

REGULAR MEETING HELD ON WEDNESDAY, APRIL 22, 2015

5:00 PM

ORDER OF BUSINESS

Item

1. **CALL TO ORDER BY DIRECTOR** 5:01 PM

2. **ROLL CALL** Freeholder Graham; Freeholder Mudrick;
Freeholder Phoebus; Freeholder Vohden;
Freeholder Director Crabb; Dennis McConnell, County Counsel;
John Eskilson, County Administrator/Clerk, Cathy 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 5, 2015 from the Administrative Center of the County of Sussex, located at One Spring Street, Newton, New Jersey to the following:

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

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

5. **PUBLIC HEARINGS**

There were no Public Hearings.

6. **PROCLAMATIONS/CERTIFICATES/PRESENTATIONS**

A. Proclamations

1. Proclamation in recognition of May 7th as being "National Children's Mental Health Awareness Day".
186A-2015

MOTION made by Freeholder Phoebus to approve the Proclamation, seconded by Freeholder George Graham and passed unanimously.

B. Presentations

1. Acknowledging the retirement of Josephine Springer, Printing Machine Operator 1, for Central & Shared Services, who retired after 25 years with the County; Virginia Tomala, Supervisor of Accounts, for Fleet Management, who retired after 25 years with the County.

7. **PUBLIC SESSION FROM THE FLOOR**

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

MOTION made at 5:06 p.m. by Freeholder Phoebus to open the meeting to the Public, seconded by Freeholder Vohden and passed unanimously.

Comment by Bill Haggerty

Bill Haggerty, attorney with Dolan and Dolan, came forward and said my client Tom Yarrow, owner of property in Sandyston, this is regarding to a Resolution authorizing and directing the institution of condemnation proceedings. He said we entered into some negotiations with regards to compensation for acquisition and my client is still interested in pursuing that avenue. I know condemnation proceedings are time intensity and costly so we are hoping the Board reviews this carefully before we go down that path because we feel we made a fair proposal and hoped it will be duly considered.

Comment by Cheryl Thom

Cheryl Thom came forward and said on behalf of the Sussex County's Fireman's Association, I wanted to thank Freeholder Crabb and Freeholder Mudrick for attending our meeting last month and she thanked Mr. Eskilson for pulling it together in two days. She thanked the Board's consideration for the resolution to resolve and incorporate the duties of the Fire Marshal per our request.

Comment by Jim Castermore

Jim Castermore came forward and thanked the Board for making the change for the office of the Fire Marshal. I have one questions though, "why did it take so long from 2007 to now to write this"?

Director Freeholder Crabb said it has been around since 1971.

Mr. Castermore said it took all these years to correct it?

Director Freeholder Crabb said it was brought to our attention as a result of an internal issue we have here. The firemen for the last 35 years realized that these duties were exactly being performed as a daily practice. Why it hadn't been passed you will have to ask previous Freeholder Boards but this Freeholder Board is going to make sure that it is in place.

Mr. Castermore said I thank you for doing that; it is long overdue so thank you.

Comment by Jackie Espinoza

Jackie Espinoza of JCP&L came forward; and she wanted to make the Board aware of a project that we have filed with the Board of Public Utilities and it is to build a new transmission run from our Whippany substation to our Montville substation and it is a seven mile line along an existing right of way. Even though this project is in Morris County, I am telling you this because it also supports about 20 towns in Sussex County so I wanted to give you some information about the project. We have another project that is going on right now, the West Wharton substation and that is to control voltage to our other substations and that supports Sussex County as well. These projects are all about stabilizing the grid.

Comment by Ellswood Bensley, Jr.

Ellswood Bensley, Jr. from 2 Mountain Side Drive, came forward and said at the last meeting you had mentioned a lot of people were leaving the area and you were talking about ways and ideas of keeping people from leaving, did you come up with something?

Director Freeholder Crabb said we are still working behind the scenes. Freeholder Vohden reports just about every month on it. There was a discussion we had with ideas for Newton. We had been talking about store front libraries maybe we could have store front classrooms. I can't speak for the college and I can't speak for the feasibility of it but things like that, thinking outside the box. There are lots more to come and more ideas on it with more forward progress that we have had.

Mr. Bensley, Jr. asked on a County level do you ever meet with Trenton. Property Tax Reform, the can keeps getting kicked down the road. That is the real thing to do is talk with Trenton and what we need is Property Tax Reform. It is not an easy fix but it will prevent people from leaving.

He also said I want to thank Freeholder Mudrick for voting for the Solar because if you had not voted the legal fees would keep coming. I hope we are on the right track.

Comment by Anne Smulewicz

Anne Smulewicz of Wantage Township came forward. She said the last gentleman brought up property tax. I am for the most intelligent approach and that is the fair tax because everybody will paid their fair share. The taxes in Wantage are awful. There are over 800 properties that are farm assessed and that means the rest of us pay for it.

Comment by Ellsworth Brensley, Jr. this is something that needs to be addressed with Trenton. It can happen. It will take a lot but I hope in time it will happen.

MOTION made at 5:18 p.m. by Freeholder Vohden to close the public session, seconded by Freeholder Mudrick and passed unanimously.

