

REGULAR MEETING HELD ON TUESDAY, NOVEMBER 24, 2015
9:00 AM

ORDER OF BUSINESS

Item

1. CALL TO ORDER BY DIRECTOR at 9:03 AM

- 2. ROLL CALL** Freeholder Graham; Freeholder Mudrick;
Freeholder Rose; Freeholder Vohden; Freeholder
Director Crabb; County Administrator, Steve Gruchacz;
County Counsel, John Williams, and Clerk of the Board,
Catherine M. Williams

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 September 17, 2015 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. PUBLIC HEARINGS

There were no public hearings.

6. PROCLAMATIONS/CERTIFICATES/PRESENTATIONS

A. Proclamations/Certificates

1. Proclamation in recognition of November as being National Family Caregivers Month
527-2015

Freeholder Mudrick presented Robin Ennis of the United Way of Northern NJ with the Proclamation.

B. Presentations

1. Acknowledging the retirement of Joseph Kampka, County Division Head of Public Works, who retired after 31 years with the County; John C. Kernusz, Jr., County Correction Sergeant at the Jail, who retired after 25 years with the County; Edward T. Pandiscia, County Correction Lieutenant at the Jail, who retired after 25 years with the County; and Theresa L. Rasso, Legal Secretary for the Prosecutor's Office, who retired after 25 years and 5 months with the County.

7. PUBLIC SESSION FROM THE FLOOR

(Please note: Everyone is asked to keep their comments to 5 minutes or less)

MOTION made at 9:09 AM by Freeholder Mudrick, to open the meeting to the Public, seconded by Freeholder Rose and passed unanimously.

No public came forward.

MOTION made at 9:10 AM by Freeholder Rose to close the meeting to the Public, seconded by Freeholder Graham and passed unanimously.

8. FREEHOLDERS' COMMENTS

Comments by Freeholder Vohden

- **TPA**

Freeholder Vohden said at the last TPA meeting Franklin Borough was one of the municipalities to participate in the Pedestrian Safety Education Campaign promoting safety pedestrian travel. In New Jersey there is a death every 2.5 days and 11 injuries a day. There were 27 pedestrian accidents in Franklin since 2003. We have had our share of deaths right here in Newton. We can prevent these deaths through education and enforcement.

- **Veterans Cemetery**

Freeholder Vohden thanked John Harrigan and all the individuals who worked so hard to bring Sussex County the first non-government cemetery in New Jersey. It is something they can be very proud of and we are very proud of them. I would like to extend our thanks and appreciation for all involved.

- **Eco-tourism**

Freeholder Vohden said from every economic study that I have read, it is important that we take care of our tourism resources. Lake Hopatcong is one of the important attractions in the area. On Friday, November 13, 2015, Freeholder Vohden attended a symposium at the Windlass Restaurant on the Lake. The meeting was attended by a large group of individuals who were concerned about lake issues and solutions. The major topics that were discussed were weed harvesting and water level management which is severely impacting the use of the lakes in the region. Discussion resulted in a list of action items to solve the funding and regulatory issues. We, the Freeholders, have been asked for assistance. I have received a list of the action items and I think they were emailed to each one of you. Freeholder Vohden said it is important to follow through on these items and help out Lake Hopatcong. They have some serious problems there and it is really impacting the use of the lake and the businesses in the area. DEP was very well represented at the meeting. Senator Steve Oroho invited a representative from Senate President Sweeny's office who did attend and said he will report back to the Senator on the importance of our concern and he was concerned when he left.

- **NJ League of Municipalities Convention**

Freeholder Vohden said it was his 19th year attending this convention. I am reminded on how important it is for our elected officials to attend this event. The networking with other municipal counties and state officials in an important activity and the knowledge gained through these seminars is valuable. This year the most discussed issue was the urgency of funding of the State Transportation Trust Fund. Freeholder Vohden attended two seminars where it was discussed at length and he attended another seminar and the only topic discussed was the Fund. The decision on how this issue is resolved is so important that I believe we the Freeholders should discuss this and let our legislators know because the legislators are looking at this from different positions and I think we could come to a decision on how this could be handled. I think we should have that discussion on this. There are many different arguments on this. I think we should give our legislators some guidance because it is going to affect our roads and bridges here as well as taxpayer's visits to the pumps.

Freeholder Vohden attended two seminars on foreclosures. He brought back a lot of information for the Human Services Department to hand out when they get foreclosure questions.

Again, I am going to speak about the economy and the demographics of Sussex County and I am going to continue to talk about these issues until they turn around. There is still a continuing decline in our population, our tax base, our home values, our loss of seniors and millennials and decline in school enrollment. The only increases are in our property taxes, our school budgets and the number of foreclosures.

