.

There was also an annual technology/computer replacement request for the department (separate from Mr. Smith's earlier request). Mr. Chamberlain asked about funding this through the forfeiture fund. Mr. Olshefski said historically, the County has taken care of the computer replacements and vehicles have been replaced through the trust account.

Mr. Gardner said we're trying to look at ways to cut some other costs if it is not

feasible to eliminate personnel. There was some discussion of additional technology requests in Mr. Ferguson's initial budget including an Info Share System.

In summary, Mr. Chamberlain said he expected the lease on the Rossi Building to be discussed at the upcoming Projects Committee Meeting so he didn't think it was the right time to install a fire suppression system there. He still wanted to further explore personnel options, however.

Mr. Chamberlain opened up this portion of the meeting for public comments. Louis Cartabona of Alpha inquired if there was a white collar crime unit. Mr. Ferguson said significant crimes of that nature are typically handled by the Major Crimes Unit. Examples were the PCFA theft case and the Father Bob case.

After another short break, the meeting reconvened at 10:40 a.m. with Warren Haven

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Administrator Laura Decker. She was accompanied by Joe Steele, Robert Hemenway, Tina Tichenor and Joanne Ward. Since Mr. Steele needed to leave for another commitment, it was requested Capital Improvement requests be discussed first.

Ms. Decker thanked the Board for the opportunity to explain the various requests. She said the budget reflects not only immediate needs, but also those for the future as we should be good stewards of the facility. Mr. Chamberlain had visited the nursing home earlier in the week and she was happy to show him the equipment in need of replacement and/or improvement.

The washer in need of replacement has a 250 pound capacity, is 19 years old and replacement parts cannot be found. Mr. Sarnoski recalled the idea of sending laundry to the jail to be processed had been considered during last year's budget sessions. He was told that was deemed impractical.

Ms. Decker described how she envisions an enhanced meal service system in the dining room and the different options for the upgrade. A new combi oven is needed. This is an essential piece of equipment used daily. This is a \$25,000 item for which it has also become difficult to locate parts. Last year, \$10,000 was spent on repairs for this oven.

More mechanical patient lifts are needed to meet regulations and some are in need of replacement. Geri chairs are padded seating for residents unable to ambulate. There is an increase of people coming to the facility in a more diminished state than in the past. Ms. Decker said these chairs are not a luxury, but rather, a standard of care.

A new hot water mixing valve would be installed by Mr. Steele. The current one is more than 10 years old and barely passed State inspection.

As part of a five year plan, an upgrade of a service elevator that delivers food to residents and a main HVAC/kitchen ventilation system upgrade are requested. The heat output of ovens and dishwashers currently exceed the capacity of the hoods above them. Mr. Chamberlain asked if the ventilation upgrades could be phased in. Mr. Steele said yes.

The dump truck used for snow plowing and landscaping is 10 years old and has a frame severely rusted from salt. The Motor Pool Supervisor in the Road Department

recommends replacing it. The truck is currently sitting in the dealership awaiting \$8,000 in repairs. Mr. Steele emphasized that he must have a truck at his disposal. The Road Department did not have a truck for us. He is currently using a vehicle that was retired from the Bridge Department because of its age. There was some discussion of the Road Department taking care of the plowing, but it was deemed inappropriate for a 24-hour facility with a fragile population, frequent shift changes and emergency vehicles coming and going. A 4-wheel drive pickup with a removable plow was suggested instead of the \$65,000 dump truck. Mr. Steele said that would limit the landscaping ability during other seasons.

The door latch replacements are sought because the tumbler style wears out quickly due to excessive use. Mr. Steele recommends replacing the system. These are not doors to patient rooms.

The renovation of eight patient rooms in the '76 wing is part of a five phase renovation project previously approved. When pursued in 2008, there was a problem with the bidding. The renovation calls for the replacement of heavy casement windows that are sagging, leaking and difficult to open and close; the bathrooms which are not ADA compliant; relocation of closets and improved lighting. Mr. Chamberlain said he has seen these rooms and encouraged his colleagues

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to tour them as well. He thought an estimate of \$50,000 per room was excessive. He thought suitable upgrades could be accomplished for less.

When asked if there was anything else, Ms. Decker said a request for a storage addition was on there, "but I'm gonna fold," she said. Storage space in the main building has been taken away over the years for telephone, computers, security and electrical systems.

