

REGULAR MEETING HELD ON WEDNESDAY, FEBRUARY 13, 2013

5:00 PM

ORDER OF BUSINESS

Item

1. CALL TO ORDER BY DIRECTOR at 5:03 pm
2. ROLL CALL: Freeholder Crabb; Freeholder Mudrick; Freeholder Vohden; Freeholder Director Space; John Eskilson, County Administrator; Dennis McConnell, County Counsel; Elaine Morgan, Clerk

Absent: Freeholder Phoebus

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 8, 2013 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

A.

-----  
--

**PUBLIC HEARING – 5:04 PM**

**Proposed Sussex County Future Wastewater Service Area (FWSA) Map  
Sussex County Wastewater Management Plan (WMP)  
Proposed Amendment to the Sussex County Water Quality Management Plan (WQMP)  
– Morris and Sussex Counties (the proposed amendments are for the entire area of Sussex County and areas of the Morris County FWSA map wholly within the Sussex County WQM Plan (only those portions of Jefferson Township, Mount Arlington Borough, Netcong Borough and Roxbury Township)  
Program Interest No.: 435459  
Activity No.: WMP120002**

**MOTION** made by Freeholder Crabb to open the Hearing to the Public, seconded by Freeholder Mudrick and passed unanimously.

Is anyone present to be heard regarding this Amendment?

Eric Keller, Omland Engineering Associates, came forward and said he was here on behalf of himself and the New Jersey Builders Association, the Community Builders Association and the Builders and Remodelers Association of New Jersey; he said he has been involved in this Plan for a long time; from his perspective and from the builders' perspectives there is a lack of balance in this Plan; the DEP was very black and white as to what's in and what's out; the various sewerage authorities that have built facilities, both treatment plants and collection systems, as well as the municipalities that have built those collection systems have put millions of dollars into this and they are now going to be essentially precluded from using the capacity that they built.

Mr. Keller said for most of Sussex County, there are no capacity problems in his facilities; there is available capacity to build, there is available land to build in centers and the DEP is saying that they can't use that; a good portion of the County is also in the Highlands Region and the Highlands Council, as they go through the conformance process, is putting its stamp on this and there is no clear direction as to how the Highlands Council is going to be dealing with those portions of the County that remain in the Sewer Service Area that are infill lots, that are potential development lots and because they are not developed today, are going to be taken out of the Sewer Service Area.

Mr. Keller said he mentioned they represent municipalities and they also represent development activity; he told the Board that their activity in this County is very limited; they work hard, they try hard, but there is not a lot of interest in development, especially when the DEP is telling them that they can't build there because it is not going to be in a Sewer Service Area; DEP's responses to them have been to do a habitat study, spend thousands of dollars to prove to them (the DEP) that there is no endangered or threatened species on this tract; when you go through their own landscape project where they are saying these animals could be on this property, their own data says there is no reason they would be there.

Mr. Keller said while he understands that the County has worked hard and has done a very good job in putting this together, he feels the process is flawed, the direction from the DEP is not balanced and unfortunately the County and the residents of this County are the ones who are going to pay the price, both in the short term and in the long term; he is not saying that every piece of property that is undeveloped should be developed; there are certainly some environmentally sensitive lands in this County that should be preserved and there are a lot of regulations at DEP that protect those lands; wastewater management should not be another means by which the DEP tells property owners and local and County government how that land should be developed; that is what zoning is for and that's what all the other environmental regulations are for.

Thank you for your time.

John Carafellow, Andover Township, came forward and said his comments were more widespread; he said he hasn't examined these maps in detail at this point; the last time the DEP got involved, he was in the same room and it turned into a total joke, they didn't listen to the County, them or anybody else and in fact they accused them in Andover of being in the Highlands and they are not in the Highlands; they didn't even know who was in or who was out; it was so disappointing he doesn't even want to talk about it.

