

REGULAR MEETING HELD ON WEDNESDAY, DECEMBER 28, 2016

9:00 AM

ORDER OF BUSINESS

Item

1. CALL TO ORDER BY DIRECTOR 9:00 AM

2. ROLL CALL Freeholder Crabb, Freeholder Lazzaro, Freeholder Rose, Freeholder Vohden; Freeholder Director Graham; Acting County Administrator, Ron Tappan; County Counsel, John William; Clerk of the Board, Cathy 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 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    quandary  
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

**MOTION** made by Freeholder Lazzaro to approve the Agenda, seconded by Freeholder Rose and passed unanimously.

6. PROCLAMATIONS/CERTIFICATES/PRESENTATIONS

None this evening.

7. PUBLIC HEARINGS

None this evening.

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.**

**MOTION** made at 9:05 AM by Freeholder Crabb to open the public session, seconded by Freeholder Rose and passed unanimously.

Comment from Harvey Roseff

Mr. Roseff wants to hear from the Freeholders and what they felt needed to be changed in a contract that has been in effect for a year now. He feels there should be a public session on this. He said it is a very controversial subject and program. He said he wanted to remind the Freeholders that solar is on a piece of paper. He said the County owns nothing, the County operates nothing, and the County did not design this program. He said the words on a piece of paper put you into this problem and now changing the words on the contract that has been going on for a year and now we have an investigation going on and now the words of the contract are being changed. He wants to know what we got for the first \$250,000 that was spent. He is very curious why someone has discovered why words on a piece of paper are incorrect and the work project delivered is not matching up to your expectations and then you needed an addendum or a new contract. He referred this back to the solar program when they passed a lot of legalese in November 2011 and it changed a year later with Addendum 1 which probably caused the biggest headaches we have today. He brought up a question that was asked before and that is funds being returned from the Solar project and he doesn't see the construction funds being refunded. He also wants to know what the kilowatt production number is.

Ron Tappan said I cannot comment on this.

Mr. Roseff continued with his dissatisfaction of why the Board cannot tell us what the shortage is.

## **Comment from John Snyder**

Mr. Snyder brought up Resolution No. 13. 1 and he also commented on the five minute limit for the public. He thought the five minute limit was when there was a lot of public speaking not for one of two people.

**MOTION** made at 9:12 AM by Freeholder Crabb to close the public session, seconded by Freeholder Rose and passed unanimously.

## **9. FREEHOLDERS' COMMENTS**

### **Comments by Freeholder Vohden**

Mr. Vohden said he was taught at an early age that all of us have a civic responsibility to our country and our communities to participate in the demographic process to protect our way of life. He said he has been continuously involved one way or another all these years and now he will slow down a little. He will slow down to 5 or 6 meetings a month. He thanked everyone who supported him in his efforts to make Sussex County a better place to live and he asks for their support to do the same after he lives office. He said these are his last comments from this side of the podium; all his future comments will come from the other side.

### **Comments from Freeholder Rose**

Freeholder Rose said on December 22<sup>nd</sup> they had a budget hearing. The Superintendent and the BA were there from Vo-Tech. There was a request from them for a 2% increase in the budget and we are still talking that over. We also talked about moving the cost of the county superintendent which currently their facilities are included into the Vo-Tech budget into a separate budget so we can keep the total cost of the Superintendent in a known place in the budget. They will pull those costs out and put into a lease with the county.

Freeholder Rose said on December 22<sup>nd</sup> he had another meeting with IT with Bill Kosinetz, Ron Tappan, George Graham and himself. They discussed fiber optics in addition to the videotaping you read in the newspaper; they discussed fiber optics connections between here and Wheatsworth and the 911 center. He said it looks like they can come under the services we are getting from Century Link and that would give us 10x to 100xs faster for less money.

He congratulated Rich Vohden for his service and the time he has been a freeholder.

