

REGULAR MEETING HELD ON WEDNESDAY, APRIL 22, 2009

5:00 PM

ORDER OF BUSINESS

Item

1. **CALL TO ORDER BY DIRECTOR** at 5:05 p.m.
2. **ROLL CALL:** Freeholder Crabb; Freeholder Parrott; Freeholder Wirths;  
Freeholder Zellman; Freeholder Director Vetrano; Dennis  
McConnell, County Counsel; John Eskilson, County  
Administrator; Elaine Morgan, Clerk
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, 2009 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
The Daily Record	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**

A.

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**PUBLIC HEARING – 5:08 PM**

**FINAL ADOPTION – ORDINANCE  
246-2009**

**Freeholder Director Vetrano:** "At our regular meeting held on April 8, 2009, we introduced for first reading the following Resolution which was advertised in the New Jersey Herald issue of April 15, 2009, together with a Notice of Public Hearing stating it would be held at this meeting at 5:00 PM:

**ORDINANCE TO AMEND AN ORDINANCE OF THE SUSSEX COUNTY BOARD OF CHOSEN FREEHOLDERS PROVIDING FOR THE EXPANSION OF ENVIRONMENTAL ENFORCEMENT AUTHORITY AND TO PROVIDE ADDITIONAL FINANCIAL RESOURCES FOR THE RESPONSIBILITIES SET FORTH UNDER THE "COUNTY ENVIRONMENTAL HEALTH ACT", ADOPTED APRIL 13, 1994**

Is anyone present to be heard regarding this Ordinance?

There was no one present.

**MOTION** that the Public Hearing be closed made by Freeholder Wirths, seconded by Freeholder Parrott and passed unanimously.

**MOTION** that this Ordinance be finally adopted made by Freeholder Zellman, seconded by Freeholder Crabb.

On Roll Call the vote was:

Freeholder Crabb	Yes
Freeholder Parrott	Yes
Freeholder Wirths	Yes
Freeholder Zellman	Yes
Freeholder Director Vetrano	Yes

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

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## 6. PROCLAMATIONS/CERTIFICATES/PRESENTATIONS

### A. Proclamations/Certificates

1. Proclamation in recognition of Jim Carlson attaining the rank of Eagle Scout.  
**247-2009**
2. Proclamation in recognition of Jennifer Humphries attaining the Girl Scout Gold Award.  
**248-2009**
3. Proclamation in recognition of Jessica Shively attaining the Girl Scout Gold Award.  
**249-2009**
4. Proclamation declaring the week of April 26 – May 2, 2009 as “Sussex County Crime Victims’ Rights Week”.  
**250-2009**
5. Proclamation declaring the month of May, 2009 as “Older Americans’ Month”.  
**251-2009**
6. Proclamation declaring the week of May 3-9, 2009 as “National Correctional Officers’ Week”.  
**252-2009**
7. Proclamation declaring May 12, 2009 as “Bike to Work Day” in Sussex County.  
**253-2009**
8. Proclamation declaring the week of May 2 – 9, 2009 as “National Children’s Mental Health Awareness Week”.  
**254-2009**
9. Certificate for the Sussex District, Patriot’s Path Council of the Boy Scouts of America in recognition of May, 2009 being declared “Service to Community Month” in Sussex County.  
**255-2009**
10. Certificates for students that participated in Sussex County Youth in County Government Day-2009.  
**256-2009**

There was an additional Proclamation for the Board's approval.

11. Proclamation declaring April 19-25, 2009 as "Organ and Tissue Donor Awareness Week" in Sussex County.  
**257-2009**

**MOTION** made by Freeholder Zellman to approve these Proclamations and these Certificates, seconded by Freeholder Parrott and passed unanimously.

**7. PUBLIC SESSION FROM THE FLOOR**  
**(Please note: Everyone is asked to keep their comments to 10 minutes or less)**

**MOTION** made at 5:30 p.m. by Freeholder Crabb to open the meeting to the Public, seconded by Freeholder Parrott and passed unanimously.

**Issue with Ann Smulewicz**

Ann Smulewicz, a resident of Hamburg, came forward.

Mr. McConnell asked Mrs. Smulewicz if her comments would be in regard to her complaint with the Department of Environmental and Public Health Services; he stated that he and Mrs. Smulewicz have had conversations and have met several times regarding the matter and have not been able to come to a resolution; Mr. McConnell said that at the present time he has prepared a complaint in the matter and it was about to be served.

Mr. McConnell advised the Board not to enter into any dialogue because this was potential litigation and as soon as it was filed it would be pending litigation; he also advised Mrs. Smulewicz that anything she said at this time could be a detriment to her case; he continued to advise her to have her attorney call him directly as he stated it was not in the best interests of her (Mrs. Smulewicz) or the County.