Again, I say as Freeholders, we have no direct statutory authority to act on these issues but as county elected officials, by statute, provide leadership in the form of defining the issues and making the information available to the public. The best solution to all of our problems is to lower taxes, which we have all promised to do. How can we do that, one way is by informing the public of the causes of the high property taxes. About 70% of our property taxes go to funding education. This year the population is down 24% and declining. These facts have been pointed out at many meetings around the county and I think we are finally getting the attention of the people that can make the changes. There was a symposium last week by the Sussex County School Board Association where about 60 school board members and officials throughout the county heard from a panel of experts on the topic. It was reported at the meeting that over the last decade Sussex County has seen its enrollment fall by 24% compared with a state-wide decline of 17.5% over that same time. Freeholder Vohden checked that figure and found out that what should have been reported is the state enrollment is down as we have been reporting to 1.5% not 17.5% and that is a big difference. It may have been a mistake. If we keep pumping out the information, we had a conversation about the 24% decline in the enrollment and the school district budgets; I think we should do whatever we can to keep the conversation going.

Comments by Freeholder Mudrick

- **Congratulations**

Freeholder Mudrick also welcomed Freeholder Rose to the Board and nothing but the best of luck moving forward. He also acknowledged the Sussex County employees who will be retiring effective December 1, 2015 and he extended a Happy Thanksgiving to all Sussex County residents, employees and colleagues.

Comments by Freeholder Rose

Freeholder Rose did not have any comments tonight.

Comments by Freeholder Graham

Freeholder Graham welcomed Freeholder Rose

- **Veterans**

Freeholder Graham said November was Veterans' month. Between all of us we attended 10 to 15 things. The Veterans' cemetery was not only stunning, it was emotional. He said everyone that spoke, spoke from the heart. One of the things that kept coming up over and over again was not just the veterans but the veteran and the active duties' families. If anyone who knows people who have family members in harm's way, please keep them in your prayers.

- **NJ League of Municipalities**

Freeholder Graham attended the convention. It was his ninth year attending. He attended two seminars on Land Use and Foreclosures and he said they were outstanding. One of the seminars on foreclosures didn't relate to us at all.

They started talking about all the foreclosures but then they shifted to the cities, East Orange and such, it really does not line up with what we discuss but the similarities are there. With all the statistics that we read out there, it is so hard to call one story from the statistics. I am not disagreeing with anything being said here. I was reading over the Human Services Needs Assessment this morning and I was looking at the statistics in there and how the housing stock has moved up by 14% over the last ten years at the same time the population has dropped down.

They were building stock at the same time the population was dropping so it immediately creates a flux of things being worse than what they ordinarily would be if we weren't building at the same time. This also comes between the time period between 2005 and 2011 or 2012. My difficulty with statistics is that they are not static. They move, they breathe and as we go ahead and we try to analyze these things I kept thinking over and over again, how do you get a hold of the tail of this, because it is moving as we speak. I agree with Freeholder Vohden that we need to have a discussion on this and a better understanding of this but when they had the meeting at Lafayette with the schools, the one thing I read in the paper was that they want another demographic study. Can't we just send ours over, we have the numbers, and the numbers don't lie. We know what the problem is; we don't need to go back and forth trying to decide what the problem is, we

know what it is, my biggest part is how do we go about solving it? Freeholder Graham said I hope you understand the point I am trying to make.

- **Lake Health**

Freeholder Graham said he is on the Lake Musconetcong Regional Planning Board which basically is down river from Lake Hopatcong. Everything we can do for Lake Hopatcong and Lake Musconetcong is something for tourism. The whole area around Lake Musconetcong used to be tourist availability. You used to have a lot of boating. You can still do a lot of kayaking in the area but all the weeds are choking the lake. That has to be addressed.

- **Gas Tax**

Freeholder Graham said he completely agrees with the concept that we have to fund to do the roads but we also at the same time have to get a handle on what this is costing. The costs are astronomical. Having been in construction, you know when things are off the rails. When you look at the things that have been done in this county they have to be brought under control at the same time as anything has to be funded. Freeholder Graham said he is commenting back on Freeholder Vohden's comment.

Freeholder Vohden said it is a serious issue.

Freeholder Graham said I don't know what I am reading is 100% true either. I am reading that our costs are 4 times higher than the next one down which is Massachusetts in terms of cost per mile. We are in the area of 2 million and they are in the area of \$600,000 per mile something is definitely eschewed.

Comment by Director Freeholder Crabb

Freeholder Director Crabb welcomed Freeholder Rose. He said as someone who also came in the middle of a term, the biggest challenge for me was realizing how many nooks and crannies there are to county government. It took some time to get a level of comfort with it. I have asked Cathy and all of us will give you whatever assistance you need to get caught up especially in the areas of interest and give you a feeling of a well-rounded knowledge as well as Carl who will come on the first of the year.

- **Firefighter Graduation**

Freeholder Director Crabb said he had the honor again to speak at the graduation. Again, Sussex County is the only county left in the state where all of its firefighters and ambulance members are all volunteers. It certainly is no discovery that the volunteer emergency responder is the backbone of every municipal budget because if any town had to pay for just one professional fire fighter or EMS person, it would completely blow out their budget and there would be no money left for anything else. You always get legacies at firefighter graduations and that warms the heart. Once you get involved with this, it is not just a volunteer service; it becomes a way of life. What was really encouraging was to see how many fresh faces are coming into the fire service, ones that do not have a family legacy, and that is what is going to sustain what we are able to sustain only in Sussex County is that complete 100% volunteer service. Volunteer fire fighters go through the exact same training as a professional fire fighter would. It is 160 hours to complete Firefighter 1, basic firefighting class.

