

REGULAR MEETING HELD ON WEDNESDAY, JANUARY 13, 2016

5:00 PM

ORDER OF BUSINESS

Item

1. CALL TO ORDER BY DIRECTOR at 5:02 PM

2. ROLL CALL Freeholder Crabb, Freeholder Lazzaro, Freeholder Rose,
Freeholder Vohden, Freeholder Director Graham, Steve
Gruchacz, County Administrator, John Williams, County Counsel;
Cathy Williams, Clerk of the Board

3. MOMENT OF SILENT PRAYER AND SALUTE TO THE FLAG

4. PUBLIC STATEMENT

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

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

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

5. PUBLIC HEARINGS

None for tonight.

6. PROCLAMATIONS/CERTIFICATES/PRESENTATIONS

A. Proclamations

1. Proclamation in recognition for Derek Chamings earning the Boy Scout Eagle Award.
41-2016

MOTION made by Freeholder Vohden to approve the Proclamation, seconded by Freeholder Lazzaro and passed unanimously.

B. Presentations

1. Presentation by John Hatzelis, Administrator of the Sussex County
Municipal Utilities Authority

Mr. Hatzelis came forward and gave a quick overview of what the MUA is doing. He went through his presentation page by page with the Freeholder Board. He pointed out to the Freeholders that each one of the budgets is an independent financial system and it is required from the Department of Community Affairs and our service contracts between the employee and the freeholders. One service contract is from 1971 and 1987 when we took over solid waste. He stated they have an overall operating budget of \$117,000 million a year and a capital budget of around \$13 million 2015. He said the Board meets twice a month and has committee meetings throughout the year.

He talks about some of the projects they have coming up. They are hoping to hook up at the Technical school to handle their sewage because they have some issues with permits. He talked about the project going up at Ross's Corner and once the businesses get in there they will provide for the construction for the waste water treatment plant and we will own it and operate it for the developer at no cost to the County, it will be completely paid for by the developer.

County Counsel asked what do you and the commissioner see as being the biggest challenges to your budgets?

Mr. Hatzelis said solid waste budget and our debt service are always a big issues. Our debt service ends in 2016 for the solid waste facilities so unfortunately that debt service expired at end of this year but we are only looking to expand the land fill and pump station enforcement, the challenge is the money that is going to be saved from debt service we need to put that into a fund so that whatever year the landfill is filled there are sufficient funds in the account to ensure that the landfill is properly maintained.

County Counsel said there has been talk about the solid waste being done and I noticed at almost every meeting the Freeholders talking about the change in population and the decrease. Are the two coinciding?

Mr. Hatzelis said no, our tonnage rate went up 6% last year and our population has not declined that much. I don't think it is directly related to population and seasonally you see swings in solid waste generation and in 2008 there was a big increase into 2010 and then it dropped off. I think a better enforcement program would be important and we have a finite amount of waste that is generated in Sussex County. In the summertime the tonnage goes way up and it drops off in the wintertime. We have not had a harsh winter this year so I would have expected the tonnage to be up but we have seen a 6% drop. This is unusual.

County Counsel asked if some of it is going out of the county.

Mr. Hatzelis said he would venture to guess that a portion of it is going out of county and based on our enforcement program there is enough information to indicate that there are a lot of smaller haulers that can go elsewhere but you need to have a specific enforcement program to make sure that we are all playing by the same rules and complying with the DEP rules.

Freeholder Rose said he saw a letter come through that said SCMUA was not allowed to do the enforcement themselves. Is there something we can do to help that?

Mr. Hatzelis said that is correct. That letter came from the DEP about a month ago and it is in contradiction with the agreement that was executed in June of 2015 between Atlantic Counties Utility Authority and Atlantic County's Health Department so it appears to be an inconsistency. Our legal counsel needs to get in contact with your legal counsel so we can approach DEP and ask what is going on; you need to treat all authorities in all counties the same, there can't be inconsistencies. It appears to me and based on reviews they are treating Sussex County differently than Atlantic County, Hudson County and Union County.

County Counsel said he has been working with SCMUA counsel and basically you see a solid waste enforcement plan come out and so where SCMUA can do some of its own solid waste enforcement to capture these funds that may be revenues and going out of county by people violating the rules when counsel prior to me and counsel from SCMUA drafted the agreement for Sussex it was an agreement from another county maybe two but similar and they changed the names out and it works for the other counties but suddenly in Sussex is it a problem. We have been in touch with SCMUA's counsel and we are looking into this. We need to have DEP explain it to us and we have experienced if you look closely sometimes the DEP can change its mind and laws that perhaps can be altered.

Freeholder Crabb asked if the Frankford Town Center facility will be stand alone.

Mr. Hatzelis said it will be a standalone facility. They are looking at a 200 gallon a day plant. It will be standalone but they will be looking to hook up the ballpark and it might have the capacity to cross the street on Rt. 206 and pick up some businesses.

Freeholder Crabb asked I am sure there is some reason why you would not see synergy between that project and the Branchville project.

Mr. Hatzelis said distance is a problem. He said the Branchville project is up and running. It has USDA grant funds. You cannot use these grant funds for new development.

Freeholder Graham asked if we are moving ahead in a proper manner in regard to permits with the landfill in order to arc into the new expanded one before we get to the 2020 age.

Mr. Hatzelis said we have a deadline from the New Jersey Environmental Infrastructure of March 6 to get the plans down there for their finance program. That is on track. We should be getting underway for construction in the very near future. We have the capacity for no interruption of service. We don't see any issues. Our landfill goes to 2021 and we will get it constructed in 2016 and 2017.

Freeholder Crabb said I have noticed that the landfill date has been extended out to 2021 but it has been as early as 2017.

Mr. Hatzelis said originally it had been 2013 but we did the phase 3 construction and we got a few more acres on our redesign so we got it out to around 2018 and by tonnage and slopes we got it extended. Our debt service will go down but it will be absorbed by landfill post closure costs for future expenses.

Freeholder Rose said and that is projected with this longer life span that you will get to the point where the closure fund is fully funded? I know that was a huge issue a couple of years ago.

Mr. Hatzelis said absolutely that was the whole idea of expanding the landfill.

Freeholder Rose asked the \$100,000 increase that Vernon sees every year; does SCMUA plan to do anything with that?

Mr. Hatzelis said it is not \$100,000. It started at \$150,000 and now it is up \$450,000; it is growing as time moves forward.

Freeholder Rose said it is up to \$2M a year.

Mr. Hatzelis said I don't think it is quite that high and it is all on Vernon Township due to the service contract which was approved by the Department of Community Affairs. It is Vernon Township's obligation under the agreement. We are looking into refunding some of those bonds. Going forward the issue relating to the Vernon bonds is a concern and we are working with them.

Discussion ensued between Freeholder Rose and Mr. Hatzelis.

Freeholder Rose asked if Mr. Hatzelis can ask the Board to consider moving their meetings to sometime after 5 PM.

Freeholder Vohden asked if SCUMA funds the Walkkill Watershed in any way.

Mr. Hatzelis said absolutely not, everything is covered by the 319 grants.

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

MOTION made at 5:30 PM by Freeholder Lazzaro to open the meeting to the Public, seconded by Freeholder Rose and passed unanimously.