We have to do the upgrades; we have to maintain the building, Mr. Chamberlain said, but you can buy a Cadillac or you can buy a Chevy. We have residents there in a fragile state, but we have to consider the level of cost. The Board was inclined to approve funding for the washer, the combi oven and meal system upgrade #2. They wanted more information regarding phasing in the HVAC ventilation system. Mr. Gardner was going to look further into different truck options. Door latches will be phased in with \$5,000 budgeted for this year. The renovations, computer system and additional storage were all put on hold. Mr. Gardner thought all three Freeholders should make themselves very familiar with Warren Haven and its unique needs.

Mr. Olshefski urged Ms. Decker to share with the Board any long-range plans. She explained that the five step renovation plan was supposed to be implemented over three to five years. The nurses' station was done in 2007, the eight room renovation has been talked about today and future upgrades include the renovation of corridors, the dining rooms and 32 other rooms. Ms. Decker added that they are required to switch to electronic medical records by 2014 which will be a significant expense. It may be possible to acquire some stimulus money to offset the expense, but Ms. Decker estimated the total cost would be between \$300,000 and \$400,000.

With this portion of the budget covered and Mr. Steele preparing to leave, Mr. Chamberlain opened up the meeting to Public Comment. Louis Cartabona of Alpha asked about the impact on personnel when the new dining procedures are implemented. Ms. Decker said she didn't think the enhanced dining service would impact on staffing levels either way, but she believed the quality of the meal service will be improved. Regarding the

dump truck, Mr. Cartabona then asked if the County has a priority list in terms of clearing roads since it is so important to have safe access to Warren Haven for aforementioned reasons. The Freeholders weren't entirely sure. "This facility wouldn't be left in the lurch," said Mr. Gardner.

Mr. Cartabona's final point had to do with the eight room renovation. He hoped the State would get rid of its Prevailing Wage Law which drives up costs. Even so, he also thought \$50,000 per room sounded like a high-end estimate. He suggested utilizing the eight rooms for storage and hold off on the renovations. Mr. Chamberlain said the project already has been put on hold. If we have residents that have to go in there, we may not have the authority to take those rooms away from their intended purpose.

Harold Warne of Washington was concerned about the proposed enhanced dining service. He thought patient confidentiality for those that must adhere to special diets would be compromised. He was particularly concerned about thickened water, saying the facility had been cited for a violation in this area in the past. Mr. Chamberlain and Mr. Gardner thought the staff would be able to manage it. Someone on staff has to know which patients are on special diets or else it would be impossible to implement.

The Capital Improvement portion of the session concluded at 11:40 and attention then turned to Operating Expenses.

Mr. Olshefski provided a quick OE summary. When the 2010 Budget was adopted,

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\$2,248,189 was in Warren Haven's OE. During the year, there was a change in the Medicare A&B contracted service where a request came in for a transfer of an additional \$110,000 for this coverage, bringing the OE up to \$2,358,189. The request for 2011 was initially \$2,641,745. Mr. Olshefski said we've gone back and forth looking at some of the line items and we were able to adjust it by \$40,000 bringing the revised request down to \$2,601,745 which represents a \$243,000 increase; roughly ten percent, and of that, \$174,000 is the Medicare A&B contracted service. The balance is coming out of the dietary line item. Utilities are separate.

Before getting into complicated details, Ms. Decker wanted to provide some background on budget projections in terms of reimbursements for the coming year. Effective July 1, 2010, the State of New Jersey switched to a new Medicaid reimbursement system called Case Mix. This is a period of transition for every nursing home in New Jersey although Case Mix is employed in other states. There has been a delay in the implementation due to a lawsuit brought against the State by the for-profit nursing home association. Because of the delay, many things that were supposed to have happened along with Case Mix such as being provided with a model for how our daily rates will be effected, have not come to pass.

We're moving from what used to be a cost reporting system to a Case Mix system which is balanced by a set of daily rates as well as a fluctuating rate based on resident acuity. It's a three component system. The first component is Operating and Administrative fees which is a fixed rate per day based on an average of every nursing home in the state. Right now, the estimated fixed rate is \$82.47 per Medicaid day modeled from 2006 numbers. This figure represents costs of management, administration, dietary food, laundry, linen, housekeeping, maintenance, utilities and property taxes.