8. FREEHOLDERS' COMMENTS

Comments by Freeholder Vohden

I believe that as Freeholders we need to be as conspicuous and attend as many events as possible and I think over the past two weeks we have all done that. Freeholder Vohden attended the following events: PBA Fundraiser for the Unity Tour, Birth Haven's April Showers, Project Self-Sufficiency, Sons of the American Revolution Dinner/Meeting and the Sussex Elks Lodge Beefsteak to honor the Citizen of the Year

- **North Jersey Transportation Planning Authority Meeting**

Freeholder Vohden attended this meeting in Newark this past Monday. They received copies of the Street Smart New Jersey Report and Campaign Results. He gave the Board a copy. It is a campaign that is underway. It is pedestrian safety education and enforcement campaign. We can see the need for this information with the number of pedestrian accidents and wheelchair accidents right out this building over the past couple years. They also received an updated list for fiscal year 2016 The Draft Transportation Capital Program. There is 11 Sussex County State Funded Road and Bridge Project and the Lackawanna cut off on the list. On Monday May 4, Together North Jersey is going to make a presentation on the Plan 2015 at our County Planning Board Meeting here in this room at 4:00 PM this Monday, May 4. That will complete our local government capacity grant program together with North Jersey and for the Sussex County Strategic Growth Plan. The issues to be discussed will be Tourism, Transportation, Housing, Economic Development, Reducing the Regulatory Burden and Agriculture and the strategies developed will reduce or reverse the loss of the pollution and the economic base that the County has been experiencing in recent years.

- **The Sussex County League of Municipalities and Stillwater Taxpayers Association**

Freeholder Vohden attended the meeting.

- **The Highlands Council**

Freeholder Vohden attended this meeting last Thursday. He said they are moving ahead with the Highlands Regional Master Plan. The Master Plan is in the document. It is the Land Use and Planning Guide for the Highlands area. It will determine the future development for the lack of development in 38 percent of Sussex County. We should all be watching the review cautiously and commenting on the issues with all of our concerned partners on the Highlands Council and on our concerns with the regional Master Plan because it really does affect us.

Freeholder Vohden said I know we are all hoping for more access to the NJ side of the Delaware Water Gap that will provide more opportunity for economic development and I believe we can help that happen but there are a lot of others who are concerned that the stated purpose and focus of the Visitor Use Management Plan are to further restrict activity in the park. There are concerns that hunting and fishing could be

limited, that some access roads may be closed, and that additional restriction may be imposed on any watershed that flows into the Delaware River. These are legitimate concerns because it seems like all the new studies that we come up with come with new restrictions and regulations and we should stay involved with this Federal Protection and Conversation Effort and possibly consider a resolution similar to that passed by Sandyston Township that we can consider at a later day.

- **Human Services Advisory Committee**

Freeholder Vohden stated there were about 60 attendees to hear a very informative presentation by Chris Brogan from the Housing Partnership about the foreclosure process and the services that the Housing Partnership provides. There were 10 or 12 people at the meeting that were having a foreclosure problem and were seeking advice and they got advice on their foreclosures. Just yesterday the Human Services office received 15 calls looking for assistance as a result of the article in the Herald. It was reported that in May or early June there will be a seminar in Sussex County for Foreclosure Counseling which will be advertised in the paper. Attorneys, lending institutions, housing counselors will all be there available for assistant.

Comments by Freeholder Mudrick

- **Sussex County League of Municipalities Meeting at the Public Safety**

Freeholder Mudrick said the information shared was very valuable to me as a Sussex County resident.

- **Sussex County Arts & Heritage Council & The Skylands Gallery and Studio**

Freeholder Mudrick attended the Sussex County Arts & Heritage Council on Spring Street in Newton. The exhibit was well attended. Immediately following that he went up the Wantage Township and from 5 to 9:30 PM The Skyland Gallery and Studio had an Enchanted Places exhibit where about 200 works of art were on display. It was very well attended. It was great to see the Wantage Plaza filled with art activities.

- **Legislative Reception by the Sussex County Education Association**

Freeholder Mudrick said he attended the meeting at Perona Farms and he always tries to take the opportunity when invited. Sue Sawey, the vice president, of SCEA was able to introduce me to several different public educators throughout the county and many I know through the network so that was a neat opportunity. Sue said she appreciates it when our elected officials go to legislative receptions such as that.

- **Fireman's Association Meeting**

Freeholder Mudrick attended the meeting along with Freeholder Crabb at the Green Township Firehouse. It was very well attended. I have been to fire meetings before and those have been well attended whether they have been in Hampton Township or elsewhere. I am not a regular but I felt the remarks that Freeholder Crabb made were very well received and we will have some good news later in this meeting.

- **Karen Ann Hospice Gala**

Freeholder Mudrick attended the Gala at Perona Farms. It was well attended. It was a very neat event with an auction and some money being raised in addition to the dinner cost. There were a lot of County residents there and several elected officials as well. Freeholder Phoebus and Freeholder Graham attended as well.

Comments by Freeholder Phoebus

Freeholder Phoebus said she also attended some of these events. She was very well impressed on how very well these events were attended for the County to come out and support all the non-profits.

