

REGULAR MEETING HELD ON WEDNESDAY, MAY 25, 2016

6:00 PM

ORDER OF BUSINESS

Item

1. CALL TO ORDER BY DIRECTOR at 6:02 PM

2. ROLL CALL Freeholder Crabb; Freeholder Lazzaro; Freeholder Vohden;
Freeholder Director Graham; County Counsel, John
Williams, Acting County Administrator, Ron Tappan; Clerk of
the Board, Catherine M. Williams

Freeholder Rose: Arrived at 6:10 PM

3. MOMENT OF SILENT PRAYER AND SALUTE TO THE FLAG

4. PUBLIC STATEMENT

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

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

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

5. APPROVAL OF AGENDA

MOTION to approve the agenda made by Freeholder Lazzaro; seconded by Freeholder Vohden.

MOTION to pull 10.C and amend Bill List to include Check 6800 for \$34,345.38 made by Freeholder Graham; seconded by Freeholder Lazzaro passed unanimously.

6. PUBLIC HEARINGS

A.

FINAL ADOPTION – BOND ORDINANCE
242-2016

Freeholder Director Graham: "At our regular meeting held on May 11, 2016, we introduced for first reading the following Bond Ordinance which was advertised in the New Jersey Herald issue of May 13, 2016, together with a Notice of Public Hearing stating it would be held at this meeting at 6:00 PM:

BOND ORDINANCE PROVIDING FOR RENEWABLE ENERGY PROJECTS ASSOCIATED WITH THE RENEWABLE ENERGY PROGRAM OF THE MORRIS COUNTY IMPROVEMENT AUTHORITY, BY AND IN THE COUNTY OF SUSSEX, STATE OF NEW JERSEY (THE "COUNTY"); APPROPRIATING \$3,200,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$3,047,619 BONDS OR NOTES OF THE COUNTY TO FINANCE A PORTION OF THE COST THEREOF

MOTION that the Public Hearing be opened made by Freeholder Lazzaro; seconded by Freeholder Crabb and passed unanimously.

Is anyone present to be heard regarding this Bond Ordinance?

Harvey Roseff, Byram said earlier this week, I tried to get the documents that underlie this bonding resolution. I have not been able to receive them.

Freeholder Director asked weren't this part of the original settlement.

Mr. Roseff said no.

Freeholder Director said that is all that I am aware of.

Mr. Roseff said he is concerned on the wording of the resolution. He said the first reason is it highlights Federal 1603 money and the fact that the County is guaranteeing the flow of the money to Mastec. He said this is a public-private partnership. The private partnership should get that money. The Public being the County should not be involved in that. The Federal Government does not fund the County it funds private interest.

The way this bonding resolution is worded you are highlighting that you are putting your hands around it and you are also guaranteeing it. You need to be very sensitive to that. Also, I did get a document this week which shows we guaranteed a loan from Mastec to Sunlight. He read from the document. In the event the company does not have sufficient funds to reimbursement Mastec on or prior to the bridge loan maturity date, the County is required to repay the bridge loan.

Freeholder Graham said correct.

Mr. Roseff said there is no mention to 1603 money, we are guaranteeing a loan. That is what we are doing tonight because Sunlight has defaulted for the fourth time. Debt has a special identity in New Jersey in terms of the process to burden the public with the debt.

Freeholder Director Graham said his interpretation of the wording is last year when we had a settlement, which I was not in favor of but we had a settlement. This was part of that settlement. There were things in there, whether I voted for or against, that have to be enforced. In the settlement there was a \$3.1 million loan that was made from Mastec for the purpose of building this out to be replenished with 1603's. Those buildouts have taken longer than anticipated and we were moving into an area where this loan was going to cost out a high rate of interest. The reason for this bond is to put in place on a temporary basis, if we don't replace this than we are faced with a higher rate of interest of the Mastec portion of the loan. We will complete a good portion of those buildouts and in that completion; we will be receiving 1603's.

Mr. Roseff said I am not disagreeing with your timeline of events. But I do disagree with the wording of the bond. We are obligated to do this because Sunlight has defaulted on the loan and just so we are not making words up I will submit for the record, this document, at the same time I have off the website no mention of an additional \$3 million in loans. The website where you have your financial solar documents only details what we have come to know as the Homestead loan. This was a loan between Mastec and Sunlight and we guaranteed it. I am not disputing that we are legally obligated to pay this. If you feel this was authorized last year; I still have question marks on that. However, in your bond resolution you are properly describing it through the sequence of events and what is triggered the necessity to make this payment. I don't think we should be bonding going into debt under false pretenses.

Freeholder Graham asked County Counsel and said you have had discussions with Bond Council and you feel this is proper in its form and its method.

Mr. Williams said I haven't had any discussion with bond council, but I have no reason to regard this as being inappropriate.