Mr. Carafellow said one of the things he would like the County to look at, he doesn't know if it has, from a developer's standpoint, it has to be looked at from a more macro level; they have septic regulations and sewer regulations; the septic regulations that are developed by the State of New Jersey are ridiculous after 1990 and 1991; he has tried to put his voice to try and change some of that; there are rules that talk about 5 gallon flushes and you can't buy a 5 gallon john; there are rules that talk about restaurants that have 35 gallons per day usage per seat, which is totally ridiculous because when you do the actual calculations, sometimes you are 5 to 10 times lower than what they were predicting; the septic code, along with this, you have to look at the development in the County on a macro basis, what he means is there are different demographic areas, there are different soils, there are different densities, one bullet doesn't solve the whole problem; his point tonight is he just wants to say that the Board has to look at this on a different level; the DEP was designed in the past to stop any development in the rural areas of New Jersey; now we have to drill back down to undo what's been done because the intent of what was done was not health, safety, water; if you think the Highlands is about water, God bless you; the maps themselves, he hasn't had a chance to look at them; he feels if it is done in a combination of ways, areas that aren't serviced by sewer; do they have to stick to these regulations when there are so many new septic systems out there in the market nationwide and the DEP doesn't want to talk to them about it; he knows Mr. Snyder has worked on some in the past and he has worked on some things; nitrate systems and try to lower the nitrates and you don't get any response at all from these people; why? Because they really don't want development.

Mr. Carafellow said we all live here, we all have invested here, he has invested his money in Sussex County; he hasn't invested in China, Russia, templeton funds; he invests in Sussex County; he believes in where he lives; that what he thinks he would like to see the Freeholders, as a whole, say, give some direction because we have to get these septic codes changed to be more reasonable; he feels that means a lot to the future.

Freeholder Crabb said they don't talk to each other down in Trenton; the third floor doesn't talk to the first floor; the nitrate dilution levels have been bothering him for so long because nitrate dilutions that they want to lower it down to would indicate 3 acre zoning; where are you going to put COAH, where are you going to put affordable housing; they are just not talking to each other.

Mr. Carafellow agreed; he said when the DEP looked at this they did not look at the economics of the area, they didn't look at the demographics of the area, they just said here's this, here's this and went home; they have no idea the effect they have on people's livelihoods, values and property; they don't have a clue because they are not business people; half of them don't even own property so how would they understand what property ownership is all about; that's where I think we will have a fight on our hands and he is going to fight it of course; that's part of what he sees here.

He apologized for not having looked at the map, but he didn't know it was here until about one hour ago; thank you very much for your time.

John Eskilson, County Administrator, said he is not a real fan of defending the DEP but he has to say this is not that map; two years ago this process was completely stalled, the County was down to 8,000 acres largely just where pipes were in the ground, Commissioner Martin has had an open door, the County has been down with Senator Oroho numerous times and with the exception of three lots, 2 important lots in Stanhope that are not in here and 1 parcel in Vernon that is not included, he believed every other parcel that municipal government had requested to be put in this map is in this map; it was a bottom up process that was not possible under the old DEP, but with Senator Oroho and Commissioner Martin and his staff, they have been very accommodating and, in fact, with the exception of 3 very important lots of all the parcels that are in there; this is what municipal government put forward and the County moved it through the DEP, so I am not sure we are talking about the same map; there really has been a lot of change in the last 18 months; significant movement on the part of DEP; he just wanted to make sure that the County thanks the current DEP and the Commissioner for doing a good job with the handcuffs they have in the form of regulations to advance a Plan that is at least acceptable to most municipalities at this point.

Freeholder Crabb said there is probably no better advocate for that than the senior staff here; the story that isn't being told is that the County even found a way to get the Commissioner to sign a document on the beach on vacation for a very important parcel; staff has been working very hard; the map the County has now doesn't look anything like the old map.

Mr. Eskilson said also that this is what municipal government asked for in large part; and again not to dismiss Stanhope's concerns, those lots are important, but with that exception and one parcel in Vernon, this represents what municipal governments in this County asked for.

George Graham, Stanhope, came forward and said Stanhope's engineer is here and Mr. Snyder has also been very helpful in this; it is a two way street; Mr. Eskilson is right, this Board here and also the change in administration did make a big difference in how Stanhope proceeded with this; this has been going on for years; he remembers going to the first meeting in the mid 2000's and he didn't think they were going anywhere; in the end, pretty much everything the DEP blotted out back then is still blotted out, but they have a dual problem, that is that the Highlands is also encroaching at the same time; when you take the two developable lots that they have in Stanhope, which are the only two sizable lots in Stanhope and then you add in the buffers that the DEP is giving them and basically they are shut down; that is sort of the edge; you still have COAH requirements that are ridiculous and at the same time you can't build to do anything about it so they have to come up with a plan or join the Highlands; it is very uncomfortable.

He thanked Mr. Eskilson and Mr. Snyder very much.

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

-----  
--

B.

