

REGULAR MEETING HELD ON WEDNESDAY, SEPTEMBER 28, 2016

6:00 PM

ORDER OF BUSINESS

Item

1. CALL TO ORDER BY DIRECTOR at 6:01 PM
2. ROLL CALL Freeholder Crabb, Freeholder Lazzaro, Freeholder Rose, Freeholder Vohden, Freeholder Director Graham; Rob Maikis; County Counsel, John Williams; 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. APPROVAL OF AGENDA

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

MOTION to amend Agenda to include Item 6.A.3 Proclamation declaring October 6, 2016 as "Knock Out Opiate Abuse Day," made by Freeholder Rose, seconded by Freeholder Vohden and passed unanimously.

6. PROCLAMATIONS/CERTIFICATES/PRESENTATIONS

A. Proclamations/Certificates

1. Certificate recognizing Rachel Heath as Sussex County Senior of the Year.
438-2016
2. Proclamation declaring October as Sussex County Heritage Month.
439-2016
3. Proclamation declaring October 6, 2016 as "Knock Out Opiate Abuse Day".
440 -2016

A presentation on the drug epidemic around the Country ensued.

MOTION made by Freeholder Vohden to adopt the Proclamations, seconded by Freeholder Rose and passed unanimously.

B. Presentations

1. Presentation by Donna Best of Library Services.

2. Acknowledging the retirement of Daniel Bendes of the Sheriff's Office, who retired after 25 years with the County; Donna Best of Library Services, who retired after 30 years with the County; Richard Otte of the Sheriff's Office, who retired after 16 years with the County; Paul Reiher with the Sheriff's Office, who retired after 22 years with the County; Joyce Zawislak of the Sheriff's Office, who retired after 12 years with the County.

Donna Best from the Library spoke on the programs going on with the Louise Child Library.

Mr. Pollakoff said a few words.

Freeholder Graham thanked them for the wonderful job they do.

7. PUBLIC HEARINGS

None for this evening.

8. PUBLIC SESSION FROM THE FLOOR

Please Note: Everyone is asked to keep their comments to 5 minutes or less and only address issues regarding agenda items. Please state your name, spell your last name, and state your municipal residency.

MOTION made at 6:34 PM by Freeholder Vohden to open the floor to the public; seconded by Freeholder Rose and passed unanimously.

Comments by Becky Carlson

Ms. Carlson cordially invited the Freeholder Board to Recovery is Real. It is a community listening forum held at Sussex County Community College. She spoke about Narcan and said last year they had 44 Narcan saves and this year they are up to 37 so she thinks they will exceed 44. She said they are honoring their law enforcement because since last year all the law enforcement is equipped to use the Narcan. There a total of 54 officers that are certified and about 35 will be participating in the awards' ceremony. She also said there is a lot going on for people seeking recovery support. She spoke about the C.L.E.A.R which is Community Law Enforcement Addiction Recovery and it is an initiative that was launched on July 18, 2016 and since then six people have actually walked into the Newton Police station asking for help and that is a really hard thing to do. She said once someone is reaching out for help, they are matched up with a recovery coach; this is someone who has gone through the 30-hours of recovery coaching training. In addition they have at almost 40 people call the C.L.E.A.R number which is a toll-free number. She thanked the New Jersey Herald for all the articles on C.L.E.A.R and Freeholder Graham for being at there meetings and having great ideas with their key stakeholders. She said anybody is invited to attend. She said there is also a toll-free number state wide that people can call 24/7. She said through the Chapter 51 funding they have been doing their recovery and supports in the community for over 2 years. She said there is a lot going on.

Prosecutor Francis Koch said to his knowledge, Sussex County is the only county in the state that every single law enforcement department carries Narcan. It is a voluntary program that they have signed on to. He said it is an incredible things and that is why we are honoring them.

Freeholder Graham thanked Prosecutor Koch and Chief of Police, Mike Richards for all that they do.

Ms. Carlson said that Mike Richards and she were invited to the White House to the office of National Drug Control policy along with 24 other police chiefs and treatment agencies around the country. We were invited because C.L.E.A.R. is unique to our state and it was modeled after a model in Massachusetts. He wanted to know what we needed and we said more treatment dollars. She said you can be very proud of Sussex County and the work that is being done by many people.

Comments from Rachel Heath

Ms. Heath thanked the Freeholder Board for the continued shared service with the Franklin Borough nutrition site. She said prior to the shared service, the Borough funded the site for 32 years. She said they serve an average of 135 meals a week. She said Cindy Space has been the manager for the last 37 years. She said on behalf of Mrs. Space she said they would like to

commend the Sussex County Service employees especially Lorraine Hentz and Christina Marks for their continued support and assistance in making the program run smoothly. She said since the County took it over, the meals have been wonderful. She said on behalf of Cindy Space and all of the seniors who attend the Franklin nutrition site they would like to ask the Freeholders to continue supporting this wonderful program.

Comments by John Snyder

Mr. Snyder said he wanted to go on record for saying Assemblymen Parker Space, his father is 88 today. He wanted to make sure he acknowledged one of our outstanding senior citizens.