**MOTION** made at 5:37 p.m. by Freeholder Parrott to close the meeting to the Public, seconded by Freeholder Crabb and passed unanimously.

**8. APPROVAL OF CONSENT AGENDA**

- A. RESOLUTION RE: PAYMENT OF BILLS  
**258-2009**
- B. RESOLUTION RE: AUTHORIZATION FOR SUSSEX COUNTY BOARD OF CHOSEN FREEHOLDERS TO ALLOW THE DEPARTMENT OF HUMAN SERVICES, DIVISION OF SOCIAL SERVICES TO SUBMIT A SPENDING PLAN TO THE NEW JERSEY DEPARTMENT OF HUMAN SERVICES, DIVISION OF FAMILY DEVELOPMENT FOR ADDITIONAL FOOD STAMP PROGRAM ADMINISTRATIVE SERVICES TO BENEFIT LOW INCOME SUSSEX COUNTY RESIDENTS (Resolution authorizes this submission to receive \$29,320.00 for the period ending September 30, 2010)
- C. RESOLUTION RE: AUTHORIZATION TO PROVIDE FOR THE PURCHASE AND INSTALLATION OF A NEW FURNACE AT THE WEIGHTS AND MEASURES FACILITY FOR THE SUSSEX COUNTY DIVISION OF FACILITIES MANAGEMENT (Resolution authorizes this purchase from Cortese Corporation in the amount of \$31,400.00)  
**260-2009**

- D. RESOLUTION RE: AUTHORIZING THE EXECUTION OF AN INTER-GOVERNMENTAL SERVICE AGREEMENT BETWEEN THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY, U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT, OFFICE OF DETENTION AND REMOVAL, AND THE COUNTY OF SUSSEX TO PROVIDE DETENTION SERVICES FOR FEDERAL DETAINEES  
**261-2009**

**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 Parrott to approve the Financial Consent Agenda, seconded by Freeholder Wirths.

**Resolution 8. D.**

Freeholder Zellman asked what the duration of the detention was for the Federal detainees.

Mr. McConnell said that the timeframe was predicated by the Federal Government.

On Roll Call the vote was:

Freeholder Crabb	Yes
Freeholder Parrott	Yes
Freeholder Wirths	Yes
Freeholder Zellman	Yes
Freeholder Director Vetrano	Yes

**9. APPROVAL OF MINUTES**

There were no minutes for approval.

**10. APPOINTMENTS AND/OR RESIGNATIONS**

A. Appointments

1. RESOLUTION RE: REAPPOINTMENT OF THE MEMBERSHIP OF THE SUSSEX COUNTY STRATEGIC GROWTH ADVISORY COMMITTEE FOR TERMS OF TWO YEARS EACH (Resolution appoints the entire membership for two (2) year terms expiring December 31, 2010)  
**262-2009**

**MOTION** made by Freeholder Wirths to adopt this Resolution, seconded by Freeholder Crabb and passed unanimously.

**11. RESOLUTIONS**

There were no Resolutions for Item #11.

**12. AWARDS OF CONTRACTS/CHANGE ORDERS/BIDS**

A. Awards of Contract

1. RESOLUTION RE: AWARD OF CONTRACTS FOR RENTAL OF

**263-2009** VARIOUS ROAD MAINTENANCE EQUIPMENT FOR THE COUNTY OF SUSSEX (Resolution awards these Contracts to the lowest responsible bidder for each item with the rental prices being at the rates specified in the bid proposal)

2. **264-2009** RESOLUTION RE: AWARD OF CONTRACT FOR BALANCE TESTING EQUIPMENT-MEDTRAK OR EQUAL FOR THE SUSSEX COUNTY DIVISION OF THE HOMESTEAD (Resolution awards this Contract to the only responsible bidder, Medtrak Technologies, Inc., in the amount of \$76,000.00)
3. **265-2009** RESOLUTION RE: AWARD OF CONTRACT FOR AERIAL LARVICIDING AND ADULTICIDING OF MOSQUITOES – 2009 (Resolution awards this Contract to the only bidder, Rebecca Lynn Flying Service, in the approximate amount of \$42,100.00)

Freeholder Vetrano said that there was an additional Resolution for the Board's consideration.

Mr. Eskilson said that it was a Resolution regarding the purchase of four vehicles; he explained that the SHARE grant was providing funding in the amount of \$44,000.00 towards the purchase as a part of the transition of the Vernon Health Department to the County; Mr. Eskilson added that one of the vehicles would also be for the Division of Social Services to assist with the transportation of persons to medical appointments.

