

REGULAR MEETING HELD ON TUESDAY, DECEMBER 29, 2015

9:00 AM

ORDER OF BUSINESS

Item

1. CALL TO ORDER BY DIRECTOR

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

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. Presentations

1. Acknowledging the retirement of Suzanne Eldridge, Senior Library Assistant at the County Library, who retired after 27 years with the County; George A. Fetzer, Traffic Maintenance Worker for Bridge & Traffic, who retired after 22 years with the County; and William R. Pollett, Maintenance Repairer, Low Pressure for Facilities Management, who retired after 28 years 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 9:06AM by Freeholder Mudrick to open the meeting to the Public, seconded by Freeholder Rose and passed unanimously.

Comment from Skip Danielson

Mr. Danielson from Byram came forward and thanked Freeholder Mudrick for his service. He brought up the Chapter Study Commission that was done in the county about 25 or 26 years ago and we deliberated and again, 50 percent of us were elected by democrats and 50 percent by republicans; appointments on both sides. We had a balanced group and we made recommendations. One of things that we based on our work on was from the philosopher Max Weber and that was how the administration was conducted. He then addressed Steve Gruchacz and said that he spoke at the last meeting and asked questions about two pending positions for the county and Steve did get back to me a couple days later and did explain them to me. The only concern I had at the time was that no one could explain them that night. We should be doing things more objectively and transparently and I will leave you with that and words for a Happy New Year.

Comment from Tom Clark

Mr. Clark from Branchville came forward and spoke about the Trustee appointment. He said he has concerns about John Eskilson being appointed. It does not appear to me that we have given this appointment much discussion. A lot of us are very concerned. My first concern is that John has appointed all or most of the members of the search committee. My second concern is John has appointed all of the current members of the Board of Trustees at the college and my third concern is a question: Is either candidate a consultant to any local firm? I believe that any of these three concerns is a conflict of interest. The County Administrator, in my opinion, after resigning should sit out for a time before being appointed to any Board that has to do with the County of Sussex that would only seem fair to me. I ask that you hold off on this until we can examine this in more depth.

Comment from Bill Sparling

Mr. Sparling from Lafayette came forward and said I agree with what Tom has said as well as loads of people as far as the appointment of Mr. Eskilson. The key word is trust with the public. The Board of Trustees is a very big position and I don't understand with everything that has been going on with solar panels and if there isn't an investigation, there should be one and I feel that this should be something that takes it time and I feel it should be educators, and I don't know why we don't have more educators involved with Sussex County College. I don't know if there is a favor being done here but I think he needs to instruct the county in another way, my opinion.

Comment from Glen Hull

Mr. Hull from Sandyston Township came forward and said I would also like to suggest that the Board of Chosen Freeholders not appoint Mr. Eskilson as a Trustee to SCCC. In my opinion, Mr. Eskilson abandoned his post during a financial crisis and during a time of considerable controversy. I do not believe that Sussex County residents will have trust in his appointment.

MOTION made at 9:12 AM by Freeholder Mudrick to close the meeting to the Public, seconded by Freeholder Rose and passed unanimously.

8. FREEHOLDERS' COMMENTS

Comments by Freeholder Vohden

- **Meetings**

Freeholder Vohden attended the Transportation Planning Authority meeting in Newark, Highland meetings in Chester, Forestry Association County Ag meeting in Frankford, Association meeting in Trenton on the Bail Reform, Development Review Committee meeting and an Agricultural Development meeting here in the Freeholder room.

Comments by Freeholder Mudrick

- **Elaine Morgan**

Freeholder Mudrick wished the public a Happy Holiday season. He wanted to acknowledge the former Clerk of the Board, Elaine Morgan who passed away since our

last meeting and to her husband Joe and family. A non-political clerk who did everything right and represented everything good about people in government for more than two and half decades. My condolences go out to Elaine and Elaine's family.

- **Thank You's**

Freeholder Mudrick said it is his last regular Board meeting in three years and it did go very quickly. He extended his good luck and best wishes to the next Board and to the two new members coming on as well as to the Board in it's entirety.