Comment by Richard Lecher

Mr. Lecher, CEO of SCARC came forward and spoke about a project that they are working on. SCARC is going to assume the operation of two homes located on county land currently operated by Knoll Shared Housing. The role that the county plays is these properties are on county land and the county has a 50 year lease with Knoll Shared Housing to allow this operation on county land for a dollar a year. SCARC needs you to transfer the lease from Knoll Shared House over to SCARC. He said he has spoken with John Williams and Steve Gruchacz. There are ten units and the Department of Community Affairs does not want to lose the units. There our housing vouchers attached to each unit so it is a valuable piece of low income service delivery. We plan to operate the project with ten individuals with developmental disabilities. They will retain the vouchers and the project will be funded by the Division of Developmental Disabilities. The ten people will live there so it will be two group homes. It will be SCARC's 20th and 21st group home that we operate in the county. I would ask if you allow your attorney and you to develop the lease so that SCARC have the lease for 50 years. We would like to make this happen this spring. We are closing on the property March 1st. The seniors that are living there now will be moved to Knoll Heights.

Freeholder Director Graham said he knows that Mr. Williams is working on it.

Comment by Diana Eakman

Ms. Eakman came forward and had a request to the Freeholder Board and she wanted to know if they could consider placing a plaque in the Freeholder meeting room in memory of retired clerk, Elaine Morgan. She said they have a formal written request and she will give it to them.

Comment by Neil Kenny

Mr. Kenny came forward and presented the Board with three items. The first item had to do with a collection center in Newton, MA for breast milk. He wanted to know if Newton, NJ could be a sister city with Newton, MA as a collection point for breast milk. He said he would like the Board to look into this. He feels it is a worthwhile cause. The second item, at the Reorganization meeting I mentioned a situation that is going on with a particular so called veteran. There is a veteran in Mine Hill who has scammed a lot of people out of money and there are a lot of others like him. I would like to know what agency and if somebody can direct me in the right direction to move on this.

The last thing I would like to say is I am not aware of the protocol of certain events at certain times and I was taken back by someone who made a comment on my attire at the meeting. I felt this was uncalled for. It was not somebody here. I felt it was shallow.

Freeholder Director Graham said if you can get your information to Ms. Balzano regarding the breast milk, she will help you with that.

Comment by Jackie Espinoza

Ms. Espinoza from JCP&L came forward and stated they are following new guidelines from the DPU with our vegetation management so from the substation to our first protection device you will not see any trees above those lines. It means better service for you.

MOTION made at 5:44 PM to close the public session by Freeholder Lazzaro, seconded by Freeholder Rose and passed unanimously.

8. FREEHOLDERS' COMMENTS

Comments by Freeholder Vohden

Freeholder Vohden said he has given a lot of thought as to what we can do to help the citizens of Sussex County improve their living conditions in 2016. He realized that the common solution to all the problems is to reduce the tax burden on the taxpayers of the county. According to reports of the tax foundations and other groups that rank our tax structure, New Jersey is ranked second in having the highest local state tax burdens in the nation. How did we get there? He said by increasing our spending a few dollars at a time.

My resolution this year is to reduce our spending therefore our taxes where ever possible. He said he is serious about this and we have to start working at it at every level of government in the county, municipalities and the state.

Freeholder Vohden spoke about the foreclosures in the county. All of us have an obligation to help these residents remain in their homes. Any reduction in taxes no matter how small will help these families.

Freeholder Vohden referenced a letter dated February 15, 2015. Freeholder Phoebus and Assemblyman Parker Space issued a joint press release calling for an investigation concerning the solar issue. The press release concludes with "We are also concerned about the lack of transparency surrounding this matter. In an effort to bring some transparency to efforts to resolve this in a way that benefits the taxpayers of Sussex, Morris and Somerset counties and to make certain that no laws have been violated, we are asking that the United States Security Exchange Commission, the United States Department of Justice and the Office of the Attorney General for the state of New Jersey review the allegations that has been set forth in 13CD3956, court case, filed with the United States District Court for the District of New Jersey." The press release continues, "We will keep the press and the public up to date on any correspondences that we receive from these agencies and we applaud the ongoing work of the media, and private citizens to get to the bottom of the matter." On February 18, 2015 the press release was reported in the New Jersey Herald and the Star Ledger and the next day on February 19th in the Sparta Independent. We have not heard anything official from these investigations.

On March 13, 2015 this Freeholder Board adopted a resolution requesting the state comptroller's office to review the Sussex solar project; financed through the Morris County Improvement Authority and provided more than 4,000 pages of documents associated with the program and the subsequent settlement. On April 27, 2015 we received a letter from the comptroller's office stating that "our office has decided not to undertake an investigation in this matter."

Freeholder Vohden said on January 6, 2016, he called the United States Securities Exchange Commission, I called the Office of the Attorney General for the State of New Jersey and I called the United States Department of Justice who redirected me to the FBI office in Newark and I called them. I spoke with agents at all four agencies, they were all cooperative, helpful, knowledgeable about all our concerns after I explained our issues and what the investigations were about. I had multiple conversations with each agency and I was informed by all of these agencies that they are not allowed to verify or confirm that an investigation is ongoing or discuss details of an investigation on the phone. They each searched their data bases and a common response from all of them in this situation was, at this time, there was no public record on these matters. After these conversations, I believe there are ongoing investigations; they are just not allowed to tell us on the phone. I was told that these investigations of this nature take more than a year to conclude. This brings me to the question, why are we being asked to spend \$500,000, a half million dollars of taxpayers money, to contract with a local law firm to review the same issues. Wouldn't it be better to cut our budget by \$500,000; lower county taxes by a half million dollars and let these federal and state agencies whose entire existence is based on investigations to their job. Does anybody think a law firm can do a better job than the FBI? I realize that there have been political campaign promises to investigate the solar project and the settlement. Are we going to spend half a million dollars to satisfy a campaign promise?

Freeholder Vohden said he is going to bring up for discussion under new business that we request in writing from each of these agencies an update of the status of their investigations.

Comment by Freeholder Rose

No comments.

Comment by Freeholder Crabb

Freeholder Crabb said he was glad that Cathy and he talked yesterday because I have to admit with the larger resolutions that were on the Reorganization Meeting I did not read word for word that set the meeting time. I don't think I have ever read that in the 8 years here. Apparently we including myself passed a resolution that changed the meeting times from 6:00 PM to a stagger time of 5 PM for the first meeting of the month and the second meeting to 6:00 PM. Why did we do that and why didn't we have any discussion on it?

Freeholder Director Graham said I put it on. It was on for discussion. I spoke to you about it. I spoke to you outside about a month ago.

Freeholder Crabb said I don't remember having a conversation about changing the time. How does this benefit the public?

Freeholder Director Graham said I had asked if this was something that was amiable and I didn't have a push back on it and the main reason was so that Freeholders could attend the League of Municipalities meetings on the first Wednesday of the month and the second meeting to be a 6:00 PM start time.

Freeholder Crabb said so it is for our convenience. We had Roseanne stand up at the last regular meeting in December complaining that we had the last financial meeting scheduled for 9:00 AM on a Monday because it was confusing. Now we are in a framework that the meeting time is going to change every other meeting. Even Freeholder Rose before he became Freeholder asked if we could have the meetings at 6PM and we did that so again I ask, how does this benefit the public?

Freeholder Director Graham if you want to put another motion up, that is all I can say to you.