--

**PUBLIC HEARING – 5:18 PM**

**FINAL ADOPTION – CAPITAL ORDINANCE  
93-2013**

**Freeholder Director Space:** "At our regular meeting held on January 30, 2013, we introduced for first reading the following Capital Ordinance which was advertised in the New Jersey Herald issue of February 4, 2013, together with a Notice of Public Hearing stating it would be held at this meeting at 5:00 PM:

**CAPITAL ORDINANCE APPROPRIATING \$49,322.00 FROM GENERAL CAPITAL SURPLUS FOR FACILITIES IMPROVEMENTS RELATED TO THE 9-1-1/EMERGENCY OPERATIONS CENTER (EOC) PROJECT**

**MOTION** made by Freeholder Crabb to open the Public Hearing to the Public, seconded by Freeholder Vohden and passed unanimously.

Is anyone present to be heard regarding this Capital Ordinance?

There was no one.

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

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

On Roll Call the vote was:

Freeholder Crabb	Yes
Freeholder Mudrick	Yes
Freeholder Vohden	Yes
Freeholder Director Space	Yes

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

--

**6. PROCLAMATIONS/CERTIFICATES/PRESENTATIONS**

A. Proclamations/Certificates

1. Certificate for James Ruiz in recognition for his seven years of dedicated volunteer service as Cubmaster of Cub Scout Pack 404.

**94-2013**

2. Certificate for John G. Armeno in recognition for his volunteer service to the Sussex County community through his 24 years as a member of the Sussex County Water Quality Policy Advisory Committee (PAC), and 26 years as a member of the Solid Waste Advisory Council.

**95-2013**

3. Certificate for John and Sue Sullivan in recognition of being chosen Co-Grand Marshals of the 2013 St. Patrick's Day Parade.

**96-2013**

4. Certificate for Dawn Delaney in recognition of being chosen Co-Grand Marshal of the 2013 St. Patrick's Day Parade.

**97-2013**

5. Certificate for the Keepers of Coursens Corners in recognition of being chosen the recipient of the 2013 "Historic Preservation Recognition Award" by the Chinkchewunska Chapter National Society Daughters of the American Revolution.

**98-2013**

6. Certificate for Gene and Stephanie Bootsma in recognition of being chosen the recipient of the 2013 "Ramsey-Cooper Award" by the Chinkchewunska Chapter National Society Daughters of the American Revolution.

**99-2013**

7. Certificate for Dan Barr in recognition of being chosen the recipient of the 2013 "History Award" by the Chinkchewunska Chapter National Society Daughters of the American Revolution.

**100-2013**

8. Certificate for Linda Zwart in recognition of being chosen the recipient of the 2013 "Community Service Award" by the Chinkchewunska Chapter National Society Daughters of the American Revolution.

**101-2013**

**MOTION** made by Freeholder Vohden to approve these Certificates, seconded by Freeholder Crabb 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 5:23 pm to open the meeting to the Public by Freeholder Crabb, seconded by Freeholder Vohden and passed unanimously.

**Needs Assessment – Keogh-Dwyer Correctional Facility**

Troy Orr, Branchville, came forward to talk about Resolution 9.K.; he said he read about this consultant study on the Jail and wondered why this can't be done in-house; he said he talked to the Sheriff and the Sheriff is not in favor of the complete study; he doesn't see why his officers, who have been there for many years don't have the ability to express their viewpoints on what is necessary, what is needed, what has worked in the past and what the taxpayers don't need to pay for.

After his conversation with the Sheriff today, the Sheriff said the County was looking for a second opinion; he (Mr. Orr) doesn't know if that is the case or just the Sheriff's wording; his next question is does the County have a first opinion from the people who are in place in this County that actually would know.

Freeholder Vohden said this is a period for comment, not dialogue, but he would like to give you a response; the Sheriff's Department, the Jail, the Prosecutor's Office is 36% of the County budget and after education that leaves 14% of the budget to run the rest of the County; the first look is there look; they think they are doing a great job, the Board thinks they are doing a great job; he discussed the reasons that County is looking to have the consultant do this study. There was a lengthy discussion.

Freeholder Crabb said none of the Board members are experts, but the due diligence responsibility falls on their shoulders with regards to the taxpayers; there was a short discussion concerning the funds involved in this project and the responsibility the Board has to the taxpayers.

Mr. Eskilson, County Administrator, said just for the record this is not just a bricks and mortar study, this is about the population of the Jail and the County needs to understand who is in the Jail; if you are in for pre-trial, are you violent or are you non-violent; are there alternatives to that; this is not unique to Sussex County; he indicated there are counties all over the State doing population studies. There was a short discussion.