I also wanted to pay special thank you's to individuals over the last three years who were extremely important to me, the orientation program that John Eskilson, County Administrator put in place for me as a new Freeholder three years ago, was excellent, to our former County Counsel who was Integrity with a capital I, our former Treasurer, Bernie Re, who crossed T's and dotted I's and did whatever he was directed to do by this Board and did it well. To the department heads, I see Mr. Cramp out there, to the meetings whether they be impromptu, whether they be a phone call, whether they be a plan that I asked to meet with you to get information about something and it is the other four department heads as well as the new ones that have come on since the retirees. He wished good luck to John Williams, Steve Gruchacz, Cathy Williams and Suzie Givone in the Clerk's office. He thanked Cathy for taking all of his phone calls and the Administrator also knows that my requests are high. He said to Director Crabb and former Director Vohden, serving as your deputy for the last two years has been a privilege. I served as what I thought was in the best interest of the tax payers of this County. It has been a pleasure to serve, I will miss it a lot and especially come January 1st and I will serve right to the last day, I give you my word.

Comments by Freeholder Rose

Freeholder Rose had no comments.

Comments by Freeholder Graham

- **Bail Reform meeting**

Freeholder Graham stated that he also attended the Bail Reform down in Trenton at the Trenton County Club. He said he probably learned more there than in other places. This is a complicated issue and it is going to be expensive to many of the counties. Since we don't know how the expense is going to be laid out, we will watch it very closely. For those of you who are interested in the cost of government, do a little research on this - read whatever you can read on it because there are varying opinions of how effective it will be and varying opinions on how expensive it will be.

- **Elaine Morgan**

Freeholder Graham said Elaine was a special person. She drew on her heart to make sure everybody was served equally and efficiency. She protected the Freeholder Board in order to make the best decisions with all the information at her disposal and if she did not have it, she kept looking for more. I am going to miss Elaine as a friend and a colleague. She only retired a year and half ago and I think that is the sadness of it all. She and Joe had plans for doing things with their grandchildren and that won't happen but this room will always resonate with Elaine Morgan's laugh and with her charm and her grace and I am going to miss her.

Comments by Freeholder Director Crabb

- **Elaine Morgan**

Freeholder Director Crabb said it is absolutely true. When you first arrived here, it was Elaine that took you by the hand and showed you what the ropes were. I think one of the common strings that the Freeholders have is that they realize how many different facets of the County that there are – how many corners that you have to become fluent on. Elaine Morgan was a prime mover in obtaining that goal as quickly as possible. Elaine covered many things. I went on record at her retirement party and said that I don't think she could ever be replaced. I think that is true in many ways. With Elaine Morgan here it was one less thing that we needed to be concerned about on a day to day basis. She

will be missed but she will be remembered by many for a long time and I think that serves as the biggest tribute to her legacy here.

9. APPROVAL OF CONSENT AGENDA

A. RESOLUTION RE: PAYMENT OF BILLS
606-2015

B. RESOLUTION RE: RESOLUTION PROVIDING FOR THE CANCELING OF
607-2015 THE GRANT FUND BALANCES FOR THE U.S.
DEPARTMENT OF HEALTH & HUMAN SERVICES, NJ
DEPARTMENT OF HUMAN SERVICES, DIVISION OF
AGING SERVICES TITLE III AND STATE MATCH
GRANTS FOR 2014

C. RESOLUTION RE: AUTHORIZATION TO CARRY FORWARD UNEXPENDED
608-2015 GRANT RESERVE BALANCES FROM THE NJ
DEPARTMENT OF HUMAN SERVICES, DIVISION OF
AGING SERVICES FOR TITLE III AND STATE MATCH
GRANTS FROM THE 2014 AREA PLAN CONTRACT
#DOAS14AAA008 INTO THE 2015 AREA PLAN CONTRACT
#DOAS15AAA011

D. RESOLUTION RE: RESOLUTION PROVIDING FOR THE CANCELING OF
609-2015 VARIOUS GRANT RECEIVABLE AND RESERVE
BALANCES

E. RESOLUTION RE: AUTHORIZATION TO CANCEL CERTAIN GENERAL
(PULLED) CAPITAL IMPROVEMENT AUTHORIZATION BALANCES

F. RESOLUTION RE: TRANSFER OF APPROPRIATIONS
610-2015

G. RESOLUTION RE: AUTHORIZING THE EXECUTION OF AN AGREEMENT
611-2015 BETWEEN THE COUNTY OF SUSSEX AND THE
COUNTY OF MORRIS FOR THE HOUSING OF SUSSEX
COUNTY JUVENILE DETAINEES IN ACCORDANCE
WITH THE PROVISIONS OF N.J.S.A. 40A:65-1 ET SEQ.
AND N.J.S.A. 40:A:11-10 ET SEQ.