Freeholder Phoebus stated she met with Congressman Frelinghuysen and asked him to do a little follow-up on the Lackawanna Cutoff. He sent me a letter which I will read to you. It is dated April 16, 2015, I wanted to follow up on our conversation and provide you with an update on the Lackawanna Cutoff. I have been informed that the New Jersey Department of Environmental Protection has issued a conditional wetlands permit to New Jersey Transit. It is my understanding that NJ Transit is currently reviewing the permit conditions and plans to finalize the details in the coming month. Please let me know if you hear of any issues that I may not know about. Sincerely, Rodney Frelinghuysen. Freeholder Phoebus said she thinks it is wonderful that he takes the time and follows-up because he has been a true force to get this Lackawanna Cutoff going and having a train service out of Sussex County.

Freeholder Phoebus said she spoke with one realtor whose name is Kathy Kut and she was telling her that along the Rt. 206 corridor even though we haven't seen any improvements all of those pieces of property have been sold waiting for this train because they realize that those properties will increase in value once that train gets there.

Kathy also told her that in Andover Township, Sparta, Lafayette, Fredon and Stillwater there seems to be a revival of real estate houses being sold. They are even being sold above the asking price. I asked her who are buying these houses. She said a lot of millennials are now coming up here with their children from Jersey City, Hoboken places like that. They find the cost of living outside of the County even though the taxes are pretty comparable the quality and what you can get for your money in these homes in Sussex County far surpasses what you are going to get in Morris County. This is a good thing to hear.

I spoke with another realtor Katlyn Kelly-Haggerty. She also said this is happening and I also have a friend of mine who did not have her house on the market in Sparta and some realtor asked her if she could show it and she got above her asking price and it was all cash. I think maybe we are starting to see some of this coming back into Sussex County.

- **Sussex County Food Pantry**

Freeholder Phoebus said she volunteers at the food pantry. They received a very big order from Shoprite along with Stuff the Bus. The amount of voluntarism over there is incredible. It is so nice to see so many people unpacking the items, checking expiration dates, stocking the shelves. There is a lot of good work going on there and it is all voluntarism. We should all be proud of our community that gets out to do that too.

- **Dinner for Educators**

Freeholder Phoebus said her and Freehold Mudrick attended the dinner. They have some valid concerns. One of the concerns is PARCC testing and how many our children get. I was unaware that before No Child Left Behind Act, there were only two tests given in the classroom. As of 2105, there are 17 tests given in the classroom. I think that is terrible that we are putting children through that. That was their feelings as well.

Comments by Freeholder Graham

Freeholder Graham stated he has attended many of the events and because he was not here two weeks ago he said he attended the Chamber of Commerce awards dinner. He said Freeholder Phoebus and he serves on the Capital Committee. In serving on this committee it is important to know exactly what you are looking at. I have been spending a lot of time doing fleet tours, facility tours to understand exactly what we have for not only this year but for years in the future. It is not just roads. I had a major fleet tour on the 31st. I got to see every one of the trucks, what is in good condition, what needs attention. I have nothing but good things to say about our fleet. It is maintained very well. Our facilities are maintained in a very high standard. I am very impressed with that.

Freeholder Graham said he attended the Project Self-Sufficiency and Karen Ann Quinlan dinners, Stillwater's Tax Payers Association, I had a chance to speak in front of them last week. He has been attending the MCI meetings to see where they are going as we move into the next phases.

• **The Cochran House**

Many of you are aware that we had some problems with the Cochran House. There was a roof job that was done last September. The material used left some smells and it got pulled into the air filtration system and then it got moved into the building. This was going on for a while. As the winter came in, it went away. It had since come back again. I have nothing but good things to say about our facilities because the first thing they tried to do was to think out of the box. They ran tubes outside the building that was drawing air not on the building but off the side. This was done as quickly as possible. From all indications today there were no complaints before when the sun was heating it. It seems to be a sun type of thing. We are hoping this will get us to where the materials actually cure. Hopefully once they cure, this will not happen again.

• **Economic Development Partnership**

Freeholder Graham is the Liaison for them. He said they had a conversation on foreclosures as well. He said he had a discussion with Lisa Fairclough. She said commercial real estate seems to be picking up in a very good way. He said one of the benefits of attending these dinners is you sit with a lot of bankers. Bankers tell you what they see. One of the discussions I had was foreclosures on a private basis. One of the first things they say is New Jersey is the longest in foreclosure process. It takes longer than anyone else. There was a moratorium for approximately five years. Then behind the moratorium came bankers that were now making loans off the Adjusted Rate Loans (ARMs). These are called Coffee Loans. They put a lot of interest on the back of the principal. This makes it even more difficult. A lot of people who have tread water over the last couple of years now will find themselves with a higher principal on top of that. It is not the most pleasant news to hear. Try and understand all the different facets are just as important as anything else we can do.