When I took it back in 1968, it was 60 hours. So in addition to their jobs, and family responsibilities the volunteers made the time to provide services for us so it is one less thing we have to worry about and I congratulate them.

- **Veterans Cemetery**

Freeholder Director Crabb has the distinct honor to speak at the Veterans Cemetery opening. Freeholder Graham mentioned about the emotional aspect with it; the one thing I picked up about it is how much this means to these veterans to have something like this locally. Not only is it one last thing they have to worry about is their final resting place will be but it allows them to have their final resting place with their brothers and it allows us to know what their legacy was and provide us the ability to pay our respects for the rest of time. I congratulate John Harrigan and his staff and all the agencies including ours to give our support to make it a realization.

9. APPROVAL OF CONSENT AGENDA

- A. RESOLUTION RE: PAYMENT OF BILLS
528-2015
- B. RESOLUTION RE: AMENDING THE 2015 CAPITAL BUDGET
529-2015
- C. RESOLUTION RE: CANCELLATION OF ROAD ESCROW FUNDS
530-2015
- D. RESOLUTION RE: RESOLUTION PROVIDING FOR THE INSERTION OF
531-2015 ANY SPECIAL ITEM OF REVENUE IN THE 2015 BUDGET OF THE COUNTY OF SUSSEX RELATING TO THE 2015/16 VICTIMS OF CRIME ACT (VOCA) GRANT PROGRAM AWARD #V-19-14 FOR A TOTAL AMOUNT OF \$96,962.00
- E. RESOLUTION RE: RESOLUTION PROVIDING FOR THE INSERTION OF
532-2105 ANY SPECIAL ITEM OF REVENUE IN THE 2015 BUDGET OF THE COUNTY OF SUSSEX RELATING TO THE SFY2015 BODY ARMOR REPLACEMENT FUND (BARF) PROGRAM GRANT AWARD FOR THE SUSSEX COUNTY SHERIFF'S OFFICE FOR A TOTAL AMOUNT OF \$11,192.66
- F. RESOLUTION RE: RESOLUTION PROVIDING FOR THE INSERTION OF
533-2015 ANY SPECIAL ITEM OF REVENUE IN THE 2015 BUDGET OF THE COUNTY OF SUSSEX RELATING TO THE SFY2015 BODY ARMOR REPLACEMENT FUND (BARF) PROGRAM GRANT AWARD FOR THE SUSSEX COUNTY PROSECUTOR'S OFFICE FOR A TOTAL AMOUNT OF \$2,268.08
- G. RESOLUTION RE: TRANSFER OF 2015 CURRENT APPROPRIATIONS
534-2015
- H. RESOLUTION RE: AUTHORIZATION FOR THE BOARD OF CHOSEN
535-2015 FREEHOLDERS TO AMEND ITS RESOLUTION ADOPTED APRIL 22, 2015, TO CORRECT THE STATED FUNDING AMOUNT OF THE FEDERAL FISCAL YEAR 2014 NEW JERSEY OFFICE OF HOMELAND SECURITY EMERGENCY MANAGEMENT PERFORMANCE GRANT FUNDING
- I. RESOLUTION RE: AUTHORIZING THE ISSUANCE OF PURCHASE
536-2015 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
- J. RESOLUTION RE: AUTHORIZATION TO PROVIDE FOR THE PURCHASE
537-2015 OF TWO (2) 2016 FORD EXPLORER VEHICLES FOR THE SUSSEX COUNTY PROSECUTOR'S OFFICE
- K. RESOLUTION RE: AUTHORIZATION TO PROVIDE FOR THE PURCHASE
538-2015 OF FOUR (4) 2016 CHEVROLET IMPALA VEHICLES FOR THE SUSSEX COUNTY PROSECUTOR'S OFFICE
- L. RESOLUTION RE: AUTHORIZATION TO PROVIDE FOR THE PURCHASE
539-2015 OF NEW COMPUTER HARDWARE AND SOFTWARE EQUIPMENT FOR THE SUSSEX COUNTY PROSECUTOR'S OFFICE
- M. RESOLUTION RE: AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT
540-2015 WITH PARETTE SOMJEN ARCHITECTS, LLC TO PROVIDE A FEASIBILITY STUDY FOR THE SUSSEX COUNTY

PROSECUTOR'S OFFICE RENOVATIONS WITHOUT
COMPETITIVE BIDDING AS A PROFESSIONAL SERVICE
PURSUANT TO N.J.S.A. 40A:11-5(1)(a)(i)

- N. RESOLUTION RE: AUTHORIZATION FOR THE FREEHOLDER DIRECTOR TO EXECUTE CONTRACT #16AVWN WITH THE NJ DEPARTMENT OF HUMAN SERVICES, DIVISION OF DISABILITY SERVICES TO PROVIDE \$14,722.00 IN FUNDING TO THE SUSSEX COUNTY DEPARTMENT OF HUMAN SERVICES FOR THE PERIOD OF JANUARY 1, 2016 TO DECEMBER 31, 2016
541-2015
- O. RESOLUTION RE: FIRST AND FINAL CONTRACT AMENDMENT FOR THE REPLACEMENT OF DETERIORATED COUNTY STORM DRAIN PIPE WITHIN THE CR 630 ROW IN THE BOROUGH OF BRANCHVILLE FOR THE REQUIRED MATERIALS AND SERVICES WITHOUT PUBLIC BIDDING IN ACCORDANCE WITH N.J.S.A. 40A:11-6 AND THE COUNTY POLICY ON EMERGENCY PURCHASES
542-2015

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.