H. RESOLUTION RE: AUTHORIZING THE EXECUTION OF AN AGREEMENT
612-2015 BETWEEN THE COUNTY OF SUSSEX AND THE
COUNTY OF MORRIS FOR THE HOUSING OF SUSSEX
COUNTY YOUTH SHELTER PLACEMENTS IN
ACCORDANCE WITH THE PROVISIONS OF
N.J.S.A. 40A:65-1 ET SEQ. AND N.J.S.A. 40:A:11-10 ET
SEQ.

I. RESOLUTION RE: AUTHORIZING THE COUNTY OF SUSSEX TO ENTER
613-2015 INTO AN AGREEMENT WITH THE COUNTY OF MORRIS
PROVIDING FOR MEDICAL EXAMINER SERVICES BY
THE COUNTY OF MORRIS IN ACCORDANCE WITH THE
PROVISIONS OF N.J.S.A. 52:17B-83, 40A:65-1 ET SEQ.
AND N.J.S.A. 40A:11-10 ET SEQ.

J. RESOLUTION RE: AUTHORIZING THE ENTRY INTO A PROFESSIONAL
614-2015 SERVICES AGREEMENT WITH SKYLINES RISK
MANAGEMENT, INC. TO PROVIDE RISK MANAGER
CONSULTING SERVICES AS PROFESSIONAL SERVICE
PURSUANT TO N.J.S.A 40A:11-15 1(ai)

Clerk of the Board said 9E. is being pulled

Freeholder Rose asked if A, G, H & I can be handled separately.

Freeholder Graham asked if 9J be moved to expire on January 1, 2017, this way it can be moved into a regular cycle. Would that be an issue that is contractually difficult?

County Counsel said it should not be. The issue for the purposes of the insurer is the end of January. I don't believe there is any issue with Skylines Risk Management or the insurer.

Freeholder Director Crabb said a motion would be in order for Items B, C, D & F; Freeholder Vohden made the motion, seconded by Freeholder Rose and passed unanimously.

MOTION made by Freeholder Mudrick to adopt 9A, seconded by Freeholder Vohden

Discussion

Freeholder Rose said he needs to abstain from 9A. He said there has been some discussions about whether you can line item abstain from things, he asked Ms. Williams what her opinion was?

Clerk of the Board, Ms. Williams stated that her opinion is that she does not have an opinion at the moment.

Freeholder Rose said than for now I am going to abstain from the whole thing.

Clerk of the Board said like I said, past practices has always been just a line item and you brought it up that you would have to abstain from the whole bill list. I don't have any other information other than from what you have provided me. I have not reviewed that thoroughly enough in the Roberts Rules so I don't want to say one way or another so if you want to continue to do that and I will look into it in the future.

Freeholder Director Crabb said we can look back to Freeholder Space who would always abstain from the Deer Collection.

Freeholder Graham said he does the same thing.

Clerk of the Board said it has always been past practice.

Freeholder Director Crabb said otherwise Freeholder Space would not have voted on any of the bills ever.

Freeholder Rose said that is where I am going to be at too.

Freeholder Director Crabb said that doesn't make sense either. If there is only one that you can't vote that is something we can isolate.

Clerk of the Board said for this meeting can we let Jonathan abstain to the entire bill list and Counsel and I will review it further and see what we come up with and present it to the Board what our findings ours.

Freeholder Rose said that on this bill list there is a \$35 cell phone reimbursement for every Freeholder.

Freeholder Director Crabb said well then none of us could vote on the bills.

Freeholder Rose said generally what would happen is you would split it off and you would have at least one vote an abstention, abstention, abstention, abstention, yes is a pass.

Freeholder Director Crabb addressed the public and said Freeholders get reimbursed twice a year for cell phone usage, once in June and once in December. In all the years that I have been here, I have never abstained from these; we certainly can but then we would have to have five separate votes as we each abstained individually.

Freeholder Graham said that has to be statute that addresses this because each municipality, every county, every board of education, has to have small expense disbursements.

