

REGULAR MEETING HELD ON WEDNESDAY, APRIL 27, 2011

5:00 PM

ORDER OF BUSINESS

Item

1. CALL TO ORDER BY DIRECTOR at 5:03 p.m.

2. ROLL CALL: Freeholder Crabb; Freeholder Space; Freeholder Vohden;
Freeholder Zellman; Freeholder Director Zeoli; Bernard Re,
County Treasurer for John Eskilson, County Administrator;
Dennis McConnell, County Counsel; Elaine Morgan, Clerk

John Eskilson, County Administrator, was absent

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 February 15, 2011 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/Certificates

1. Proclamation declaring the month of April, 2011 as "Alcohol Awareness Month".

289-2011

2. Proclamation declaring the week of May 6-12, 2011 as "National Nurses Week".

290-2011

3. Proclamation declaring the month of May, 2011 as "National Drug Court Month".

291-2011

4. Proclamation declaring the month of May, 2011 as "Older Americans Month".

292-2011

MOTION made by Freeholder Crabb to approve these Proclamations, seconded by Freeholder Space and passed unanimously.

7. PUBLIC SESSION FROM THE FLOOR

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

MOTION made at 5:21 p.m. by Freeholder Crabb to open the meeting to the Public, seconded by Freeholder Vohden and passed unanimously.

Comment from Dennis Mudrick/alcohol awareness

Dennis Mudrick, Sparta, came forward; he said he would like to acknowledge the Freeholders for recognizing those who are involved with alcohol awareness programs; he stated that when he served as Vernon Township High School Principal, a program call "Project Alert" was presented to parents which was very informative for the school community.

MOTION made at 5:23 p.m. by Freeholder Space to close the meeting to the Public, seconded by Freeholder Vohden and passed unanimously.

8. FREEHOLDERS' COMMENTS

Comments from Freeholder Vohden

- **Meeting with dairy farmers**

Freeholder Vohden referred to a meeting held recently with dairy farmers and representatives from the Department of Agriculture and the Department of Community Affairs, Senator Oroho, Freeholder Zeoli, Glen Vetrano, and former Secretary of Agriculture, Charles Kuperus; the main topic of discussion was the issue of marketing to one cooperative buyer; this buyer also provides the required inspection for the farmers to sell milk; it was agreed by everyone that it would be beneficial to the farmers if they could have their farms inspected by another entity; Freeholder Vohden said that he met with Herb Yardley, Administrator, Department of Environmental and Public Health Services; Mr. Yardley is investigating the possibility of one of the County Health Inspectors having the ability to inspect these farms; Freeholder Vohden said he has also spoken to the NJ Department of Health, the NJ Department of Agriculture, the Dairy Alliance, and Dan Wunderluch, former Sussex County Extension Agent; it was agreed that with everyone working together, this issue could be resolved.

- **Implementation of the Highlands Act**

Freeholder Vohden said that a meeting of the legislative Environmental and Energy Committees of both the Senate and the Assembly will be held on April 28, 2011; discussion will be the implementation of the Highlands Act; this will be the first time these committees have met to discuss the Act since it was enacted.

- **Appointments to the Highlands Council**

Freeholder Vohden said that also on April 28, 2011, the Senate Judiciary Committee will consider the confirmation of four of the Governor's appointments to the Highlands Council; there are two persons who are not being considered, the Mayor of White Township in Warren County and himself; Freeholder Vohden noted that he and the Mayor of White Township are the only two persons who are landowners that are affiliated with the farming community and are both now residents of the newly formed legislative district.

- **Farmland Preservation**

Freeholder Vohden noted that there are now 16,458 acres preserved under the Farmland Preservation program in Sussex County; there are 12 new applications for another 1,000 acres; Sussex County has received approval for a Green Acres matching grant for \$900,000.00.

Comments from Freeholder Crabb

- **Solar power initiative**

Freeholder Crabb noted that the success of the solar power initiative with the Morris County Improvement Authority seems to be taking off; there are about 70 parcels that are being considered; engineers will determine the feasibility of these parcels; approximately 12-14 school districts have responded, with at least as many municipalities.

- **Shared Services update**

Freeholder Crabb said that discussions were currently being held with the Town of Newton regarding fleet maintenance.

Comments from Freeholder Zellman

- **Mental Health Board**

Freeholder Zellman said that a press release would be sent out regarding the need for new members; letters have also been sent out to various agencies.

- **Money Smart Week**

Freeholder Zellman noted that May 16 – 19, 2011 is Money Smart Week in Sussex County; there will be morning programs for seniors, with Money Smart University as a one night event on May 17 offering many workshops for people of all ages; the Center for Prevention & Counseling will present an estate planning workshop on May 18 at the Lake Mohawk Country Club.

- **Meeting with Congressman Frelinghuysen**

Freeholder Zellman met with Congressman Frelinghuysen and discussed many things, including transportation dollars; Congressman Frelinghuysen said that the Lackawanna Cutoff was going forward; Freeholder Zellman said she mentioned the NYS&W because of the interest of the resort areas in Vernon Township doing reverse commutes; Congressman Frelinghuysen said this issue was not dead and he continues to talk this up as well; projects on Routes 23 and 94 are also moving forward.