## **Legal Services**

Jennifer Kovach came up and said she lives and works in Sussex County; she said tonight she was here as a board member of Legal Services of Northwest Jersey; Community Benefit Organizations are human service providers serve thousands of Sussex County residents every year; that is evident and she does see that almost on a daily basis; Community Benefits Organizations are also businesses that employ citizens of Sussex County, purchase services from local vendors and also rent from local landlords as well; she wanted to thank the Freeholders for their anticipated and continued support of the Legal Services mission, which is basically to secure equal justice for low income and other very vulnerable County residents.

**MOTION** made at 5:33 pm to close the meeting to the Public by Freeholder Vohden, seconded by Freeholder Mudrick and passed unanimously.

## **8. FREEHOLDERS' COMMENTS**

### **Comments from Freeholder Crabb**

#### **SCMUA/SWAC**

Freeholder Crabb said recently the Solid Waste Advisory Council had the opportunity to hear presentations by the SCMUA and its consultant with respect to expansion of the capacity of the existing land fill; now it looks as if with various new ideas and techniques the lifespan of the landfill could extend for many years to come; perhaps measured in decades; they made the presentation to SWAC for some specific things and he explained what they were.

Freeholder Crabb said he received a letter from SWAC some time back and he asked the Board to send an affirming correspondence to the SCMUA on behalf of the Freeholder Board to bless these ideas going forward; he feels that the real details will be coming out on an on-going basis and things are looking very, very good.

### **Comments from Freeholder Vohden**

#### **New Technologies for dealing with the closure of a Landfill**

Freeholder Vohden said at the SWAC meetings they have had a few presentations on the new technologies that is not perfected enough yet and the County does not create enough garbage for the size of the units they have, but before the County does have a closure he is sure there will be some new technology that will turn trash into fuel, etc.; there is a lot of work going on mining landfills.

#### **Vacancies on Committees**

Freeholder Vohden said over the last few meetings the Board has been talking about vacancies on some of the County Committees; they have been recruiting new members; he feels it is important to appoint people to these positions that have the knowledge and experience to make the right decisions. There was a short discussion.

Freeholder Vohden said he feels it would be good for the Board members to report on the important activities that come up at their Liaison meetings.

#### **Highlands Council**

Freeholder Vohden said he is a public member on the Highlands Council, but he is a resident of Sussex County and he will report on the important matters that come up at those meetings. There was a short discussion.

### **Comments from Freeholder Mudrick**

#### **County Surrogate**

Freeholder Mudrick said he wanted to acknowledge and congratulate Gary Chiusano for being sworn in as the County Surrogate and applaud Laura Camp, Deputy Surrogate, and her team for all the work they have done since the retirement of Nancy Fitzgibbons.

**County Counsel**

Freeholder Mudrick said he also wanted to acknowledge County Counsel; he said he is always in his office working.

**Comments from Freeholder Space**

**Employer Legislative Committee/Skills USA**

Freeholder Space said that he had the opportunity to be a speaker at the Sussex County Employer Legislative Committee, which is a group of gentlemen who are employers within Sussex County; it was very informative; after that he went to the Sussex County Technical School for the Skills USA program; he explained what that was and said it is a very good program.

-----  
--

Freeholder Space brought up a Resolution that he would like the Board to act on; he read the Resolution for the audience:

**RESOLUTION RE: OPPOSING ASSEMBLY BILL A-3676  
102-2013**

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

-----  
--

Freeholder Space said he would like the Board to think about the possibility of moving a couple meetings a year around the County if that would be possible; he suggested one every other month.

**9. APPROVAL OF CONSENT AGENDA**

- A. RESOLUTION RE: PAYMENT OF BILLS  
**103-2013**
  
- B. RESOLUTION RE: AUTHORIZATION FOR THE FREEHOLDER DIRECTOR AND THE CLERK OF THE BOARD TO EXECUTE A CONTRACT WITH ADVANCE HOUSING, INC. ALLOCATING \$23,942.00 IN GRANT-IN-AID FUNDING FOR THE PROVISION OF SUPPORTIVE HOUSING SERVICES FOR THE CITIZENS OF SUSSEX COUNTY (Resolution authorizes this Contract to provide 1,198 service units at \$19.98 each for calendar year 2013)
  