4. **266-2009** RESOLUTION RE: AUTHORIZATION TO PROVIDE FOR THE PURCHASE OF VEHICLES FOR VARIOUS SUSSEX COUNTY AGENCIES

**MOTION** made by Freeholder Parrott to adopt these Resolutions, seconded by Freeholder Wirths.

On Roll Call the vote was:

Freeholder Crabb	Yes
Freeholder Parrott	Yes
Freeholder Wirths	Yes
Freeholder Zellman	Yes
Freeholder Director Vetrano	Yes

### 13. **FINANCIAL**

A.

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#### **INTRODUCTION FOR FIRST READING – BOND ORDINANCE 267-2009**

**BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS BY THE COUNTY OF SUSSEX, NEW JERSEY, APPROPRIATING THE AGGREGATE AMOUNT OF \$5,958,750.00 THEREFOR AUTHORIZING THE ISSUANCE OF \$5,675,000.00 BONDS OR NOTES OF THE COUNTY TO FINANCE PART OF THE COST THEREOF**

**MOTION** to adopt this Bond Ordinance on first reading made by Freeholder Crabb, seconded by Freeholder Wirths.

On Roll Call the vote was:

Freeholder Crabb	Yes
Freeholder Parrott	Yes
Freeholder Wirths	Yes
Freeholder Zellman	Yes
Freeholder Director Vetrano	Yes

**MOTION** to authorize the Clerk to advertise this Bond Ordinance as introduced for first reading, and also post same on the bulletin board in the lobby of the County Administrative Center, together with a Notice of Public Hearing stating that a hearing will be held on May 13, 2009 at 5:00 pm prior to final adoption of this Bond Ordinance made by Freeholder Parrott, seconded by Freeholder Zellman and passed unanimously.

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**14. PERSONNEL**

- A. Personnel Agenda

There were no items for the Personnel Agenda.

**15. ADMINISTRATIVE REPORT**

- A. Other

Mr. Eskilson said that he had one item to bring to the Board's attention; he informed the Board that later this evening, he, Herbert Yardley, and Ellen Phelps would be going before the Hopatcong Board of Health to discuss what may be the final vote on the move of the Hopatcong Health Department into the County's health system; he told the Board he would keep it apprised of any action in this matter.

**16. COUNTY COUNSEL**

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

Mr. McConnell said that he had no report at this time.

**17. UNFINISHED BUSINESS**

There was no Unfinished Business.

**18. NEW BUSINESS**

- A. Discussion concerning correspondence from Friends of Wallkill River National Wildlife Refuge asking for letters of support to be sent to Representative Garrett and Senators Lautenberg and Menendez.
- B. Discussion concerning correspondence received from the Township of Green requesting a letter of support in its pursuit to rebuild and improve the Lake Tranquility Bridge.

Freeholder Vetrano referred to the letters of support requested in items 18. A. and 18. B., which were completed and in the meeting packets; he asked for a Motion to approve same.

**MOTION** made by Freeholder Wirths to approve the two letters of support requested in items 18. A. and 18. B., Friends of Wallkill River National Wildlife Refuge, and the Township of Green, respectively, seconded by Freeholder Zellman.

Mr. McConnell stated that the two items should be voted on separately as Freeholder Crabb indicated that he should abstain from Item 18. A.

Roll Call for item 18. A.

On Roll Call the vote was:

Freeholder Crabb	Abstain
Freeholder Parrott	Yes
Freeholder Wirths	Yes
Freeholder Zellman	Yes
Freeholder Director Vetrano	Yes

Item 18. B. was approved unanimously.

**19. PUBLIC SESSION FROM THE FLOOR**  
**(Please note: Everyone is asked to keep their comments to 10 minutes or less)**

**MOTION** made at 5:55 p.m. by Freeholder Zellman to open the meeting to the Public, seconded by Freeholder Wirths and passed unanimously.

There was no one.

**MOTION** made at 5:56 p.m. by Freeholder Wirths to close the meeting to the Public, seconded by Freeholder Zellman and passed unanimously.

**20. FREEHOLDERS' COMMENTS**

**Solid Waste Advisory Council (SWAC) Meeting**

Freeholder Crabb said that he attended the recent Solid Waste Advisory Council (SWAC) Meeting; it was determined at this meeting that the SWAC would begin to consider flow control measures; he also informed the Board that talks have started with the respective communities regarding the disposition of the Landfill beyond its projected life of 2016.