Freeholder Crabb said if I was to have a motion to change it we would have had discussions at the dias. It is my own fault for not reading through a resolution that was put before me but I can guarantee in eight years I have not had to go line by line for the resolution for the meeting dates and times.

Freeholder Crabb said we have a comprehensive update from Vanguard and I am going to let the Administrator talk about the fact that an Owners Representative has been hired and he has coordinated meetings with both Vanguard and the Sparta District. We are on task for the solar project. We are not on time and those reasons are summarized and most of it boils down to municipal bureaucracy. For Hardyston Elementary and Middle schools, Sparta Middle school, the Vocational school and the Kittatinny school they are all going out next Monday and Tuesday for the final pull tests. Everything is lined up and detailed on this report that I have asked the Administrator not only to post to the website but to send to the newspapers as well.

Comments by Freeholder Lazzaro

Freeholder Lazzaro said he would hope that we could get beyond this nit picking from both of you. We have a lot of work to do and we have a lot of things to get done in a very short time to do it. I don't know what everybody is trying to hide by avoiding an investigation and it is not an investigation, it is an inquiry and it is not about who did what it is about money. It is about recovering money. If we can recover some of the money that was squandered on this project, I am all for it. If you guys are going to sit here for the next twelve months and pick at little things, we aren't getting anywhere. I would appreciate it and love it to stop.

Freeholder Director Graham

Freeholder Graham said I would like to comment on being on task but not on time. Last May, we were delivered the message by the Treasurer that we were going to be about \$900,000 in deficit for the next 10 to 15 years. This year that number, because we are on task but not on time, is going into the budget at \$1,815,000.00. On top of that is the \$3.1million loan that was made by the contractor and that \$3.1million loan is also affected by how many of the build outs occur in a timely manner.

At the end of December 2016, what they call these 1603 grants will wind out and we will not be able to recover that money. Originally it was 30% now it is another 27%. That money is directly related to how many we do. If we round it to \$3million, if we don't do 20% of the buildout that is \$600,000 that we don't have any hope to recover. There is also the Homestead money.

That money was swapped over to a bond which is \$6million. If we put all of these numbers together, it is a substantial nut that we have to deal with this year. It won't all come due at the same time. We are not at the end of the road. We are already working on plans. Mr. Gruchacz, Mr. Williams, myself, Mr. Weinstein, our attorney, and Mr. Maikis, we have had a couple of meetings and there will be more. The reason why we need an inquiry on this is we need to know the answers. The answers we need to know are 1. Who is in charge? Up until two days we did not have an Owners rep, which was part of the settlement agreement in February of 2015, which was supposed to happen in 2015, we didn't have an Owners rep, now he just suddenly appeared in the last two days. This can't continue. If you were having someone put up a garage on your house and they just stopped putting it up, would you just stand there? That is basically what has happened to us. There is no excuse whatsoever for us to be standing in January 2016 and wondering why nothing was done in 2015. I will stand by those words. I am not going to direct my comments to any Freeholder, we all have a difference of opinion but I hope that we can be civil when we have those differences of opinions. I would like to ask Freeholder Rose to become the solar liaison. He is a fresh face; he has no connections to solar in any way or form. All I have been doing this past week is allowing Mr. Gruchacz, Mr. Williams and others to bring the information together. What is it that we know, what does it mean, and what are we going to do with it? Those are my concerns. I am not trying to get somebody personally, I am not looking to try and cause other people undue harm. I am also looking that some people last year were accused of things that I can't believe they are guilty of anything. Our inquiry is in Sussex County. Mr. Vohden anything that happens outside of Sussex County within other agencies I understand that and it will happen as it happens. We need to get our house in order. I want to compliment Mr. Gruchacz and Mr. Williams for being extremely cooperative in every way and form in the last week in getting to those bottom line answers.

9. APPROVAL OF CONSENT AGENDA

A. RESOLUTION RE: PAYMENT OF BILLS

42-2016

B. 43-2016 RESOLUTION RE: ADOPTION OF A 2016 TEMPORARY OPERATING BUDGET BY THE COUNTY OF SUSSEX

C. 44-2016 RESOLUTION RE: ADOPTION OF 2016 TEMPORARY OPERATING BUDGETS FOR THE LIBRARY, HEALTH AND SOCIAL SERVICES FUNDS BY THE COUNTY OF SUSSEX

D. 45-2016 RESOLUTION RE: AUTHORIZING THE FIRST AMENDMENT TO THE CONTRACT TO PICKERING, CORTS & SUMMERSON, INC., TO PROVIDE ENGINEERING SERVICES FOR THE REPLACEMENT OF COUNTY BRIDGE C-17 CARRYING ROSEVILLE ROAD OVER THE LACKAWANNA CUTOFF IN THE TOWNSHIP OF BYRAM PURSUANT TO N.J.S.A. 40A:11-4.1

E. 46-2016 RESOLUTION RE: AUTHORIZATION TO THE SUSSEX COUNTY OFFICE OF PURCHASING TO MAKE PURCHASES DIRECTLY FROM THE STATE DISTRIBUTION CENTER AND PARTICIPATE IN THE STATE COOPERATIVE PURCHASING SYSTEM DURING THE CALENDAR YEAR 2016

F. 47-2016 RESOLUTION RE: AUTHORIZING THE ISSUANCE OF PURCHASE ORDERS IN COMPLIANCE WITH N.J.S.A. 19:44A-20.4 ET SEQ. FOR VARIOUS SERVICES, WITH ACCUMULATED VALUE LESS THAN THE BID THRESHOLD, AS STATED BELOW

G. 48-2016 RESOLUTION RE: AUTHORIZATION TO PROVIDE FOR THE PURCHASE OF NEW COMPUTER SOFTWARE AND HARDWARE PRODUCTS FOR THE COUNTY OF SUSSEX

H. 49-2016 RESOLUTION RE: AUTHORIZATION TO THE SUSSEX COUNTY OFFICE OF PURCHASING TO MAKE PURCHASES DIRECTLY FROM THE MORRIS COUNTY COOPERATIVE PRICING COUNCIL SYSTEM DURING THE CALENDAR/FISCAL YEAR 2016

I. 50-2016 RESOLUTION RE: AUTHORIZING AN AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT 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)

J. 51-2016 RESOLUTION RE: AWARDED A CONTRACT EXTENSION THROUGH THE COMPETITIVE CONTRACTING PROCESS FOR THE PURCHASE OF A SOFTWARE SOLUTION TO CONTROL PERSONAL COMPUTER ACCESS TIMES AND PRINTER FUNCTIONS WITH A PAYMENT KIOSK FOR USE IN THE SUSSEX COUNTY LIBRARY SYSTEM

K. 52-2016 RESOLUTION RE: AUTHORIZATION TO PROVIDE FOR THE PURCHASE OF NEW STORAGE AND FILING SYSTEM FOR THE SUSSEX COUNTY DIVISION OF SOCIAL SERVICES FILE ROOM

L. 53-2016 RESOLUTION RE: AUTHORIZATION FOR THE SUSSEX COUNTY DEPARTMENT OF HUMAN SERVICES, DIVISION OF SENIOR SERVICES TO RECEIVE GRANT FUNDS FROM THE NEW JERSEY DEPARTMENT OF HUMAN SERVICES, DIVISION OF AGING SERVICES FOR A MATTER OF BALANCE: MANAGING CONCERNS ABOUT FALLS (MOB) PROGRAM FOR THE PERIOD OF DECEMBER 1, 2015 TO JULY 31, 2016