Mr. Roseff said in support of what I just said, I would like to submit for the record the bond guarantee record and page no. 4 of a 6 page document posted on the website and it lists no \$3 million. In conclusion, I would like to state one other thing which is very concerning; he said he cannot get the loan agreement between Mastec and Sunlight. Since we are guaranteeing a loan; there should be a document. I have not received it. I don't think it exists because if it existed it would be an exhibit to the guarantee document. I don't think this whole thing has been properly authorized and I think you should table it; do the papers right, because it really looks like we are guaranteeing a federal payment and a federal payment that is not supposed to come to the County. Federal 1603 money is prohibited to come to the County. We have not received the Federal 1603 money; therefore, we have consumed the risk and that risk is supposed to be on a private party.

So if we make the payment and the way the Bond resolution is written it clearly says because of the delay of Federal 1603 money, we are making this payment. I have already presented that that is not the case and since it is not the case, the resolution should be rewritten correctly. I really think you need to look over the sequence of events and if this loan agreement between Mastec and Sunlight does exist, I would like to receive it tomorrow. I don't think there should be a delay. He submitted his documents for the record.

MOTION that the Public Hearing be closed made by Freeholder Vohden, seconded by Freeholder Rose and passed unanimously.

MOTION that this Bond Ordinance be finally adopted made by Freeholder Crabb, seconded by Freeholder Rose

Discussion

Freeholder Vohden said the bridge loan is explained under Consent No. 3. When David Weinstein was here and explained to us how this would work he said there is an available bridge loan from Power Partners and Mastec is part of this as well. The bridge loan does not need to be utilized but it is available for you to utilize in the event the 1603 monies need to be paid out before they are received. Power Partners and Mastec has agreed they will provide you with a bridge loan until 1603 monies come in for up

to 120 days. We have outstanding 1603 monies now that are paid directly to us; come from Morris County Improvement Authority.

The reason why we had to put the additional funding in the budget is because we haven't received the 1603 and we can't gamble that they will come. They will come, we know they will but we had to fund it up front. The bridge loan is to carry us through. It will be paid back with 1603 money. Because of the delays that caused the problems from the beginning, the Federal government may issue more 1603 Federal funding to make up for some of the losses we did occur.

On Roll Call the vote was:

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

MOTION to authorize the Clerk to advertise this Bond Ordinance as finally adopted, and also post same on the bulletin board in the lobby of the County Administrative Center made by Freeholder Crabb, seconded by Freeholder Rose and passed unanimously.

7. PROCLAMATIONS/CERTIFICATES/PRESENTATIONS

A. Proclamations

1. Proclamation in recognition of May as being "Mental Health Month".
243-2016
2. Proclamation in recognition of Michael Shorr earning the rank of Eagle Scout.
244-2016
3. Proclamation in recognition of Bea Rush's 23 years of service to Sussex County and the Northwest NJ Community Action Partnership, Inc. (NORWESCAP)
245-2016

(Voice vote by consent, unless there is a request by a Board Member for individual consideration.)

B. Presentations

1. Acknowledging the retirement of Walter H. Cramp, County Engineer and Administrator for the Department of Engineering & Planning, who retired after 16 ½ years with the County; David S. McBride, County Corrections Officer at the Jail, who retired after 25 years with the County; Richard J. Nemeth, County Corrections Officer at the Jail, who retired after 15 ½ years with the County; and Homer Wanamaker, Undersheriff for the Sheriff's Office, who retired after 13 ½ years with the County
2. Presentation regarding the County "Community Law Enforcement Addiction Recovery" Program – by Chief Richards of Newton Police Department, Prosecutor Francis Koch of Sussex County Prosecutor's Office and Becky Carlson of the Center for Prevention and Counseling

Chief Mike Richards identified who was present and involved with the program. Eric Danielson, Andover Township, Sarah Balzano with the County, Becky Carlson, Center of Prevention, some of her staff, Deb Millikin, Deputy Town Manager of Newton and Francis Koch, County Prosecutor.

Chief Richards gave an overview of the Community Law Enforcement Addiction Recovery Program (C.L.E.A.R.). He said they have Narcan in place and less people are dying but we found ourselves giving Narcan to the same people more than one. It became obvious that we needed to do something else. We found out that a lot of different agencies were doing things on their own, but we were not doing them collaborately. After discussing this with Becky, it seemed like a light bulb was going on across the county with this idea of assisting people to get treatment and this idea is blossoming across New Jersey and the country. The drug problem particularly with opium use is very complicated and its epidemic proportion. We started talking of how we could make this work. Chief Richards said there have been many generous donations from Newton Medical Center, the Chief's Association, County Prosecutor and we are seeking some charitable support otherwise this is existing government programs just working smarter. There is nothing new that is being created. And we are trying to work smarter.