- **Lake Musconetcong**

Freeholder Zellman referred to the issue of the dead fish on Lake Musconetcong; the Lake Board has been in contact with the Department of Environmental Protection and various other agencies to determine what the cause is; she said the cause might be from bacteria because the lake was lowered this year in order to help freeze the roots of the weeds; this also decreased the bio-mass which added to the propagation of the bacteria.

- **Waterloo Music Festival**

Freeholder Zellman said that the Waterloo Music Festival will be held on May 14 and 15, 2011; information may be accessed on line; net proceeds will go towards the restoration of Waterloo Village.

9. APPROVAL OF CONSENT AGENDA

A. RESOLUTION RE: PAYMENT OF BILLS
293-2011

B. RESOLUTION RE: AUTHORIZING THE SUBLEASE OF CERTAIN REAL

- 294-2011** PROPERTY LOCATED IN THE TOWNSHIP OF FRANKFORD TO THE SUSSEX COUNTY BOARD OF AGRICULTURE (Resolution authorizes the sublease of the Farmer's Market)
- C. **295-2011** RESOLUTION RE: AUTHORIZING THE ISSUANCE OF PURCHASE ORDERS UNDER THE PROVISIONS OF N.J.S.A. 19:44A-20.4 ET SEQ. FOR VARIOUS SERVICES, WITH ACCUMULATED VALUE LESS THAN THE BID THRESHOLD, AS STATED BELOW (Resolution authorizes these purchase orders for Degan Landscape Management, LLC and J. A. Sexauer – plumbing parts for the Jail Security Fixtures)
- D. **296-2011** RESOLUTION RE: AUTHORIZING THE ISSUANCE OF PURCHASE ORDERS UNDER THE PROVISIONS OF N.J.S.A. 19:44A-20.4 ET SEQ. FOR VARIOUS BID EXEMPT SERVICES AS STATED BELOW (Resolution authorizes these purchase orders for RP Baking dba Pechter's; and Aeris Consulting & Management, LLC)

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 Crabb to adopt the Financial Consent Agenda, seconded by Freeholder Zellman.

On roll call the vote was:

Freeholder Crabb	Yes
Freeholder Space	Yes
Freeholder Vohden	Yes
Freeholder Zellman	Yes
Freeholder Director Zeoli	Yes

10. APPROVAL OF MINUTES

Regular Meeting March 30, 2011

MOTION made by Freeholder Space to approve these minutes, seconded by Freeholder Vohden and passed unanimously.

11. APPOINTMENTS AND/OR RESIGNATIONS

A. Appointments

- 297-2011** RESOLUTION RE: REAPPOINTMENT OF NANCY HESLIN READING AS A MEMBER OF THE ADVISORY COUNCIL OF THE SUSSEX COUNTY DIVISION OF SENIOR SERVICES FOR A THREE (3) YEAR TERM. TERM TO BEGIN IMMEDIATELY AND EXPIRE DECEMBER 31, 2013
- 298-2011** RESOLUTION RE: APPOINTMENT OF BRIAN FORD, BRIAN McALISTER AND ANNMARIE SHAFER AS MEMBERS OF THE SUSSEX COUNTY LOCAL ADVISORY COMMITTEE ON ALCOHOLISM AND DRUG ABUSE FOR TERMS OF THREE (3) YEARS EACH. TERMS TO BEGIN IMMEDIATELY AND EXPIRE DECEMBER 31, 2013

MOTON made by Freeholder Zellman to adopt these Resolutions, seconded by Freeholder Space and passed unanimously.

MOTION made by Freeholder Space to adopt these Resolutions, seconded by Freeholder Crabb.

On roll call the vote was:

Freeholder Crabb	Yes
Freeholder Space	Yes
Freeholder Vohden	Yes
Freeholder Zellman	Yes
Freeholder Director Zeoli	Yes

14. FINANCIAL

- A. RESOLUTION RE: AUTHORIZATION FOR THE SUSSEX COUNTY CHIEF FINANCIAL OFFICER/COUNTY TREASURER TO EXECUTE AN ENGAGEMENT LETTER WITH INTEGRITY PUBLIC FINANCE TO PREPARE FEDERAL ARBITRAGE COMPLIANCE DOCUMENTS
303-2011

- B. RESOLUTION RE: AMENDING THE 2011 CAPITAL BUDGET
304-2011

- C. RESOLUTION RE: APPROPRIATING \$150,000.00 FROM THE CAPITAL IMPROVEMENT FUND TO ESTABLISH A RESERVE FOR PRELIMINARY EXPENSES TO DETERMINE THE FEASIBILITY OF LOCAL UNITS FACILITIES SOLAR ENERGY PROGRAM
305-2011

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

Resolution 14. C.

Freeholder Crabb stated that this appropriation was due to the overwhelming response for this initiative.