M. 54-2016 RESOLUTION RE: AUTHORIZATION FOR THE FREEHOLDER DIRECTOR AND BOARD CLERK TO EXECUTE AN APPLICATION FOR STATE AID UNDER THE NJDOT FY 2016 LOCAL BRIDGES, FUTURE NEEDS PROGRAM (PRIORITY 1) IN THE AMOUNT OF \$1,000,000.00 WITH \$1,583,000.00 AS COUNTY SHARE

- N. RESOLUTION RE: AUTHORIZATION FOR THE FREEHOLDER DIRECTOR AND BOARD CLERK TO EXECUTE AN APPLICATION FOR STATE AID UNDER THE NJDOT FY2016 LOCAL BRIDGES, FUTURE NEEDS PROGRAM FOR PRIORITY 2 FUNDING IN THE AMOUNT OF \$1,000,000.00 WITH \$218,760.46 AS COUNTY SHARE
55-2016
- O. RESOLUTION RE: AUTHORIZING AMENDMENT NO. 1 TO THE COMPETITIVE CONTRACTING PROCESS BETWEEN THE COUNTY OF SUSSEX AND USA ARCHITECTS FOR THE PROVIDING OF ARCHITECTURAL SERVICES FOR THE SUSSEX COUNTY COURTROOM RENOVATIONS
56-2016
- P. RESOLUTION RE: AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH NEWTON URGENT CARE, LLC FOR THE PROVISION OF PHYSICIAN SERVICES FOR THE INMATES WITHIN THE KEOGH-DWYER CORRECTIONAL FACILITY PURSUANT TO N.J.S.A. 40A:11-5(1)(a)(i)
57-2016
- Q. RESOLUTION RE: AUTHORIZING THE ENTRY INTO A PROFESSIONAL SERVICES AGREEMENT WITH DENTRUST DENTAL, P.A. FOR THE PROVIDING OF DENTAL CARE TO INMATES OF THE KEOGH-DWYER CORRECTIONAL FACILITY PURSUANT TO N.J.S.A. 40A:11-5(1)(a)(i)
58-2016

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 Lazzaro

On Roll Call the vote was:

Freeholder Crabb	Yes
Freeholder Lazzaro	Yes
Freeholder Rose	Yes with an abstention on A
Freeholder Vohden	Yes
Freeholder Director Crabb	Yes

10. APPROVAL OF MINUTES

Regular Meeting - December 9, 2015

Regular Meeting - December 29, 2015

MOTION made by Freeholder Crabb to approve the Minutes of the Regular Meeting of December 9, 2014 and the Regular Meeting of December 29, 2015, seconded by Freeholder Rose and passed unanimously.

Freeholder Director Graham had a question with the December 9th minutes on Herb Yardley's comments, he said they seem brief. He asked if the tape can be listened to and transcribed word for word.

11. APPOINTMENTS AND/OR RESIGNATIONS

A. Appointments

1. RESOLUTION RE: REAPPOINTMENT OF RONALD PETILLO AS A MEMBER OF THE BOARD OF COMMISSIONERS OF THE SUSSEX COUNTY MUNICIPAL UTILITIES AUTHORITY. SAID TERM TO BE EFFECTIVE FEBRUARY 1, 2016 AND EXPIRE JANUARY 31, 2021
59-2016

2. RESOLUTION RE: APPOINTMENT OF DANIEL M. PEREZ AS A MEMBER OF THE BOARD OF COMMISSIONERS OF THE SUSSEX COUNTY MUNICIPAL UTILITIES AUTHORITY. SAID TERM TO BE EFFECTIVE FEBRUARY 1, 2016 AND EXPIRE JANUARY 31, 2021
60-2016

3. RESOLUTION RE: APPOINTMENT OF VIRGIL ROME JR. AS FIRE MARSHAL FOR SUSSEX COUNTY FOR A ONE (1) YEAR TERM. SAID
61-2016

TERM TO BEGIN JANUARY 15, 2016 AND EXPIRE JANUARY 14, 2017

4. RESOLUTION RE: APPOINTMENT OF JAMES RAPERTO SR. AND JOHN LUBA AS ASSISTANT FIRE MARSHAL FOR SUSSEX COUNTY FOR A ONE (1) YEAR TERM EACH. SAID TERMS TO BEGIN JANUARY 15, 2016 AND EXPIRE JANUARY 14, 2017
62-2016

5. RESOLUTION RE: APPOINTMENT OF MARILEE SMITH AS A MEMBER OF THE SUSSEX COUNTY MENTAL HEALTH BOARD FOR A TERM OF THREE (3) YEARS COMMENCING IMMEDIATELY AND EXPIRING JUNE 30, 2018
63-2016

MOTION made by Freeholder Vohden to approve Resolution 11A. 3, 4, & 5 and consider 11A. 1 & 2 separately, seconded by Freeholder Crabb

No discussion.

On Roll Call the vote was:

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

MOTION made by Freeholder Rose to approve Resolutions 1 & 2 together, seconded by Freeholder Lazzaro

MOTION made by Freeholder Crabb to amend motion #2 to vote on 11A. 1 & 2 separately, seconded by Freeholder Vohden

On Roll Call the vote was:

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

Discussion

Freeholder Vohden said earlier tonight we heard some history about how the SCMUA was established as a utility authority by the Freeholder resolution under the New Jersey Statute 44:14-B4 and our County Administrative Code article 10 Section F. This info is important.

At our December 9, 2015 meeting, we just approved the minutes, and on the agenda there was a resolution under item 11 regarding the appointment of Ronald Petillo and John M. Sowden as members of the Board of Commissioners of this authority. This resolution was pulled from the agenda and Freeholder Graham notified the County Administrator's office that state law statute would prohibited any vote prior to January 1, 2016 as it was reported in the New Jersey Herald on December 11.

I researched this and according to Statue 40:B4.2 it is the law. On today's agenda, we are considering another resolution regarding appointments to fill these two same vacancies the reappointment of commissioner Petillo and the appointment of Daniel Perez to replace commissioner Sowden. These appointments will bring the number of commissioners back to seven. Freeholder Vohden had read through the Administrative Code and in there it states that the commission shall consist of nine members with five year terms appointed by this Board. I asked County staff and other Freeholders at the time why there were only seven members when the code says there shall be nine. I was told by everyone who I asked that it was kept at seven at a cost saving measure. According to the statue, we can legally have five, seven or nine members. Today we are considering not reappointing a commissioner who has a lot of institutional knowledge about the operations of the authority especially the expansion of the landfill and other institutional knowledge. We are saying we are not going to reappoint him; we don't need him and we are considering the appointment of a new member who would be required to learn all about the workings of the authority.

He would have to gain this knowledge. I don't know our history of our Board members, our code call for nine and how we actually came to the decision to appoint seven but all of this brings me to the questions why do we need more than five members as the statue requires? Why does a utility authority need more members than a Board of Freeholders?

We Freeholders are elected on our promises to cut costs wherever we have the authority to do so. I believe we have an opportunity here to cut cost and the size of the footprint of government by reducing the size of membership of the Board of Commissioners to the statutorily required five members. We can do it here tonight. We can prepare a resolution to be considered at the next regular meeting. Like I said

earlier, we have to cut costs dollars at a time. Here is an opportunity to do that. I would like to know how the rest of the Board feels about this.