Freeholder Vohden said they are set by ordinance.

Freeholder Graham said he moves that we go forward.

Freeholder Director Crabb said we have had a motion and a second, this is all part of our discussion, is there any more discussion.

On Roll Call the vote was for 9A:

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

On Roll Call the vote was for B,C, D, & F

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

MOTION made by Freeholder Mudrick to adopt G, H, & I, seconded by Freeholder Rose

Discussion

Freeholder Rose said we got an email a couple of days ago where County of Morris wanted us to reimbursement them for OPRA costs for the solar project, how it that contemplated in these agreements and are we going to fold to that and agree to that?

Freeholder Director Crabb asked if they are folded into this agreement, are they attached to this agreement.

Freeholder Rose said they weren't. He said he didn't see that language in here.

County Counsel said he didn't receive the emails.

Steve Gruchacz said Morris County is requesting payment for those OPRA charges that go back sometime. Those charges have been reviewed by Counsel and the by Treasurer to be paid. They are in conjunction with the agreements for the three shared service agreements with Morris County.

Freeholder Rose asked so that language is in these agreements.

Steve said the language is not in the agreements but there is an agreement that came as part of an email that those agreements would be attached to it. They do not become part of the agreement themselves.

Freeholder Rose said the worry that I have is that they have 30-day opted out which I believe is down from a 90-day opted out.

Freeholder Director Crabb plus the terms are only for one year rather than three years.

Freeholder Graham said that option is on the other side as well. I don't fear what we have here. I don't think these are agreements that we need to get into right now to review our options. I think Morris County also felt the same way.

Freeholder Mudrick said he agreed with Freeholder Graham and when you look at the 90-day versus the 30-day opted out, the 30 day was a concern for me as well, having said that should we vote for their effect which will is January 1st, so we will have the month of January to find a plan B. What is the alternative; we don't have anything in place for January 1st.

Freeholder Graham said there are alternatives.

Freeholder Mudrick said costly alternatives.

Steve Gruchacz said we have been looking into other alternatives, but what you have to keep in mind is that the cost for these services is just not limited to beds; you also have to include the transportation time for the juveniles, the court costs that may be involved if the program was located in jurisdictions further than Morris County, the calendar for the judge and how the transportation of the kids would impact the overall contract.

Freeholder Graham said so we have to go back and see how much it costs to house all of this here, when it was housed here. There is still a benefit here.

Freeholder Rose said I am not arguing that these agreements are bad, what I am arguing is that we should be concerned and I think we are seeing the first shot across the bow of what might happen in 2016.

Freeholder Director Crabb agreed.

Freeholder Rose said and we should come up with a plan.

Freeholder Director Crabb said that would be necessary.

On Roll Call the vote was for Items G, H, & I

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

MOTION to adopt Resolution J made by Freeholder Graham, seconded by Freeholder Rose

Discussion

Freeholder Graham asked is this the one where if at all possible we can change the date.

County Counsel said he thinks you can do a motion to amend.

Freeholder Rose said can it be pushed back to the January 27th meeting?

Freeholder Director Crabb said we cannot do that because there will be a four day gap.

County Counsel said there are two ways to do it. You can amend the termination date now, it is apples and oranges, or you can extend the contract that exists to the end of January and you can't go further than that because the insurer requires an agent be in place and then you can pass the motion in January but it is easy enough to do now as an amendment.

Freeholder Vohden asked if there was a grace period.

Freeholder Director Crabb said I don't think there is. The issue is that we can't have a gap.

Freeholder Graham said he wanted to make a motion to extend the date to January 31, 2017 but it is not an essential thing. We can leave it and change it up the line.

MOTION made by Freeholder Graham to amend the resolution, seconded by Freeholder Rose and passed unanimously.

With no more discussion on the revised resolution

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.

On Roll Call the vote was for the revised Resolution J:

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

10. APPROVAL OF MINUTES

None

11. APPOINTMENTS AND/OR RESIGNATIONS

A. Appointments

1. RESOLUTION RE: APPOINTMENT OF A MEMBER OF THE SUSSEX COUNTY COMMUNITY COLLEGE BOARD OF TRUSTEES, SAID TERM TO EXPIRE OCTOBER 31, 2019

MOTION made by Freeholder Mudrick to accept the resolution, seconded by Freeholder Vohden

Discussion

Freeholder Graham asked if somebody could explain to him the process of the appointment to Sussex County Community College Board of Trustees. In the last three years that I have been here there was a process of the search committee, and then it went to the County Administrator.