Comment by Harvey Roseff

Mr. Roseff asked about the 2 items on the consent agenda. Item F, the 911 contract with Lafayette. He said the 911 center was built to consolidate centers and save our tax payer's money but instead we ended up with additional centers in the County. This particular center is costing us \$1 million dollars. Now we have a contract working with Lafayette for \$11,000. He feels what is happening is the County has low balled the contracts. We have a handful of these contracts totally about \$100,000. He said we have not consolidated anything. He said these particular contracts would have gone to the existing centers and they also would have gone at a higher price. He said the County has acquired a bunch of small contracts and spent a bunch of money at the County level and then sent this bill back to all the county residents so I am paying 3 times. He said right now we are spending a \$1,000,000 and we have not consolidated anything. He thinks a plan should be developed to achieve what the original purpose was, which is consolidation. He said now that is contract is up for renewal, I don't think you should be low balling the price any more. He feels we shouldn't be socking it to these towns. He said at \$11,000 you gave them a huge discount over what they were paying before. He said you put additional burdens on the existing sites where towns like Sparta, Andover and Vernon when they they lost customers to the County their costs went up.

Freeholder Graham said Sparta and Vernon did not lose any customers.

Mr. Roseff said where these did these additional customers come from.

Freeholder Graham said I understand your point. But when you use words like stolen and use specific terms and places and it is not accurate, you give the public an impression that this is something that you know about. Freeholder Graham said this is not accurate.

Mr. Roseff said the part that concerns me most is you are spending over a \$1,000,000 and you have a handful of contracts pulling in low balled contracts, these people were paying a lot more money than before and you have passed that bill unto me. He said if Sparta and Vernon are not the right sites than you can tell me the sites that they did come from because those are the sites that lost the business. He said he doesn't think the County should steal business from existing 911 centers and putting a burden on those centers. He said I am totally correct in saying this. He said if you want to tell me that state should be subsidizing it, I will not say no to that but it still coming out of the pocket and you have created inefficiencies in the County that should not be here.

Freeholder Graham said you are the expert and I challenge that.

Mr. Roseff then referred to Item E. he said there was a major presentation on the solar program and he said all of a sudden we have two sites that are being cancelled. He said the two sites were supposed to be done in a handful of months. He said he was curious why? How much money is going to be returned to the treasury because these sites are being cancelled and what is the loss in revenue? Will we learn that?

Freeholder Graham said we will have a conversation on that tonight.

Harvey said to be accurate in February of 2015, we were promised approximately 3300 Kilowatt hours for the full build out program.

Freeholder Lazzaro said we were not promised anything.

Mr. Roseff said it is in the documents, we were promised the full build out numbers. In a few months after that we were given a number that it would be \$34,000 and then we issued contracts and along with those contracts we sent down money. We were supposed to get 3400 Kilowatts out of solar energy producing plants and we are not and I am wondering if we went severely over budget or will we see a proportional amount of that money come back? He said

he doesn't understand how we were told one thing in July and then two months later, it isn't being built. I think the public should be revisited with another meeting.

Comments by Michael Vance

Mr. Vance from the Human Services Advisory Council said they met today for the first time since June. He said the sub-committees had some activity over the summer. He said they are finalizing plans for a Community Connect Event that will take place on October 19th at the College. The purpose of the event is to bring awareness and availability of services to the community and some of the agencies there will focus on transportation, wellness and health care. He said their child abuse committees met over the summer and they are compiling products that can be put into reusable bags and will be distributed to agencies throughout the County such as the Samaritan Inn and Project Self-Sufficiency. The bags will consist of products for parents, single parents and children and they will also contain a child identification kit. He said the Planning and Allocations committee also met and they are continuing to work to bring notice to the public on what services are available. We are encouraging towns; faith based organization and schools to post the link to in services to their websites. He recognized his fellow colleagues who are on that council, and county agency employees, volunteers and people who represent the agencies who show up and who work tirelessly for people in our county. He said he is truly proud to be involved with the Human Services Advisory Council.

MOTION made at 6:55 PM by Freeholder Rose to close the public portion; seconded by Freeholder Vohden and passed unanimously.

9. FREEHOLDERS' COMMENTS

Comments from Freeholder Vohden

- **Administrative Code**

Freeholder Vohden said at our meeting on August 10th, our Sussex County Administrative Code was revised. The addition of the definition of Advice and Consent to the 2016 Administrative Code is a legal artifice that violates the Open Public's Meeting Act. Advice and Consent is the legal process by which appointments made by the head of the executive branch of government are made with action by the legislative branch in the form of consent. It requires action taken by the government body at a public meeting in accordance with the local board's precedents. Any appointment made pursuant to the code provision is beyond the powers and violates the requirement that actions by governing bodies are taken at official meetings open to the public. Consent is action by the legislative branch, the Board of Freeholders, on an appointment. Absent such consent, the appointment is invalid. The Board should revise the Administrative Code to delete the definition of Advice and Consent.

Comments from Freeholder Rose

- **Updates on the solar project**

At Hardyston, the middle school ground mounts, Vanguard received it final inspections from the Building Department. The project is at 98% completion. We are awaiting the permission to operate PPO from JCP&L which has not been received.

A technical punch list was performed on August 16th. Once the formal punch list is received it will be distributed to Vanguard to perform the items on the list.

There is still tree removal at that site. Vanguard did not remove a full tree line. There is also an issue with the landscaping and fence height. There was a 6ft height fence approved by the Land Use Board, and the BA will consult with the BOE on the topic. The Board did not know about the fence and that is agreed to by the Planning Board so we have to negotiate that.