**Support for Assembly Bill A-3214**

Freeholder Wirths asked for the Board's consensus in supporting Assembly Bill A-3214, regarding sending out sample ballots to people who never vote; there is a card that is sent out to those persons to respond if they wish to continue to receive the sample ballots; in many cases, the persons are deceased or have relocated and the sample ballots continue to be sent out to them; Freeholder Wirths said that the Bill would eliminate the requirement that sample ballots continue to be mailed out after a confirmation notice is sent and the voter does not respond to the confirmation notice; this would save money and would also contribute to the "Go Green" effort.

Freeholder Wirths said that he felt that the County Clerk, Erma Gormley, should be contacted to ask her if there were any reasons why the Board should not support Assembly Bill A-3214.

**Parking for "Youth in County Government Day"**

Freeholder Parrott suggested that for next year, students participating in the event should be instructed to park in the parking garage at the Courthouse; he thanked those involved in putting the event together.

**Route 206 project**

Freeholder Zellman said that the Route 206 project was now in the Capital Plan for 2010; it was the only project that moved from Tier 2 to Tier 1 as a result of the stimulus package.

### **Resolution regarding “price gouging”**

Freeholder Zellman referred to a Resolution that several other Counties have adopted regarding price gouging as a result of the stimulus package; she said that the concern was that there would be a lot of price gouging, especially with the many road resurfacing projects that are being done throughout the State, and that the prices of asphalt would increase.

Freeholder Zellman suggested that the Board review the other Resolutions and consider placing one on the next agenda.

### **Letter from Kirk Perry/Kohl’s driveway opening**

Freeholder Zellman referred to the letter from Kirk Perry on behalf of the Planning Board regarding the driveway opening at the Kohl’s store on North Park Drive; she asked if this was something that the Board should pursue.

Mr. Eskilson said that there was a meeting scheduled for next week on site with representatives of the developer, the Town of Newton, County Counsel, and the Division of Engineering.

### **Letter from JCP&L regarding a rate increase**

Freeholder Zellman referred to the letter from Jersey Central Power & Light (JCP&L) regarding a proposed rate increase; she said that a rate increase at this particular time would make it extremely difficult for many families to pay their electric bills; Freeholder Zellman said that she would like someone from JCP&L to attend a Freeholder Meeting to explain the proposed rate increase.

There was a brief discussion on the proposed rate increase and prior rate increases; the Board requested the Clerk of the Board to contact JCP&L to request that a representative attend the May 13, 2009 Freeholder Meeting to explain the next proposed rate increase; Freeholder Zellman stated that she would provide the Clerk with the name of someone to contact at JCP&L.

### **Farmland Preservation closings**

Freeholder Vetrano said that Donna Traylor would provide him with a comprehensive update on farm closings for the next meeting.

Freeholder Wirths said that he did not want a long report; it should only be bullet points, listing the number of farms closed, the dollar amount, and the number of acres.

### **Request for a Freeholder to serve on a committee to study the purchase of the Sussex Airport**

Freeholder Vetrano said that Mayor Space of Wantage Township had requested a Freeholder to serve on a committee to study the purchase of the airport located in the Township.

There was a brief discussion; Freeholder Wirths said that he would participate on the committee.

### **New Jersey Smart Workplace Winner’s Circle**

Freeholder Vetrano referred to the County’s recognition by the New Jersey Department of Transportation, New Jersey Smart Workplace Winner’s Circle.

There was a brief discussion as to County representation at the presentation of the award; Freeholder Zellman said that she would attend.

### **Farmer’s Market Building**

Freeholder Vetrano reported that ground was broken on the Farmer's Market Building; there will probably be a groundbreaking ceremony in the near future to promote the project and inform the public.

## **COAH**

Mr. Eskilson briefly discussed how everyone thought the issue of COAH and the waiving of the fee on businesses was done; it did pass the Senate, but it is stuck and not moving in the Assembly; Mr. Eskilson said that Speaker Roberts was the sponsor of the original Bill and he understood that the problem was with the Speaker.

There was a brief discussion regarding the Board getting involved and urging the Assembly to move the Legislation to eliminate the two and one half percent on all commercial construction; Freeholder Vetrano requested that Freeholder Zellman work with Mr. Eskilson on this issue.

The Board decided that a Resolution to urge that this Legislation be moved should be completed for placement on the next Agenda.

### **21. EXECUTIVE SESSION**

There were no items for Executive Session.

#### RESOLUTION RE: REQUESTING EXECUTIVE SESSION

- 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, 2009                                      Regular Meeting      5:00 pm

### **23. ADJOURNMENT**

**MOTION** made at 6:12 p.m. by Freeholder Crabb to adjourn, seconded by Freeholder Wirths and passed unanimously.

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Elaine A. Morgan, Clerk

**DATED: April 22, 2009**