Freeholder Crabb said for all the talk about not quibbling and moving forward as a Board I can't image that a sitting Freeholder's request to consider a resolution separately; that a separate resolution would be turned down. I don't think that is legal but I am not going to fight that battle tonight. It is just astonishing. My concerns are much more basic. I was informed back in December by a reporter from the Herald that it looked like there were going to be some problem with commission Sowden and that is why I brought it forth at that time before the discovery on my part that by statute that we couldn't consider that it could only be considered in the year that the term ended. Then I got called again by Rob Jennings and said the reason that John Sowden that was presented to him was not going to be reappointed was that I was friends with him and I was a business partner with him. Freeholder Crabb said I have been friends with John Sowden since his dad was my Cub Scout pack master back in 1966. As a matter of fact, I feel that I am pretty good friends with everyone that is on the Board. My concern is why we would pull someone with eight years institutional knowledge especially where there are the two other positions. I have no problem with Dan Perez. I think he will make a great addition to that Board of Commissioners. I just don't understand the rationale of why we would pull someone off when we don't have to especially with the years of the institutional knowledge. It seems vindictive, it seems political and I can't think of any other rationale reason.

County Counsel asked if he could interrupt the point of order and I apologize because we have not been this formal with Robert's Rules of Order and when we are formal under our Administrative Code we are using an older version of it. We actually had to go out on the internet and find the latest version on it. I think we moved forward with the assumption that number 11 is a consent agenda and it is not a consent agenda. If you had a motion to consider 3, 4 & 5 together, that you could do as a body but after that by necessity they are separate. He said he sees nothing different from this Robert's Rules of Order Revised 75th Anniversary edition.

Freeholder Rose said except that I made the motion to consider them together so than what could happen the other people could make a motion to split the question that is a valid subsidiary motion, they can also make a motion to amend and that is what Freeholder Crabb did to drop off number 2 from my motion. Both of those would be correct in Robert's Rules of Order and valid, however the motion that I did make was to consider them together. There is nothing to require us to consider them separately because they are.

County Counsel said you are talking about splitting a question. Splitting a question is an individual resolution or motion with separate parts.

Freeholder Rose said that is correct. My motion was to consider both simultaneously. You could split that question into two constituent resolutions.

County Counsel says what I read in this for purposes of expediting a meeting there is a notion that you can short cut processes. You are bound by these rules. If everybody agrees the Chairperson can moves things along like 3, 4, & 5 by consent. It is an older version. I just looked everything up in the index for consent and the Clerk of the Board and I reviewed it previously and it doesn't speak directly to the issue of a motion to consider two motions together so I can't give you an answer on that.

Freeholder Crabb with all the mechanics that we are going through it all boils down to I can't believe a request from a sitting Freeholder to consider a resolution separately was denied. That has never happened since I have been here and I am not sure what's behind the methods of madness to make this point. It is fine; and it has been done.

Freeholder Director Graham asked County Counsel if he is directing us to do something differently.

County Counsel said I am saying at this time, I don't have an answer under this version of Robert's Rules of Order that we follow to have a motion to consider the two resolutions together except by general consent. He said if you would like to take a few minute break; I can look it up and see if I can come to answer.

Freeholder Rose made a motion to take a five minute recess so that Mr. Williams can research that matter.

Freeholder Crabb said there is no need on this part.

Freeholder Graham said is there a second or do we just continue on.

Clerk of the Board said no second.

County Counsel said with that being said, if you are at the point that there is consent, than you can move forward.

Freeholder Director Graham said we have a motion and second on appointments number 1 and 2, correct?

Clerk of the Board said correct.

On Roll Call the vote was:

Freeholder Crabb	Abstain
Freeholder Lazzaro	Yes
Freeholder Rose	Yes
Freeholder Vohden	No
Freeholder Director Graham	Yes

12. RESOLUTION

A. RESOLUTION RE: ESTABLISHMENT OF "FIRE PREVENTION SPECIALIST" AND SALARY RANGE
64-2016

B. RESOLUTION RE: ESTABLISHMENT OF "SUPERVISOR OF TRADES" AND SALARY RANGE
65-2016

MOTION made by Freeholder Vohden to adopt the resolutions, seconded by Freeholder Lazzaro and passed unanimously.

Discussion

Mr. Gruchacz said these 2 items were tabled earlier and questioned by the public on what they were about. The first one is a change required by Civil Service because they will not allow us to use the previous title; It is just changing the title; we are not hiring anybody new. The second one is creating the title which we currently do not have in any of our labor agreements. We are expecting a resignation shortly and we will be able to use that title. There is no financial impact.

Freeholder Rose said Fire Prevention specialist is even financially with the title it is replacing?

Steven Gruchacz said I believe it is.

Freeholder Rose said the Supervisor of Trades; the presumption down the road is it will be a lesser salary.

Mr. Gruchacz said yes.

Freeholder Lazzaro asked about pension changes.

Mr. Gruchacz said no not unless the pension rules change for everybody.

13. AWARDS OF CONTRACTS/CHANGE ORDERS/BIDS

A. Awards of Contract

1. RESOLUTION RE: AWARD OF CONTRACT FOR THE SUPPLY AND INSTALLATION OF TWO (2) SINGLE AXLE DUMP BODIES, PLOWS, NGS, SPREADERS AND ALL ASSOCIATED EQUIPMENT FOR THE COUNTY OF SUSSEX
66-2016

2. RESOLUTION RE: AWARD OF CONTRACT FOR THE SUPPLY AND DELIVERY OF VARIOUS MOTOR OILS, GREASES AND ANTI-FREEZE FOR THE COUNTY OF SUSSEX FLEET MANAGEMENT
67-2016

MOTION made by Freeholder Rose 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

14. FINANCIAL

None for tonight

15. PERSONNEL

A. Personnel Agenda

MOTION made by Freeholder Vohden to adopt the Personnel Agenda, seconded by Freeholder Lazzaro and passed unanimously.

16. ADMINISTRATIVE REPORT

A. Other

Mr. Gruchacz said as you know we did have an ice/snow event on January 4, 2016 and on these snow storms we will be getting reports on the cost of each of these storms may be. Engineering and Planning did a terrific job in outlining the cost of materials, the cost for labor. The cost for that ice storm was \$129,537.19.

As we all know, we want the roads safe and they have a plan that they deploy and resources out when these types of events hit. The staff did a great job and I didn't receive any complaints from any area on the way they performed their job.

Mr. Gruchacz said we have started revising the Employee Handbook, which dates back to the 1980's. I put Ron Tappan on that effort. I will keep the Board up-to-date as we move forward. Prior to the implementation of that handbook we will have it reviewed by Counsel and then move it to the Board for adoption. I don't have a timeframe as of now because it is a lengthy process but I will keep you up to date.

Mr. Gruchacz said we have received a request from the Sussex County YMCA for a grant application they want to submit and we completed our due diligence internally and we do not feel there will be any competition among other agencies in the community to apply for that and therefore we are recommending that if the Board decides to submit that letter of support, we are satisfied that you can do that. They did send the request in yesterday and they need the letter for January 14th submission date. The Clerk of the Board does have the letter.

Freeholder Director Graham asked if it has to go through legal.

Clerk of the Board said normally it does not.