Vanguard provided the bonds to the soil conservation district for additional approval. Vanguard also received the UUC from the Building Department and Vanguard has submitted the permission to operate paperwork to Hardyston for signature in order to submit to JCP&L.

Kittatinny High School, roof mount panel installation wiring, conduits are complete. Once final inspection is complete, the safety rail will be removed and the permission to operate paperwork will be prepared for district sign off. Final building inspection is scheduled for September 23rd, final electrical inspection is scheduled for September 27 and the final documents should be presented to the school district for sign off by September 30th and safety rails removed upon final inspection and a punch list inspection is scheduled for October 3rd.

Sparta Board of Ed: middle school ground mounts are all complete which means landscaping is complete, SC soil conservation specialist inspection approved on September 22, final UUC to be picked up by the building department by September 27th and final documents to operate will be distributed to the Sparta BOE for sign off by September 30th. Punch list inspection set for October 3rd.

Sussex County Vo-Tech: all wiring, panels and conduits are complete. Final transformer set to be delivered on September on 27th and will be immediately installed. Additional items included final transformer installation from Sept. 27th to Sept. 30th, Utility switch over is scheduled for October 8th, landscaping and fencing is in process and to be completed by October 8th. Punch list inspection is scheduled for October 4.

OEM center: Due to several reasons, the OEM center has been proposed to be removed from the project, Item E on the Consent agenda. The County is ensuing to do a credit change order for the remainder work on the remaining sites.

Miscellaneous items: SCCC racking repair, Sunlight has received final pricing from electric companies for the repairs. Total cost of racking materials is \$21,864.65; for labor it is \$86,900. The County has approved the cost of proposal and the contractors were provided a notice to proceed from Sunlight General on September 9th with repairs to the racking system. Racking materials will be delivered by the end of October and upon delivery the work will take commence and take approximately two weeks to complete.

Wheatsworth metering location: Sunlight has reached out to JCP&L regarding the metering issue. There has been no correspondence back from JCP&L as of September 12th.

Freeholder Rose said on September 21st, he had a meeting with Ron Tappan and Bill from IT regarding video conferencing. We are going to be putting in a trial project. Two conference rooms the upstairs administrative building conference room, so one floor above that conference room and one conference room at Wheatsworth. In addition we are going to install 2 USB cameras each at Carol Novrit' s and Emrick Seabold' s computers and all four will be interoperable. The final week in September will be some training for the different groups that will use the two conference rooms and by October 20th both Carol and Emrick will be set up.

Freeholder Rose said other items for IT are the Sheriff's office they need to virtualize some servers. They have a physical box for each service that they are providing. There has been some talk of replacing it to one software package. He asked Bill from IT to get a quote a dark fiber from here to the OEM building, from here to the Wheatsworth building and then a link between OEM and Wheatsworth. Currently we are paying in the neighborhood of \$100,000 plus or minus \$20,000 for the links and it is pretty slow speed connection. We also talked about adding On-base addition to the work order for facility maintenance that are currently being done on paper and then there is the gas invoice system for our fuel pumps which is adequate and required a Pots telephone line for each fuel pump but it can be replace with a more modern fuel system and we are looking into that by the end of the year.

Freeholder Crabb asked if we benefitted when the college got their dark fiber.

Freeholder Graham said it didn't connect all the way through and it is a question that I brought up.

Freeholder Crabb said it was in the capital budget for the college. I was here when we did the budget for the college to install the dark fiber. I thought the County was going to benefit from that.

Freeholder Graham said this is a very good idea about this teleconferencing.

Freeholder Rose said just to be clear, the trial will only be for internal communication amongst our employees. To go outside of our firewall probably the most cost effective and safest way to do it would be to hire from outside. There is very little cost in setting it up for internal use but once we want to go down to Trenton or something like that, then there would be an on-going cost. We can host internally but we have some security issues and might be best to hire someone.

Freeholder Rose said Bill is getting quotes on this and it is expected to be around \$1,000,000 but you can amortize this over the lifetime of 20 to 30 years so that would be a much better cost than what we are paying now.

Comments from Freeholder Crabb

- **Phoenix Report**

Freeholder Crabb said at the last meeting he asked his colleagues to table a resolution similar to E with regards to removing the OEM and the County library from the solar build out because I know there are technical reasons that fold into that. I asked for that time to be able to review the spreadsheet that was sent from Phoenix and I know a lot of this is still executive session constraints. He said he found the area where the SREC price is applied to the figures that we were given to consider. It was in a hidden section and I was able to expand that. He showed the public what the figures look like going out to 2031. He referred to the 2nd page which shows the SREC values provided by Sunlight. He said on the right side of the report is something called a Gable curve. If you apply those figures there is an \$8million difference in revenue over the course of the project. I don't know if these figures are relevant. He said in the last section he added \$10 to each of the SREC values by year and even then there is a \$1.1million difference over the life of the project. He said the reason why he brings this up is that our decision knowing that there is no project done in time to receive the 1603 payments but that decision point between the two options we had whether to build out remaining Kilowatts and to not do it was about \$160,000 over 15 years. The reason why I raise this up is with these figures and a slight change would it be worthy for us to ask Phoenix to come in and explain the spreadsheet? It looks like there is room for potential changes even if we don't use the Gable column.

Freeholder Graham said what happens if the numbers go in the other direction.

Freeholder Crabb said I don't know.