- C. RESOLUTION RE: AUTHORIZATION FOR THE FREEHOLDER DIRECTOR AND THE CLERK OF THE BOARD TO EXECUTE A CONTRACT WITH FAMILY PROMISE OF SUSSEX COUNTY ALLOCATING \$12,300.00 IN GRANT-IN-AID FUNDING FOR THE PROVISION OF SUPPORTED HOUSING SERVICES FOR THE CITIZENS OF SUSSEX COUNTY (Resolution authorizes this Contract to provide 400 hours of case management services at \$18.00 a unit for a total of \$7,200.00, \$100.00 in mileage reimbursement and \$5,000.00 in Supported Housing financial assistance for calendar year 2013)
  
- D. RESOLUTION RE: AUTHORIZATION FOR THE FREEHOLDER DIRECTOR AND THE CLERK OF THE BOARD TO EXECUTE A CONTRACT WITH NEWBRIDGE SERVICES INC. ALLOCATING \$65,000.00 IN GRANT-IN-AID FUNDING FOR THE PROVISION OF MENTAL HEALTH SERVICES  
**106-2013**

FOR THE CITIZENS OF SUSSEX COUNTY (Resolution authorizes this Contract to provide 710 hours of client contact at \$91.55 per unit for calendar year 2013)

- E. **RESOLUTION RE: AUTHORIZATION FOR THE FREEHOLDER DIRECTOR AND THE CLERK OF THE BOARD TO EXECUTE A CONTRACT WITH LEGAL SERVICES OF NORTHWEST JERSEY ALLOCATING \$7,123.00 IN GRANT-IN-AID FUNDING FOR THE PROVISION OF THE BASIC NEEDS LEGAL SERVICES PROGRAM FOR THE CITIZENS OF SUSSEX COUNTY (Resolution authorizes this Contract to provide 9.49 cases at the cost of \$751.24 per case for calendar year 2013)**  
**107-2013**
- F. **RESOLUTION RE: AUTHORIZATION FOR THE FREEHOLDER DIRECTOR AND THE CLERK OF THE BOARD TO EXECUTE A CONTRACT WITH NORWESCAP CFRS (CHILD AND FAMILY RESOURCE SERVICES) ALLOCATING \$50,000.00 IN GRANT-IN-AID FUNDING FOR THE PROVISION OF CHILD CARE SERVICES FOR THE CITIZENS OF SUSSEX COUNTY (Resolution authorizes this Contract to provide a maximum of 500 child care units at \$100.00 per unit for calendar year 2013)**  
**108-2013**
- G. **RESOLUTION RE: AUTHORIZATION FOR THE FREEHOLDER DIRECTOR AND THE CLERK OF THE BOARD TO EXECUTE A CONTRACT WITH SUSSEX COUNTY OFFICE OF TRANSIT/SKYLANDS RIDE ALLOCATING \$34,885.00 IN GRANT-IN-AID FUNDING FOR THE PROVISION OF TRANSPORTATION SERVICES FOR THE CITIZENS OF SUSSEX COUNTY (Resolution authorizes this Contract to provide a maximum of 2,600 one-way trips at \$13.45 per trip for calendar year 2013)**  
**109-2013**
- H. **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 the issuance of purchase orders for Audio Editions; Baker & Taylor; Computer Consulting Group; Continuum Voice & Data System; Cream O Land Dairies; Earth-Tec Associates; Election Systems & Software; Genesis Engineering; H&G Contractors; Keller & Kirkpatrick; Lakeside Construction; Salmon Bros.; and Sparwick Contracting)**  
**110-2013**
- I. **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 the issuance of purchase orders for Advanced Door Sales; Alarm & Commun. Tech.; Aurora Electric; Chemung Supply Corp; E.A. Morse&Co.; Fredon Welding & Iron Works; Garden St. Highway Prod.; Interstate Battery; Lou's Glass Repairs; MacMillan Oil Co. of Allentown; MicroSystem-NJ.Com; Montague Tool & Supply; Pulitzer/Bogard & Associates; and TeleSearch Staff Solutions)**  
**111-2013**
- J. **RESOLUTION RE: AUTHORIZATION FOR THE COUNTY OF SUSSEX TO AMEND THE RESOLUTION ENTITLED "AREA PLAN GRANT AGREEMENT 13- 1394-AAA-C-2 WITH THE NEW JERSEY DEPARTMENT OF HEALTH AND SENIOR SERVICES, DIVISION OF AGING SERVICES" ADOPTED OCTOBER 24, 2012**  
**112-2013**