• **National Parks Conversation Association**

John Eskilson and I were there. This is protecting our national parks for future generations. I am going to tag onto Freeholder Vohden's comments. I listened to them today. There are a lot of things in here you will see. There is a plan they are working towards. It appears to be a two year process of listening on how these parks are going to react to our vitality in this area; not just on the Federal Parks basis but also Economic basis. They used numbers of 70/30 split of where the economic engine is. They came up with 70% in New Jersey and 30% for Pennsylvania. Everybody seems to think it is the other way around. We don't really have any access to this side. Tammie Horsfield repeatedly stated that we need some access from the New Jersey side in order for this to make more sense for us. Again, this is going to be a process. There will be other meetings. I am concerned as you are Rich. I am concerned that every one of these things always brings on more restrictions and makes it great for some but in the end I sat there thinking about the municipalities, Sandyston, Montague, that are servicing to the parks with very little coming back and when the mosquitoes come up they come out of the parks. I think there needs to be a

better partnership, a better understanding from both our sides and that means from our side and what our concerns are as well.

Comments by Director Freeholder Crabb

- **Sussex County Fireman's Association**

Freeholder Crabb said he is a 20 year ex-president there. There are two constants that I have seen that has lasted over all these years and that is Cheryl Thom sitting at the front table in various capacities and Sussex Fire Department having the most members coming to every meeting. As Freeholder Mudrick said, the attendance was just remarkable. There were some lean years but it is really good to see the whole body coalescing like it is there. I would like to mention that sitting out in that body for 25 years and sitting with Cheryl there is one thing I remembered and it is if a politician shows up you better keep it short and sweet and that is what we tried to do. Hopefully we were successful. Let the record show that I have been a fireman for 35 years and have gone to the Sussex Association meeting for 25 years and never won the 50/50. I won the 50/50 that night.

- **Congregate Nutrition Site**

Freeholder Crabb had the opportunity to visit the Congregate Nutrition Site with the Franklin Seniors. They love it there. They look at that menu every single day to see what is coming up. They plan their days around it. It is so vibrant and well run by Alan Space's wife Cindy. It is something we can see that we are getting a return for the investment. It is a wonderful thing. We talked about taxes; we talked about when I was this tall and thin. I had one guy ask me if I have to do something about the fact that every county in Sussex has a republican mayor, he said that has to change. I said I would do my best. I just want you to know that it is working; it is a wonderful thing. That is their opportunity for church to see everybody and it is in a lot of ways like going to church. So I thank you for your successes. I will try and visit the other nutritional sites as well.

I was at an event with Branchville Mayor Tony Frato. They have begun digging for their sewer system and they have done a very smart thing by anticipating that the ground will be open so let's put the natural gas lines in too. I remember when Franklin did it when Jack Peril took the heat for it over something that really propelled Franklin to the point it is at now on the highway was that we put the sewer system in 1981 and then in 1983 put the Town water lines so all these beautiful paved road had all these lines in it so I congratulate Branchville.

- **The Town of Newton**

Freeholder Crabb said he had the opportunity to attend a short meeting on a potential pilot project for the Town of Newton on Hicks Avenue. There is much to discuss and we will have further conversations. Interesting stuff happening.

- **Sussex Vo-Tech Luncheon**

Freeholder Crabb said we had a short conversation with the Superintendent at Vo-Tech about the right-a-way that will need to be granted and the changes for the Veteran Cemetery. So we can take the railroad and not have people cross across athletic fields to the highway. I had the brilliant idea that we have lunch in the student run cafeteria and it was remarkable. It is open to the public. I would encourage people to send emails. They post what their menu is daily when they are open. It is a great experience.

9. APPROVAL OF CONSENT AGENDA

- A. RESOLUTION RE: PAYMENT OF BILLS
187-2015
- B. RESOLUTION RE: AUTHORIZING THE ISSUANCE OF PURCHASE ORDERS IN COMPLIANCE WITH N.J.S.A. 19:44A-20.4 ET SEQ. FOR VARIOUS SERVICES, WITH ACCUMULATED VALUE LESS THAN THE BID THRESHOLD (*Services include Airgas, Inc. – Safety Items/Small Tools; Global Industrial Holdings LLC – Office Equipment; US Corrections Special – Police Training*)
- C. RESOLUTION RE: AUTHORIZING THE COUNTY OF SUSSEX TO ENTER INTO 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 PROVISION OF N.J.S.A 40A:65-1 ET SEQ.
- D. RESOLUTION RE: AUTHORIZATION TO PROVIDE ON-CALL ENGINEERING SERVICES FOR BRIDGE E-07 CR 631 (NORTH CHURCH ROAD) FRANKLIN BOROUGH, SUSSEX COUNTY
- E. RESOLUTION RE: AUTHORIZATION TO PROVIDE ON-CALL ENGINEERING SERVICES FOR CONSTRUCTION INSPECTION SERVICES FOR THE SUSSEX COUNTY 2014 HIGH RISK RURAL ROAD PROGRAM
- F. RESOLUTION RE: AUTHORIZATION FOR THE FREEHOLDER DIRECTOR AND BOARD CLERK TO EXECUTE AN APPLICATION FOR STATE AID UNDER THE NJDOT FY2015 LOCAL BRIDGES, FUTURE NEEDS PROGRAM (PRIORITY 1) IN THE AMOUNT OF \$1,000,000.00 WITH \$1,346,000.00 AS COUNTY SHARE (*Local Bridges Future Needs Grant for the Replacement of Bridge X-09, CR 565, Wantage Township, which is structurally deficient, functionally obsolete and scour critical, with a sufficiency rating of 27.5 per 2013 NBIS report*)
- G. RESOLUTION RE: AUTHORIZATION FOR THE FREEHOLDER DIRECTOR AND BOARD CLERK TO EXECUTE AN APPLICATION FOR STATE AID UNDER THE NJDOT FY2015 LOCAL BRIDGES, FUTURE NEEDS PROGRAM FOR PRIORITY 2 FUNDING IN THE AMOUNT OF \$1,000,000.00 (*Local Bridges Future Needs Grant for the Replacement of Bridge X-09, CR 565, Wantage Township, which is structurally deficient, functionally obsolete and scour critical, with a sufficiency rating of 27.5 per 2013 NBIS report*)
- H. RESOLUTION RE: AUTHORIZATION FOR THE FREEHOLDER DIRECTOR TO PROVIDE THE NEW JERSEY DEPARTMENT OF TRANSPORTATION A COMMITMENT TO ADVERTISE AND A COMMITMENT TO FUND THE FEDERAL PROJECT KNOWN AS “2015 SUSSEX COUNTY HIGH RISK RURAL ROAD PROJECT”, UPON RECEIPT OF FEDERAL AUTHORIZATION FOR THE PROJECT
- I. RESOLUTION RE: AUTHORIZATION FOR THE BOARD OF CHOSEN