Freeholder Graham said our concern is to come to a point where there are a number of sites that are complete, near complete. We have also come to the point that the delays have made it impossible that we will be collecting 1603's on a lot of these. He said I do appreciate what you have done.

Freeholder Rose asked if during consent agenda any Freeholder can request an item be removed and considered separately. Perhaps we can do that and have a full on discussion.

Freeholder said the Sussex County Fire Department parade is this Saturday and hoped for no rain.

Freeholder Lazzaro

- **Road and Bridges**

Freeholder Lazzaro said even though we are not having any funding for road and bridges, Sussex County continues to operate on road and bridges that were approved in the past. Road crew is working on micro surfacing and crack filling and getting ready for the winter and getting ready for the plow season. He said to be patient and be careful.

Freeholder Lazzaro said bridge E-04 in Franklin was completed ahead of schedule. The Sandhill Bridge in Vernon will be completed in a couple of weeks as long as there are no glitches or snow. He said they had a meeting with the Vernon representatives on their road issues and things that go on around that area and we are working with them to see if we can alleviate some of the issues.

- **High Risk Roads**

Freeholder Lazzaro said they handled Rt. 622 Newton- Swartswood Road in Newton through Fredon and Hampton, Rt. 653 Clove Road is going to be getting micro-surfacing which is a surfacing that reacts with your tires and holes your car on the road. The guardrails were replaced as well.

- **Library**

Freeholder Lazzaro said he did the reading program at the Dennis Library and had laid down on the floor with the kids and read some of their favorite stories. He said it was a very exciting and rewarding day and the kids appreciated the time. They were well behaved and enchanted. I am sorry reading has not taken its front place with all the computers and video games taking over.

- **Chamber of Commerce Events**

Two events that were at the Sussex County Fairgrounds in September were the Sussex County Day and the Champions of the Grill. It was a good day.

- **911 Center**

Freeholder Lazzaro said the 911 center is shrouded with misinformation. He said when you try to bring a composite program together, it does not happen overnight. The 911 center is a highly technical, highly delicate, highly sensitive communication system that is very expensive. It has to have redundancy backup upon backup because when you have your cardiac arrest it has to be working and it will be working. He said they have done a marvelous job with the technical aspects of that center. It has had its share of glitches but you never knew about it. There is a lot going on behind the scenes to make it all work that you will never know about. The origin of the 911 center was because we wanted to combine a County central system. It seems ludicrous with 911 continually changing for every community to have their own system. He said we embarked on a program to create a central system for 911 dispatching. We thought it was best to use an existing facility that we had with the sheriff's department. It was started with a grant. He said whenever you bring a coordinated program that is going to bring other people involved in it that already have their own programs these people want to see how it works. If it works than maybe they will tie into it. It was designed to save money and it will happen in time. He said one of the problems is that the funding for these centers and all the upgrades is not coming to us the way it should be, hence we passed a resolution at the last meeting demanding the money that has been collected from our phone bills which is .90 cents a line and in New Jersey it collected \$120,000,000 and the total funds used for other purchases other than 911 Next Generation, 911 construction from the State of New Jersey was 106,728,000. The total funds used for 911 from the State of New Jersey were \$9,141.00. Now there is a bill pending to add another .9cents to that .90cents so there will be more money in that fund. These funds were appropriated for the 911 centers and for the change over to the Next Generation equipment, which is another advanced technical system. Freeholder Lazzaro said our 911 center will succeed and it will save us money. He said we are charging a fee that is based on usage which was different than the way some other communities charge. He said for some it will be a little lighter and for some it will be heavier. He said that it will all be worked out along the way.

- **Sussex County Arts & Heritage**

Freeholder Lazzaro said this Friday is the Sussex County Arts and Heritage dinner as they celebrate October as Arts and Heritage month. The coveted Mirror Trophy will be at stake for Dancing with the Stars. He said he will be there dancing and he wants everyone to come out and support him.

Comments from Freeholder Director Graham

- **Sussex County Day**

Freeholder Graham said it was a great event and he liked the idea of combining with the Champion of the Grill.

- **New Jersey Association of Counties**

Freeholder Graham went to their last meeting. He said they spoke about three different topics. 911 monies, Bail reform, and Economic Development.

The 911 monies, he said since 2009 since the money has been diverted all but \$65,000 has gone out. We have received one \$65,000 grant. Freeholder Lazzaro gave you the numbers and it is not getting any better. What Freeholder Lazzaro is doing is eliminating support of A 1821 which is the bill the boost it up to another .9cents. 911 centers are not profit centers. As we go to new generations this is very importation. The savings will come on the municipality side. It won't come on the county side.

Bail Reform. Freeholder Graham said we have a referendum that was passed in 2014 which changes how bail is set in New Jersey. This caused some extra costs on our part. They changed the arrangement time from 96 hours or more down to 48 hours. The referendum called for bail reform but it was an action by the courts and Assembly that moved it down to 48 hours and by moving it to 48 hours that pushed us into weekends and holidays. That pushed us into more costs. NJAC passed a resolution to file a complaint calling it an unfunded mandate. He said he is not sure how it will go. If the request does go through than counties do deserve

monies coming from the State in order to alleviate the burden that is put on us. He said our costs right now are over \$500,000 just in the first implementation period.