MOTION made by Freeholder Vohden to adopt these Resolutions, seconded by Freeholder Mudrick; Freeholder Rose abstained from 9A and Freeholder Graham abstained from bill 64337

Freeholder Graham just wanted to make it public that the items for the prosecutor's office are already being budgeted for not new items.

On Roll Call the vote was:

Freeholder Graham	Yes; abstained from bill 64337
Freeholder Mudrick	Yes
Freeholder Rose	Yes; Abstained from 9A
Freeholder Vohden	Yes
Freeholder Director Crabb	Yes

10. APPROVAL OF MINUTES

Regular Meeting - November 10, 2015

Executive Session Minutes

Regular Meeting – October 28, 2015

MOTION made by Freeholder Vohden to approve the minutes from the Regular Meeting of November 10, 2015 and the Executive Session Minutes from the Regular Meeting of October 28, 2015, seconded by Freeholder Graham and passed unanimously Freeholder Rose abstained.

11. APPOINTMENTS AND/OR RESIGNATIONS

A. Appointments

1. RESOLUTION RE: REAPPOINTMENT OF JAMIE BERNARD (Female, Provider), BECKY CARLSON (Female, Provider), DAWN METZGER (Female, Provider), AND SUZANNE SARNER (Female, Provider), AS MEMBERS OF THE SUSSEX COUNTY HUMAN SERVICES ADVISORY COUNCIL FOR TERMS OF THREE (3) YEARS EACH. TERMS TO BEGIN JANUARY 1, 2016 AND EXPIRE DECEMBER 31, 2018
543-2015
2. RESOLUTION RE: REAPPOINTMENT OF RICHARD OLSEN (Consumer) AND BRIAN DOHERTY (Consumer) AS MEMBERS OF THE SUSSEX COUNTY HUMAN SERVICES ADVISORY COUNCIL FOR TERMS OF THREE (3) YEARS EACH.
544-2015

TERMS TO BEGIN JANUARY 1, 2016 AND EXPIRE
DECEMBER 31, 2018

3. **RESOLUTION RE: APPOINTMENT OF MARY DOLAN (Provider - Female) AND MICHAEL VANCE (Consumer-Male) AS MEMBERS OF THE SUSSEX COUNTY HUMAN SERVICES ADVISORY COUNCIL FOR TERMS OF THREE (3) YEARS EACH. TERMS TO BEGIN JANUARY 1, 2016 AND EXPIRE DECEMBER 31, 2018**
545-2015

MOTION made by Freeholder Graham to adopt these Resolutions, seconded by Freeholder Mudrick

On Roll Call the vote was:

Freeholder Graham	Yes
Freeholder Mudrick	Yes
Freeholder Rose	Yes
Freeholder Vohden	Yes
Freeholder Director Crabb	Yes

12. RESOLUTION

- A. **RESOLUTION RE: PROVIDING TEMPORARY CLOSURE OF CR 519 IN BRANCHVILLE BOROUGH**
546-2015

MOTION made by Freeholder Mudrick to adopt the Resolution by Freeholder Mudrick, seconded by Freeholder Rose and passed unanimously.

13. AWARDS OF CONTRACTS/CHANGE ORDERS/BIDS

- A. Awards of Contract

1. **RESOLUTION RE: AWARDING A CONTRACT THROUGH THE COMPETITIVE CONTRACTING PROCESS FOR A LICENSED ARCHITECTURAL FIRM AND PROFESSIONAL ENGINEERING SUB-CONSULTANTS FOR THE SUSSEX COUNTY COURTROOM RENOVATIONS**
547-2015
2. **RESOLUTION RE: AWARD OF CONTRACT EXTENSION FOR UNIFORM SUPPLY AND LAUNDRY SERVICES FOR THE COUNTY OF SUSSEX**
548-2015
3. **RESOLUTION RE: AWARDING A CONTRACT THROUGH THE COMPETITIVE CONTRACTING PROCESS FOR A LICENSED ELECTRICAL ENGINEERING FIRM FOR SERVICES RELATED TO EMERGENCY GENERATING SYSTEMS AND OTHER REQUIRED ENGINEERING OF ELECTRICAL SYSTEMS**
549-2015
4. **RESOLUTION RE: AWARDING A CONTRACT THROUGH THE COMPETITIVE CONTRACTING PROCESS TO PROVIDE ENGINEERING SERVICES FOR THE RECONSTRUCTION AND REALIGNMENT OF COUNTY BRIDGE X-09 CARRYING COUNTY ROUTE 565 (BRANCHVILLE-LEWISBURG ROAD) OVER THE PPAKATING CREEK IN THE TOWNSHIP OF WANTAGE, NEW JERSEY**
550-2015

MOTION made by Freeholder Vohden to adopt the Resolutions, seconded by Freeholder Graham

On Roll Call the vote was:

Freeholder Graham	Yes
Freeholder Mudrick	Yes
Freeholder Rose	Yes
Freeholder Vohden	Yes
Freeholder Director Crabb	Yes

14. FINANCIAL

A.