Becky Carlson spoke about the recovery support. She said they are doing recovery support across the county and for us to be doing it here is very natural and so needed. She said it is unique to our County and will really help our community members.

She said they started this past weekend the first Sussex County Recovery Coach Academy. This is a guide, a mentor to help people get trained to coach people with recovery. We expect to be up and running in July.

Prosecutor Koch spoke and said that there is a gentleman who is in charge of sexual investigation, his name is Victor Beath.

His idea was to get things across the county for child friendly areas and I remember going to one of his talks and I remember listening to one of his talks and him saying he was tired not of the battle but of the fights that are going on and he said I am tired. He said I am tired of what we deal with. I am tired of people becoming addicted becoming criminals, I am tired of having to speak to families of victims, having their homes robbed, things stolen from them, I am tired of the people becoming part of our court system because of an addiction and I am tired of burying young people and that is what we doing. I feel we made a huge impact with Narcan and we are the only county in New Jersey that every single police department carries Narcan, our Sheriff's Department carries it as well and personnel from my office. This is how this all started and we are saving them and they are going on their way. So C.L.E.A.R. is a way to get people who are saved and not part of the criminal justice who want recovery and we are able to work with current agencies and get them hooked up to get into recovery. C.L.E.A.R is a way to help them before they get to the criminal system. It is a huge benefit. We will be able to work much better with the agencies we have out there.

The public asked questions

Freeholder Graham thanked them. He said opium addiction is not just an epidemic in our County; it is an epidemic in our society.

8. PUBLIC SESSION FROM THE FLOOR

Please Note: Everyone is asked to keep their comments to 5 minutes or less.

Please state your name, spell your last name, and state your municipal residency.

MOTION at 6:56 PM made by Freeholder Rose; seconded by Freeholder Vohden to open the floor to the public and passed unanimously.

Comment from Dave Gray

Dave Gray, Byram Township said his comment is about the solar project. He saw on the agenda there is going to be a reduction of solar handout from \$500,000 to \$250,000. He is very happy that it is being reduced.

Comment from Jackie Espinosa, JCP&L

Ms. Espinosa gave some statistics that their engineers just provided her. She said in 2015, they had their best service reliability that we have had in 13 years. We had an 18% reduction of outages and tree trimming is a big factor to that. In 2016, we are looking to tie in two of the sub stations. One in Montague and one is Branchville. We are going to invest money so they control it out of Morristown.

Comment from Bill Gettler

Mr. Gettler from Wantage Township said he came to speak on the study on the solar. He said he had an opportunity to do a study in Wantage Township which is submitted to the controller's office and it turns out they did a parallel study, they were similar but totally different. They told me they took my records and put them into their system. He said their study was very comprehensive. Mr. Boxer was the head of it and I have no reason to doubt his abilities. The \$500,000 number did scare me. He said he has been told that Mr. Boxer's law firm has some democratic connections; therefore, we should question them. I would also remind this party that Wantage's attorney is also democratically connected. He said he came to speak about the article that was in the NJ Herald on the new building that SCCC wants to build. He said they should wake up. He said the tax payers can't afford what is going on now. He said people can't afford to live in Sussex County. He feels this project should not get one tax payer dollar until all the bridges, all the roads and everything else has been repaired and we see a tax reduction in this County.

Comment from John Snyder

Mr. Snyder said he is here for the same reason again and he didn't see it on the agenda that he has been asking for and that is an agenda item to put forth a solar forum to explain to the public everything that has happened. For example, as of now how much money have we spent and how much money has come in.

Freeholder Graham said we will be discussing the progress of all of the buildouts tonight.

Mr. Snyder said he would like to know how much we have spent. He asked about the solar monitor that is in the hall.

Freeholder Crabb said that is a monitor for the Wheatsworth Road facility. This is where the county maintenance garage is.

There was a discussion that ensued on this.

Freeholder Graham said I know you want a forum.

Mr. Snyder said he is just asking for an item on the agenda.

Freeholder Graham said I would ask you for a little more patience until we get the information from the other sources so we can provide straight forward numbers. We need time to get the right numbers. He said he hopes to have the numbers by July 1st.

Comment from Margaret Gable

She is the literacy New Jersey representative for Human Services Advisory Council and she said she is constantly impressed by the thoroughness and the successful coordination that that council achieves. She said the meeting that they had this morning was a perfect example.

The group that received all this information is a diverse group and because all these agencies have different sets of clients, the word gets out. I recognized that is not the assignment of the Human Resources Council, their assigned is to advise on the allocation of money. I am mentioning this because it is such a big ancillary benefit to the existence of the Council.