Steve Gruchacz said the process is that it is advertised in local newspapers for members who would be interested in becoming a Trustee. Those applications are sent to the search committee, the search committee reviews all the applicants, they interview the applicants, they score each applicant that comes before them, and they then make a recommendation to County Administrator.

Freeholder Rose said at this time two names came forward?

Steve Gruchacz said during their scoring there was one individual who scored the highest on the scoring matrix that the search committee put together.

Freeholder Vohden said that the process is spelled out in the N.J.S.A. 18 :64A – 8, the statutes, and the qualifications are spelled out. The search committee is set up through statutes and the statues are put in place to separate the Freeholders from the administration of the college. There are a lot of rules, responsibilities, recommendations that are set up by the New Jersey Counsel of Community Colleges that spell out the process in detail and it is exactly what we follow. I know a lot of us would like to change the rules and do it our way but we have the statues. Everything is done according to these statues and everything has been done according to these statutes. We came down through the process on an up and down vote and I personally think John Eskilson is the best, qualified candidate in the County to serve on that Board. The man has been involved for years, he knows the college, he knows the County, and he has an institutional background and knowledge and I think he would do a hell of a job there. Our responsibility as Freeholders is an up and down vote to approve or disapprove the candidates through the process. I am going to vote in favor for John Eskilson. I think he is the man for the job. There was an opportunity for all of the 145,000 residents of Sussex County to submit their name. They could have all submitted their name and application for this job. We have a very limited amount of people who are willing to come forward, who are willing to serve, willing to spend the time to prepare for these meetings, to do the right thing for Sussex County and I think John is the man for the job.

Freeholder Director Crabb said it was extraordinary that the search committee came back with two very qualified candidates. He said he doesn't think there is anybody on this dais that is closer to Dr. Paul Crowley than I am. When he came to me to say that he was interested, I encouraged him and thought he would be a great fit and he would be. But there is a process that is in place there. It was extraordinary because it has been very thin lately but they had two very good candidates. I hope to see the opportunity for Dr. Crowley to come through again some time but I think the process that is in place here is not something that even with that relationship that had I with Dr. Crowley that I would want to put at risk because otherwise why do we go through the motions of having a search committee so I will be supporting the recommendation of the search committee and the County Administrator.

Freeholder Mudrick thanked Mr. Drake who headed the search committee along with Ms. Weber, Mr. Esposito, Ms. Fairclough and Mr. Richards who were in a precarious position because of the six great candidates, two were above those six in terms of the scoring rubric and I want to commend Mr. Gruchacz for being objective as possible from those two phenomenal candidates, Mr. Eskilson and Mayor Crowley. I don't know what drove your decision to make it Mr. Eskilson, but he did have the highest score on the rubric. I also want to thank Mr. Perez for serving on the Board and I was here when we voted Mr. Perez in. I don't know if it is unprecedented Mr. Drake, but to have such a close rubric's scoring with two that stood way above the others which was strong, and based on Mr. Gruchacz's recommendation and the search committee's recommendation. We are an advisory consent Board at this time and Mr. Eskilson will be getting my support.

Freeholder Director Crabb said we do thank Mr. Perez for his service and I want to go on record that he brought to the Board exactly what we expected him to and we thank him for his service and we regret the fact that you are not continuing on.

Freeholder Rose said I remember the public talking about the appointments to this Board; is that argument carrying any weight, that Mr. Eskilson was the one who vetted the other candidates.

Freeholder Vohden said not according to the statues and in the statutes there is no prohibition. He meets all of the qualifications above and beyond. There are no prohibitions in the statues. Like I said, a lot of us would like to make up laws to have it our way but we have the statues, we have the recommendations from the Community College and that is what we have to follow. I think there are some people that think John should be on and some people think he shouldn't, but we have the statutes and that is what we have to follow.

Freeholder Director Crabb said as much as I encouraged Dr. Crowley, I think it is hard to argue there is no one more suited than John Eskilson to hit the ground running on that Board and I think that is what has to happen.