- K. RESOLUTION RE: AUTHORIZING THE PURCHASE OF SPECIALIZED SERVICES OF A CRIMINAL JUSTICE CONSULTANT TO PERFORM A COMPREHENSIVE NEEDS ASSESSMENT AT THE KEOGH-DWYER CORRECTIONAL FACILITY IN THE COUNTY OF SUSSEX WITHOUT COMPETITIVE BIDDING ON THE BASIS OF ITS DESIGNATION AS AN EXTRAORDINARY, UNSPECIFIABLE SERVICE (Resolution authorizes this purchase from Pulitzer Bogard & Associates, LLC in an amount not to exceed \$161,460.00)
- L. RESOLUTION RE: AUTHORIZATION TO FILE A REQUEST WITH NJ TRANSIT AND THE U.S. DEPARTMENT OF TRANSPORTATION ON BEHALF OF THE COUNTY OF SUSSEX FOR REPLACEMENT VEHICLES UNDER SECTION 5317 OF THE FEDERAL TRANSIT ADMINISTRATION FOR FFY 2009 FUNDING (Resolution authorizes this request to provide a total of two replacement vehicles – 1 18 passenger extended mini-bus to replace 1 2007 Ford mini-bus and 1 12 passenger with 2 wheelchair positions extended mini-bus with a rear lift to replace 1 County 2003 Ford mini-bus with a County 20% match of \$34,000.00)

**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 Mudrick.

On Roll Call the vote was:

Freeholder Crabb	Yes
Freeholder Mudrick	Yes
Freeholder Vohden	Yes
Freeholder Director Space	Yes

**10. APPROVAL OF MINUTES** Regular Meeting January 30, 2013

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

**11. APPOINTMENTS AND/OR RESIGNATIONS**

A. Appointments

1. RESOLUTION RE: APPOINTMENT OF WESLEY A. POWERS AS A MEMBER OF THE SUSSEX COUNTY OPEN SPACE ADVISORY COMMITTEE FOR A THREE (3) YEAR TERM. SAID TERM TO BEGIN IMMEDIATELY AND EXPIRE DECEMBER 31, 2015  
**115-2013**
2. RESOLUTION RE: APPOINTMENT OF JOSEPH MAIKISCH AS A MEMBER OF THE SUSSEX COUNTY PLANNING BOARD FOR A THREE (3) YEAR TERM. SAID TERM TO BEGIN IMMEDIATELY AND EXPIRE DECEMBER 31, 2015  
**116-2013**
3. RESOLUTION RE: APPOINTMENT OF DANIEL C. CONKLING AS A

- 117-2013** MEMBER OF THE SUSSEX COUNTY PLANNING BOARD FOR A THREE (3) YEAR TERM. SAID TERM TO BEGIN IMMEDIATELY AND EXPIRE DECEMBER 31, 2015
4. **118-2013** RESOLUTION RE: APPOINTMENT OF WOLFGANG GSTATTENBAUER AS THE FIRST ALTERNATE MEMBER OF THE SUSSEX COUNTY PLANNING BOARD TO FILL THE UNEXPIRED TERM OF JOSEPH MAIKISCH. SAID TERM TO EXPIRE DECEMBER 31, 2015
5. **119-2013** RESOLUTION RE: APPOINTMENT OF GENE L. CRAWFORD AS THE SECOND ALTERNATE MEMBER OF THE SUSSEX COUNTY PLANNING BOARD TO FILL THE UNEXPIRED TERM OF DANIEL CONKLING. SAID TERM TO EXPIRE DECEMBER 31, 2015
6. **120-2013** RESOLUTION RE: APPOINTMENT OF EMILY SANCHEZ AS A MEMBER OF THE SUSSEX COUNTY DISABILITY SERVICES ADVISORY COUNCIL FOR A TERM OF THREE (3) YEARS. TERM TO EXPIRE DECEMBER 31, 2015

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

## **12. RESOLUTIONS**

- A. **121-2013** RESOLUTION RE: AUTHORIZATION FOR THE FREEHOLDER DIRECTOR AND CLERK OF THE BOARD TO EXECUTE A CONSORTIUM AGREEMENT WITH MORRIS/SUSSEX/WARREN COUNTIES WORKFORCE INVESTMENT BOARD