Comment from Neil Kenny

Mr. Kenny from Green Township said there is a lot of discussion on the solar debacle. He said we should find less drive by comments like come in and throw a tomato and run out. I have seen that on numerous occasions. I would also ask the public to remove their tomatoes from the cans before they throw them. He also said as far as the previous thing that happened when I came up here, I don't know what that is about but my wife and I have discussed it and it was a little bit too much and I am talking about the peanut gallery to my left.

Comment from Glen Hull

Mr. Hull from Layton, he asked about the production. Are we getting what we were promised? Do we have to continue payment if we are not getting what we were sold. Is there any obligation if they have failed to produce electrically, what they said they would, are we allowed to say we have been sold a bad bag of goods?

Freeholder Graham said there are two things that happened. The things that happened last year; and the things that happened around 2012 45% of the project was built then, those are generated already. Most of those are being generated properly, the electricity is being generated and there are also power purchase agreements PPA's that are also being generated. Those monies were being brought into Sunlight to a trustee to pay against the bonds. The differential between what the bond cost was and what was being generated by that and other sources such as SREC's is what we are stuck with and will continue to be stuck with. We are in the process of building out and we are coming in about \$600,000 short because some local units do not want to complete such as Sparta. We are doing our best to replace those.

Mr. Hull asked is this solar generating what was promised in kilowatt hours for the ones that are working.

Freeholder Crabb said for the ones that are installed before the issues happened are all producing over 100%.

MOTION made at 7:14 PM to close the meeting by Freeholder Crabb, seconded by Freeholder Rose and passed unanimously.

9. FREEHOLDERS' COMMENTS

Comments by Freeholder Vohden

- **Presentation: The Out Migration by the Numbers. How do we stop the exodus, the loss of population in the state?**

Freeholder Vohden said Human Services Administrator Sarah Balanzo attended the workshop at the New Jersey Association of Counties and she said the presentation was very timely and very informative. He said he read the written report which presents an in-depth study on the loss of population in New Jersey including Sussex County and its overall impact on the state's economy. One of their conclusions was "what is clear from their research is that steps are not taken to address the underlying causes of out migration, the flow of residents to other states will continue". This organization does make public presentations to freeholder boards. Ms. Balanzo did check on that. I believe this information would be very valuable for us as we consider solutions for the recovery of the County and should be arranged to have a presentation at one of our Freeholder's meetings.

- **Septic Density Rule**

Freeholder Vohden said yesterday he got an alert from the Sierra Club sent to all its members on the septic density rules that we have been talking about at the past few meetings and we should be commenting on. It will give us some good common sense relief from the Highlands Regulation with the nitrate pollution model and other problems that are hindering development in Sussex County. There will be a lot of comments made by the Sierra Club, Highlands Coalition and over 200 environmental groups. These regulations do not impact the entire state. They impact us and it is important to make these public comments. He said there will be a meeting at the Highlands Council in Chester on June 1st at 6 PM. Everybody has the opportunity to make a comment and if you can't make the meeting you can submit your comments online.

Comments by Freeholder Rose

- **Solar**

Freeholder Rose said they received another invoice from Lowenstein and Sandler dated May 11, 2016 \$23,649.46.

We are told that both projects under construction being Vo-Tech and Hardyston Middle School should be done by mid-to end of June. Vanguard has completed 100% of the panel installation at the Hardyston School. The billing tie in, the electrical shut down, is scheduled for June 11, 2016 and the fencing crew is scheduled to layout the fencing. The Elementary school ground mounts will not occur. We lost that part of the project. Kittatinny High School, the interception agreement has been executed and sent to Vanguard and turn around to JCP&L will be about 5 weeks. The same applies with the Sparta Board of Ed. The brace installations at Sussex Vo-Tech will be 100% complete by the week of May 28th. The roof mount will not begin until school is out this summer. Wheatsworth location, Sunlight did perform the meter relocation. Now that the operation is complete; Sunlight has been in contact with JCP&L to receive the loss revenue. This is revenue that was accounted for because of the broken meter.

Comments by Freeholder Crabb

- **Sussex County Vo-Tech Fashion Show**

Freeholder Crabb said he has had the distinct honor of being invited to the Sussex County Vo-Tech's fashion show to benefit the veterans and the veteran's cemetery. It said it is a flurry of activities over there. He encouraged everyone to attend. Even if you don't like fashion go for the food, which comes from their culinary shops.

- **Bill Koppenaar**

Freeholder Crabb congratulated Bill Koppenaar and his lovely family. He said he is thrilled that there is a resolution appointing him as the County Engineer for Sussex County. Freeholder Crabb said Bill has always been one that stresses delivery. He said it is one thing to plan, one thing to organize but at the end of the day it is about delivery.

- **Memorial Day**

Freeholder Crabb wished everyone a happy Memorial Day. He said it should be a day that we always remember.

