

REGULAR MEETING HELD ON WEDNESDAY, OCTOBER 12, 2016

5:00 PM

ORDER OF BUSINESS

Item

1. **CALL TO ORDER BY DIRECTOR** at 5:00 PM

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

3. **MOMENT OF SILENT PRAYER AND SALUTE TO THE FLAG**

4. **PUBLIC STATEMENT**

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

New Jersey Herald	WSUS Radio
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."

5:02 PM Freeholder Vohden left the room.

5. **APPROVAL OF AGENDA**

MOTION made by Freeholder Rose to approve the agenda; seconded by Freeholder Crabb four in favor; no vote from Freeholder Vohden, not in the room.

5:03 PM Freeholder Vohden returned.

6. **PROCLAMATIONS/CERTIFICATES/PRESENTATIONS**

A. Proclamations/Certificates

1. Proclamation declaring October as "Domestic Violence Awareness Month".
460-2016

2. Proclamation declaring October as "Breast Cancer Awareness Month".
461-2016

3. Proclamation declaring October 19, 2016 as "Taking Flight to Change Day".
462-2016

4. Certificate recognizing James Adams for his volunteerism and service as a poll worker for the Sussex County Board of Elections for 20 years.
463-2016

5. Certificate recognizing Shirley Baldwin for her volunteerism and service as a poll worker for the Sussex County Board of Elections for 20 years.
464-2016

6. Certificate recognizing Irene Blauvelt for her volunteerism and service as a poll worker for the Sussex County Board of Elections for 20 years.
465-2016

7. Certificate recognizing Katherine Chorun for her volunteerism and service as a poll worker for the Sussex County Board of Elections for 20 years.
466-2016
8. Certificate recognizing Linn Clouse for his volunteerism and service as a poll worker for the Sussex County Board of Elections for 20 years.
467-2016
9. Certificate recognizing Evelyn Dalrymple for her volunteerism and service as a poll worker for the Sussex County Board of Elections for 20 years.
468-2016
10. Certificate recognizing Christine Degraaff for her volunteerism and service as a poll worker for the Sussex County Board of Elections for 20 years.
469-2016
11. Certificate recognizing Elizabeth Dekleine for her volunteerism and service as a poll worker for the Sussex County Board of Elections for 20 years.
470-2016
12. Certificate recognizing Catherine Downs for her volunteerism and service as a poll worker for the Sussex County Board of Elections for 20 years.
471-2016
13. Certificate recognizing Barbara Gillian for her volunteerism and service as a poll worker for the Sussex County Board of Elections for 20 years.
472-2016
14. Certificate recognizing Arthur Hahn for his volunteerism and service as a poll worker for the Sussex County Board of Elections for 20 years.
473-2016
15. Certificate recognizing Betty Hahn for her volunteerism and service as a poll worker for the Sussex County Board of Elections for 20 years.
474-2016
16. Certificate recognizing J. Barry Higgins for his volunteerism and service as a poll worker for the Sussex County Board of Elections for 20 years.
475-2016
17. Certificate recognizing Basil Holowach for his volunteerism and service as a poll worker for the Sussex County Board of Elections for 20 years.
476-2016
18. Certificate recognizing Janice Johnson for her volunteerism and service as a poll worker for the Sussex County Board of Elections for 20 years.
477-2016
19. Certificate recognizing Sonja Kuperus for her volunteerism and service as a poll worker for the Sussex County Board of Elections for 20 years.
478-2016
20. Certificate recognizing Janice Lelak for her volunteerism and service as a poll worker for the Sussex County Board of Elections for 20 years.
479-2016
21. Certificate recognizing Sally McGrath for her volunteerism and service as a poll worker for the Sussex County Board of Elections for 20 years.
480-2016
22. Certificate recognizing Barbara Moran for her volunteerism and service as a poll worker for the Sussex County Board of Elections for 20 years.
481-2016
23. Certificate recognizing Lorraine Paxton for her volunteerism and service as a poll worker for the Sussex County Board of Elections for 20 years.
482-2016
24. Certificate recognizing Sandra Poots for her volunteerism and service as a

poll worker for the Sussex County Board of Elections for 20 years.
483-2016

25. Certificate recognizing Joy Ricker for her volunteerism and service as a poll worker for the Sussex County Board of Elections for 20 years.
484-2016

26. Certificate recognizing Colleen Russell for her volunteerism and service as a poll worker for the Sussex County Board of Elections for 20 years.
485-2016

