

REGULAR MEETING HELD ON WEDNESDAY, DECEMBER 28, 2016

9:00 AM

ORDER OF BUSINESS

Item

1. **CALL TO ORDER BY DIRECTOR**
2. **ROLL CALL**
3. **MOMENT OF SILENT PRAYER AND SALUTE TO THE FLAG**
4. **PUBLIC STATEMENT**

"Pursuant to the Open Public Meetings Act, Chapter 231, P.L. 1975 Adequate Notice as defined by Section 3D of Chapter 231, P.L. 1975, has been made by regular mail, such notice being submitted on January 7, 2016 from the Administrative Center of the County of Sussex, located at One Spring Street, Newton, New Jersey to the following:

New Jersey Herald	WSUS Radio
New Jersey Sunday Herald	WNNJ Radio
Star Ledger	

and is also posted on the bulletin board maintained in the Administrative Center for public announcements and has been submitted to the Sussex County Clerk in compliance with said Act."

5. **APPROVAL OF AGENDA**

(Voice vote.)

6. **PROCLAMATIONS/CERTIFICATES/PRESENTATIONS**

7. **PUBLIC HEARINGS**

8. **PUBLIC SESSION FROM THE FLOOR**

Please Note: Everyone is asked to keep their comments to 5 minutes or less and only address issues regarding agenda items. Please state your name, spell your last name, and state your municipal residency.

9. **FREEHOLDERS' COMMENTS**

10. **APPROVAL OF CONSENT AGENDA**

- A. RESOLUTION RE: AUTHORIZING THE ENTRY INTO A CORRECTED FORM OF PROFESSIONAL SERVICES AGREEMENT WITH A. MATTHEW BOXER, ESQ. AND LOWENSTEIN SANDLER, LLP FOR THE PROVIDING OF SPECIAL COUNSEL SERVICES IN THE REVIEW OF THE SUSSEX COUNTY RENEWABLE ENERGY PROGRAM, WITHOUT COMPETITIVE BIDDING AS A PROFESSIONAL SERVICE PURSUANT TO N.J.S.A. 40A:11-5(1)(a)(i)
- B. RESOLUTION RE: AUTHORIZING THE ISSUANCE OF PURCHASE ORDERS IN COMPLIANCE WITH N.J.S.A. 19:44A-20.4 ET SEQ. FOR VARIOUS SERVICES, WITH ACCUMULATED VALUE LESS THAN THE BID THRESHOLD
- C. RESOLUTION RE: RENEWAL OF CONTRACT WITH DELTA DENTAL PLAN OF NEW JERSEY, INC. FOR DENTAL INSURANCE COVERAGE FOR COUNTY OF SUSSEX EMPLOYEES EFFECTIVE JANUARY 1, 2017 TO DECEMBER 31, 2017

The Board of Chosen Freeholders of the County of Sussex has reviewed the Consent Agenda consisting of various proposed Resolutions and determined that adoption of the said Resolutions is in and will further the public interest. (Roll call vote.)

11. APPROVAL OF MINUTES

Regular Meeting – December 14, 2016

(Voice vote.)

Executive Session – January 28, 2015

Regular Meeting – May 4, 2015

Executive Session – May 22, 2015

Executive Session – June 4, 2015

Executive Session – June 10, 2015

Executive Session – June 16, 2015

Executive Session – July 8, 2015

(Voice vote.)

12. APPOINTMENTS AND/OR RESIGNATIONS

13. RESOLUTIONS

1. RESOLUTION RE: RECORDING AND BROADCASTING REGULAR MEETINGS OF THE BOARD OF CHOSEN FREEHOLDERS OF SUSSEX COUNTY

(Voice vote.)

14. AWARDS OF CONTRACTS/CHANGE ORDERS/BIDS

15. FINANCIAL

- A. RESOLUTION RE: PAYMENT OF BILLS

(Roll call vote)

- B. RESOLUTION RE: PAYMENT OF BILLS

- C. RESOLUTION RE: RESOLUTION PROVIDING FOR THE CANCELING OF VARIOUS GRANT FUND RECEIVABLES AND RESERVES THAT EXIST ON THE BALANCE SHEET OF THE CURRENT BUDGET