Mr. Gruchacz said there had been discussion about upgrading the elevators. There will be an update on the elevator in this building and two over by corrections sometime in April. Facilities and employees services are working on it. We wanted to wait until the weather got a little warmer because seniors who go to this building will be redirected to other places and we wanted to make sure their needs were looked at.

Mr. Gruchacz said we have heard on bail reform and there is some discussion going on and we met with NJAC. NJAC has had the opportunity to meet with some of the legislative leadership in Trenton and they are considering some funding to come forward to some of the counties to implement some of the bail reform requirements. There was an article in the Star Ledger in the neighborhood of \$5million. It is not definite yet but at least there is some discussion on possible relief.

Mr. Gruchacz said we did have the opportunity after going out for proposal twice to bring an owners' rep in to spear head from my view getting the project completed. We met with them. We are on the ground and they will be coordinating all the efforts with the entities involved in the solar project. They will be reporting to me verbally, daily. They will be providing a written update weekly and for this Board, they will be providing written updates for every meeting, in terms of where the project is moving forward. There has been space identified in this building here so that entity can be identified here and be available for any discussion. In our meeting, we said we don't want to see them in this building too much we want them out at the projects talking to the local units, the local construction company and whoever they need to engage in a discussion to move this project forward.

17. COUNTY COUNSEL

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

County Counsel had an update on the resolution appointing attorney Boxer as special counsel. He said the engagement letter that we received from Boxer was dated January 4, 2016, that evening was the Reorganization meeting, and since then it has undergone review and input by myself, the purchasing department and the county Treasurer and we have addressed and resolved almost all the issues that were raised at the Reorganization meeting except the scope of services and that seems to be the primary item that needs to be resolved. There needs to be some precision as to exactly what it is that is expected of counsel in terms of services and result. We are still gathering input from the Board and any others who thinks there are any legal issues in it and then once that is done, we will send it out to Attorney Boxer. There was an issue about conflict with Attorney Boxer being the state comptroller back in 2011 and you may have read that the New Jersey Herald reported on January 12, 2016 that the office of the state comptroller spokesperson had stated that Attorney Boxer had no personal involvement with the project specially with respect to 2011 there was a review by the office of the state comptroller of two RFP's that were submitted by the MCIA for Sussex County so with that and there is already language stated in the PSA, regarding no conflict. There is a long standing form that purchasing uses when we use the PSA process and that is being finalized.

Freeholder Vohden said he has many questions on the agreement whether it is legal or not, I don't think this is how we should award contracts. We have a process in place for the selection of professionals. We just recently selected our bond council with the process using PSA solicitation. It is true; we may use the non-fair and open contract method without going out for bid, without talking to other people about a contract like this. Personally, I believe the Sussex County taxpayers are much better served with the transparency of a public bidding process for such services especially one where we are deliberating a contract of half a million dollars.

Freeholders do not individually negotiate contracts. The agreement says whereas the county determines a need to retain special counsel, nobody ever asked me.

I asked everybody in this building if anybody knew about this agreement before New Year's Eve, not one person will admit to knowing about. How can we say the county negotiated the contract, the freeholders negotiated the contract. I would like to ask the other Freeholders on the Board, did anybody other than George Graham know about this agreement before.

Freeholder Lazzaro said I believe the resolution is worded that if you want to pass the resolution, it is worded that the county agrees... if you don't want to pass the resolution than you say no to it. Assuming everybody is in agreement something has to be written so it was written like that.

Freeholder Vohden said my question and the wording is very simply: did anyone from this Board know about this negotiation before New Year's Eve, nobody knew about this before 5:00 New Year's Eve in this building. There are some pretty hard words in this. It appears to me that this contract was negotiated by Freeholder George Graham and Matthew Boxer, Esq. without the anticipation for knowledge of anyone in the County Administration without the participation of knowledge of the sitting Freeholders or Freeholders Elect including the Freeholder Director unless you want to modify that. I don't know how or where these discussions took place or how Matthew Boxer, Esq., was selected. It definitely was not brought forward to us and in my opinion this meets every definition of a back room deal. To spend a half million dollars without transparency, you have to be fair; let's look at the county's taxpayers' dollars by avoiding the open bidding process required by the state for any purchase over \$17,500. If we buy a truck for \$18,000, we have to go to open bidding and now we are spending half a million dollars to skirt around the law and Mr. Boxer himself has a 20-page report put out in 2011 titled "The Weaknesses in the Pay to Play Laws". I think this is a disgrace and I will definitely vote no on it.

18. UNFINISHED BUSINESS

Freeholder Vohden says I move that we follow up on the original request by our current Assemblywoman Gail Phoebus and Assemblyman Parker Space asking the United States Securities and Exchange Commission, the United States Department of Justice, and the Office of the Attorney General of the State of New Jersey to review the allegations set forth in 13-CV-3956 filed with the United States District Court for the District of New Jersey.

This motion is that we, the Sussex County Board of Freeholders, shall officially request, in writing, individually, from the United States Securities and Exchange Commission, the United States Department of Justice, and the Office of the Attorney General of the State of New Jersey that they provide any information that these agencies may have concerning the progress in the review of the allegations requested by our legislators in February 2015; and that we put on hold any action to contract with any law firm until we receive answers from these agencies. I also move that we officially, in writing, request our State Assembly representatives who originally made the request to make the same request of the three agencies, seconded by Freeholder Crabb

Discussion

Freeholder Director Graham said you said in your remarks before that you had reached out to them individually and each one of them said that they do not comment.

Freeholder Vohden said on the phone.

Freeholder Director Graham said then have them comment another way.

Freeholder Vohden said that is what my motion is, they said if we request in writing officially from an elected officials they will reply.

Freeholder Rose said there is a very important point here. All the agencies that are investigating are criminally investigating; we are not looking for a criminal investigation, we are looking for a civil investigation. It is a very different animal between a criminal and a civil investigation. We want a civil investigation.

Freeholder Vohden said the scope of services says that the reports on the progress of the investigation.

Freeholder Graham said there still is back and forth, that is why we are putting it to the end of the month. Freeholder Vohden said what is the urgency, we can hear from the agencies in a week or two.

Freeholder Graham said Mr. Vohden but that was back in February of 2015 and we were told that everything was getting done, there was an urgency in February of 2015 and the urgency was if we didn't do it, we were going to pay the price and the price was going to be extended litigation and the loss of grant money. We are now rolling into February of 2016, those things have not been done, the door is

closing very rapidly and suddenly that urgency suddenly becomes very difficult to fathom. We couldn't wait in 2015 what was really going on because we had to rush through and get that settlement done; and we got that settlement done and we sat and watched. April turned into June, June turned October, and now it is January.

Freeholder Vohden said and a FBI agency has taken 10 months; what do you think a law firm will take? And what will the law firm do?

Freeholder Graham they will be looking at county documents.

Freeholder Vohden said for half a million dollars they are going to look documents. What are we accomplishing; what is the benefit?

Freeholder Graham said Mr. Vohden what are you afraid of.

Freeholder Vohden said I am not afraid of anything. I am asking to be personally investigated by the FBI, the securities exchange and I have been in favor of an investigation right from the beginning.

Freeholder Crabb said we spent all last year asking for these things. We were told that these agencies had been contacted.

Freeholder Vohden said what bothers me is \$500,000 to review documents.

Freeholder Graham said what bothers me is \$1.8 million an extra million dollars over last year and a 3.1 million dollar loan that is coming up May the 1st.