27. Certificate recognizing Elaine Savage for her volunteerism and service as a poll worker for the Sussex County Board of Elections for 20 years.
486-2016

28. Certificate recognizing Judith Shustin for her volunteerism and service as a poll worker for the Sussex County Board of Elections for 20 years.
487-2016

29. Certificate recognizing Judy Smith for her volunteerism and service as a poll worker for the Sussex County Board of Elections for 20 years.
488-2016

30. Certificate recognizing Joyce VanFleet for her volunteerism and service as a poll worker for the Sussex County Board of Elections for 20 years.
489-2016

31. Certificate recognizing Kathleen Vreeland for her volunteerism and service as a poll worker for the Sussex County Board of Elections for 20 years.
490-2016

32. Certificate recognizing Helene Wallin for her volunteerism and service as a poll worker for the Sussex County Board of Elections for 20 years.
491-2016

33. Certificate recognizing Mary Whitesell for her volunteerism and service as a poll worker for the Sussex County Board of Elections for 20 years.
492-2016

34. Certificate recognizing Carol Wolters for her volunteerism and service as a poll worker for the Sussex County Board of Elections for 20 years.
493-2016

35. Certificate recognizing Paula Zeliff-Murphy for her volunteerism and service as a poll worker for the Sussex County Board of Elections for 20 years.
494-2016

MOTION made by Freeholder Crabb to adopt the Proclamations; seconded by Freeholder Rose and passed unanimously.

B. Presentations

1. Kaitlyn Hammerle of the Division of Senior Services to discuss the S.H.I.P. (State Health Insurance Assistance Program) and open enrollment for Medicare

Ms. Hammerle gave a presentation on S.H.I.P.

2. Martha Baldwin of the Division of Health to discuss NJCEED Grant (NJ Cancer Education & Early Detection)

Martha Baldwin gave a presentation on the NJCEED Grant which provides education for cancer and early detection.

7. PUBLIC HEARINGS

None for the evening.

8. **EXECUTIVE SESSION – (Closed Session – If Applicable)**

**RESOLUTION RE: PROVIDING FOR AN EXECUTIVE (CLOSED) SESSION NOT
495-2016 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 5:46 PM by Freeholder Rose to go into Executive Session; seconded by Freeholder Lazzaro and passed unanimously.

MOTION made by Freeholder Lazzaro to have the Executive Session not be recorded but be hand recorded, seconded by Freeholder Rose. Freeholder Lazzaro, Freeholder Graham, Freeholder Rose voted yes; Freeholder Crabb and Freeholder Vohden voted no.

MOTION made at 6:25 PM to come out of Executive session by Freeholder Lazzaro; seconded by Freeholder Rose and passed unanimously.

9. **PUBLIC SESSION FROM THE FLOOR**

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

and only address issues regarding agenda items. Please state your name, spell your last name, and state your municipal residency.

MOTION made at 6:26 by Freeholder Vohden to open the floor to the public; seconded by Freeholder Lazzaro and passed unanimously.

Comment by John Snyder

Mr. Snyder brought up the population decline in Sussex County. He wanted to know how the Board felt about the gas tax increase. He said there is a provision in the bill and they are projecting a \$2 million increase in the Transportation Trust Fund by October 1st and if that goal is not met, than the gas tax goes up higher, he said I don't believe that is in the papers but he heard from a reliable source that it is in there. He also wanted to know if the Senior Services group is going to have a Veterans' Day Parade this year.

The Board said it will be on November 13th.

MOTION made at 6:30 PM by Freeholder Rose to close the public session; seconded by Freeholder Lazzaro and passed unanimously.

10. FREEHOLDERS' COMMENTS

Comments from Freeholder Vohden

- **Administrative Code document comparison**

Freeholder Vohden said a motion was considered at the last meeting to have the staff indicate the changes that were made to the Administrative Code. He said we were told it would take a lot of staff hours to do that. It was mentioned that the state legislature uses a word processing program which makes this process a lot quicker. There was also a concern about the cost to do this. The motion was defeated. He said he searched on-line and found a lot of examples of document comparison programs that are commonly used including Microsoft word. He said we have a recognized IT department and they could probably do this in minutes. He said I think it would be a good idea for the staff to consult with the IT department about this.