- D. RESOLUTION RE: TRANSFER OF 2016 CURRENT APPROPRIATIONS

- E. RESOLUTION RE: AUTHORIZATION TO CANCEL CERTAIN GENERAL CAPITAL IMPROVEMENT AUTHORIZATION BALANCES (Cancelling unfunded debt)
- F. RESOLUTION RE: AUTHORIZATION TO CANCEL CERTAIN GENERAL CAPITAL IMPROVEMENT AUTHORIZATION BALANCES (Cancelling unexpended funded balances and credited them to the Capital Fund Balance)
- G. RESOLUTION RE: AUTHORIZATION TO CANCEL CERTAIN GENERAL CAPITAL ACCOUNTS RECEIVABLE AND IMPROVEMENT AUTHORIZATION BALANCES

(Roll call vote)

16. **PERSONNEL**

17. **ADMINISTRATIVE REPORT**

- A. Other

18. **COUNTY COUNSEL**

- A. Capital Projects
- B. Litigation
- C. Contract
- D. Other Matters

19. **UNFINISHED BUSINESS**

20. **NEW BUSINESS**

21. **PUBLIC SESSION FROM THE FLOOR**

Please Note: Everyone is asked to keep their comments to 5 minutes or less. Please state your name, spell your last name, and state your municipal

residency

22. EXECUTIVE SESSION – (Closed Session – If Applicable)
RESOLUTION RE: PROVIDING FOR AN EXECUTIVE (CLOSED) SESSION NOT OPEN TO THE PUBLIC IN ACCORDANCE WITH THE PROVISIONS OF N.J.S.A. 10:4-12 ET SEQ.

WHEREAS, the subject matter(s) about to be discussed may be excluded from the public portion of the meeting by Resolution of the Board of Chosen Freeholders as an exception to the “Open Public Meetings Act” pursuant to N.J.S.A. 10:4-12 (b); and

WHEREAS, it appears necessary for the Board of Chosen Freeholders to discuss such matter(s) in Executive Session.

NOW, THEREFORE, BE IT RESOLVED that the Board of Chosen Freeholders of the County of Sussex, in accordance with the provisions of N.J.S.A. 10:4-12(b) and N.J.S.A. 10:4-13 that the Board at this time enter into an Executive Session from which the public shall be excluded; and

BE IT FURTHER RESOLVED, that the general nature of the subject(s) to be discussed relate to the following item(s) authorized by N.J.S.A. 10:4-12(b) as designated below:

- _____ (1) **Matters Required by Law to be Confidential:**
- _____ (2) **Matters Where the Release of Information Would Impair the Right to Receive Funds:**
- _____ (3) **Matters Involving Individual Privacy:**
- _____ (4) **Matters Relating to Collective Bargaining Agreements:**
- _____ (5) **Matters Relating to the Purchase, Lease of Acquisition of Real Property or the Investment of Public Funds:**
- _____ (6) **Matters Relating to Public Safety and Property:**
- _____ (7) **Matters Relating to Litigation, Negotiations and the Attorney Client Privilege:**
- _____ (8) **Matters Relating to the Employment Relationship:**
- _____ (9) **Matters Relating to the Potential Imposition of a Penalty:**

BE IT FURTHER RESOLVED that the deliberations conducted in closed session may be disclosed to the public upon the determination of the Sussex County Board of Chosen Freeholders or provided by law that the public interest will no longer be served by such confidentiality; and

BE IT FURTHER RESOLVED that upon completion of the business for which the Board has entered into the Executive Session, the Board shall reconvene and resume its meeting open to the public.

23. REMINDERS

<u>Date/Time</u>	<u>Meeting</u>	<u>Location</u>
Jan. 3- 6:00p	Freeholder Reorganization	Historic Courthouse

24. ADJOURNMENT

(Voice vote.)

RESOLUTION RE: AUTHORIZING THE ENTRY INTO A CORRECTED FORM OF PROFESSIONAL SERVICES AGREEMENT WITH A. MATTHEW BOXER, ESQ. AND LOWENSTEIN SANDLER, LLP FOR THE PROVIDING OF SPECIAL COUNSEL SERVICES IN THE REVIEW OF THE SUSSEX COUNTY RENEWABLE ENERGY PROGRAM, WITHOUT COMPETITIVE BIDDING AS A PROFESSIONAL SERVICE PURSUANT TO N.J.S.A. 40A:11-5(1)(a)(i)