### **Comments from Freeholder Crabb**

Freeholder Crabb thanked Freeholder Vohden. He said one of the things that he did when he started here was to immerse himself into everything even things that weren't his responsibly. He went to all the committee meetings, the outside groups. He became a student of Sussex County government. I think that is his best legacy here. He never mailed it in. He went out and took it upon himself to get proficient in county government and it is through that that he became a very effective Freeholder. He said he appreciated the opportunity to serve with him.

### **Comments from Freeholder Lazzaro**

Freeholder Lazzaro said the road department continues to do a good job on the roads.

He said the Arts and Heritage Council has made some significant changes inside for their operations due to lack of funding.

### **Comments from Freeholder Graham**

Freeholder Graham said today is his last meeting as Freeholder Director. He said it has been a challenging year. A lot of things outside and inside made for a challenging year. He said with the cooperation in every department we have been able to get through a lot of the things people had predicted outside that didn't happen. We have had changes to the administrator, twice in the last 18 months, the engineer, health and human services department, and treasury and in purchasing. We have had changes at every level of government. He said government is an interesting thing. He has spent 10 years as an elected official. He said as elected officials we can make policy but how it is handled after you hand it off is usually a little bit different than what you anticipated. That is why we are elected officials to ensure that what we are doing is continued into the next level. I would also hope that our next director and deputy will keep in mind that bureaucracy can be your friend and also your greatest enemy.

Freeholder Graham said he tried to conduct himself with as much civility as he could. He said there are times when you have to be firm and say, "well, that is enough time".

He also discussed transparency. He said transparency relating to this Board is that everything is memorialized by the clerk, in her notes, the audio, then transcribed and then publicized on the website. Taking umbridge with the fact that a camera wasn't here for a meeting or two meetings or a 1,000 meetings behind us does not change transparency. It is all there. He said it won't change the answers.

Freeholder Graham said Freeholder Vohden was a big help to him in his first year as a Freeholder. He said coming from municipalities that I did for a number of years, you have a different Bureaucracy. He

said on a municipal side, everything you do is different than what you do as a Freeholder. As a Freeholder you handle, health, human services, the jail, where on the municipal side you are dealing with local roads, employees, etc. He wished Freeholder Vohden good luck and he appreciates what he has done for him.

**10. APPROVAL OF CONSENT AGENDA**

Freeholder Director Graham asked the Clerk, County Counsel and Administrator and asked them to describe why the first Resolution is on the Agenda.

County Counsel said this resolution is a correction. There are no changes to the PSA that was passed. He said it was on passed on November 22<sup>nd</sup> by this Board. He said in an email that he sent to the Board on the November 21<sup>st</sup> he had sent a working draft of the PSA that was erroneously used for the November 22<sup>nd</sup> resolution. There was a typographical correction.

Freeholder Lazzaro read the corrections.

Freeholder Vohden said these changes were not included in the November resolution correct?

County Counsel said they were not in the PSA attached to the November 22 resolution.

Freeholder Vohden said they were not included in the original PSA agreement.

County Counsel said they were included.

Freeholder Graham said it was brought to my attention last week at that point in time it was said to me that there was the original agreement draft, from last year, than original agreement changes, and we voted on the changes. Than in November the draft without the changes was picked up and that was what was voted on for last month. This is supposed to take that out. I am going to follow up with Freeholder Vohden; I want to make sure that everything is lined up.

County Counsel said when the November 22<sup>nd</sup> Resolution was sent to Matt Boxer, Matt noticed it didn't have the changes that we voted on in it.

Freeholder Crabb asked for clarity, he wanted to know if this Board had eyeballs on the changes, was this wording on whatever this Board has considered at any time in the past.

County Counsel said yes when it passed on January 21<sup>st</sup>.