**INTRODUCTION FOR FIRST READING – BOND ORDINANCE
551-2015**

BOND ORDINANCE PROVIDING FOR THE 2015 ROAD RECONSTRUCTION AND RESURFACING PROGRAM, BY AND IN THE COUNTY OF SUSSEX, STATE OF NEW JERSEY; APPROPRIATING \$2,469,819 THEREFORE AND AUTHORIZING THE ISSUANCE OF \$2,469,819 BONDS OR NOTES OF THE COUNTY TO FINANCE PART OF THE COST THEREOF

MOTION to adopt this Bond Ordinance on first reading made by Freeholder Graham, seconded by Freeholder Mudrick

On Roll Call the vote was:

Freeholder Graham	Yes
Freeholder Mudrick	Yes
Freeholder Rose	Yes
Freeholder Vohden	Yes
Freeholder Director Crabb	Yes

MOTION to authorize the Clerk to advertise this Bond Ordinance as introduced for first reading, and also post same on the bulletin board in the lobby of the County Administrative Center, together with Notice of Public Hearing stating that a hearing will be held on December 9, 2015 at 6:00 pm prior to final adoption of this Bond Ordinance made by Freeholder Vohden, seconded by Freeholder Rose and passed unanimously.

15. PERSONNEL

A. Personnel Agenda

MOTION to accept the Personnel Agenda made by Freeholder Mudrick, seconded by Freeholder Vohden and pass unanimously.

16. ADMINISTRATIVE REPORT

A. Other

No report from County Administrator.

17. COUNTY COUNSEL

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

No report from County Counsel.

18. UNFINISHED BUSINESS

No report.

19. NEW BUSINESS

Freeholder Vohden said several months ago were informed that they were looking to form an Ernie Kosa Center at the Littell Center in Franklin; that plan never materialized, it became a doctor's office. Last Friday, I received an email apologizing for the short notice and asked me for a letter of support of a \$50,000 Veterans Grant to fund a veteran's drop in center at another location in Franklin. It will go in the meals on wheels building. They are looking for 400 sq. feet. I did mail them the letter in support of the resolution and I told them I would bring it to the Freeholder Board and I would like to make a motion; Freeholder Graham made a motion to send the letter, seconded by Freeholder Mudrick and passed unanimously.

Freeholder Vohden said the letter is in support of the \$50,000 grant and it will be called the Lieutenant Colonel Ernie Kosa Veteran's Outreach Center to promote wellness by providing case management services and mental health counseling as well as direct assistance for basic needs for veterans and their families.

Senator Oroho and Assemblyman Space were also asked for a letter. Freeholder Graham proudly motioned this, seconded by Freeholder Mudrick and passes unanimously.

Freeholder Vohden said back in 2012 the Nickelson Family donated a war monument memorial to the Sussex County College. The veterans decided they would like to move that to a more conspicuous spot up by the 9-1-1 Monument. Nobody passes the monument down below. Sue Zellman helped the Nickelson's and the college to relocate it. I was asked to talk to the Nickelson Family to write a letter of support to remove the monument; they did write a letter and the college and the veterans are asking us for a letter of support.

Freeholder Director Crabb said there was no objection to writing the letter.

Freeholder Vohden said back in February of this year, I was really troubled and disappointed to read in the newspaper that confidential information from our 3 ½ hour long solar settlement executive session meeting on Friday the 19th was leaked and documents from the meeting were provided to the New Jersey Herald as reported by that newspaper. This release of sensitive documents was a very serious breach of confidentiality and violated the intent of an executive session. It is not known who released this information but it done with a total disregard of ethical behavior and state statutes. Freeholders are guided by state law and statutes and we are bound by and sworn under allegiance to obey and abide by these rules. We cannot pick and choose our laws. This incident should have been investigated. Now here we go again, the information contained in the resolution from the Hopatcong Council as stated in the letter and sent to all municipalities by Director Crabb had only been discussed by the Freeholders in executive session. The release of this confidential information as disclosed in its resolution is a serious breach of confidentiality and violates the intent and purpose of the executive session. In his letter of November 16th he stated that the resolution was drafted several weeks prior to the executive session. In the same letter he request that since Freeholder Crabb has taken it upon himself to selectively release information I call on him publicly to release the entire transcript of the October 28th executive session so that all of you can evaluate the facts for yourself. We have approved those minutes today and they have been released. Along with the transcript, I would like the audio recording of the executive session released because Freeholder Graham stated in the executive session meeting during the discussion of the Administration Code that these issues had never been discussed with him and it was the first that he had heard about this. If this is true, how could he have drafted the resolution not having discussed or heard about the revisions to the code? This disclosure for information from the October 28th executive session is a serious breach of confidentiality and again I say it violates the intent and purpose of the closed session. We can't ignore this type of behavior; we should not let it go unpunished. In compliance with our Administrative Code, the procedure for the conduct of business of the Freeholder Board shall be governed by Robert's Rules of Order and according to Robert's Rules of Order we may publicly censure a member of the board for his inappropriate action of releasing confidential information. I think we should take that under consideration.