- **Meeting with County Counsel**

Freeholder Vohden said at the last meeting County Counsel said if we have any information, need any information or like to talk to him about any problems between meetings to come to him and discuss it. He said he would be happy to review any statutes or regulations that we indicate and he would render an opinion. He said he did meet with John Williams last week and requested that he review state statute 40-41A:101 that he references in a memo to the Board that he is considering sub-section 6 relating to indicating changes to the Administrative Code.

Comments from Freeholder Rose

No comments this evening.

Comments from Freeholder Crabb

- **North Jersey Recovery Center**

Freeholder Crabb said he visited the North Jersey recovery center. He said they bought the old Morley Shirt Company in Franklin. He said they put a doctor's office in it but with the remaining space they want to put a recovery center in it for veterans and people with drug problems. Freeholder Crabb asked the Board without objection if Dr. Binai could make a 5 minute presentation at the November 9th meeting describing what this facility offers.

- **Sussex County Parade**

Freeholder Crabb said it was one of the best so far.

Comments from Freeholder Lazzaro

- **Roads and Bridges**

Freeholder Lazzaro said the bridges and the road contracts that got stopped will be continuing as soon as things get settled.

- **Sussex County Arts & Heritage Council**

Freeholder Lazzaro said they had their annual fund raiser and it was very successful. He said the dance contest was captivating. He said he lost; however, they won the hearts and the minds of the audience. He said the event helped raise \$30,000 for SCAHC. He said the event was well attended.

- **Sussex County Fire Parade**

Freeholder Lazzaro said they did a fantastic job in putting the parade together. It was a great event and Fredon won 1st prize for ambulance and best rescue truck.

Comments from Director Freeholder Graham

- **Recovery is Real**

Freeholder Graham said he attended this program at the college. He said the addiction crisis is real and the recovery options are real. He said Freeholder Lazzaro came here in the 1970's to work with the addiction crisis that we had back then and the way things were adapted to recovery don't fit today's pattern. The face of addiction is very different now. He said in the 1960's you knew who the addicts were. It is very different now. He said his daughter who is 36 has lost three friends. Two of them were veterans and took Percocet and it drove their lives to the end and it affects the lives of others close to them. It is very real and if we don't address the addiction crisis in this county, everybody is affected by it. He said we as a state, a nation and a country, we have to get a handle on this addiction.

He said the event was put on by the Center for Prevention and the Chief of Police of the Town of Newton, Mike Richards who is spear heading the C.L.E.A.R program. This program allows someone who comes into the police station and says they have a problem an in lieu of locking them up, the police will take them to a recovery location and get the help they need.

- **Bail Reform**

Freeholder Graham had a meeting with Prosecutor Koch to discuss this and what are his plans going forward. The prosecutor's office is all ready to go the first of the year. They have personnel already in place. Freeholder Graham said with bail reform someone that is arrested today it could take them a while to get out of jail. With the new rules, they have to be out within 48 hours unless it is a harsh crime.

That means if someone is arrested on a Friday, they have to be out on Sunday, which means there must be coverage on the weekends and that will definitely affect us.

- **Guidance Counselor's meeting**

Freeholder Graham attended a meeting for the guidance counselor's around the county. He said Christine Florio in Human Services was one of the main speakers. He read the names of the agencies that attended. He wanted to bring this to the public's attention because as he is campaigning he always hears that nobody is doing anything. He said there are a lot of people doing things. We need to be better at communicating what is going on and where the help is and how to get to it.

11. APPROVAL OF CONSENT AGENDA

A. RESOLUTION RE: RESCINDING THE CANCELATION OF THE GRANT
496-2016 FUND RESERVE BALANCE FOR THE 2015 HUMAN SERVICES ADVISORY COUNCIL (HSAC) GRANT CONTRACT #15ALUN AND RE-ESTABLISHING THE BALANCE ON THE BALANCE SHEET OF THE CURRENT FUND

B. RESOLUTION RE: AUTHORIZING THE ISSUANCE OF PURCHASE
497-2016 ORDERS IN COMPLIANCE WITH N.J.S.A. 19:44A-20.4 ET SEQ. FOR VARIOUS SERVICES, WITH ACCUMULATED VALUE LESS THAN THE BID THRESHOLD

C. RESOLUTION RE: AUTHORIZATION FOR THE SUSSEX COUNTY
498-2016 DEPARTMENT OF HEALTH AND HUMAN SERVICES, DIVISION OF SENIOR SERVICES TO RECEIVE GRANT FUNDS FROM THE NEW JERSEY DEPARTMENT OF