195-2015

FREEHOLDERS TO ACCEPT A SUBGRANT AWARD OF THE FEDERAL FISCAL YEAR 2014 OF DEPARTMENT OF HOMELAND SECURITY EMERGENCY MANAGEMENT PERFORMANCE GRANT PROGRAM FUNDING IN THE AMOUNT OF \$55,000.00 *(Award to enhance Sussex County's ability to prevent, protect against, respond to and recover from acts of terrorism, natural disasters and other catastrophic events and emergencies)*

J. **196-2015** RESOLUTION RE: AUTHORIZATION FOR THE FREEHOLDER DIRECTOR TO EXECUTE CONTRACT MODIFICATION #1 WITH THE NJ DEPARTMENT OF HUMAN SERVICES, DIVISION OF DISABILITY SERVICES TO PROVIDE \$15,203.11 IN FUNDING TO THE SUSSEX COUNTY DEPARTMENT OF HUMAN SERVICES, DIVISION OF SENIOR SERVICES FOR THE PERIOD OF JANUARY 1, 2015 TO DECEMBER 31, 2015 *(Increase in funding due to an addition of a PASP consumer for the Contract period)*

K. **197-2015** RESOLUTION RE: AUTHORIZATION FOR THE SUSSEX COUNTY DEPARTMENT OF HUMAN SERVICES, DIVISION OF SENIOR SERVICES TO APPLY FOR GRANT FUNDS FROM THE NEW JERSEY DEPARTMENT OF HUMAN SERVICES, DIVISION OF AGING SERVICES FOR THE STATE HEALTH INSURANCE PROGRAM (SHIP) FOR THE PERIOD OF APRIL 1, 2015 TO MARCH 31, 2016

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

MOTION made by Freeholder Vohden to adopt these Resolutions, seconded by Freeholder Graham and passed unanimously.

On Roll Call the vote was:

Freeholder Graham	Yes
Freeholder Mudrick	Yes
Freeholder Phoebus	Yes
Freeholder Vohden	Yes
Freeholder Director Crabb	Yes

10. APPROVAL OF MINUTES

Special Meeting September 18, 2014

Executive Session Minutes
Special Meeting September 18, 2014

Regular Meeting February 25, 2015

Freeholder Graham asked for more time on the Special Meeting of September 18, 2014. It was a very long meeting.

Freeholder Phoebus said they should table it.

Freeholder Director Crabb said we should table both the Special Meeting and the Executive Session Minutes.

MOTION made by Freeholder Graham to table the approval of the minutes, seconded by Freeholder Phoebus and passed unanimously.

MOTION made by Freeholder Vohden to approve the Regular Meeting minutes from February 25, 2015, seconded by Freeholder Graham and passed unanimously.

11. APPOINTMENTS AND/OR RESIGNATIONS

There were no Appointments and/or Resignations.