Freeholder Vohden asked for any comments.

Freeholder Director Crabb said this is a situation that none of us were asked to be put in; censure is a strong word; and I am not sure this has ever happened here before. Before something like this happens, there needs to be clarity; obviously I don't think that Freeholder Graham would agree based on the correspondence that was sent out that there was any breach of anything. I personally don't agree with that at all. I think it is a very black and white situation.

I think something needs to happen here since there is a disagreement as to what the situation is and we need to have a board that can determine one way or another based on the facts of what happened. I would recommend we delegate this to the DCA to see if in fact there has been an ethics violation or any other process that would need to be addressed or should be addressed by this board.

My part with this is I am not comfortable going into any executive session at this point at all because it certainly shouldn't be a matter of whether you agree or disagree with what is going on whether or not there is action taken arbitrarily to release what the subject of that executive session is. When Freeholder Graham mentioned in his letter that this had been drafted weeks before the executive session happened and if in fact that was the case just because it was drafted before the executive session does it make it any less confined to constraints of what executive session means.

If we can't go into executive session without confidence, we have negotiations coming up with the prosecutor's office, there has to be some sort of basic comfort of what executive session stands for and by statute that it is established. I really don't know what to say here but at this point I think the appropriate way to go with this is to refer this to the DCA and to evaluate exactly what has happened here and get clarity as to what the ramifications are.

Freeholder Vohden said he would like to see that happen. Does it have to be done by a motion; by an individual?

Freeholder Director Crabb said I don't know.

Freeholder Mudrick said maybe County Counsel knows.

County Counsel said I can check with the department and find out if there is a process and get back to the director or you all can make a motion now and the process will move forward.

Freeholder Director Crabb said I am of the opinion that there are two very distinct different opinions as to what occurred here and I think the ramifications as I see them are severe enough that we can't just sit this out. We need to get clarity as to exactly what occurred here and take actions if any that are appropriate based on the findings by an agency like the DCA. We need to find the correct agency and supply them with the facts and determine what it all means.

Freeholder Vohden said I find this very disturbing. It is troubling. We cannot continue to let this happen. It has happened before. I believe this was a release of information from a closed session in violation of the statutes. I would like to make a motion that we send it to the proper authorities, the DCA to have them look at the situation.

Freeholder Graham and said he looks forward to that. I look forward to putting it out right where it belongs. I look forward to putting both sides of the story out there. I also look forward to the fact that this was also done in this particular manner.

Freeholder Mudrick seconded the motion.

County Counsel said the motion has been seconded. The Director calls for discussion in turn.

Freeholder Graham said I made my statement. I look forward to it. Go for it.

On Roll call the vote was:

Freeholder Graham	Yes
Freeholder Mudrick	Yes
Freeholder Rose	Yes
Freeholder Vohden	Yes
Freeholder Director Crabb	Yes

Freeholder Vohden continued with unfinished business. He said New Jersey laws allows for audio recording of public meeting. We have been recording our Freeholder meetings for a while now and for several months have been releasing the recordings to the public. I have heard from members of the public; they are very appreciative of the recordings and in the spirit of transparency I would like to make a motion that all Freeholder regular, special and executive session meetings are audio recorded so that we can confirm facts and transcripts as they are transcribed. Freeholder Mudrick seconded the motion.

Discussion

Freeholder Graham said he has never served on a governing body that had a closed session meeting that were all recorded and I am not familiar with any others that do. I think what is usually done on executive session is minutes taken by notes and that is my understanding. I don't know the history of how it developed here but I do know that back in April when audio minutes of an executive session were released without us even going to transcript or reviewing that was interesting.

Freeholder Vohden said we have heard from the public at many meetings over the past year about more transparency; I think we should take the lead in this. In fact, I have been asked by several people why we aren't videoing recording our meetings because there are a lot of people who have jobs, they can't get here; they really want to attend the meetings. They would like video recordings so that they can hear them, this way all meetings will be audio recorded and if the transcript didn't include everything they will hear it on the audio.

Freeholder Director Crabb said and one thing with audio is that you will get absolute context of the statements. If we are going to have discrepancies at the dais about what happened at the meeting, certainly to a point like pounding on the dais, I think we need something that would have audio that there would be no question at all. I am not sure what the downside of releasing audio would be but. I would be in favor as well with audio.

Freeholder Rose said when you talk about special meetings does that included committee meetings?

Freeholder Vohden said we have set up in the code, there are regular meetings, and special meetings; we might call a special meeting for example for the sale of the Homestead.

Freeholder Mudrick said only meetings that have a quorum.

Freeholder Vohden said freeholder regular, special and executive meetings.

Freeholder Rose said there has been quite a lot of discussion in Sussex Borough with this particular matter and there were two schools of thought about recording closed session meetings and two schools of thought about the committee meetings.

Freeholder Rose said in Sussex Borough they ended not wanting to record closed session and record committee meetings in lieu of written minutes.

Freeholder Vohden what is important is that we know that the recordings are not released until the transcribed minutes are released and then the recordings would be release and can be redacted.

Freeholder Crabb said I think the biggest thing is that it will give context to transcribed minutes.