The second component is Direct Health Care rates. This includes medical director, patient activities, pharmacy consultant, drugs, medical supplies, social service and oxygen. This is also being based on a 2006 rate. This number is designed to actually reflect the amount of hands-on care that the resident receives. The higher the acuity of the resident, the greater the reimbursement.

The third component is a fixed daily rate based on what is called Fair Rental Value. This is essentially a reimbursement for the age of your facility. It has been determined that a nursing home bed is worth \$89,000. After some further computations factoring in the age of the facility, Warren Haven's number comes out to \$18.07 per day.

Ms. Decker did not believe the reimbursement rate would be lower than in the past and County nursing homes will still be reimbursed at a higher rate than private nursing homes. There are two guarantees: 2010-11 Case Mix will not impact our reimbursement by more than \$5 per day (increase or decrease). For 2011-12, reimbursement will not be impacted more than \$10 more or less. After that, the CMI will be fully in place and it will be based on the acuity of the residents.

Mr. Chamberlain asked how often the acuity is evaluated. Ms. Decker said the information is transmitted every three months, but is essentially assessed daily. Warren Haven's acuity rates continue to climb which is by design with an increasing movement to keep people in their own homes longer.

With this increase in reporting, Mr. Marvin asked if more nursing staff will be needed. Ms. Decker said she was unsure since it's still very new. The reporting of acuities only really started in September, but it has placed an additional burden on the nurses.

Mr. Chamberlain did some quick math and realized the \$5/day fluctuation could make a

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difference of as much as \$328,000 either way so this is a major budget factor. Mr. Sarnoski noted that the only component that is at all under our control is the Operating and Administrative costs.

Moving on from the topic of reimbursement to the OE budget, Ms. Decker said the reason for the increase is that there was a dramatic increase in the Medicare line item. Early in 2009, Ms. Decker said, our department embarked on a business plan to increase revenue by increasing our Medicare Part A census. Traditionally, Warren Haven had not pursued short term Med A stays; however, with changes in the economy, changes in the field of aging services, increased availability of home and community based services, we believed this was a strategy we should pursue. She reviewed 2010 admission data for the facility. Warren Haven has the highest rate of admission since 2001. This is indicative of an increased number of deaths (since people are coming to us in a further diminished condition) as well as an increase in direct hospital admissions. In the past, patients have come to Warren Haven from other facilities after being discharged from the hospital. These other facilities were capitalizing on the short-term Med A higher reimbursement rates for 100 days then transferring patients to Warren Haven which would then take them at the Medicaid rate.

Ms. Decker stated that Warren Haven's administrative team has a history of making every possible effort to hold or reduce the OE budget. She detailed a history of OE budgets since 2007 with justifications for any increases over the years. As Mr. Olshefski said in the

beginning, he worked very closely with Ms. Tichenor to shave \$40,000 off of this year's requests.

Seeing how the department's budget was increasing 12 percent, Mr. Sarnoski wanted to know how much the revenue side was increasing. Mr. Olshefski wanted to answer the question since he is often asked how much it costs to run the nursing home (net costs). He went back to 2008 and did a calculation on their direct costs (which include salaries, fringe, OE and utilities) which were \$15,516,000. The same year, they generated \$14,355,000 so the net direct cost was \$1,160,000. In 2010, the direct costs were \$15,179,206. The significant drop was mainly in S&W due to a reduction in staffing. However, the labor contracts are still unsettled so that number may be deceptive, but the revenues in 2010 were \$14,800,000 so the net cost to the County was \$370,000.

Since the Board has been talking about staff reductions through attrition, Mr. Sarnoski asked about staff levels at Warren Haven. Compared to other nursing homes, Ms. Decker said, "We are very, very lean." In other nursing homes, you'll see administrative positions such as corporate compliance officers, quality assurance nurses, infection control nurses, marketing people

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Mr. Sarnoski asked how Warren Haven compares to other non-profit nursing homes in terms of cost per patient per day and how does it rank in terms of quality of care? Regarding patient cost, Ms. Decker said government facilities cost more; that's why the reimbursement rate is higher. Civil Service has a high price tag.