12. RESOLUTION

1. RESOLUTION RE: DIRECTING AND AUTHORIZING THE COUNTY FIRE MARSHAL TO PERFORM THE DUTIES DESCRIBED IN N.J.S.A. 40A:14-2b AND DESCRIBED IN SECTION 11.1b(i) OF THE ADMINISTRATIVE CODE OF THE COUNTY OF SUSSEX
198-2015
2. RESOLUTION RE: AUTHORIZING AND DIRECTING THE INSTITUTION OF CONDEMNATION PROCEEDINGS FOR A PORTION OF THE PREMISES KNOWN AS LOTS 1 & 2.01 IN BLOCK 905 AND LOT 3 IN BLOCK 904 AS SHOWN ON THE OFFICIAL TAX MAP OF THE TOWNSHIP OF SANDYSTON
199-2015
3. RESOLUTION RE: DESIGNATING THAT, IN THE ABSENCE OF THE CLERK OF THE BOARD, CATHERINE M. WILLIAMS SHALL SERVE AS CLERK PRO TEMP FOR THE FREEHOLDER MEETING OF MAY 13, 2015
200-2015
4. RESOLUTION RE AUTHORIZATION FOR THE COUNTY ENGINEER TO IMPLEMENT THE TEMPORARY TRAFFIC CONTROL MEASURES AND TEMPORARY WORK ZONE SPEED LIMIT CONTAINED WITHIN THE PLANS ENTITLED "BRIDGE H-19 REPAIRS, CARRYING CR-519 / NEWTON-MCDANOLDS CORNER, OVER PAULINS KILL TRIBUTARY, SUSSEX COUNTY, NJ" DATED APRIL 2015 DEVELOPED BY THE SUSSEX COUNTY DIVISION OF ENGINEERING
201-2015
5. RESOLUTION RE: PROVIDING TEMPORARY CLOSURE OF CR 613 IN THE TOWNSHIP OF SPARTA
202-2015
6. RESOLUTION RE: PROVIDING TEMPORARY CLOSURE OF CR 661 IN LAFAYETTE TOWNSHIP
203-2015
7. RESOLUTION RE: PROVIDING TEMPORARY CLOSURE OF CR 630 IN BRANCHVILLE BOROUGH
204-2015
8. RESOLUTION RE: PROVIDING TEMPORARY CLOSURE OF CR 607 IN HOPATCONG BOROUGH
205-2015

MOTION made by Freeholder Vohden to adopt the Resolutions, seconded by Freeholder Graham and passed unanimously.

Comment by Freeholder Mudrick

He thanked John for getting the Resolution for Hopatcong done so quickly.

Comment by Director Freeholder Crabb

One of the things I wanted to achieve at the Sussex County Fire Association meeting was to look everyone in the eye and tell them what we were going to do to date has nothing to do with any other outstanding issues that we are dealing with because it is a separate situation. One of the things I mentioned then is this isn't something the County had taken away from what past Fire Marshalls had. This was something that was put on the books initially in 1971 and why this portion of it was not formally codified, I don't know but when it came up as a highlight in one of the situations we are dealing with internally it became clear to me having served at a firefighter since 1979 in Franklin Borough this is exactly what the Fire Marshall does when he goes out to the scene. I don't know why it took that long but what this Freeholder Board is doing is filling this gap so there will be no questions and it can be business as usual. He said thank you for the opportunity to invite us over to your County Association meeting to try and make that clear and try to provide clarity.

13. AWARDS OF CONTRACTS/CHANGE ORDERS/BIDS

A. Change Orders

1. **RESOLUTION RE: AWARD OF CONTRACT AMENDMENT (#2)
206-2015** BASED ON PROPOSALS RECEIVED THROUGH THE COMPETITIVE CONTRACTING PROCESS FOR PROFESSIONAL ACCOUNT SERVICES AND THE APPOINTMENT OF NISIVOCCIA & COMPANY, CPA, A REGISTERD MUNICIPAL ACCOUNTANT OF THE STATE OF NEW JERSEY PURSUANT TO N.J.S.A. 40A:5-4

2. **RESOLUTION RE: AUTHORIZING THE SECOND AND FINAL
207-2015** AMENDMENT TO A PROFESSIONAL SERVICES AGREEMENT WITH KELLER & KIRKPATRICK, INC. TO PROVIDE ENGINEERING SERVICES FOR THE REHABILITATION OF SUSSEX COUNTY BRIDGE E-06 CARRYING COUNTY ROUTE 631 OVER WALLKILL RIVER IN THE BOROUGH OF FRANKLIN PURSUANT TO N.J.S.A. 40A:11-5(1)(a)(i)

3. **RESOLUTION RE: AUTHORIZING THE FIRST AMENDMENT TO THE
208-2015** CONTRACT TO KELLER & KIRKPATRICK, INC. TO PROVIDE ENGINEERING SERVICES FOR THE REHABILITATION OF COUNTY BRIDGES X-09 CARRYING COUNTY ROUTE 565 OVER PAPAKATING CREEK IN THE TOWNSHIP OF WANTAGE AND O-07 CARRYING PASSAIC AVENUE OVER WALLKILL RIVER IN THE BOROUGH OF OGDENSBURG PURUSANT TO N.J.S.A. 40A:11-4.1

4. **RESOLUTION RE: AWARD OF CONTRACT FOR THE RETAINING
209-2015** WALL REPLACEMENT ALONG CR607 AT 263-265 MAXIM DRIVE, SUSSEX COUNTY, NJ

MOTION made by Freeholder Graham to adopt these Resolutions, and seconded by Freeholder Vohden.

Freeholder Phoebus said she has to abstain from Resolution 1 because Nisivoccia & Company, CPA is my personal account for our business.

On Roll Call the vote was:

Freeholder Graham Yes
Freeholder Mudrick Yes
Freeholder Phoebus Yes, abstaining from Resolution 13.A.1
Freeholder Vohden Yes
Director Freeholder Crabb Yes

14. FINANCIAL

1. RESOLUTION RE: APPROVAL OF THE 2015 COUNTY FARMLAND
210-2015 PRESERVATION, RECREATION AND OPEN SPACE
TRUST FUND LEVY

MOTION made by Freeholder Vohden to adopt the Resolution, seconded by Freeholder Graham.