WHEREAS, by Resolution adopted November 22, 2016, the Board of Chosen Freeholders of the County of Sussex agreed to enter into a Professional Services Agreement with A. Matthew Boxer, Esq. of Lowenstein Sandler, LLP, in an amount not to exceed \$250,000.00, pursuant to N.J.S.A. 40A:11-5(1)(a)(i), for the purpose of providing Special Counsel services relating to an inquiry into the County's participation in the Sussex County Renewable Energy Project (the Solar Project), for a period of one-year from the commencement date of the Agreement; and

WHEREAS, the form of that Agreement was erroneous, specifically as to the Scope of Services, having been inadvertently finalized from the incorrect working draft; and

WHEREAS, the attached Agreement correctly reflects the Scope of Legal Services to be provided pursuant to the Agreement; and

WHEREAS, this Resolution does not replace the November 22, 2016, Resolution, but instead replaces the prior Agreement with the correct form, attached hereto.

NOW, THEREFORE, BE IT RESOLVED that the Board of Chosen Freeholders of the County of Sussex hereby agrees to revise and enter into a Professional Services Agreement with A. Matthew Boxer, Esq. of Lowenstein Sandler, LLP, in an amount not to exceed \$250,000.00; and

BE IT FURTHER RESOLVED that the Freeholder Director and the Clerk of the Board be and are hereby authorized to execute, on behalf of the County, the Professional Services Agreement, which is annexed hereto and made a part hereof; and

BE IT FURTHER RESOLVED that a copy of this Resolution and the Agreement itself is to be made available for public inspection at the Office of the Clerk of the Board of Chosen Freeholders, pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq.; and

BE IT FURTHER RESOLVED that a copy of this Resolution, along with the Agreement, will be available through On-Base and an executed copy will be forwarded to Lowenstein Sandler, LLP, 65 Livingston Avenue, Roseland, NJ 07068, ATTN: A. Matthew Boxer, Esq.

Certified as a true copy of the
Resolution adopted by the
Board of Chosen Freeholders
on the 28th day of December, 2016.

Catherine M. Williams, Clerk
Board of Chosen Freeholders
County of Sussex

**RESOLUTION RE: AUTHORIZING THE ISSUANCE OF PURCHASE ORDERS
IN COMPLIANCE WITH N.J.S.A. 19:44A-20.4 ET SEQ.
FOR VARIOUS SERVICES, WITH ACCUMULATED
VALUE LESS THAN THE BID THRESHOLD, AS STATED
BELOW**

WHEREAS, the County of Sussex has a need to acquire various services as non-fair and open contracts in compliance with N.J.S.A. 19:44A-20.4 et seq.; and

WHEREAS, Thomas W. Gildersleeve, Purchasing Agent, has determined and certified in writing that the value of these services with these vendor(s) will exceed \$17,500.00 during this fiscal year; and

WHEREAS, the term of these expenditures is for the 2016 fiscal year; and

WHEREAS, the following vendor(s) has executed a certification that certifies that the business entity has not made a contribution that would bar them from receiving purchase orders in excess of \$17,500.00, and the business entity will report to the Election Law Enforcement Commission any contribution that would violate the Pay-To-Play Law (N.J.S.A. 19:44A-20.4 et seq.) through this fiscal year.

NOW, THEREFORE, BE IT RESOLVED that the Board of Chosen Freeholders of the County of Sussex authorizes the Purchasing Agent to issue purchase orders and execute such other documents as may be necessary with the following vendor(s) for the various services described below:

	<u>Vendor Name</u>	<u>Description of Services</u>
1.	X-Ray Imaging Inc.	X-Ray Systems

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this Resolution; and

BE IT FURTHER RESOLVED that a certified copy of this Resolution is available in On-Base.

Certified as a true copy of the
Resolution adopted by the Board
on the 28th day of December, 2016.