Economic Development. Freeholder Graham said they discussed something called the UEZ, Urban Enterprise Zone. You see them in Jersey City in North Bergen. The idea is to tie in counties that are not urban that have pockets that need some revitalization. Newton is a perfect example, Hampton and Vernon as well.

- **Rt. 206 Pedestrian Safety**

Freeholder Graham said they have a meeting on the Rt. 206 pedestrian safety. He said this was brought up at this Dias two years ago and it was brought up a year ago when we knew we were going to be paving Rt. 206. He said we had a meeting with the Newton Police and the state sent their 15th level person over. Nobody could make any decisions. We demanded answers. We will have another meeting.

- **Carol Novrit**

Freeholder Director Graham congratulated Carol Novrit. She is the new Administrator of Health and Human Services. He wished her well.

10. **APPROVAL OF CONSENT AGENDA**

- A. **441-2016** RESOLUTION RE: AUTHORIZATION FOR THE BOARD OF CHOSEN FREEHOLDERS TO ACCEPT AWARD OF THE FEDERAL FISCAL YEAR 2016 HOMELAND SECURITY GRANT PROGRAM FUNDING AND FOR THE COUNTY CHIEF FINANCIAL OFFICER TO AMEND THE BUDGET AND CERTIFY THE AVAILABILITY OF FUNDS, AND FOR THE COUNTY PURCHASING AGENT TO FACILITATE PURCHASES
- B. **442-2016** RESOLUTION RE: AUTHORIZING THE COUNTY OF SUSSEX TO ENTER INTO AN AGREEMENT WITH THE TOWNSHIP OF SPARTA PROVIDING FOR ROAD SIGN MANUFACTURING SERVICES BY THE COUNTY OF SUSSEX IN ACCORDANCE WITH THE PROVISION OF N.J.S.A. 40A:65-1 ET SEQ. AND N.J.S.A. 40A:11-10 ET SEQ.
- C. **443-2016** RESOLUTION RE: RESOLUTION PROVIDING FOR THE INSERTION OF ANY SPECIAL ITEM OF REVENUE IN THE 2016 BUDGET OF THE COUNTY OF SUSSEX RELATING TO THE FFY16 STATE HOMELAND SECURITY PROGRAM (SHSP) GRANT AWARD #2016-SS-00052-S01 FOR A TOTAL AMOUNT OF \$150,900.29
- D. **444-2016** RESOLUTION RE: RESOLUTION PROVIDING FOR THE INSERTION OF ANY SPECIAL ITEM OF REVENUE IN THE 2016 BUDGET OF THE COUNTY OF SUSSEX RELATING TO THE 2015/16 JAG MEGAN'S LAW LETTER OF AGREEMENT FOR A TOTAL AMOUNT OF \$3,700.00
- E. **445-2016** RESOLUTION RE: RESCINDING FROM INCLUSION IN THE SUSSEX COUNTY RENEWABLE ENERGY PROGRAM ADDITIONAL LOCAL UNIT PROJECTS AT THE COUNTY MAIN LIBRARY AND COUNTY OFFICE OF EMERGENCY MANAGEMENT IN FRANKFORD TOWNSHIP

F. RESOLUTION RE: AUTHORIZING THE COUNTY OF SUSSEX TO ENTER INTO A SHARED SERVICES AGREEMENT WITH LAFAYETTE TOWNSHIP FOR THE PROVISION OF 9-1-1 SYSTEM MANAGEMENT THROUGH THE COUNTY OF SUSSEX IN ACCORDANCE WITH THE PROVISIONS OF N.J.S.A. 40A:65-1 ET SEQ. AND N.J.S.A. 40A:11-10 ET SEQ.

G. RESOLUTION RE: AUTHORIZING AN AMENDMENT TO AN AGREEMENT WITH THE TOWNSHIP OF ANDOVER FOR ENFORCEMENT AGENCY SERVICES AS SET FORTH IN THE NJ STATE UNIFORM FIRE CODE REGULATIONS IN ACCORDANCE WITH THE PROVISIONS OF N.J.S.A. 40A:65-1 ET SEQ.

H. RESOLUTION RE: AUTHORIZING AN AMENDMENT TO AN AGREEMENT WITH THE TOWNSHIP OF FREDON FOR ENFORCEMENT AGENCY SERVICES AS SET FORTH IN THE NJ STATE UNIFORM FIRE CODE REGULATIONS IN ACCORDANCE WITH THE PROVISIONS OF N.J.S.A. 40A:65-1 ET SEQ.

I. RESOLUTION RE: AUTHORIZING AN AMENDMENT TO AN AGREEMENT WITH THE BOROUGH OF FRANKLIN FOR ENFORCEMENT AGENCY SERVICES AS SET FORTH IN THE NJ STATE UNIFORM FIRE CODE REGULATIONS IN ACCORDANCE WITH THE PROVISIONS OF N.J.S.A. 40A:65-1 ET SEQ.

J. RESOLUTION RE: AUTHORIZING AN AMENDMENT TO AN AGREEMENT WITH THE TOWN OF NEWTON FOR ENFORCEMENT AGENCY SERVICES AS SET FORTH IN THE NJ STATE UNIFORM FIRE CODE REGULATIONS IN ACCORDANCE WITH THE PROVISIONS OF N.J.S.A. 40A:65-1 ET SEQ.