Freeholder Zellman asked if the County had the ability to be reimbursed.

Bernard Re, County Treasurer, replied that the ability is out there to be reimbursed if the County goes further with this; if the feasibility study proves that the County should move forward with this and it issues debt, a part of that debt will be reimbursed.

On roll call the vote was:

Freeholder Crabb	Yes
Freeholder Space	Yes
Freeholder Vohden	Yes
Freeholder Zellman	Yes
Freeholder Director Zeoli	Yes

D.

**INTRODUCTION FOR FIRST READING – BOND ORDINANCE
306-2011**

BOND ORDINANCE PROVIDING FOR VARIOUS 2011 CAPITAL IMPROVEMENTS BY AND IN THE COUNTY OF SUSSEX, STATE OF NEW JERSEY, APPROPRIATING \$6,281,520.00 THEREFOR AND AUTHORIZING \$5,982,400.00 BONDS OR NOTES OF THE COUNTY TO FINANCE PART OF THE COSTS THEREOF

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

On roll call the vote was:

Freeholder Crabb	Yes
Freeholder Space	Yes
Freeholder Vohden	Yes
Freeholder Zellman	Yes
Freeholder Director Zeoli	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 11, 2011 at 5:00 pm prior to final adoption of this Bond Ordinance made by Freeholder Crabb, seconded by Freeholder Zellman and passed unanimously.

E.

**INTRODUCTION FOR FIRST READING – CAPITAL ORDINANCE
307-2011**

**CAPITAL ORDINANCE APPROPRIATING \$1,872,700.00 TO BE RECEIVED FROM THE
NEW JERSEY DEPARTMENT OF TRANSPORTATION LOCAL AID TO COUNTIES FOR
INTERSECTION IMPROVEMENTS AND ANNUAL ROAD RESURFACING PROGRAM**

MOTION to adopt this Capital Ordinance on first reading made by Freeholder Zellman, seconded by Freeholder Space.

On roll call the vote was:

Freeholder Crabb	Yes
Freeholder Space	Yes
Freeholder Vohden	Yes
Freeholder Zellman	Yes
Freeholder Director Zeoli	Yes

MOTION to authorize the Clerk to advertise this Capital 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 11, 2011 at 5:00 pm prior to final adoption of this Capital Ordinance made by Freeholder Vohden, seconded by Freeholder Zellman and passed unanimously.

15. PERSONNEL

A. Personnel Agenda

There was no Personnel Agenda.

16. ADMINISTRATIVE REPORT

A. Other

Mr. Re stated that he did not have a report at this time.

17. COUNTY COUNSEL

A. Capital Projects

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

Mr. McConnell stated that he had one item under Litigation for Closed Session regarding Styx vs. the County of Sussex.

18. UNFINISHED BUSINESS

There were no items for Unfinished Business.

19. NEW BUSINESS

Letter of Support

Freeholder Zellman requested the Board's approval to send a letter of support to the EPA; she explained that at this time it was a proposal that was under review, sent by Allied Biological on behalf of the Lake Musconetcong Regional Planning Board, to do hydro raking; this process rakes off the muck on the bottom of the lake and would then, hopefully, capture the water chestnut seed pods.

The Board agreed to send the letter of support.

20. PUBLIC SESSION FROM THE FLOOR

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

MOTION made at 5:45 p.m. by Freeholder Crabb to open the meeting to the Public, seconded by Freeholder Vohden and passed unanimously.

There was no one.

MOTION made at 5:46 p.m. by Freeholder Crabb to close the meeting to the Public, seconded by Freeholder Zellman and passed unanimously.

--

Freeholder Zeoli asked for a Motion to formally change the next meeting date from May 25, 2011, 5:00 p.m., to May 26, 2011, 5:00 p.m.

MOTION made by Freeholder Zellman to change the next Regular Meeting from May 25, 2011, 5:00 p.m., to May 26, 2011, 5:00 p.m., seconded by Freeholder Vohden and passed unanimously.

21. EXECUTIVE SESSION

MOTION made at 5:46 pm by Freeholder Crabb to go into Executive Session for the purpose of discussing litigation in the matter of Styx vs. the County of Sussex, seconded by Freeholder Zellman and passed unanimously.

**RESOLUTION RE: REQUESTING EXECUTIVE SESSION
308-2011**

- 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.

MOTION made at 6:04 pm by Freeholder Zellman to come out of Executive Session and return to Public Session, seconded by Freeholder Space and passed unanimously.

MOTION made by Freeholder Vohden to direct County Counsel to negotiate, as set forth in Executive Session, with the attorney for Styx Cigar Lounge, seconded by Freeholder Zellman and passed unanimously.

22. REMINDERS

Wednesday May 11, 2011 Regular Meeting 5:00 pm

23. ADJOURNMENT

MOTION made at 6:05 p.m. by Freeholder Space to adjourn, seconded by Freeholder Zellman and passed unanimously.

Elaine A. Morgan, Clerk
Board of Chosen Freeholders

DATED: April 27, 2011