Catherine M. Williams, Clerk
Board of Chosen Freeholders
County of Sussex

RESOLUTION RE: RENEWAL OF CONTRACT WITH DELTA DENTAL PLAN OF NEW JERSEY, INC. FOR DENTAL INSURANCE COVERAGE FOR COUNTY OF SUSSEX EMPLOYEES EFFECTIVE JANUARY 1, 2017 TO DECEMBER 31, 2017

WHEREAS, the County of Sussex first entered into a contract with Delta Dental Plan of New Jersey, Inc. on October 16, 1983 to provide dental insurance coverage for Sussex County employees and their dependents; and

WHEREAS, this Contract was entered into after the County of Sussex competitively sought proposals from several providers of dental insurance coverage, reviewed said proposals and determined that the coverage offered by Delta Dental Plan of New Jersey, Inc. suited the needs of the County, inasmuch as it offered the best combination of cost, services and subscribing dental providers; and

WHEREAS, this process has been conducted periodically since 1983 with the same cost effective result and no diminution in coverage for employees and their dependents; and

WHEREAS, the Board of Chosen Freeholders have heretofore negotiated with certain bargaining units representing employees of the County and Delta Dental Plan of New Jersey, Inc. as an insurance provider of such services as are currently negotiated for and by the appropriate bargaining units; and

WHEREAS, the County Treasurer has certified the availability of funds subject to annual appropriation for the renewal of the Contract.

NOW, THEREFORE, BE IT RESOLVED that the Board of Chosen Freeholders does hereby authorize the 0.0% rate renewal of the dental insurance coverage Contract with Delta Dental Plan of New Jersey, Inc. for the period of January 1, 2017 to December 31, 2017; and

BE IT FURTHER RESOLVED that the Freeholder Director and Clerk of the Board are hereby authorized and directed to execute said Renewal a copy of which is attached hereto and made a part hereof; and

BE IT FURTHER RESOLVED that said Contract is awarded without competitive bidding in accordance with N.J.S.A. 40A: 11-5 (1) (m) of the Local Public Contracts Law because the provision of a group dental insurance program is an insurance program specifically exempted from formal bidding by said law; and

BE IT FURTHER RESOLVED that a notice of this action shall be published once in the New Jersey Herald; and

BE IT FURTHER RESOLVED that two (2) certified copies of this Resolution and Contract be forwarded to Delta Dental of New Jersey, Inc., Delta Dental Plaza, 1639 Route 10, Parsippany, NJ 07054; one (1) copy to Skip Murray, Arthur J. Gallagher & Co., 200 Jefferson Park, Whippany, NJ 07981-1054; and one (1) copy to The Morville Agency/Bollinger, Inc., 55 Newton Sparta Road, Suite 102, Newton, NJ 07860.

Certified as a true copy of the
Resolution adopted by the
Board of Chosen Freeholders
on the 28th day of December, 2016.

Catherine M. Williams, Clerk
Board of Chosen Freeholders
County of Sussex

RESOLUTION RE: RECORDING AND BROADCASTING REGULAR MEETINGS OF THE BOARD OF CHOSEN FREEHOLDERS OF SUSSEX COUNTY

WHEREAS, the Board of Chosen Freeholders desires to record and broadcast its regularly-scheduled public meetings; and

WHEREAS, the County of Sussex has the internal resources to record and disseminate copies of such recordings; and

WHEREAS, the County upon completion of the recording desires to make available a copy of the recording via the County's website channel for easy and ready access by the public; and

WHEREAS, copies of the recording will be made available to local media agencies digitally upon request.

NOW, THEREFORE, BE IT RESOLVED by the Board of Chosen Freeholders of the County of Sussex, State of New Jersey as follows:

1. The Board of Chosen Freeholder's hereby orders its Division of Technology and Information Management to record and broadcast of its regularly-scheduled meetings, as set forth in the schedule issued annually by the Clerk of the Board.
2. Videotaping shall commence with the first regularly scheduled meeting of 2017.
3. The County via the Office of Website Management will post a link on the County's Website to provide access to the recording.
4. A review will be made before April 1, 2017 of the costs and feasibility of real-time access to the video by members of the public. This review will be given to the Freeholder Board at a regularly scheduled meeting.
5. Video will be posted to the County's website no later than 2 business days after the regularly scheduled meeting.
6. After the recording is complete, copies will be sent via regular mail to Strauss News, NJ Herald, Service Electric Cable Television, Comcast and The Alternative Press.
7. Editing by staff will be limited to adding a lead-in and lead-out consisting of the meeting title and county seal, and splicing the video together.
8. The video will be made available in DVD format for ORPA requests by the public.

9. The Division of Information Technology and the Division of Facilities Maintenance shall permanently mount a camera in the Freeholder Meeting Room for use in videotaping the meetings.

10. Upon execution, a copy of this Resolution will be made available in On-Base.

Certified as a true copy of the
Resolution adopted by the
Board of Chosen Freeholders
On the 28th day of December 2016.