Freeholder Crabb said we need to get these projects done.

Freeholder Graham said that is right and we need to get them done by February of last year.

Freeholder Vohden part of the problem is going to show that we had a drop in SREC rates, that we had weather problems and we had Mastec a nationally renowned contractor who does solar work profitably all over the country come to New Jersey for the first time to do a project. He did not realize what he was getting into, we know, this year early October, mid-October, Vanguard said they would have these projects done by Thanksgiving but this is New Jersey and these projects are all sitting in the local planning boards without approvals. We know these people; we are friends with these people on these planning boards. I am in favor of going forward with these investigations with a simple request, where do we stand?

MOTION made by Freeholder Rose to strike out the section of the motion that reads "and that we put on hold any action to contract with any law firm until we receive answers from these agencies, seconded by Freeholder Lazzaro

Freeholder Rose said now we discuss the amendment. He said his amendment will continue to request the information but it will not stop a civil investigation by the Freeholder Board by moving forward at the next meeting.

Freeholder Rose said his amendment is to strike out a particular portion of the original motion. The purpose of my amendment is that it will not stop a civil investigation from moving forward.

The vote on the amendment of the motion:

On Roll Call the vote was:

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

Clerk of the Board said motion is to have the Board ask for follow up for a progress report from the FBI, United States Securities and Exchange Commission and , the United States General of the State of New Jersey that were originally asked by from Assemblywoman Phoebus and Assemblyman Space.

On Roll Call the vote was:

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

MOTION made by Freeholder Vohden that we officially in writing request our State Assembly representatives to make the same request as the three agencies, seconded by Freeholder Rose

On Roll Call the vote was:

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

County Counsel said he will prepare correspondence for your signature.

Freeholder Director Graham said on October 28, 2015 there were some considerations made and discussing an amendment to the administrative code as well as looking into the possibility of a shared service. I would like to allow a committee to look at that and as much as I was in opposition of the particular plan, I think there could be some merit and I think it would be good to take a look at it. I would like Mr. Lazzaro and I look at it.

19. NEW BUSINESS

None for the evening.

20. PUBLIC SESSION FROM THE FLOOR

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

MOTION made at 7:00 PM by Freeholder Vohden to open the floor to the public, seconded by Freeholder Rose and passed unanimously.

Comment by Neil Kenny

Mr. Kenny came forward and said he does not have an axe to grind with anyone on the Board. He said he gets the Robert's Rules and I get the way things are done, but I also sense that maybe I took too many drugs in the 1960's, I sense certain vibrations in the air. I just watched a 15 minute demonstration of why people are fed up with government going back and forth and nit picking. I am not choosing sides. I don't believe resolution 11. 1 & 2 were resolved. But a simple point, as a resident of Sussex County I don't know why you need nine people to do a job that five can do.

The opportunity to reduce a Board from seven to five seems to make sense. I don't believe there is anywhere that if one individual were to leave that the whole thing falls apart. I worked for law enforcement, I don't know that Freeholder Vohden has an agenda but I do know that half a million dollars is half a million dollars. If there are four federal agencies doing the investigation, if they are doing it, it is a question. Ms. Phoebus and Mr. Space brought it up and they are sitting at a higher level than this Board and maybe if they brought it up from their level, they could get some answers because it is keeping this Board from doing business of the county and it is keeping people conflicted and I don't think we can move forward with that. It is unfortunate because I don't think there is a bad person on the Board. I do understand the difference between civil and criminal but a half a million dollars is half a million dollars but if a criminal case comes from these government agencies the civil would not be far behind and to spend half a million dollars and I am not picking Richie's side but just as a citizen that is a lot of money and until we have answers on what the governmental agencies are doing, I don't think it is smart for us to fight as a Board and I say us collectively and we could resolve this thing amicable. I have brought other things to this table because I think there are other important things. If the money is gone, than it is gone.

Comment by Michael Grace

Mr. Grace came forward and said his knowledge and background is in investment trading and he was been on Wall Street for 25 years and he is in equities, securities and bonds so I understand the agencies. He said these agencies do take some time to do investigations.

I read through the court cases, I read the Appellate Court cases and in my expert opinion and I am qualified to say so, I have been licensed for 25 years as a supervisor on Wall Street, and there is enough information there that the SECB will come down to further an investigation from outside they are not going to give you any additional information regardless. It is a fruitless effort to go on top of the federal government's agency investigatory powers to try and do something on the side until you know what they are doing. It is in this County's best interest and this Board's best interest and in my professional opinion as well to let them do their job first, get the answers from them and found out and to read the prospectus again and find out actually where, in my opinion, this fraud took place. In my opinion, it took place not on the Freeholder Board, present and past, it took place from Sunlight General because they promised to put 30% down and they never did. Then it comes to use the grant money from the federal government and completion of projects and then trade that money that they were getting from the grants to provide their 30% in essence we financed their 30% ourselves. I am sure without a shadow of a doubt that the MRSB will come to the same conclusion I did by reading the prospectus and by reading the court cases. I think it is in the county's best interest to let them do their job first and find out what they know before we go out and commit ourselves to something that may not go anywhere because you cannot interfere civilly when there is a federal investigation going on.

Comment by Glen Hull

Mr. Hull came forward and said he is in the dark with number 11 Appointment and Resignations but my comment is I read in the newspaper whoever was appointed, (I don't know the person's name) that a reduction of insurance payments will be made to the County, that is my understanding. He asked if any money is paid to the new appointees.

Freeholder Vohden said there is a stipend.

Mr. Hull said if we go from seven to five, we are losing experience of two people, but if it stays at seven and we take the new appointments we gain savings in insurance if what I read in the Herald is correct so we will retain experience and gain new blood. Personally, as a resident, I feel that is the best solution if we retain the experience by retaining the seven. He also said coming to these meetings, I want to go to the Sunlight Investigation but if the Justice Department is investigating I don't think anybody here has a right to call. My point is when Freeholder Phoebus and this was talked about and people on this Board were criticized for asking for an investigation and now it seems they want to know everything about it but my point is asking federal investigators what they are doing could be considered influence, let them do their job and let them get it over with. I don't think anybody has a right to talk to them. I really don't.

Freeholder Vohden said he has been in favor of every one of these investigations all along and every one of these agencies welcomed my call and recommended that we have elected officials request in writing if possible the individuals who requested the investigations to begin with.

Mr. Hull said my point is if there is an investigation going I think anybody should be talking to them considering it is the County being investigated.

Comment from Bill Sparling

Mr. Sparling said in the Herald there was an article on the gypsy moth spraying, and it is 10-fold from what they did last time, my question is are the county residents notified about this?

Freeholder Crabb said there is a public notice.

Freeholder Lazzaro said there is a public notice and your municipality gets a notice also. The municipality will send out a letter to everybody in the area that is being sprayed so they are fully aware of it and they know exactly what the timing will be.

Comment from Ray Price

Mr. Price came forward and said a few minutes ago he heard something mentioned about the shared services.

Freeholder Director Graham said he brought up the possibility of looking into divisions and departments.

Mr. Price said there was an article in the Herald about the Board of Health merging with Pequannock and I mentioned this the other night, I feel that if there is no big problem with the Board of Health, I don't see why we are bringing somebody else in to manage it and really knowing how much money we are going to save. Everybody wants to save money. As far as I am concerned it would have to be a large amount of money before it would be worthwhile to bring a town in. I am a believer that if it ain't broke don't fix it. I think we have a pretty good Board of Health Department and I think we should continue with what we have.