Regarding patient care ratings, Ms. Decker said in 2005 and 2006, we were found to be deficiency free. The survey process has changed and become more stringent. Survey teams from the State Department of Health and Senior Services are sent by Centers for Medicare/Medicaid Services (CMS) which rates facilities based on a four star rating system. In January of 2009 to the best of Ms. Decker's recollection, Warren Haven received four star ratings in the CMS survey, nursing and quality indicators (QI). In January of 2010, our survey rating was knocked down to two stars. Ms. Decker said there was an issue with an individual staff member that actually created six deficiencies. Since that time, the staff member has been removed. We knew we were having issues with this person, but due to restraints in the Civil Service System, we were going through a

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progressive disciplinary process before the nurse could be removed. However, the four stars have been maintained in nursing and QI.

The nursing home industry is the most highly regulated industry in the country. Mr. Chamberlain had data of ratings of all 16 county-run nursing homes in the State and found that a two star rating is quite common. It was also noted that surveys are snapshots of a moment in time that may not be truly indicative of the quality of day to day care. Mr. Gardner said he's been in private and public nursing homes, having some personal experience here. By far and away, he said, this facility is always clean and there is no idle time for the nursing staff. The residents like it there. Mr. Chamberlain added that since it is so highly regulated, if there is any kind of complaint filed, the State sends an inspector out right away and corrective action is taken if deemed necessary.

The meeting was again opened up for Public Comment.

Louis Cartabona asked about the total expenditures for this year's budget proposal, how it will comply with the 2% CAP Law and what percentage of the budget is Warren Haven. At the moment, the current budget stood at \$10,920,000. Mr. Houck said he would be talking about the CAP Law later in the meeting and as for Warren Haven, as was just discussed, it's hard to say since there are still unknowns on the reimbursement side. Mr. Cartabona wanted to know the total number of employees at Warren Haven. Ms. Decker said 233. He asked how many would be getting raises. Mr. Marvin said at this point, none. We have unsettled contracts for 99 percent of the employees there going back to 2009. The rest are not covered by collective bargaining agreements and they are addressed by the Freeholders at the end of the budget process.

Eric Olbernauer of Independence said he had read in the newspaper that an Assistant Personnel Director position was created at Warren Haven a couple of years ago. He asked if there was a job description. Mr. Marvin said the position was actually probably created back in 2003. Up until 2002, Warren Haven was overseen by a separate, independent County Welfare Board which had ownership and control of the nursing home and Welfare Department. Upon the abolishment of the Welfare Board in 2002, Warren Haven was brought in directly under the County's control. Around that time, the Assistant Personnel Director position was created specifically for Warren Haven. Mr. Marvin said other than an internal working version, there is not a job description. The actual title is Confidential Assistant. Mr. Chamberlain said he would obtain the working job description from the Personnel Director and make it available.

County CFO Pete Houck distributed a summary of the two CAP Laws which was also made available to the public. The State's model to which we must plug in our numbers is not available at this time. The deadline to introduce the budget has been extended by 30 days. "It's very disturbing that the State can't do a credible job with its own budget and they want to review ours," Mr. Chamberlain said.

There are only really five exceptions to the hard 2% CAP: capital, debt services, emergency appropriations, increase in medical (up to the limit of the State increase) and pension. For the 2.5% calculation, pension is inside the CAP. It's very confusing and very cumbersome to do, but Mr. Houck said he didn't think we were going to have a problem based on preliminary numbers.

Mr. Marvin went over the schedule for the remaining Budget Sessions with Human Services coming in on January 19 and the Technical School and Alex Lazorisak coming on January 22. Sheriff Dave Gallant will not be on the schedule. He said the Board may want to think

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about adding more sessions and whether they want to invite other departments to talk about their budgets. Mr. Houck said he could not attend the January 19 meeting due to his presence being required at the PRMUA Meeting. The Board had complete confidence in Mr. Olshefski's ability to handle the meeting without him.

Louis Cartabona wondered why the County Library is not listed as an exception on the CAP summary. Mr. Houck said the limitation is on the County Purpose Tax. The Library has a completely separate budget. This reminded Mr. Chamberlain that maybe the Board should meet with the Library on its budget.

On motion by Mr. Gardner, seconded by Mr. Sarnoski, and there being no further business to come before the Board at this time, the meeting was adjourned at 12:39 p.m.
Recorded Vote: Mr. Sarnoski yes, Mr. Gardner yes, Mr. Chamberlain yes

ATTESTED TO:**Steve Marvin, Clerk of the Board**