HUMAN SERVICES, DIVISION OF AGING SERVICES
FOR A MEDICARE SPECIAL BENEFITS OUTREACH
AND ENROLLMENT ASSISTANCE PROGRAM FOR
THE PERIOD OF OCTOBER 1, 2016 TO
SEPTEMBER 29, 2017

- D. RESOLUTION RE: AUTHORIZATION FOR THE COUNTY OF SUSSEX TO
499-2016 SUBMIT THE AREA PLAN GRANT AGREEMENT
DoAS17AAA004 WITH THE NEW JERSEY
DEPARTMENT OF HUMAN SERVICES, DIVISION OF
AGING SERVICES

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 Consent Agenda made by Freeholder Crabb; seconded by Freeholder Lazzaro

On Roll Call the Vote was:

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

12. APPROVAL OF MINUTES

Regular Meeting – September 28, 2016

MOTION to adopt the minutes from the September 28th Regular Meeting made by Freeholder Lazzaro; seconded by Freeholder Crabb and passed unanimously.

Executive Session Minutes
Regular Meeting February 11, 2015

MOTION to adopt the Executive Session Minutes from the February 11th Regular Meeting made by Freeholder Crabb; seconded by Freeholder Vohden. Freeholder Crabb, Freeholder Vohden and Freeholder Graham said yes. Freeholders Rose and Lazzaro abstained.

13. APPOINTMENTS AND/OR RESIGNATIONS

None for this meeting.

14. RESOLUTIONS

- A. RESOLUTION RE: SUPPORT FOR THE NEW JERSEY DIVISION OF FISH
500-2016 AND WILDLIFE'S GRANT APPLICATION TO THE NEW
JERSEY DEPARTMENT OF TRANSPORTATION FOR
FUNDING THROUGH THE TRANSPORTATION
ALTERNATIVES GRANT PROGRAM

MOTION made by Freeholder Crabb to adopt the resolution; seconded by Freeholder Lazzaro and passed unanimously.

B. INTRODUCTION FOR FIRST READING – RESOLUTION

RESOLUTION RE: VACATION OF A PORTION OF COUNTY ROUTE 607
501-2016 A.K.A. LACKAWANNA DRIVE, IN THE TOWNSHIP
OF BYRAM, PURSUANT TO THE PROVISIONS OF
N.J.S.A. 27:16-28(b)

MOTION to adopt this Resolution on first reading 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

MOTION to authorize the Clerk to advertise this Resolution as introduced for first reading, and also post same on the bulletin board in the lobby of the County Administrative Center, together with a Notice of Public Hearing stating that a hearing will be held on November 9, 2016 at 5:00 pm prior to final adoption of this Resolution made by Freeholder Lazzaro; seconded by Freeholder Crabb and passed unanimously.

15. AWARDS OF CONTRACTS/CHANGE ORDERS/BIDS

A. Awards

1. RESOLUTION RE: AWARD OF CONTRACT THROUGH THE
502-2016 COMPETITIVE CONTRACTING PROCESS
FOR THE FUEL MANAGEMENT SYSTEM
FOR THE OFFICE OF FLEET MANAGEMENT
2. RESOLUTION RE: AWARD OF CONTRACT FOR
503-2016 ALTERATIONS TO THE SUSSEX COUNTY
JUDICIAL CENTER
3. RESOLUTION RE: AWARD OF CONTRACT EXTENSION FOR
504-2016 MISCELLANEOUS BUILDING TRADE SERVICES
(MASONRY) TO BE PERFORMED IN AND AROUND
VARIOUS SUSSEX COUNTY BUILDINGS FOR THE
COUNTY OF SUSSEX
4. RESOLUTION RE: AWARD OF CONTRACT FOR THE PURCHASE
505-2016 OF ONE (1) CURRENT MODEL YEAR
MECHANICAL STREET SWEEPER SINGLE
ENGINE TYPE FOR THE OFFICE OF FLEET
MANAGEMENT

MOTION made by Freeholder Crabb to adopt the Resolutions; seconded by Freeholder Vohden

On Roll Call the vote was:

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

16. FINANCIAL

- A. RESOLUTION RE: PAYMENT OF BILLS
506-2016

MOTION made to approve the payment of bills made by Freeholder Lazzaro; seconded by Freeholder Crabb

On Roll Call the vote was:

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

17. PERSONNEL

A. Personnel Agenda

MOTION made by Freeholder Lazzaro to adopt the Personnel Agenda; seconded by Freeholder Crabb

Discussion

Freeholder Vohden asked if Item #1 could be voted on separately on the Personnel agenda.