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

## **13. AWARDS OF CONTRACTS/CHANGE ORDERS/BIDS**

- A. Awards of Contracts
1. **122-2013** RESOLUTION RE: AWARD OF CONTRACT FOR FLOOR DRAIN SYSTEM IMPROVEMENTS AT THE ANDOVER ROAD MAINTENANCE FACILITY IN THE COUNTY OF SUSSEX (Resolution awards this Contract to the apparent lowest responsible bidder, Ferraro Construction Corporation in the amount of \$354,000.00)
2. **123-2013** RESOLUTION RE: AWARDING A CONTRACT THROUGH COMPETITIVE CONTRACTING FOR THE PURCHASE OF PHARMACEUTICAL SERVICES FOR THE OFFICE OF THE SHERIFF (Resolution awards this Contract to Contract Pharmacy Services, Inc. in the amount not to exceed \$36,000.00)
3. **124-2013** RESOLUTION RE: AWARD OF AGREEMENT BASED ON PROPOSALS RECEIVED THROUGH THE COMPETITIVE CONTRACTING PROCESS FOR THE PROVISION OF FOOD SERVICE FOR THE CONGREGATE NUTRITION PROGRAM WITH NEWTON MEDICAL CENTER FOR THE PERIOD OF JANUARY 1, 2013 TO DECEMBER 31, 2013 (Resolution awards this Agreement to provide up to

\$8,078.00 in Title III C1 funds, \$4,118.00 NSIP funds and \$58,858.00 in County funds)

4. **RESOLUTION RE: AWARD OF CONTRACT BASED ON PROPOSALS RECEIVED THROUGH THE COMPETITIVE CONTRACTING PROCESS FOR THE PROVISION OF ASSISTED TRANSPORTATION WITH CATHOLIC FAMILY & COMMUNITY SERVICES FOR THE PERIOD OF JANUARY 1, 2013 TO DECEMBER 31, 2013 (Resolution awards this Contract to provide up to \$5,905.00 SHTP funds, \$7,000.00 in COLA funds, \$332.00 County Match, \$3,197.00 in Title III E funds and \$3,441.00 State Match E funds to be supplemented by \$3,600.00 Client Income and \$15,594.00 in Other Income)**
  
5. **RESOLUTION RE: AWARD OF AGREEMENT BASED ON PROPOSALS RECEIVED THROUGH THE COMPETITIVE CONTRACTING PROCESS FOR THE PROVISION OF FOOD SERVICE FOR THE WEEKDAY AND WEEKEND HOME DELIVERED MEALS PROGRAMS WITH NEWTON MEDICAL CENTER FOR THE PERIOD OF JANUARY 1, 2013 TO DECEMBER 31, 2013 (Resolution awards this Agreement to provide up to \$5,481.00 in Title III C-2 funds, \$4,118.00 in NSIP funds and \$62,013.00 in County funds)**
  
6. **RESOLUTION RE: AWARD OF CONTRACT BASED ON PROPOSALS RECEIVED THROUGH THE COMPETITIVE CONTRACTING PROCESS FOR THE PROVISION OF LEGAL ASSISTANCE WITH LEGAL SERVICES OF NORTHWEST JERSEY, INC., SUSSEX COUNTY DIVISION FOR THE PERIOD OF JANUARY 1, 2013 – DECEMBER 31, 2013 (Resolution awards this Contract to provide up to \$14,667.00 Title IIIB funds, \$9,250.00 COLA funds, to be supplemented by \$1,462.00 other income)**
  
7. **RESOLUTION RE: AWARD OF CONTRACT BASED ON PROPOSALS RECEIVED THROUGH THE COMPETITIVE CONTRACTING PROCESS FOR THE PROVISION OF RESIDENTIAL MAINTENANCE WITH NORWESCAP, INC. FOR THE PERIOD OF JANUARY 1, 2013 THROUGH DECEMBER 31, 2013 (Resolution awards this Contract to provide up to \$4,680.00 SHTP funds and \$488.00 County Match and \$5.00 client income)**
  
8. **RESOLUTION RE: AWARD OF CONTRACT BASED ON PROPOSALS RECEIVED THROUGH THE COMPETITIVE CONTRACTING PROCESS FOR THE PROVISION OF SENIOR TRANSPORTATION (STOP) WITH SUSSEX COUNTY OFFICE OF TRANSIT/ SKYLANDS RIDE FOR THE PERIOD OF JANUARY 1, 2013 THROUGH DECEMBER 31, 2013 (Resolution awards this Contract to provide up to \$28,422.00 Title IIIB funds, \$26,085.00 in COLA funds, and \$1,516.00 in Medicaid Match funds, to be supplemented with \$1,500.00 in Project income)**