- A. RESOLUTION RE: 609-2016 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: 610-2016 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: 611-2016 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.)**

**MOTION** made by Freeholder Rose to adopt the Resolutions, seconded by Freeholder Lazzaro

**On Roll Call the vote was:**

Freeholder Crabb	Yes
Freeholder Lazzaro	Yes
Freeholder Rose	Yes
Freeholder Vohden	Yes
Freeholder Director Graham	Yes

**11. APPROVAL OF MINUTES**

**MOTION** made by Freeholder Crabb to approve the minutes from the Regular Meeting, seconded by Freeholder Rose, all approved except Freeholder Vohden.

Freeholder Vohden said he is going to abstain. He said he has been having trouble with email and he did not receive the minutes but it won't make a difference whether I vote or note.

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

Freeholder Crabb made the motion to approve, Freeholder Vohden seconded

Discussion:

Freeholder Crabb said he read through them. He said it is hard to put yourself back to that time. He wanted to know if they were all the two hour meetings.

Clerk of the Board said no, they are not the two hour meetings. She said the reason is when you read them you knew what was going on at that time. We were doing interviews, we were losing our top three people, we had new people coming in, a lot of questions were being asked, they were coming down to my office along with giving them knowledge on what they were to do. They were getting pushed back because I had other things taking my time.

Freeholder Crabb said he wasn't sure if it was a technical error.

Cathy said it was not. It was her work load and how she prioritized things. She said these all had to do with interviews for Administrator and Counsel and the appointment of the Treasurer.

On Roll Call the vote was:

Freeholder Crabb	Yes
Freeholder Lazzaro	Abstain
Freeholder Rose	Abstain
Freeholder Vohden	Yes
Freeholder Director Graham	Yes

**12. APPOINTMENTS AND/OR RESIGNATIONS**

None for this evening.

**13. RESOLUTIONS**

1. RESOLUTION RE: RECORDING AND BROADCASTING REGULAR MEETINGS OF THE BOARD OF CHOSEN FREEHOLDERS OF SUSSEX COUNTY  
**612-2016**

**MOTION** made by Freeholder Rose to adopt the Resolution, seconded by Freeholder Lazzaro

Discussion

Freeholder Crabb said it was right after the last meeting that Freeholder Vohden and Freeholder Rose got correspondence from County Counsel saying it looks like Service Electric miraculously let go of any restraints we thought they had so my question is if Service Electric is willing to do this for free and we won't have to pay them for staff to man the camera and there is a process already in place what is the upside of us doing it ourselves now.

Freeholder Rose said there are a couple of advantages even though Service Electric did come back to the County and said we could make the videos that they produce and make them available on-line, however there would still be some copyright issues. We would not be able to copy the DVD and give it out for an OPRA request it would have to go back to Service Electric. The other issue is that not all people in Sussex County are covered by Service Electric. There are a few towns that are covered by Cablevision in the County so this Resolution envisions providing copies of the video to Service Electric and Cablevision.

Freeholder Crabb said if they are giving us the DVD and allowing us to post it, everybody could see it. It allows us to put it on our website and YouTube and if it is available publicly, then why would there need to be an OPRA request. The other concern is that this Resolution will come under review in April?

Freeholder Rose said that means for real time. We will look at the technology and the cost involved so the video will be available on your device in real time in lieu of being available at a later date.

Freeholder Rose clarified the language on the resolution and it says "a review will be made before April 1' 2017 of the costs and feasibility of real time access to the video by the public. This review will be given to the Freeholders at a regularly scheduled meeting." It was not our vision to review the program but a review of real time or the possibly.

Freeholder Graham said to Freeholder Crabb that wording is in the resolution. Did you read that part? He said you brought up the part about the review and you knew what it was about. My question is there has been a lot of discussion on this, there has been a lot of concern on this whether this is done the right way. Freeholder Graham has Cablevision and would not be able to receive it.

Freeholder Graham said this will be part of the record. It will start the same as the audio starts. It will bring it all together. We will keep it in the archives.

Freeholder Crabb said the basis of my concern at the last meeting it was stated that this could have been done anytime over the past five years and why wasn't it. He said this could have been anytime over the last five months. The reason why I asked about the review is because I wanted to make sure we aren't just going through the motion similar to the Boxer resolution.