Catherine M. Williams, Clerk
Board of Chosen Freeholders
County of Sussex, State of New Jersey

**RESOLUTION RE: RESOLUTION PROVIDING FOR THE CANCELING OF
VARIOUS GRANT FUND RECEIVABLES AND
RESERVES THAT EXIST ON THE BALANCE SHEET OF
THE CURRENT BUDGET**

WHEREAS, there exists various grant fund receivables and reserves on the Balance Sheet of the Current Fund: and

WHEREAS, the funds creating these receivables and reserves have been investigated and determined to be overstated and uncollectible; and

WHEREAS, it is necessary to formally cancel the grant receivables and appropriation reserve balances summarized on "Schedule A" attached be canceled.

BE IT FURTHER RESOLVED that a certified copy of the Resolution is available in OnBase.

Certified as a true copy of the
Resolution adopted by the
Board of Chosen Freeholders
on the 28th day of December, 2016.

Catherine M. Williams, Clerk
Board of Chosen Freeholders
County of Sussex

**RESOLUTION RE: AUTHORIZATION TO CANCEL CERTAIN GENERAL
CAPITAL IMPROVEMENT AUTHORIZATION BALANCES**

WHEREAS, certain General Capital Improvement authorization balances remain dedicated to projects now completed on Ordinance #05-04; and

WHEREAS, it is necessary to formally cancel said balance so that the unused debt authorization may be canceled.

NOW, THEREFORE, BE IT RESOLVED by the Board of Chosen Freeholders of the County of Sussex, New Jersey that the following unexpended and dedicated balances of General Capital Appropriations be canceled:

<u>Ord. No.</u>	<u>Date</u>	<u>Improvement Authorization</u>	<u>Unfunded Total</u>
05-04	06/22/05	Supplemental Appropriation for Various Improvements to Sussex County Technical School: <hr/> 04-215-55-920-901	\$7,000.00

BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded to the County Auditor, Nisivoccia LLP, Mount Arlington Corporate Center, 200 Valley Road, Suite 300, Mt. Arlington, NJ 07856.

Certified as a true copy of a
Resolution adopted by the
Board of Chosen Freeholders
on the 28th day of December, 2016.

Catherine M. Williams, Clerk
Board of Chosen Freeholders
County of Sussex

RESOLUTION RE: AUTHORIZATION TO CANCEL CERTAIN GENERAL CAPITAL IMPROVEMENT AUTHORIZATION BALANCES

WHEREAS, certain General Capital Improvement authorization balances remain dedicated to projects now completed on Ordinances #02-03, #09-07, #10-05 and #15-01; and

WHEREAS, it is necessary to formally cancel said balances so that the unexpended balance may be credited to the Capital Fund Balance.

NOW, THEREFORE, BE IT RESOLVED by the Board of Chosen Freeholders of the County of Sussex, New Jersey that the following unexpended and dedicated balances of General Capital Appropriations be canceled:

Ord. No.	Date	Improvement Authorization	Funded Total
02-03	05/08/02 10/23/02	Various Capital Improvements: <u>04-215-55-913-904</u>	\$ 0.50
09-07	10/14/09	Acquisition of Property Located on Wheatsworth Road, Renovations & Office Furniture: <u>04-215-55-937-901</u> 04-215-55-937-902 04-215-55-937-908	20.67 0.16 0.36
10-05	07/07/10	Various Capital Improvements: <u>04-215-55-944-924</u>	184,351.91
15-01	03/11/15	Postage Meter & Mail Mgt System: <u>04-215-55-971-901</u>	<u>2,356.20</u>
Total			<u>\$186,729.80</u>

BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded to the County Auditor, Nisivoccia LLP, Mount Arlington Corporate Center, 200 Valley Road, Suite 300, Mt. Arlington, NJ 07856.

Certified as a true copy of a Resolution adopted by the Board of Chosen Freeholders on the 28th day of December, 2016.

Catherine M. Williams, Clerk
Board of Chosen Freeholders
County of Sussex

BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded to the County Auditor, Nisivoccia LLP, Mount Arlington Corporate Center, 200 Valley Road, Suite 300, Mt. Arlington, NJ 07856.

Certified as a true copy of a
Resolution adopted by the
Board of Chosen Freeholders
on the 28th day of December, 2016.

Catherine M. Williams, Clerk
Board of Chosen Freeholders
County of Sussex