Freeholder Director Graham said we certainly don't want to do anything to jeopardize what they do.

Comment from Bob Clark

Mr. Clark addressed his comment to Mr. Williams and said Freeholder Vohden and Freeholder Crabb could very well be part of what Mr. Boxer could be investigating shouldn't they recuse themselves from the approval and the selection of the investigation?

Freeholder Vohden said this Freeholder Board signed a settlement with the solar project. We are all part of the settlement. Ten Freeholders, current and five past are party to that agreement. We have a non-disparity clause. When we as Freeholders go after the parties involved in this, we may be violating the non-disparagement clause. You or anybody here can go after these individuals. We may be upsetting a settlement; we could be upsetting this whole thing. There is a lot more behind this than we are presenting here. It is so important that everybody in Sussex County hear this but it is so complicated. The papers don't print it all. You come here every month and you don't hear all of these other facts. We would all have to recuse ourselves if we took that stance.

Comment from Bill Sparling

Mr. Sparling said on that note, is there a possible way to go back to day one when you are saying 10 Freeholders when you had this discussion trying to sell this idea that solar was going to be that good for us. We have asked before does Somerset and Morris County have as many issues as we do and the answer has been no. So if we the public are unaware of so much than is there a possibility of dragging their butts in this room and letting us hear a little more about our concerns from the people who sold this project and initiated it and voted on doing it? How do we get more informed?

If there is so much that is not available to us and yet we hear two different sides of displeasure it just seems to me that this is not getting resolved and as you brought up in 2015 not a dam thing got done. How can that be when you are talking about millions and millions of dollars and we are gripping about the \$500,000 thing and I understand that is capped and if this law firm looks into something and for some reason he finds a lot of information and he spends \$200,000 then that investigation is done. It is just frustrating as hell to not have as much information as possible. It is great that you have so much to read and inform everybody else on it but us sitting out here it is frustrating as hell to see some of you banging heads. It is all of us paying through the nose to stay here. If there are 10,000 plus homes in foreclosure well there will be a few more. It is aggravating as hell. I say drag everyone in here and let's find out where the mistake was made. I think you need to get a big place for more public and demand that they show up.

Freeholder Vohden said he became a Freeholder January 1st 2011 and we were already into the process. Through 2011, we had hours and hours of presentations, power point presentations, written materials and at home I have two huge binders with material in them. The night that we voted on the project, there was not one public comment. Gas prices were \$4 a gallon, heating oil was \$4 a gallon, we had 9% employment; it looked like we could save money for the school or any school in the county to look at some cost savings so we voted to go forward with that. There were problems and there were questions. The way the project was set up with a cost savings and MCI handling everything so there wouldn't be multiply units involved in this, the problems occurred. For us to bring somebody in here now and explain to us in a couple of hours what is online and you can read it on line. There are hundreds of pages on line and it is very complicated and I think that is why it would take an agency this length of time. When you start interviewing people and investigating issues to subpoena, they may not have subpoenaed anybody, I hear that the FBI has questioned people, that is a rumor to me and I should not spread rumors but the rumor is that the FBI has investigated people so it takes time to figure these things out. There may be nothing here and it may be evil corporations and greedy capitalist eating us alive. It could be one extreme or another and it is probably some place in between but we don't have the knowledge to determine that. These agencies are trained to do this.

Freeholder Graham said in a conversation that we had last week, we had asked an attorney directly whether or not this would jeopardize a non-disparagement clause and the answers that they came back to us was that we are just stating facts. Disparagement would be saying that you are no good filthy crook. This not what this is all about. Our concerns are that we don't have a lot of answers and we have to make a lot of decisions this year and as Mr. Vohden said a lot of the information is in those 5000 pages but a lot of it has occurred since February 25th of last year when there was an agreement. We are going to have to make decision, work out strategies and decide what we have to do to get through this year and further years.

Freeholder Graham said I apologize to Mr. Vohden for saying what are you afraid of. That was wrong, out of line and I apologize for it. Mr. Vohden is correct that we are all party to a settlement. The key here is that we have to make decisions for this county. That is why we are here and we cannot do that with partial information or information that somebody else may have and we don't have. As for what happened between 2011 and 2015 that is another story.

I am more concerned about what has happened from February 2015 to now and I very concerned and very positive that we have to get as many buildouts as possible or else that 1.8 million dollars instead of it being a one or two year hit, it is going to be a multiple year hit. \$2.7million dollars has to go to paying off that bond every year so the less money that comes in from one side means more money has to go into the other side. He asked I am correct on that, can we agree on that?

Freeholder Vohden said yes. Just so everybody understands when we talk about the 1603 credits, a big part of this project the \$24 million that we guaranteed the bond on will be paid back with 1603 credits. We don't get any of those credits until we get a Certificate of Completion on these projects. Once we get the Certificate on the Completion on the projects we get all of the 1603 credits and that will pay back the \$24 million and from the profit from the energy.

Freeholder Graham said we will work together. We will have disagreements, hearty disagreement. The reality is we know where we are and if we don't know where we are, we are getting closer to knowing where we are.

Comment from Bill Sparling

Mr. Sparling said I am guilty for not coming out so I would ask you this, what method can you use to let County Sussex residents know that this is an upcoming thing.

Freeholder Crabb said it was frontline in the newspaper every day.

Freeholder Vohden said we are talking about an additional cost so far of \$6.75 million, there are 54,700 homes in Sussex County, this bill is to be paid off over 15 years. If you do the math it comes out to about \$125 per home to be paid off over 15 years. The average cost per homeowner for the additional cost to get this project completed where the schools will greatly benefit, people dispute that, if they are saving \$100,000 a year or whatever they are saving, we don't have to pay. I think the cost is \$8.40 a home.

Comment by John Snyder

Mr. Snyder came forward said he was much impressed by Mr. Grace's comments. Does he have any affiliation with any of you Freeholders?

Mr. Grace said he was a Democratic Assembly candidate.

Mr. Snyder said he seems like a valuable man and he seems to know what he is talking about much more than I do for one thing. I think you should listen to Mr. Grace and in his opinion you have agencies that are working on it and are not going to let it slip by.

Comment by Glen Hull

Mr. Hull said I am guilty of not being here either but I am here now and what I am seeing is that the people of the County have been let down. This was an immense project and nothing happened after we spent the Homestead money and borrowed money. Nothing happened and that is why the people are angry and that is why they are here now. People weren't here because they trusted the government as they should and it sounds like the county should not have gotten into the electrical business. As far as the election goes, the County is behind wanting to know what happened because Mr. Rose and Mr. Lazzaro were elected and a sitting Freeholder lost his job so there are people out there speaking and it is done by the election process.

MOTION made at 7:30 PM by Freeholder Vohden to close the floor to the public, seconded by Freeholder Rose and passed unanimously.

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

None for this evening.

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

Monday	January 18, 2016	Holiday – Martin Luther King Day
Wednesday	January 27, 2016	Regular Meeting – 6 PM

23. ADJOURNMENT

MOTION made at 7:31 by Freeholder Lazzaro to adjourn the meeting, seconded by Freeholder Rose and passed unanimously.

Catherine M. Williams
Clerk of the Board

DATED: January 13, 2016