Freeholder Graham said he believes it is a good idea that they are doing it and doing it this way.

Freeholder Crabb feels like this has been turned into an internal football game and 99% of our constituents don't give a rat's behind about the internal politics that are going on.

Freeholder Vohden said we started discussing this last November and it was June when we went into serious discussion. It has been seven months. We have one shot at this and I think we should get it right. He said I think we all agree that we make this video available to maximum amount of viewers, access online 24/7 no matter the media, that it is archived for future viewing, that it is available on TV for those without a computer or the lack of proficiency to use one and preferable at no extra cost to the taxpayers and it sounds like we have it all covered. He did ask are we sure that Service Electric and Cablevision are going to broadcast it?

Freeholder Graham asked if the phone were calls made.

Ron said no and that this is all new, he said we are still in the development of this.

Freeholder Rose clarified the wording of his intention to have the video post within 2 business days. He also said he will amend the wording Comcast to Cablevision.

Freeholder Vohden asked if this Resolution can be voted down in April when it is up for review and that it will only be reviewed for cost and feasibility and real time access and not voted down. The Board agreed.

**MOTION** made by Freeholder Rose to amend the Resolution to amend item 6 to read After the recording is complete copies will be sent via regular mail to at least Straus News, NJ Herald, Service Electric Cable Television, Cablevision and the Alternative Press, seconded by Freeholder Crabb

**On Roll call the vote was:**

Freeholder Crabb	Yes
Freeholder Lazzaro	Yes
Freeholder Rose	Yes
Freeholder Vohden	Yes
Freeholder Director Graham	Yes

**14. AWARDS OF CONTRACTS/CHANGE ORDERS/BIDS**

None for this evening.

**15. FINANCIAL**

A. RESOLUTION RE: PAYMENT OF BILLS  
**613-2016**

**MOTION** to adopt the Resolution made by Freeholder Crabb, seconded by Freeholder Lazzaro

**On Roll Call the vote was:**

Freeholder Crabb	Yes
Freeholder Lazzaro	Yes
Freeholder Rose	Abstain

Freeholder Vohden Yes  
Freeholder Director Graham Yes

B. RESOLUTION RE: PAYMENT OF BILLS  
**614-2016**

C. RESOLUTION RE: RESOLUTION PROVIDING FOR THE CANCELING OF  
**615-2016** VARIOUS GRANT FUND RECEIVABLES AND RESERVES  
THAT EXIST ON THE BALANCE SHEET OF THE CURRENT  
BUDGET

D. RESOLUTION RE: TRANSFER OF 2016 CURRENT APPROPRIATIONS  
**616-2016**

E. RESOLUTION RE: AUTHORIZATION TO CANCEL CERTAIN GENERAL CAPITAL  
**617-2016** IMPROVEMENT AUTHORIZATION BALANCES  
(Cancelling unfunded debt)

F. RESOLUTION RE: AUTHORIZATION TO CANCEL CERTAIN GENERAL CAPITAL  
**618-2016** IMPROVEMENT AUTHORIZATION BALANCES  
(Cancelling unexpended funded balances and credited them to  
the Capital Fund Balance)

G. RESOLUTION RE: AUTHORIZATION TO CANCEL CERTAIN GENERAL CAPITAL  
**619-2016** ACCOUNTS RECEIVABLE AND IMPROVEMENT  
AUTHORIZATION BALANCES

**MOTION** to adopt the Resolutions made by Freeholder Crabb, seconded by Freeholder Lazzaro

**On Roll Call the Vote was:**

Freeholder Crabb Yes  
Freeholder Lazzaro Yes  
Freeholder Rose Yes  
Freeholder Vohden Yes  
Freeholder Director Graham Yes

**16. PERSONNEL**

None for this evening.

**17. ADMINISTRATIVE REPORT**

A. Other

Ron thanked Freeholder Vohden for his time on the Board.