On Roll Call the vote was:

Freeholder Graham	No
Freeholder Mudrick	Yes
Freeholder Rose	No
Freeholder Vohden	Yes
Freeholder Director Crabb	Yes

12. RESOLUTION

None

13. AWARDS OF CONTRACTS/CHANGE ORDERS/BIDS

A. Awards of Contract

1. **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, 2016 TO DECEMBER 31, 2016**
2. **RESOLUTION RE: AWARDING A CONTRACT THROUGH THE COMPETITIVE CONTRACTING PROCESS FOR PROFESSIONAL LEGAL SERVICES IN THE ISSUANCE OF BONDS, NOTES AND RELATED MATTERS**

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

Discussion

Freeholder Rose asked about number 2. He wanted to know if it was typically a reorganization issues.

Freeholder Director Crabb said we did it at this point in 2012.

Freeholder Rose said I have never seen this done at a regular meeting.

On Roll Call the vote was:

Freeholder Graham	Yes
Freeholder Mudrick	Yes
Freeholder Rose	Yes
Freeholder Vohden	Yes

Freeholder Director Crabb Yes

14. **FINANCIAL**

None

15. **PERSONNEL**

None

16. **ADMINISTRATIVE REPORT**

A. Other

Nothing to report

17. **COUNTY COUNSEL**

A. Capital Projects

B. Litigation

C. Contract

D. Other Matters

Nothing to report

18. **UNFINISHED BUSINESS**

Freeholder Vohden made a motion that at the last few meetings we have talked about releasing the executive session minutes and in light of transparency, I move that the minutes transcribed and recorded from the October 28, 2015 executive session meeting, especially those portions relating to the reorganization in the Health Department discussion be released, seconded by Freeholder Mudrick.

Discussion

Freeholder Graham said he thinks it is a good idea and he thinks we should release all of the closed session minutes that were also not released from 2015 and 2014. I think we should release the audios for those. I don't think we should ever make a motion saying we will release all of it, and the wording especially connotes something is behind it.

Freeholder Vohden said he will amend his motion that we release everything that does not require redacting. He said that is the amendment to his motion and now the motion will be to release transcribed and recorded minutes from the October 28, 2015 executive session, seconded by Freeholder Mudrick.

Freeholder Rose said lets expand it out. Why just do one meeting.

Freeholder Vohden said we have a motion on the table.

Freeholder Director Crabb said he agrees with Freeholder Rose and open it up with Counsel's review.

Freeholder Vohden said this is the transparency we have been hearing about for years. This is the transparency we need. We need to record all meetings and I would like to see a video recording in here for the transparency. I would agree amending my motion.

Catherine Williams, Clerk of the Board said for clarifications, except for items that need to be redacted which will be reviewed between Counsel and me.

Freeholder Graham said I would like to see what we are redacting before it goes out.

Clerk of the Board said similar to an OPRA log.

Freeholder Graham said I want to understand why the items are being redacted.

Freeholder Vohden said how are we going to do that?

Freeholder Vohden said the motion is to release the October 28, 2015 minutes now and the amendment is to release the others as we approve them.

Freeholder Rose said we can release all as long as Counsel approves them.

Freeholder Vohden said Freeholder Graham wants to know what they are being redacted.

Freeholder Graham said yes I just want to know the reason for the redaction; I don't want to hold anything up though.

Freeholder Vohden said and we will do them all at one time?

County Counsel said which will occur anyway and you will see the reason for the redaction.

Freeholder Director Crabb said so there is a motion on the floor not only to release the minutes from the October 28, 2015 meeting but all of the audios of the executive session that have already been approved.

Freeholder Rose said what exactly are we voting on?

County Counsel said the important thing is you framed the motion, the October 28, 2015 has been transcribed but not the executive session minutes so if you are talking about releasing transcripts than you have to include in the motion to have the minutes transcribed that are not.

Freeholder Vohden said we actually approve the minutes from executive session, we approve them here, and the transcription from the audio of October 28, 2015 so we will release what has been approved.

Cathy Williams said but I believe Freeholder Graham is asking for everything from executive session that has not been transcribed yet, she asked Freeholder Graham if she understood what he is asking for.

Freeholder Graham said I don't know what is out there.

County Counsel said getting back to the point, there are executive sessions within the time frame that you have identified that have not been transcribed so in the motion, are you asking for those to be transcribed and then released. We just need clarity on it for the motion.