Freeholder Graham Yes
Freeholder Mudrick Yes
Freeholder Phoebus Yes
Freeholder Vohden Yes
Director Freeholder Crabb Yes

15. PERSONNEL

- A. Personnel Agenda

MOTION made by Freeholder Graham to approve the Personnel Agenda, seconded by Freeholder Mudrick and passed unanimously.

16. ADMINISTRATIVE REPORT

- A. Other

Nothing to report this evening.

17. COUNTY COUNSEL

Mr. McConnell said he has 2 items. One is with regards to our Sussex County Renewal Energy Program. We have been getting inundated with OPRA requests and a lot of them have to do with Closed Sessions and Attorney Client Privilege and Confidentiality. To go through those documents and draw attention to each one of those would take an inordinate amount of time so I am suggesting to the Board to consider a waiver to the client privilege and confidentiality issues with regards to the Sussex County Renewal Energy Program including executive session tapes, regular minute tapes and correspondence. This way you will have full transparency and staff would not be inundated with line by lines through all these minutes. It would not apply to intra-agency communications. That means communications between us, MCIA or SCIA unless we get those entities as well to waive their privileges. Again, it would be the same between us, MCIA and SCIA because you have two improvements counties in three counties. We would waive all our rights to what is sent to us individually from outside sources and also the tapes of the meeting minutes. That would include the meeting minutes from the September 18, 2014. I know one has looked at the minutes but the tape is the tape. If you approve this by motion that tape would get released.

Comment by Freeholder Graham

Freeholder Graham asked how you would separate those others that might be involved in that meeting other than just the Freeholders in the meeting.

Comment by Dennis McConnell

Mr. McConnell said if it wasn't a participant from MCIA or SCIA or the County themselves the professional representatives that were there were representing us and giving us information from their professional point of view so that would be released. There was one meeting that I was not at and there might have been some proprietary information that was given in a particular meeting. If it is proprietary we have to keep it out.

Comment by Freeholder Graham

Freeholder Graham said that is why I held back on this particular meeting. There were several meetings in a cluster and there were certain people at certain meetings, certain people not at certain meetings and then one meeting when you were at the meeting but the not the whole meeting. Bringing this in complicates it. I am for full transparency but I am also making sure that if there is something out there that if any one of them was potential litigation that we are covered.

Comment by John Eskilson

Mr. Eskilson asked is this with respects to an individual who might have participated in a discussion in the waiver and privilege extending to that.

Comment by Freeholder Graham

Freeholder Graham said he is not sure.

Comment by Director Freeholder Crabb

Freeholder Crabb said it sounds like this is specific to our participation. We will be waiving our attorney client privileges to facilitate our being able to process these OPRA requests more efficiency and also at the same time provide an entire amount of their information without redaction to the people requesting it. If it is just a matter of us saying we recuse our attorney-client privilege at least that will help it to that point. If there is something that needs to be filed we can reach out to these other entities that we are talking about like the MCIA and ask if they are willing to do the same thing to but for right today we can take care of our end.

Comment by Freeholder Mudrick

Freeholder Mudrick said this would be specific to those meetings relative to this solar related. In the spirit of full transparency, I would make a motion that we move.

Comment by Mr. McConnell

Mr. McConnell asked Freeholder Graham to give him some clarification.

Comment Freeholder Graham

Freeholder Graham said he is not having a problem, he is trying to understand. I am for full transparency also. There was a meeting where a phone call was made; there was a meeting where other people were involved on hours on end, those are things that are confusing to me, not holding back. As far as I am concerned, let it out. Freeholder Phoebus agreed.

Comment by John Eskilson

Mr. Eskilson said that would remain excluded as I understand it proprietary information.

Comment by Mr. McConnell

Mr. McConnell said we will do what we are obligated to do.

Comment by Freeholder Graham

Freeholder Graham said as long as it is handled correctly. I am not pushing back at all.

Comment by Director Freeholder Crabb

Freeholder Crabb said the issue isn't with regards to our rights it is regards to while we are taking care of our rights not to infringe on their parties' rights until they say it is ok.

Freeholder Phoebus and Freeholder Graham both agreed.

MOTION made by Dennis Mudrick to approve full transparency, seconded by Freeholder Vohden and passed unanimously.

Mr. McConnell said the other item he has is for closed session and that is involving certain litigation known as Potten vs. Sussex County and NJDEP. I want to discuss the course of action for that litigation. Our county engineer will be part of that discussion.

18. UNFINISHED BUSINESS

Freeholder Phoebus asked if MCIA Pearlman and Gable are leaving as of June 1, 2015.

John Eskilson said correct.

Freeholder Phoebus said we are not still paying them? How does that work?

John Eskilson said we only have a relationship with those individuals through the MCIA so it will be through June 1st.

Freeholder Phoebus asked will they be replacing them.

John Eskilson said they have not told him.

Freeholder Phoebus asked so we pay one bill to the MCIA?

John Eskilson said no each firm bills the MCIA separately?

Freeholder Phoebus asked then we pay the MCIA?

John Eskilson said no it is paid by a trustee account.

Mr. McConnell asked Bernard Re to come forward.

Mr. Re, Chief Financial Officer for the County of Sussex said both firms bill us, they send us the bills and the trustee pays. The bills do come to us. They do not bill MCIA, they bill us.