**18. COUNTY COUNSEL**

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

No report for this evening

**19. UNFINISHED BUSINESS**

None

**20. NEW BUSINESS**

None

**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**

**MOTION** made at 9:57 AM by Freeholder Crabb to open the floor to the public,

seconded by Freeholder Rose and passed unanimously.

### **Comment from Harvey Roseff**

Mr. Roseff stated that the last three meetings' audios have not been posted.

Cathy Williams said there have been technical difficulties. The service provider has been in to look at it. We thought we had it resolved; unfortunately it is not. We are waiting for them to come back in. She said she has a record of the meeting. I take my notes, I take all the motions and votes; any discussion whether it be the Public or the Board are written down to make up the minutes; the Board has voted on those minutes. For this meeting, I am using a backup recorder that I use for offsite meetings.

Mr. Roseff said he doesn't understand why the public was not informed that the meeting would not be taped. He also referred to the videotaping. He wants to know that can we prevent this from happening again.

Freeholder Graham said technically we will keep a good eye on it. We did not know about the first one until it happened a third time.

Cathy Williams apologized for the mistake. She thought she had it under control so she did not inform the Board.

Mr. Roseff stated that he is from the camp with regards to videotaping and he thinks everyone should be invited. He still is not sure why there is a copyright issue.

### **Comment from John Snyder**

Mr. Snyder said I think you are talking about audio recording.

Freeholder Graham said correct.

Mr. Snyder said what you are using now for the audio recording.

Cathy Williams said we have a MP3 type of recorder.

Mr. Snyder questioned about Resolution 6. He asked Jonathan to clarify it. Jonathan said most media organizations that he has contacted in the last few days want the actual DVD.

### **Comment from Michelle Van Allen**

Ms. Van Allen said there was talk about Service Electric doing the recording but now it will be done in house but it seems if you used a Service Electric you would not have the recording issues. You will now have a videographer who will have to be paid. Will they be paid outside of what they are here normally to do? You will have to purchase a camera and maintain it and the mailing of those DVD's is a taxpayer cost. She said it is your intention to save taxpayer dollars but I don't think you will by doing it this way. She said she has listened to the audios but it is really hard to know who is speaking unless you know who they are, it is not always clear and it doesn't give you a good grasp of what really is happening. We want more people to get involved because when you don't know what is happening you get what you ask for. We want more people to be able to visually see the Board. It is nice to see the accolades that people get. She also personally thanked Freeholder Vohden for being part of the Board for all these years. She feels he has been a voice for the people. You have spoken up. You are a real leader in our community. She also said to Freeholder Lazzaro that he did not thank Freeholder Vohden for being an asset to the Board but maybe you will do it later but that is your own personal opinion but everyone else had kind words to say.

**MOTION** made at 10:08 AM by Freeholder Crabb to close the public portion, seconded by Freeholder Rose and passed unanimously.

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.**

**Not for this evening.**

**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.

Freeholder Graham said it has been a wild ride of a year. It won't be ending until 11:59 on Saturday night. He said we as a Board, discuss issues and sometimes we get passionate about our issues. The important thing is that we are not at each other but at the issue. Sometimes it has gotten a little personal but there have been a lot of times when somebody has an idea and you disagree and then you think about it for a while and you realize there is something to it. That is how we govern. We govern by consensus.

Freeholder Graham said that he is proud to have served with all of you and that you all have a wonderful and safe New Years. He also thanked the amazing staff within the County from the Engineer to the Human Services Department, Fleet Department, Treasury, Carol Novrit, IT. He is hoping 2017 is a better, easier year and thank you to all.

**23. REMINDERS**

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

**24. ADJOURNMENT**

**MOTION** made at 10:11 AM to adjourn the meeting by Freeholder Lazzaro, seconded by Freeholder Rose and passed unanimously.

**DATED:** December 28, 2016

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Catherine M. Williams  
Clerk of the Board