MOTION made by Freeholder Vohden to remove Item #1 from the Personnel agenda and consider it separately; seconded by Freeholder Crabb and passed unanimously.

MOTION made by Freeholder Rose to approve Personnel Agenda #1; seconded by Freeholder Crabb

Discussion

Freeholder Crabb said I am going to need to recuse myself from this because the candidate in question is suing me for conspiracy. So there is no way that I could weigh in on it but I do have a question though, how did we set the salary? What process was used to set the salary that is in there?

Ron Tappan said years of experience and education. It is less than the hiring procedure by percentage and it was under what the past Human Services Director was making so it made a positive increase on the budget and it was accepted that way and it was to keep the numbers down.

Freeholder Vohden said don't we normally vote on that?

Freeholder Crabb said for senior staff don't we normally vote in Executive Session to set salaries?

Ron Tappan said no. He said it is on the Personnel agenda and you vote on that item but there never has been a Freeholder discussion on getting to the salary.

Freeholder Crabb replied I am trying to figure out how the policy is set.

Ron Tappan said the hiring policies set forth the percentages of increases. In this particular situation, we had a very seasoned person that could have gotten a very high percentage but we kept it down and it was accepted that way.

Freeholder Vohden said he is recusing himself because he is a defendant in a legal complaint, a lawsuit filed by the nominee and their demands for compensatory and punitive damages for counsel fees and costs and there are demands for her appointment to either a position of County Administrator or the position of the Administrator of Human Services.

Ron Tappan said it give you options to recuse yourself.

Freeholder Crabb said how do we get to that point that we are calling on people that two Freeholders can't weigh in on?

On Roll call the vote was:

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

18. ADMINISTRATIVE REPORT

A. Other

Ron Tappan said the County had the privilege to go to Shop Rite to participate in the bagging contest for the food pantry and we got a letter back from them this week thanking all of us for our participation.

He said Freeholder Rose brought up the efforts of the IT department to videoing into the conference rooms. We are up and running in the Executive conference room, the second floor conference room and one of the conference rooms at Hardyston. Carrie Sylvester is in the process of writing a how to manual to connect in to the system.

Ron Tappan said the elevator is up and running and it was two weeks ahead of schedule.

19. COUNTY COUNSEL

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

No report tonight.

20. UNFINISHED BUSINESS

Freeholder Vohden said we have been discussing videotaping of our meetings.

County Counsel said according to Robert's Rules this does not belong under unfinished business. Robert's Rules defines Unfinished Business as Agenda items from the prior meeting that are not complete and as part of my report, I finished the report and it was placed in Onbase.

Freeholder Vohden asked if they were going to consider it.

Director Freeholder Graham said it was put into Onbase and he did not receive any information on it. It was put into Onbase on Friday before noon and we will consider it before the next meeting.

Freeholder Vohden said at our last meeting September 28th, we had a discussion about the addition of Advice and Consent to our Administrative Code. In the Minutes from that meeting, it reports that Freeholder Director Graham stated that we will have this as an official item at the next meeting. I do not see anything on the agenda. He said he would like to continue that discussion by making a motion that we adopt the resolution concerning the definition of advice and consent in our Administrative Code. He said I believe you received a copy of the Resolution. Freeholder Vohden read the Resolution into the record; Freeholder Crabb seconded the motion.

Discussion

Freeholder Crabb said the way the Advice and Consent has been set up now there are a lot of people who feel it is false on its face. All we are asking is that County Counsel renders his opinion with regard to the statute noted.

Freeholder Vohden said we are looking for a legal opinion.

Freeholder Director Graham said you got a legal opinion last week. He said if you read the minutes, I asked if we did do this the proper way and it says yes we did from our attorney and you said you didn't care. So you don't want our attorney's opinion.

Discussion ensued.

Freeholder Vohden said he spoke with John Papp and said we are in violation and he said if we are in violation, we will need to be careful going forward. Freeholder Vohden said County Counsel said we are in accordance with the Administrative Code. I am questioning the Administrative Code and the definition of the Advice and Consent in the Administrative Code.

Freeholder Vohden said when we reviewed the definition of Advice and Consent; we were adding the definition of Advice and Consent because it was not clear in the code. We were told there could be two or three different interpretations depending on the wording used. The modifications in the code were made to make the definitions clear with respect to county policy procedure of long standing with the ways the hiring decision are made.