Freeholder Rose asked how the release happens. He said where he comes from a committee of two people from the council plus the administrator or the clerk would meet and say these are things that should be released and it goes to the council and then the council votes on what can be released and that would happen twice a year, is that what happens here?

Freeholder Director Crabb said the director does not have anything to do with the release of the minutes. With executive session minutes I believe, it has been the recommendation of Counsel and if I am not mistaken from my Franklin Borough days, I think you have up to a year to release executive session minutes but here it has been a lot sooner.

Ms. Williams, Clerk of the Board said when it no longer is a confidential issue, than it goes before the Board to be released.

Freeholder Vohden said can we say some are released through an OPRA request.

County Counsel said that is the point really. The process has come from the OPRA review for OPRA requests. There have been a number of requests with the solar issue last year and the plethora of OPRA requests for solar documents and executive session minutes so they did get reviewed. It would be in the nature of an OPRA analysis before placing the audio on a disk so than portions that are still within the confidence of executive session, for anyone of the enumerative reasons that exist get redacted unless those reasons are no longer applicable. Some of them may never go away privacy issues, etc.

Freeholder Director Crabb said so with regards to redaction, we of course don't get redacted copies we get a full copy so if there is an issue with the redaction that is being done for either OPRA or executive session we would review it.

Freeholder Rose said so there are no processes whereby say in the first quarter of the year or the third quarter of the year it gets reviewed, it is just an ongoing basis. So is it driven by the public?

Freeholder Director Crabb said since I have been here as a Freeholder usually you release the regular meeting minutes as soon as they are available.

Ms. Williams Clerk of the Board said as soon as they are available. Once they are approved then we go through a process in the clerk's office of numbering the resolutions and they get posted to the website. The audio from the open sessions is posted to the website within 24 to 48 hours.

Freeholder Rose said open session is not an issue, it is the closed session. So generally an OPRA request would come in and then you review it.

Ms. Williams, Clerk of the Board said that is not what triggers it. It is a review between County Counsel and I to see when those issues of closed session are no longer confidential then it can go again before the Board that those closed session meeting minutes can be released. They are not put out for public, only if it then goes to an OPRA request and somebody is asking for the transcribed minutes, once they have been released, then we can release them to the requestor.

Freeholder Vohden said his motion states that they be recorded I didn't motion that they be released. Some of this information is confidential information and there is a strict criterion on what can be released and cannot be released. My motion was all meetings should be recorded.

Freeholder Rose said I think the issues go hand in hand.

Freeholder Graham said but the release does occur. It is what happened last year.

Clerk of the Board said it was released through an OPRA request.

Freeholder Graham but it was released and there is where the trouble comes in.

Freeholder Vohden said everything that is confidential would be redacted.

Clerk of the Board said that release came in after the settlement.

Freeholder Vohden said I like the idea of what I say in executive session is put out there to the public. I think it is true transparency. If I am embarrassed by something I say; then let it be, but I think the public should hear what I say in executive session when it is released.

Freeholder Rose said I typically agree with you but in Sussex I was on the losing side in favor of a recording but I want to give the other side of the argument and that side is that there is a chilling effect on what people say in closed session, and generally that is supposed to be a brain storming session or if you are negotiating you need to have all the options on the table even if some of those options may not be palpable to the public so the argument against recording is there is a chilling effect on the discussions that occur in closed session.

Freeholder Vohden said isn't that true here? We have the public here.

Freeholder Rose said generally you are not negotiating something in open session.

Freeholder Vohden said is there a chilling effect on any us now discussing this that the public is going to be more upset with us with what we are saying now than in executive session. What I would say in executive session, I would say here. My consciousness guide me on what I am going to say and I feel what I say as a public official as an elected official should be available to all the public. That is true transparency and that is what we are looking for here. That is what we are looking for across the county, not just here. People in this country want us to abide by the laws. This county is upset with people disregarding the laws. Picking and choosing the laws that they are going to follow. Here we are talking about executive session there they are talking about immigration and other big issues. Transparency, following the laws in the statutes, that is my motion.

County Counsel said as the person doing the OPRA reviews along with my assistance, the clerk and her assistance, there is a certain balance and eloquence in relation to the expenditure of resources in maintaining the motion as to record and then preserve. The release would be if there is an OPRA demand, if someone in the public requested which is their right and is part of what OPRA and OPMA, is but it is not automatic that the review is being done. The Board

should understand that there is a significant expenditure of resources, time and money to conduct an OPRA review. They are very involved. They require a great deal of thought, there is great deal of law; it is very dynamic and it is a law that costs governments at every level in the state not just at the county and municipal level even the Government Records Council itself, which applies the OPRA laws, costs them a significant amount of money. So a balance that needs to be understood from what I have introduced and not from an opinion, but from experience, is that the public should be aware and the Board representing the public should consider that public access is part of the policy but there is a public cost associated with that so to conduct an OPRA review on everything to necessarily set in place an automatic release is to incur a significant cost when suppose an executive session where no one really want it anyway. So if I understand the motion, it is to record so the option is there and then if it is required to review, under an OPRA review and redacting and you possibly could be talking about obtaining more resources in terms of man power. To do that as a matter of course is different so if the motion is to record and make it available then the option is there. If the Board votes that we would like the audio released instead of the minutes it allows more options.