Comments by Freeholder Lazzaro

- **Memorial Day**

Freeholder Lazzaro spoke about Memorial Day. He said to remember our young men and women around the globe. They do the work that a lot of us don't want to do. They do it every day, some come home, some don't come home and some come home not altogether. He said we forget when they went off they were just kids and they should be commended for what they do for this country.

Freeholder Lazzaro said I don't think we always understand that the world and the economy work in cycles. It goes up and down and around. We have been in a cycle that is pretty vicious and pretty bitter. We are paying the price of some fool hardy foolish things early 2000 to 2005 to make sure people got their dream whether they could afford it or not. There is a lot of malfunction in the Federal government with doling out money and in the end it is the citizen who got advantage of the program and the tax payers that have to fund it. He said he feels we are on the upswing. Things are turning around. He said a house that has been on the foreclosure list sold for a reasonable price; however, it failed for septic. I spoke with the realtor and she said the health guy stuck a stick in the ground and it came out wet. He said he doesn't know all the details but he will find out. It will be about \$50,000 to repair. He will be able to afford it because he got a good deal on the house. Good things are happening, but we love the gloom and doom. Sussex County needs to be upbeat. Freeholder Lazzaro said the bulk of your taxes go to the municipal for use. The rest of it goes to school and county and the county takes about 10 to 15%. He said we have to monitor our schools. He said the governor took away the vote on the budget. This is the only way we have control over our taxes.

Freeholder Lazzaro said before he came here tonight he received a robo call. He said the only reason he is going to discuss it tonight is because it impinges and reflects on my reputation and integrity and I do not take that lightly. The robo call accused Freeholder Graham of improprieties with monies of the League of Municipalities. I was President and Vice President of the League of Municipalities. I was also a co-signer and a signer on that account. There was nothing improper. There was no money taken. There was no money missing. The accountant has looked at the numbers and looked at the account and there was nothing improper. He said I understand that political situations you get to say what you want to say but you don't get to make up your own facts and the fact is there was nothing improper done with that account. He said this group meets every month. It is a non-political group. Leaders from each town come and listen and share thoughts and ideas and reports back to their local municipality. We have a dinner. You sign up before you go to the dinner. If I don't go someone has to pay for my dinner because we told the restaurant how many people will there. The way the restaurant gets paid is by a voucher and that can take some time to get disbursed so Freeholder Graham and I took personal funds and paid the restaurant bills so that vendor doesn't get stuck. We held up the reputation of the League of Municipalities knowing the money will eventually come in and we will be reimbursed. That is what happened. He said he is tired of people making up their own facts.

Comments by Freeholder Graham

Freeholder Graham said the money he put in kept being put in. It was never taken out. He said he believes it is about \$1200 to \$1500 over the course of 5 years that is owed to him.

- **Solar**

Freeholder Graham addressed the comments about how much we have to pay for the investigation, how much it was, how much it is, how much it may be? Freeholder Graham said the last thing he would want to do is spend money chasing on what might be out there now. He said this body voted on this investigation. It may have been 3 to 2 but a year ago it was 3 to 2 when they gave a \$3,000,000 contract to Vanguard to finish out the solar projects. I was on the losing side of that but I had to stand by that and do everything I had to do to make sure it was done properly in 2016. I stand by that commitment even though I was on the outside of that commitment. This was not done in a back room. After I had the phone calls, it was handed over to the Clerk of the Board, then it went to purchasing, County Counsel, it went through ethics and then it went through play to pay. For those people who believe it was done in one night, it was introduced on January 4 and wasn't vote on until January 27. He said another manipulation of facts.

- **HSAC**

Freeholder Graham said the breath for the room for HSAC is immense. If anyone has time to go over to Project Sufficiency on the 4th Wednesday of the month and sit in the back and see how many people are committed to the concerns of our community.

- **Memorial Day**

Freeholder Graham said Memorial Day is not Veteran's Day. Memorial Day is for those you have given the ultimate sacrifices. We get a little confused about that some times. He then said if anyone knows of how to get records of veterans that died during battle it would be good to know because sometimes people don't know how to find relatives that died in battle.

- **SCCC Commencement**

Freeholder Graham said this was a bucket list item for him. He has always wanted to speak at a commencement. He was surprised that any words came out of his mouth. He said he was proud to be there.

He said his theme was go out into the world, learn what you can learn, but come back to Sussex County because we are in a position where we can reinvent ourselves. I do not subscribe to all the studies that say we are nothing but agriculture and tourism. He said it is time for the state of New Jersey to stop treating us as some garden in the corner of New Jersey. We are just as much a part of the state as Union County is, and Middlesex County is.