Freeholder Director Graham asked Mr. Williams if he was involved when the definition was made, were you not?

County Counsel said yes, all aspects of it.

Freeholder Vohden said now I am pointing out that tonight our Advice and Consent was a name submitted that is required by our Administrative Code to be approved by Advice and Consent and last week we did it through a conversation and we went by the definition where we were asked how we would vote. Then I got an email and I was asked how I would vote, he said he didn't vote. He said he wasn't sure what he would do, he said he might have to recuse himself, abstain, etc. Then I get an email that said the candidates were interviewed and there was a successful candidate. It didn't say she was appointed. Then another email went out to the entire staff of the County that there was an appointment for this position. How does that fit in with the Advice and Consent of the state definition and if we are going to do it that way and it is legal we still have two definitions. He said according to the state statutes Advice and Consent for the same positions Advice and Consent by us for the Sussex County College Board of Trustees and the Technical school will be Advice and Consent along the same lines at the Governor does Advice and Consent. He said now we have two definitions.

Freeholder Director Graham said this is not state government.

Freeholder Vohden said we need to uphold the statutes.

Freeholder Director Graham said we do.

Freeholder Vohden said my motion is to have the County Counsel review this for further use so we don't end up in court under the Open's Public Meetings Act.

Freeholder Director Graham asked County Counsel if he understood what is being requested and have you answered the question already.

County Counsel replied yes and yes.

Freeholder Lazzaro said will we get anything different from you when you go back and review this.

County Counsel said if you prefer, I can go through the various authority that has been presented to him over the course of months and where it is not applicable because it speaks to areas of authority where Administrative Code procedures are specifically proscribed because there are different forms of government so their Administrative Codes are required to being done in a way that is being urged repeatedly here months after the majority took a vote but that does not make it legally required. I can point that out. There is one statute presented in conference and I can look at that and that statute comes under a title that was charter county forms of government.

Freeholder Vohden said but you use that to justify a position taken.

County Counsel said what I have said before is the Administrative Code for a county that is not a particular form of government (a charter county) is in the digression for this Board to adopt the Administrative Code in the way it wants to adopt it and to set the terms in the Administrative Code in the ways it wishes to.

Freeholder Crabb said but at the end of the day the Administrative Code should not fly in the face of the Open Public's meeting Act.

Freeholder Graham said he wants to make sure we are operating under the correct Robert's Rules of order.

County Counsel said you are asking me a question and it is clear to me that I am not going to be able to answer it no matter what the law says, no matter what the logic the law says, there will always be a dispute about it and I work in the focus of the law.

Freeholder Graham said I think you have answered the question.

Freeholder Graham said to Freeholder Vohden we are voting on your opinion.

Freeholder Vohden said yes.

On Roll Call the Vote was:

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

21. NEW BUSINESS

22. 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 7:20 PM by Freeholder Rose to open the meeting to the public; seconded by Freeholder Lazzaro and passed unanimously.

No public came forward.

MOTION made at 7:21 PM by Freeholder Rose to close the public session; seconded by Freeholder Lazzaro and passed unanimously.

23. REMINDERS

<u>Date/Time</u>	<u>Meeting</u>	<u>Location</u>
Oct. 13 – 7:30 pm	Water Quality Mgmt.	Freeholder Meeting Room
Oct. 17 – 9:00 am	Development Review	3 rd Floor – Admin. Bldg.
Oct. 17 – 7:30 pm	Agriculture Dev. Board	Freeholder Meeting Room
Oct. 19 – 12:30 pm	Youth Services Commission	Freeholder Meeting Room
Oct. 24 – 10:00 am	Mental Health Board Advisory	Project Self-Sufficiency
Oct. 24 – 11:00 am	Mental Health Board	Project Self-Sufficiency
Oct. 26 – 9:00 am	Human Services Advisory Council	Project Self-Sufficiency
Oct. 26 – 2:00 pm	Education Partnership	Project Self-Sufficiency
Oct. 26 – 6:00 pm	Freeholder Meeting	Freeholder Meeting Room

24. ADJOURNMENT

MOTION made at 7:23 PM to adjourn the meeting made by Freeholder Rose; seconded by Freeholder Lazzaro and passed unanimously.

DATED: October 12, 2016

Catherine M. Williams
Clerk of the Board