K. RESOLUTION RE: AUTHORIZING AN AMENDMENT TO AN AGREEMENT WITH THE TOWNSHIP OF STILLWATER FOR ENFORCEMENT AGENCY SERVICES AS SET FORTH IN THE NJ STATE UNIFORM FIRE CODE REGULATIONS IN ACCORDANCE WITH THE PROVISIONS OF N.J.S.A. 40A:65-1 ET SEQ.

The Board of Chosen Freeholders of the County of Sussex has reviewed the Consent Agenda consisting of various proposed Resolutions and determined that adoption of the said Resolutions is in and will further the public interest. (Roll call vote.)

Freeholder Crabb asked to have E. voted on separately for discussion purposes.

MOTION made by Freeholder Rose to adopt A-D and F-K; 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

MOTION made to adopt Resolution E made by Freeholder Rose; seconded by Freeholder Crabb

Discussion

Freeholder Crabb said his discussion is that this Board may or may not want to consider the

remaining Kilowatt that may or maybe not be allocated but it isn't so much as to the site from the technical side and the costs involved. He said the reason why he asked for the spreadsheet was to find the area where they drove the top sheet if we are considering this on a financial side. He wanted to know if the Gable curve will have any impact.

Freeholder Vohden said with all these new facts and figures he would like to consider possibly bring someone in to explain to us. He said I know the easiest way out is not to complete the project but is it the best for Sussex County. Is it the best for further Freeholder Boards? He said we have been accused of not fully understating, not fully considering all the numbers, factors I would like to have someone come in and explain what these changes are.

Freeholder Crabb said I think we have been given something at this Dias and I don't think anyone knows what the relevance or irrelevance of these other figures is. It might be worthwhile to have Phoenix explain to us for clarity purposes.

Freeholder Lazzaro said don't we have 3 months to finish this.

Freeholder Crabb said everyone is under the assumption that we are not going to have 1603 for what we are considering here.

Freeholder Lazzaro said he doesn't have any objection to having Phoenix coming in and explaining but when I look at this, it is a gamble and how much do you want to gamble. That is the question that sticks in my mind.

Freeholder Crabb said but if these Gable figures are relevant it is \$8,000,000 in taxes back to the taxpayers over the next 15 years.

Freeholder Rose asked Mr. Williams if there is any repercussion by not voting on this resolution tonight.

Mr. Williams said the only reason would be do we have a reason to believe that the SREC values will be higher or does this Board want to solely make it decision on SRECs when there are numerous reasons beyond SREC values.

Freeholder Crabb said there is something to each side but a very minor variation to the figures can vary greatly.

Freeholder Director Graham said when we signed the agreement back in March of 2015 we had a prefix contract with Vanguard to complete the projects as they were presented at that time, he said that changed and it varied quite a bit. He said every time it varied, there were new engineering, new considerations and new legal information. Mr. Williams, Ron Tappan and Rob Maikis have spent numerous hours on this. We were grinding down the gears of our own system in addition to the new engineering that occurs at each project. He said when we went from Sparta to Hardyston it was all new engineering.

It is all new pricing and because we are not paying the bills we are just guaranteeing the bonds it is still being over seen by other doing this. What has happened is that money is being dwindling down on the other side. I believe there will be a credit due to us that has not been done. He said I do not disagree with what is being said.

Freeholder Graham said there were a lot of factors that went into this decision. Such as the library is on a flood plain which we didn't know about. He said another issue was up on the ridge and there was no guaranteeing there was going to be any grading. We even spoke to the Homestead. He said my recommendation is we have gone as far as we can on this. We should take the credit use that against the bond and not tie up our own administration into trying to possible bring something or possible not. Freeholder Graham said what concerns me about the Gable curve is that Gable is no longer around and the person who was our lead person is not in the state anymore.

Freeholder Crabb said he agrees with what is being said. He said the reason why he took the time to do this was it seemed to him that this emaciated estimates from Sunlight as to what we had ever heard before. He also wanted to look at it so if there was an opportunity and so that in the future the public or other Freeholder Boards don't say we must have been crazy not to bill that.

Mr. Williams said if you compare an SREC projection, nobody knows what an SREC value is going to be and they have been very volatile because that is why the whole solar project is a problem to begin with. It is like any other stock. It is not conservative, it is not stable you don't know what it is going to do. He gave more information on the value determination of SREC's.

Freeholder Vohden said this is a major decision. I am not going to base my decision on one report what we got the value of the SREC given to us by Sunlight or Gable. I hear our attorney giving us information on the value of SREC's. He said we should fully understand whatever he has before we make this decision. We are going to be asked down the road, did you understand the market, and did you understand the situation, the glut. We should be discussing this.

Freeholder Graham said I still think we are in a gambling market. I think we do have to take recognition that even if we did find another location; somebody would want to have it. Any benefits on the PPA would go to that entity not to the County. It would go to one particular entity. He also feels that the market shift of \$10 that makes everything look really good, a \$10 shift in the other direction doesn't make things look good.

Freeholder Vohden said he doesn't agree that they can't go forward.

On Roll call the Vote was:

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

11. APPROVAL OF MINUTES

Regular Meeting – September 14, 2016

Special Meeting – September 15, 2016

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

MOTION made by Freeholder Lazzaro to approve the minutes; seconded by Freeholder Vohden and passed unanimously.

Executive Session Minutes

Regular Meeting - February 11, 2015

Executive Session Minutes

Special Meeting - September 15, 2016

Freeholder Graham asked that the Executive Session minutes for the Regular Meeting of February 11, 2015 be tabled.