Freeholder Director Crabb asked why all executive sessions have not been transcribed at this time.

Cathy Williams said the work load. The work load since 2014, the previous staff had left and the offices were consolidated. The workload in the County Administrator/Clerk of the Board's office not only including in the abundance of OPRA requests that came in because of the issues that were on hand, executive session minutes specifically the very long and lengthy ones were pushed aside and not dealt with. The OPRAs, the issues at hand, the fires that were burning at that time were dealt with.

Freeholder Director Crabb said why don't we make the motion to release all of the audios and then I am sure the transcription process will catch up to that.

Freeholder Rose asked why we transcribe the audios.

Ms. Williams said so the Board can review everything that was discussed in that meeting and they are in agreement with it and they vote on it, and it is the exact conversation that took place, and then it is approved. As we have discussed in previous meetings, executive session minutes are not made public and it has always been past practice here, I don't know for how long; it has been many, many years, unless it was a request of an OPRA. Ms. Williams said you had brought up a suggestion at your first meeting that you wanted everything to go out and I had just explained what past practice was.

Freeholder Rose said minutes are different from transcription. If we have the audio, then why are we doing transcription?

Ms. Williams said I would like to know the difference of what Freeholder Rose is saying the difference between a transcription and minutes. Transcription is word for word, which is what our retired clerk had always done regarding executive session, not so much in open session. It was a word for a word transcription for the executive session minutes.

Freeholder Rose said it is a lot of work especially when members are talking over each other.

Ms. Williams said yes it is very time consuming and especially when Board members are talking over others you have to go back and listen and listen and listen again.

Ms. Williams said so the motion is to approve every audio from 2014 and 2015 except for whatever needs to be continued to be redacted because of legal issues.

Ms. Williams asked with the release are we only releasing those audios when they are requested under OPRA and not posting to the website. We are doing things differently than from the past, is that what we are asking for?

Freeholder Graham said I would like to get a list of what is out there so we know what dates they were, what meetings they were. People come up and ask me about certain things and we have had a lot of meetings over the last years.

Ms. Williams said for 2014 and 2015 I will make a list for the Board of every meeting whether it be a regular or a special meeting that included a closed session of which audios that will be released and put on the website. Counsel and I will have to go through each of those and decide if there is anything in them that needs to be redacted and then go through the process of redacting the audio. Are you looking for this to be done in a certain timeframe?

Freeholder Vohden said just for the public information all the minutes of the past meetings going back a decade or more are online. If you go on the Sussex County website, they are archived and you can read the minutes and audio that are available and this is where these would show up in the archived minutes regular, special and executive meetings.

Freeholder Director Crabb said the motion is to release and make public the minutes and audios from executive session from 2014 to present.

On Roll Call the vote was:

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

19. NEW BUSINESS

None

20. PUBLIC SESSION FROM THE FLOOR

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

MOTION made at 10:00 AM to open to the Public by Freeholder Mudrick, seconded by Freeholder Rose and passed unanimously.

Glen Hull

Mr. Hull from Layton, came forward and said I have been here a number of times to talk about my issue and I am wondering if that was discussed in executive session and will that be released.

Freeholder Graham I don't think it was ever discussed.

Mr. Hull said that Freeholder Vohden indicated that no resolution could be written for an investigation.

Freeholder Vohden said that was my personal opinion.

Freeholder Director Crabb said that conversation was in open session.

Mr. Hull said again, I would like to ask this Board to write a resolution for an investigation. Can you pass a resolution?

Freeholder Director Crabb said I think our hands are tied for all the explanations that we

have given you throughout this whole conversation. I don't know what other explanation to give you.

Mr. Hull said what is your official stance?

Freeholder Director Crabb said he does not have one.

MOTION made at 10:02 AM to close the public session by Freeholder Mudrick, seconded by Freeholder Rose and passed unanimously.

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

No Items for this morning.

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.

22. REMINDERS

Friday January 1, 2016 Holiday – New Year's Day

Monday January 4, 2016 Reorganization Meeting – 6PM

23. ADJOURNMENT

MOTION made at 10:03 AM by Freeholder Mudrick to adjourn, seconded by Freeholder Rose and passed unanimously.

Catherine M. Williams
Clerk of the Board

DATED: December 29, 2015