Freeholder Phoebus asked Mr. Re, they are billing us directly right, Pearlman and Gable, what is Gable doing for us? They are leaving June 1st.

Mr. Re said I don't know if we have appearances.

John Eskilson said Gable is not doing much right now. They did attend a meeting with the Sparta BOE, they were a critical piece of the relationship with the Sparta BOE and that was the last significant type of work that I am aware of that Gable has done.

Freeholder Phoebus asked what is Pearlman doing for us?

Mr. Re said he will be doing the work that is going to be the future borrowing with MCIA; a lot of paperwork involved in that.

Comment by Freeholder Vohden

Freeholder Vohden said I don't know if this Board knows this, in 2001 this Freeholder Board established the first County Open Space Trust Fund to be paid for by a tax not to exceed 2 cents per \$100 of evaluation that trust fund since expired in 2009. 2006 by referendum we got another Open Space Trust Fund, again it was not to exceed 2 cents per \$100 of equalized property evaluation. This year the levy was .023 cents, just under a quarter of a cent. That raised about \$365,000 this year. This trust fund is going to sunset. It will be gone January 1, 2016. To continue the Open Space and Farm Preservation program we have an Open Space Committee and a Farm Preservation Committee. This year we are looking at preserving four farms. In order to continue the program we have to establish a new trust fund and it has to be done by referendum and if we are going to do this, we don't have to do it tonight, but we should all think about it, the referendum is required to be submitted by our first meeting in August to be on the ballot in November.

We discussed it at the last meeting. Steve Oroho is the primary sponsor of two Legislative bills. Both bills have bi-partisan support that would revise the Inheritance Tax and the State Tax, which is encouraging our wealthiest to leave the state. We are only one of two states with death taxes. We have a lot of retirees. Our wealthiest residents are leaving the state. I know of two more that will be leaving. From Steve Oroho, New Jersey has consistently lost income for many years and has lost \$12 billion of income between 2004 and 2011. 2011 is the latest date available. This trend needs to be reversed. It would be in our interest to pass these Resolutions and I think by the next meeting they should be ready.

19. NEW BUSINESS

None to report.

20. PUBLIC SESSION FROM THE FLOOR

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

MOTION made at 6:11 p.m. by Freeholder by Graham to open the meeting to the Public, seconded by Freeholder Phoebus and passed unanimously.

Comment by Cheryl Thom

Cheryl Thom said she wanted to say Thank you again for your support for our Fire Coordinators and as a FYI they are on the scene of a working structure fire in Stillwater right now with a confirmed fatality. A second one in less than a week and a half so we thank you.

Comment by Skip Danielson

Skip Danielson, Hunter Lane, Byram Township said a couple of meetings ago I asked you to do right by the office of Fire Marshall. I am not one to count my chickens before they hatch so I did not speak at the first session, but now that the chickens have hatched. Thank you.

Comment by Bill Castermore

Mr. Castermore said he also wanted to say Thank you. He had a question and that was did you not have to notify the State of New Jersey that you changed this. Isn't that how all of this started was the paperwork was not correct, something about the pension and it wasn't codified.

Comment by Director Freeholder Crabb

Freeholder Crabb said he is not sure he can get into the discussion of this.

Comment by Dennis McConnell

Dennis said it is still pending litigation.

Comment by Direct Freeholder Crabb

Freeholder Crabb what we have done here is completely separate of any other situations that are going on. What we did we filled a gap that we solved.

Comment by Bill Castermore

Mr. Castermore said I thank you for solving the gap problem. It is very important for the Fire Marshal. If he is not available than one of the assistant fire marshals can be called because this fire right now it is not like Sparta where there is a central water system, this is a tanker task force. Most Fire Chiefs believe it or not don't know the tanker task force. If you asked me in Sparta how many tankers and where they are, I couldn't begin to tell you the answer. I thank you.

MOTION made at 6:12 p.m. by Freeholder Graham to close the meeting to the Public, seconded by Freeholder Phoebus and passed unanimously.

Mr. McConnell said we are going into closed session for the purpose of pending litigation in the matter of Potten vs. County of Sussex and NJDEP pending in Sussex County docket number SSXL03O72O action may be taken when we come out of closed session.

MOTION made by Freeholder Mudrick to go into Executive Session for the purpose of pending litigation in the matter of Potten vs. County of Sussex and NJDEP pending in Sussex County docket number SSXL03O72O, seconded by Freeholder Phoebus and passed unanimously.

21. EXECUTIVE SESSION

RESOLUTION RE: REQUESTING EXECUTIVE SESSION (voice vote)

- A. Personnel
- B. Contract
- C. Litigation
- D. Other Matters

It is anticipated that the deliberations conducted in closed session may be disclosed to the public upon the determination of the Sussex County Board of Chosen Freeholders that the public interest will no longer be served by such confidentiality.

22. REMINDERS

Wednesday May 13, 2015 Regular Meeting – 5:00 PM

23. ADJOURNMENT

MOTION made at 6:55 p.m. by Freeholder Mudrick to adjourn, seconded by Freeholder Vohden and passed unanimously.

John H. Eskilson, Clerk

DATED: APRIL 22, 2015