MOTION made by Freeholder Crabb to adopt the Executive Session Minutes from the Special Meeting on September 15, 2016; seconded by Freeholder Lazzaro and passed unanimously.

12. APPOINTMENTS AND/OR RESIGNATIONS

A. RESOLUTION RE: REAPPOINTMENT OF JOHN P. MILLER TO THE BOARD OF EDUCATION OF THE SUSSEX COUNTY VOCATIONAL-TECHNICAL SCHOOL FOR A TERM OF FOUR (4) YEARS. SAID TERM TO BEGIN NOVEMBER 1, 2016 AND EXPIRE OCTOBER 31, 2020
452-2016

MOTION made by Freeholder Crabb to adopt the Reappointment; seconded by Freeholder Rose

Freeholder Graham said he spoke with Gus Modla and members from the Board and they have nothing but compliments for Mr. Miller.

On Roll Call the Vote was:

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

13. RESOLUTIONS

A. RESOLUTION RE: DESIGNATING THE MEMBERS OF THE SUSSEX COUNTY VOTING ACCESSIBILITY ADVISORY COMMITTEE
453-2016

B. RESOLUTION RE: AUTHORIZING THE COUNTY OF SUSSEX TO ENTER INTO A MEMORANDUM OF AGREEMENT FOR DRIVE-THRU POINT OF DISTRIBUTION (POD) SITE WITH THE BOROUGH OF HOPATCONG
454-2016

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

MOTION made by Freeholder Lazzaro to adopt the Resolutions; seconded by Freeholder Rose and passed unanimously.

Discussion

Freeholder Crabb asked what Resolution A was.

County Counsel said it has to do with Board of Elections where they look at making voting sites accessible to people with disabilities.

Freeholder Vohden said this is a new committee. It requires a County official elected by us and that is Ron Tappan.

14. AWARDS OF CONTRACTS/CHANGE ORDERS/BIDS

A. Awards

1. RESOLUTION RE: AWARD OF CONTRACT FOR SUPPLY AND DELIVERY OF NON-OEM AUTOMOTIVE AND LIGHT DUTY TRUCK PARTS
455-2016

2. RESOLUTION RE: AWARD OF CONTRACT FOR THE SUPPLY AND DELIVERY OF SNOW PLOW BLADES 2016 – 2017
456-2016

3. RESOLUTION RE: AWARD OF CONTRACT FOR SUPPLY AND DELIVERY OF CALCIUM CHLORIDE FOR THE COUNTY OF SUSSEX DIVISION OF FACILITIES MANAGEMENT
457-2016

MOTION made by Freeholder Crabb to Award the Contracts; 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

B. Change Orders

1. RESOLUTION RE: AWARD OF CHANGE ORDER NO. 1 TO A CONTRACT BETWEEN THE COUNTY OF SUSSEX AND ASPHALT PAVING SYSTEMS FOR THE "SAFETY ENHANCEMENTS TO SUSSEX COUNTY ROUTE 622 (TOWN OF NEWTON AND TOWNSHIPS OF FREDON, HAMPTON, AND STILLWATER) AND ROUTE 653 (TOWNSHIP OF MONTAGUE) – FEDERAL PROJECT #HSP-C00S (755), SUSSEX COUNTY 2015 HIGH RISK RURAL ROAD
458-2016

PROGRAM”

MOTION to adopt the change order 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
459-2016

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

On Roll Call the vote was:

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

16. PERSONNEL

None for tonight

17. ADMINISTRATIVE REPORT

A. Other

Rob Maikis gave Ron Tappan’s report in his absence. Last week Ron met internally to kick off the PBA Corrections’ contract. Next week there will be a follow-up on the PBA prosecutor’s agreement and yesterday they had their first meeting with the brokers for the group medical and prescription insurance plans.

18. COUNTY COUNSEL

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

Mr. Williams said the elevator is now working. He said the Resolution that was passed at the last meeting regarding the 911 fees is up on the website along with the report that Freeholder Lazzaro quoted from the report that was done for Congress from all the states and it has highlighted sections for New Jersey.

Mr. Williams said he would put together a resolution for the Board to review that might put some pressure on DOT to address the crosswalks on Rt. 206.

19. UNFINISHED BUSINESS

Freeholder Vohden talked about the videotaping. It has been about four months since we first brought this issue up.

Mr. Williams said we stand where we did last time and that is making sure there are no issues with copyright or licensing.

Freeholder Vohden said what are the legal issues? Will we have this by the next meeting?

Freeholder Vohden made a motion that we instruct Counsel to have this settled by the next meeting.

Mr. Williams said that won't change anything. The other thing that is not going to change is if there are intervening priorities and emergencies.

One of the things the Board should understand is what I am doing for you are that every day there is a myriad of things that come into the office and there are emergencies set by third parties that are beyond my control such as judges, such as deadlines, such as statues. He said if you want to know how I manage my time, please speak to me. I am trying to get it done and I will get to it along with other County business.

Freeholder Crabb said I think our concern is that this issue has been raised by Freeholders at the last couple of meetings.

Mr. Williams said please call him and he will be more than happy to discuss this and any other issues that come up.