Freeholder Director Crabb said it sounds to me that this motion is just formalizing to continue what we have always done.

Freeholder Rose said if we are going to talk about transparency; there is a cost related to transparency and I don't think it should be up to the public to go on a fishing expedition to try and find out what may or may not be releasable at that point. I understand your point about the cost but transparency is transparency. If we are going to have transparency, then let's have transparency.

Freeholder Vohden said the cost of this motion would be the cost of an audio tape unless it is an OPRA and that is totally separate from my motion. My motion is that we continue to tape all Freeholder regular, special and executive session meetings. That is my motion.

Freeholder Rose said I agree with that and I would vote affirmative for that but I also think on a regular basis a review; perhaps the Clerk of the Board and County Counsel should offer to the Freeholder Board a list of things that can be taken out of executive session and put into the public record and to that end I would offer a motion to amend your motion to add that a review shall occur once per quarter between County Counsel and the Clerk of the Board and they should review all closed executive session items and offer the Freeholder Board a list of items that can be removed from closed session and put into the public record.

Freeholder Vohden said I don't accept that amendment. That should be a separate motion.

County Counsel said it is a separate motion. You have to vote on the motion that is on the table.

Freeholder Rose said point of order that is incorrect.

County Counsel said movement can have his motion voted on and then you can make another motion if you wish to amend the policy.

Freeholder Director Crabb said what is this doing that we are not already doing? You are asking to have these things come through quarterly and I think they are coming through more frequently than quarterly.

Freeholder Rose said correct, I am asking that it be done at least quarterly.

Freeholder Director Crabb said I don't think that is anything different than what we doing.

Freeholder Vohden said I think that would be a separate motion.

Freeholder Rose said it didn't get a second.

Freeholder Director Crabb asked for any more discussion with the motion that is on the table?

There was no more discussion.

Clerk of the Board said I just want to be clear on the original motion from Rich to continue to audio record all regular, special and executive session meetings.

County Counsel said just to state under Robert's Rules of Order is the motion is you are ratifying; you are making a comment. You want to ratify the process that has been ongoing. It is a motion to ratify.

On Roll Call the Vote was:

Freeholder Graham	Yes
Freeholder Mudrick	Yes
Freeholder Rose	Yes
Freeholder Vohden	Yes
Freeholder Director Crabb	Yes

Freeholder Rose made a motion that a procedure be adopted that the County Counsel and the Clerk of the Board review at least quarterly all closed session audio tapes, transcripts and minutes and offer a list to the Freeholder Board items that can be removed from executive session and put into the public record, seconded by Freeholder Director Crabb.

Freeholder Rose said the thought would be that County Counsel and the Clerk of the Board review on a quarterly basis and then offer a list of what the Freeholder Board would then approve for release into public session.

County Counsel said Ms. Williams and I will propose a policy and send it to you for that process.

Freeholder Director said then will you amend your motion to advise counsel and clerk to come up with a policy to present back to the Freeholder Board.

Freeholder Rose said I withdrawn my motion.

County Counsel said as a practical matter we can work to organize the executive sessions as far as how they are presented and what the topic is.

Freeholder Director Crabb said I think we are just codifying what we already do. We will put some parameters on it and we can move forward. I think if Counsel and the Clerk can come up with a policy that is based on the recommendation of quarterly review, Freeholder Rose I think we can go from there.

Freeholder Rose said thank you very much for having this discussion; it is excellent.

**20. PUBLIC SESSION FROM THE FLOOR
(Please note: Everyone is asked to keep their comments to 5 minutes or less)**

MOTION made at 10:16 AM by Freeholder Mudrick to open to the Public, seconded by Freeholder Graham and passed unanimously.

No public came forward.

MOTION made at 10:17 AM by Freeholder Mudrick to closed to the Public, seconded by Freeholder Vohden and passed unanimously.

21. EXECUTIVE SESSION – (Closed Session – If Necessary)

MOTION made at 10:18 AM by Freeholder Mudrick to go into Executive Session, seconded by Freeholder Graham and passed unanimously.

**RESOLUTION RE: PROVIDING FOR AN EXECUTIVE (CLOSED) SESSION NOT
552-2015 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:**
- _____ X (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.

MOTION made at 10:56 AM to come out of Executive Session by Freeholder Vohden, seconded by Freeholder Rose and passed unanimously.

Freeholder Director Crabb said while in executive session, we discussed matters relating to personnel and a proposal by Prosecutor Frances Koch. At this time, a motion is in order to direct staff to incorporate the recommendations made by Prosecutor Koch with regards to salary adjustments to be placed on the next personnel agenda by consideration by this Board at the next freeholder meeting.

MOTION made by Freeholder Graham to come out of executive session seconded by Freeholder Director Crabb and passed unanimously.

22. **REMINDERS**

Thursday	November 26, 2015	Holiday – Thanksgiving
Friday	November 27, 2015	Holiday – Thanksgiving
Wednesday	December 9, 2015	Regular Meeting – 6 P.M.

23. **ADJOURNMENT**

MOTION made at 11:00 AM by Freeholder Rose to adjourn, seconded by Freeholder Mudrick and passed unanimously.

Catherine M. Williams
Clerk of the Board

DATED: November 24, 2015