10. APPROVAL OF CONSENT AGENDA

- A. RESOLUTION RE: AUTHORIZATION TO PARTICIPATE IN AN AGREEMENT FOR NATURAL GAS SUPPLY SERVICE UNDER THE PASSAIC COUNTY ENERGY COOPERATIVE PRICING SYSTEM (#184PCECPS) TO VARIOUS BUILDINGS WITHIN SUSSEX COUNTY
246-2016

- B. RESOLUTION RE: AUTHORIZATION TO EXECUTE MODIFICATION NUMBER 1 TO A FEDERAL AID AGREEMENT FOR THE PROJECT ENTITLED SAFETY ENHANCEMENTS TO CR 622 MP 0.00 TO 5.35 AND CR 653 MP 0.00 TO 7.27, (2015 HRRRP) BEING FEDERAL PROJECT NUMBER HSP-C00S(755) CON
247-2016

- C. RESOLUTION RE: PAYMENT OF DEDUCTIBLE LITIGATION COST IN THE MATTER OF BOURKE V. COUNTY OF SUSSEX
PULLED

- D. RESOLUTION RE: AUTHORIZING AN AMENDMENT REDUCING TO AN AMOUNT NOT TO EXCEED \$250,000.00 AS TO THE PROFESSIONAL SERVICES AGREEMENT WITH A. MATTHEW BOXER, ESQ. AND LOWENSTEIN SANDLER, LLP FOR THE PROVIDING OF SPECIAL COUNSEL SERVICES IN THE REVIEW OF THE SUSSEX COUNTY RENEWABLE ENERGY PROGRAM, WITHOUT COMPETITIVE BIDDING AS A PROFESSIONAL SERVICE PURSUANT TO N.J.S.A. 40A:11-5(1)(a)(i)
248-2016

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 to adopt the Resolutions made by Freeholder Crabb, seconded by Freeholder Vohden

Discussion

Freeholder Vohden wanted to know if any of the wording other than the contract amount been changed on the Matt Boxer resolution?

County Counsel said only the amount.

On Roll Call the Vote was:

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

11. APPROVAL OF MINUTES

Regular Meeting – May 11, 2016

Executive Session Minutes
Regular Meeting - April 27, 2016

MOTION made by Freeholder Crabb to approve the minutes from the Regular Meeting of May 11, 2015 and Executive Session minutes from April 27, 2016, seconded by Freeholder Lazzaro and passed unanimously.

Freeholder Vohden abstained due to his absence from the May 11th meeting.

12. APPOINTMENTS AND/OR RESIGNATIONS

A. Appointments

1. RESOLUTION RE: APPOINTMENT OF WILLIAM J. KOPPENAAL, P.E.,
249-2016 AS COUNTY ENGINEER FOR THE COUNTY OF
SUSSEX FOR A TERM OF FIVE (5) YEARS
COMMENCING ON MAY 26, 2016 AND EXPIRING
ON MAY 25, 2021 PURSUANT TO N.J.S.A. 40A:9-43

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

Mr. Koppenaal came forward and expressed his gratitude and is very excited and we look forward to the future; we have a very strong foundation to work from and work towards to meeting all the challenges that we have.

Freeholder Crabb said one of the things when Walter exited that we said was how much you take in house in lieu of contracting it out and I am not sure if the public knows what a tax savings that is for the tax payer on an ongoing basis.

On Roll Call the vote was:

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

13. RESOLUTION

- A. RESOLUTION RE: PRELIMINARY ADOPTION OF THE FRANKFORD TOWNSHIP
250-2016 AMENDMENT TO THE SUSSEX COUNTY WASTEWATER
MANAGEMENT PLAN (WMP)
- B. RESOLUTION RE: APPROVAL OF REVISED SUSSEX COUNTY YOUTH
251-2016 SERVICES COMMISSION BY-LAWS BY THE SUSSEX
COUNTY BOARD OF CHOSEN FREEHOLDERS
- C. RESOLUTION RE: AUTHORIZING THE ENTRY OF A PROFESSIONAL
252-2016 SERVICES AGREEMENT BETWEEN THE COUNTY
OF SUSSEX AND STRAIGHT AND NARROW FOR
48 HOUR INTOXICATED DRIVER RESOURCE
CENTER (IDRC) SERVICES
- D. RESOLUTION RE: PROVIDING TEMPORARY CLOSURE OF CR 644 IN
253-2016 VERNON TOWNSHIP
- E. RESOLUTION RE: SUPPORTING THE COUNTY "C.L.E.A.R." PROGRAM –
254-2016 COMMUNITY LAW ENFORCEMENT ADDICTION
RECOVERY

MOTION made by Freeholder Crabb to adopt the Resolutions, seconded by Freeholder Lazzaro and passed unanimously.