20. NEW BUSINESS

Freeholder Vohden said he would like to open up a discussion on the recent County appointments. He said he has been informed that the discussions do not require a RICE notice. It is a public policy issue involving public appointment procedures and procedures of the Open Publics Meeting Act and it is not a personal matter and maybe we can have the attorney address that for the next meeting but I definitely want to discuss that.

Freeholder Graham asked County Counsel per the Administrative Code was this Advice and Consent appointment made by the Administrator.

County Counsel said yes.

Freeholder Graham asked was it done legally and justifiably.

County Counsel said it was done pursuant to the Administrative Code.

Freeholder Vohden said and my comments were that is in violation of the Open Public Meetings Act and that the definition that was revised and amended in the Administrative Code by addition does not stand. Freeholder Vohden read that the Advice and Consent is a legal process by which appointments made by a head of an executive branch of government are made by the action of the legislative branch in the form of consent. It requires action taken by the government body at a public meeting in accordance with the local board precedent.

Freeholder Vohden said he wants to have a discussion on how the appointment was made and how he voted. He said he doesn't know how he voted. He said he has a lot of questions.

Freeholder Vohden said it is by Advice and Consent and he asked where my consent is. He said he did not vote. I did not tell anybody that I voted yes or no or abstained. He said it is not the Administrator's responsibility; it is the Boards.

Mr. Williams said the definition of Advice and Consent was not clear in the old Code. He said there could be two or three different interpretations depending on how the wording is used. The modification in the Code was meant to make the definition clear with respect to the County policy procedure of long standing for the way these types of hiring decisions are made. Freeholder Graham said he was asked for his advice.

Freeholder Vohden said it is not consent. That is a legal term.

Freeholder Graham said we will have this as an official item at the next meeting.

Freeholder Vohden said it doesn't matter because it is a Board decision.

Mr. Williams said again, my purpose is to work for all of you. I look for the logic of the law, the reason underlying policy and procedure. If you have any information that you need, then ask me, if you have any information to give me, please speak to me between meetings and if you have an argument please speak with me.

Freeholder Vohden said and I would ask the same respect that the public and us Freeholders know before something is done.

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 8:21 PM by Freeholder Lazzaro to open the meeting up to the public; seconded by Freeholder Rose and passed unanimously.

Comments by Harvey Roseff

Mr. Roseff said since the solar crew and the CFO is here tonight he wanted to ask again is there net metering on the solar programs and where is the cash flow going? He said that was a question from the July meeting.

Freeholder Graham said yes there is net metering but he doesn't know the particulars; it is a contractual item. He said he would be happy to find out the particulars.

Freeholder Graham asked Mr. Williams to get an opinion on that from Mr. Weinstein.

Mr. Williams said I think we can locate the portion on the public presentation where he went into depth and explained it. Mr. Williams went on to say if he can't identify it in the presentation, then he will ask Mr. Weinstein and we will get the explanation again.

Mr. Roseff said I am asking who is the someone who receives the money that the developer is selling back to the utility company and that is the definition of net metering and I would like to know where the cash flows go and reason I am asking this question is for the benefit of the public. He said we had a settlement and we have sent funds to pay off liabilities that other people have incurred. We should know where this other revenue stream is going because it probably should be going in our pocket. If it is going into the taxpayers pocket, I would like to know how much it is and where I find it in the back accounts held by the independent trustee and I want to see every one of those invoices and just so the public knows, I did file an OPRA and it came back that there are no records in the County so just tell me how much it is so I can track it.

Mr. Roseff said he wants to know if it exist what is the revenue stream, where are the documents, how does it flow and who receives it and how do I see it going into the bank accounts?

Mr. Roseff said you gave your explanation about the cancellation of the extra solar farms and he said Freeholder Graham made a very good point that sometimes you want to pick your chips up and leave. He went back to a question he asked earlier tonight, what are our chips? He said those solar farms have been paid for.

Freeholder Graham said that is not true. They have not been paid for. They are done in releases and those releases have not been made yet.

Rob Maikis confirmed that.

Comments by John Snyder

Mr. Snyder asked about the Special Meeting.

Freeholder Crabb said it was a Special Meeting and the whole session was closed.

Freeholder Rose said not all Special Meetings are closed.

Mr. Snyder asked if there was anything from their meeting with Mr. Boxer that could be released to the public.

Freeholder Graham said no, he said he believes there will be another meeting with Boxer before we can do that.

MOTION made at 8:32 PM by Freeholder Lazzaro to close the public session; seconded by Freeholder Rose and passed unanimously.

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

No items 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.

23. REMINDERS

<u>Date/Time</u>	<u>Meeting</u>	<u>Location</u>
Oct. 3 – 3:00 pm	Development Review	Room 3B
Oct. 3 – 4:00 pm	Planning Board	Freeholder Meeting Room
Oct. 6 – 9:00 am	Senior Advisory Council	Knoll Heights Village, Sparta
Oct. 8 – 10a/4p	Harvest Festival	SC Fairgrounds
Oct. 11 – 1:00 pm	Transportation Citizens Advisory	Freeholder Meeting Room
Oct. 11 – 7:00 pm	Solid Waste Advisory Council	Freeholder Meeting Room
Oct. 12 – 5:00 pm	Freeholder Meeting	Freeholder Meeting Room

24. ADJOURNMENT

MOTION made at 8:33 PM by Freeholder Rose to adjourn the meeting; seconded by Freeholder Vohden and passed unanimously.

DATED: September 28, 2016

Catherine M. Williams
Clerk of the Board