14. AWARDS OF CONTRACTS/CHANGE ORDERS/BIDS

A. Awards of Contracts

1. RESOLUTION RE: AWARD OF CONTRACT FOR THE REHABILITATION
255-2016 OF SUSSEX COUNTY BRIDGE S-10 ON CR 617
STILLWATER TOWNSHIP, NJ

2. RESOLUTION RE: AWARD OF CONTRACTS FOR THE SUPPLY AND DELIVERY OF PREMARK WITH VIZIGRIP PAVEMENT MARKINGS AS MANUFACTURED BY ENNIS FLINT OR EQUAL
256-2016

MOTION to adopt the Resolutions made by Freeholder Crabb, 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

15. FINANCIAL

A. RESOLUTION RE: PAYMENT OF BILLS
257-2016

MOTION to adopt the resolution made by Freeholder Crabb, seconded by Freeholder Lazzaro

On Roll Call the vote was:

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

PERSONNEL

A. Personnel Agenda

MOTION to approve the Agenda made by Freeholder Crabb, seconded by Freeholder Vohden and passed unanimously.

17. ADMINISTRATIVE REPORT

A. Other

Ron Tappan said he and Mr. Williams had a 2 ½ hour meeting with the owner's rep this morning to go through specifics of their report and how they are going to report out into the future. They did leave with nothing less than how the County is focused on these projects, the completion of these projects and they are under the strong understanding of what our expectations are of us and them and if you will, the clerk of the work. You will start seeing more different reporting not just report cards but more specific attributes of what is being done, the timing, and a more immediate notice to us if they get behind with things we can help with. We looked at their plans and I had questioned why it takes 5 weeks to get a permit through JCP&L, but it only takes 48 days to build the unit, it doesn't make sense so if we can help with that we would be glad to do that. It was a good meeting and it was well received from both ends. I think we will start seeing a better product coming back from them on their reports next week.

Ron Tappan said he had his quarterly risk management meeting this week. There was a lot to go over including all of the workers compensation and insurance issues. You will be seeing a creation of what we will call the work-place safety committee. It will have members from our staff as volunteers to work in conjunction with our risk manager and look at work place safety, particularly when it comes to work place violence. This is such a hot topic and especially when you have a public arena like this.

Ron said the first of the year we applied with RDS and CMS which is a Medicare reimbursement agency and because we provide through our union contracts prescription benefits to our retirees, especially those who are Medicare eligible, we are eligible as the provider of that a reimbursement back on those claims. Those claims have been coming back to the county now on an average of \$13,500 a month.

Ron said the he was proud to appoint Bill as a Department Head as well. Thank you all for the advice and consent on that. We have talked about institutional knowledge and it's pretty lean around here and

Bill brings a huge institutional knowledge to that group and maintains that department and I am very proud to put him in that position.

18. COUNTY COUNSEL

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

Mr. Williams addressed a comment from public session from the last meeting regarding Executive Session issues from last year. He said it is just about ready to be advanced, there was some wait for transcription of minutes from two meetings that will be part of the submission to the State; but any delay that has occurred or may occur is a result of the emergencies and demand on times and resources of County Counsel.

He said the one comment on the solar update, the two projects that were awaiting the JCP&L Interconnection agreement to come back from JCP&L which was the Kittatinny Roof mount and Middle School ground mount in Sparta, Ron and I spoke with Jackie Espinosa from JCP&L and she was willing to reach out to JCP&L to facilitate the first phase of the process that makes it 5 weeks and make sure we can group them together and see if we can make it go quicker. It is a basic review process. They also gave us some input that we reported back to the Owner's rep on how to make phase two work more expeditiously. We want to thank Jackie for that partnership and assistance.

Mr. Williams said the other update is on attorney Boxer's progress. He has completed a series of interviews with current County employees. Interviews are being planned and scheduled now for the current Board of Chosen Freeholder members. He will then contact former members and possibly former County employees to address that issue. Mr. Boxer's associate is meeting with Treasury tomorrow to go over binders and binds of financials and the way the money flows through the project from the Trustee to MCIA.

19. UNFINISHED BUSINESS

Freeholder Vohden said he wanted to discuss the Professional Service Agreement. He said when we discussed this 4 months ago, he had a series of questions and has not received any answers. He asked two questions. 1. Do they have subpoena power and do they believe they will be able to recoup any funds? He said from the figures he is hearing, we are already somewhere between \$50,000 to \$60,000 into this. He said before we spend a lot more money he thinks we should get those answers.

Freeholder Graham said I think we should send them a letter and get those answers.

Freeholder Vohden said I sent a letter to Matthew Boxer on January 19, 2016 and I have still not had a reply.

County Counsel said send me that letter.

Freeholder Vohden said I spent 17 years managing a construction company and I have never been to a discovery, interrogation, interview on the advice of the attorneys without representation. He said he has concerns. He said I may have sent a letter that upset attorney Matt Boxer and he did file an ethic's complaint with the state ethics committee against attorney Matt Boxer because he was the state controller at the time that they approved our solar agreement. They reviewed their records and they could not find any direct involvement. There is a statute that says until the end of their life they cannot represent anybody that they have had an involvement with before.

Freeholder Graham said the controller's office first weighed in and said there is nothing, and then the ethics committee and said there was nothing.

Freeholder Vohden said the point I am making is now I am going to sit down for an interview. I would like to be able to ask him questions.

Freeholder Graham said if we recover \$1,000,000 that would go against the bond cost. If we have a bond guarantee that we don't have to pay on; then we are recouping.

Freeholder Vohden said he wants to hear that from an attorney.

Freeholder Graham said you raise very good questions and let's have County Counsel take care of this.

County Counsel said there have been issues both raised by the public and also by the Board. He said he has tried to record most of them. He said he can put together a list of the questions that have come up. He also said he will ask attorney Matt Boxer to give us an update on Phase one. For the public to understand, special counsel is your counsel so this is your attorney so you certainly can ask him questions.

Freeholder Crabb said but we had a sitting Freeholder send him a letter with specific questions and he has not gotten answers to. I think if a sitting Freeholder asks a question, he should not be ignored and that is what happened.

County Counsel said he will address it.

20. NEW BUSINESS

None

21. PUBLIC SESSION FROM THE FLOOR

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

MOTION made at 8:09 PM by Freeholder Lazzaro; seconded by Freeholder Rose to open the meeting up to the public and passed unanimously.

Comment by Jerry Murphy

Mr. Murphy from Sparta thanked Bill Koppenaal for his service. He said Bill and he started with the County in 1996. He also had a question about Freeholder Vohden's questions about the subpoenas and he wanted to know if they are derogatory or are they discoveries? You might want to have Counsel clarify what Mr. Boxer is going to talk to you about.

Comment by Bill Sparling

Mr. Sparling, from Lafayette commended the Freeholders for the job that they do. I am getting a better feel for the different work that is handed in your laps so on that note, I appreciate the hard work that you do. He addressed Freeholder's Lazzaro's comment on the Robo call. He showed something to the Board that he got in the mail and he said it made him very mad. He then asked Freeholder Crabb about the tickets for the Fashion Show at Sussex County Vo-Tech.

Comment by Sarah Balzano

Ms. Balzano from Andover Township thanked the Board for bringing up the Sussex County Vo-Tech event, she said the teacher that organizes the event is loved by his students and the amount of time he spends volunteering for the veterans is really good for the students to see.

Comment by Bill Gettler

Mr. Gettler, from Wantage, he asked when they would fix the fireproofing on the building.

Mr. Tappan said it is in the works.

Freeholder Graham said the process is to fire the material on and then it encapsulates it, but in this situation that didn't happen so it needs to be scrapped off and this creates other issue. He said we do have sprinklers.

Comment by John Snyder

Mr. Snyder from Sandyston said he also had the Robo call on his answering machine today. He also thanked Freeholder Graham for saying that that it is not Veteran's Day coming up, it is Memorial Day.

Comment by Glen Hull

Mr. Hull from Layton said he wanted to touch on something that Freeholder Vohden said and why people are leaving New Jersey and one of the reasons is we are over regulated. You can't even cut down a tree.

He said he lives near Delaware Water Gap and now the park is endangered by this invasive cray fish. It is a recreation area and they have turned it into something else. He said one of his observations is we used to have out houses out here and now we have endangered cray fish. This is a pristine area. We have over regulated ourselves. It is ridiculous.

MOTION made at 8:20 PM to close the public session Freeholder Lazzaro, seconded by Freeholder Rose and passed unanimously.

MOTION made at 8:25 to go into Executive by Freeholder Crabb, seconded by Freeholder Lazzaro and passed unanimously.

22. EXECUTIVE SESSION – (Closed Session – If Applicable)

**RESOLUTION RE: PROVIDING FOR AN EXECUTIVE (CLOSED) SESSION NOT
258-2016 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:**

 X (4) **Matters Relating to Collective Bargaining Agreements:**

PBA, Local No. 138 Prosecutors Association

_____ (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.

MOTION made at 9:12 to come out of Executive Session and go back into open session by Freeholder Crabb, seconded by Freeholder Lazzaro and passed unanimously.

23. REMINDERS

Monday	May 30, 2016	Holiday – Memorial Day Observed
Wednesday	June 8, 2016	Regular Meeting – 5:00 PM

24. ADJOURNMENT

MOTION made at 9:13 PM to adjourn the meeting by Freeholder Crabb, seconded by Freeholder Lazzaro and passed unanimously.

DATED: May 25, 2016

Catherine Williams
Clerk of the Board