9. **RESOLUTION RE: AWARD OF CONTRACT BASED ON PROPOSALS RECEIVED THROUGH THE COMPETITIVE CONTRACTING PROCESS FOR THE PROVISION OF ADULT PROTECTIVE SERVICES (APS) WITH SUSSEX COUNTY DIVISION OF SOCIAL SERVICES FOR THE PERIOD OF JANUARY 1, 2013 THROUGH DECEMBER 31, 2013 (Resolution awards this Contract to provide up to \$73,632.00 APS funds)**
10. **RESOLUTION RE: AWARD OF CONTRACT BASED ON PROPOSALS RECEIVED THROUGH THE COMPETITIVE CONTRACTING PROCESS FOR THE PROVISION OF WEEKDAY AND WEEKEND HOME DELIVERED MEALS WITH CATHOLIC FAMILY & COMMUNITY SERVICES FOR THE PERIOD OF JANUARY 1, 2013 - DECEMBER 31, 2013 (Resolution awards this Contract to provide \$23,269.00 Title IIIC-2 funds, \$19,486.00 State Home Delivered Meal funds, \$5,996.00 in COLA funds and \$9,263.00 in State Match funds to be supplemented by income in the amount of \$101,026.00 for Weekday Home Delivered Meal Program and to provide \$13,000.00 State Weekend and Holiday Home Delivered Meal funds, \$262.00 County funds, to be supplemented by income in the amount of \$7,351.00 for the Weekend Home Delivered Meal program)**
11. **RESOLUTION RE: AWARD OF CONTRACT BASED ON PROPOSALS RECEIVED THROUGH THE COMPETITIVE CONTRACTING PROCESS FOR THE PROVISION OF CERTIFIED HOME HEALTH AIDE SERVICES WITH NURSES' CHOICE HOME CARE FOR THE PERIOD OF JANUARY 1, 2013 - DECEMBER 31, 2013 (Resolution awards this Contract to provide \$7,823.00 in Title IIIB funds, \$4,769.00 in COLA funds, \$551.00 in State Match funds, to be supplemented by income in the amount of \$250.00)**
12. **RESOLUTION RE: AWARD OF CONTRACT EXTENSION BASED ON PROPOSALS RECEIVED THROUGH THE COMPETITIVE CONTRACTING PROCESS FOR CERTIFIED LABORATORY TESTING SERVICES SUPERVISED BY A PROFESSIONAL ENGINEER FOR THE DEPARTMENT OF ENGINEERING AND PLANNING (Resolution extends this Contract with ANS Consultants, Inc. with a minimum expenditure of \$200.00 and a maximum amount of \$150,000.00)**
13. **RESOLUTION RE: AUTHORIZING ENTRY INTO A PROFESSIONAL SERVICES AGREEMENT WITH MAGNACARE ADMINISTRATIVE SERVICES, L.L.C. TO PROVIDE INSURANCE CONSULTING SERVICES FOR THE COUNTY'S HEALTH AND PRESCRIPTION DRUG INSURANCE PLANS WITHOUT COMPETITIVE BIDDING AS AN EXTRAORDINARY UNSPECIFIABLE SERVICE PURSUANT TO N.J.S.A. 40A:11-5(1)(m) (Resolution authorizes this Agreement in the amount of \$55,775.00 for 2012 and \$47,000.00 for 2013)**

Dennis McConnell, County Counsel, said with regard to this Resolution (Item 13. A. 13) there is one clause in the Contract that is going to be removed; that is the automatic renewal clause; he said MagnaCare has agreed to take out that clause; as it stands now, it is in the Contract and he suggests approving this with the automatic renewal clause out.

**MOTION** made by Freeholder Vohden to adopt these Resolutions with the change discussed by County Counsel on Item #13, seconded by Freeholder Mudrick.

On Roll Call the vote was:

Freeholder Crabb	Yes
Freeholder Mudrick	Yes
Freeholder Vohden	Yes
Freeholder Director Space	Yes

B. Change Orders

1. **RESOLUTION RE: AWARD OF CHANGE ORDER NO. 1 FINAL TO A CONTRACT BETWEEN THE COUNTY OF SUSSEX AND SCHIFANO CONSTRUCTION CORP. FOR THE "2011 SUSSEX COUNTY ROAD RESURFACING PROGRAM" (Resolution awards this Change Order for an increase of \$26,651.75 (0.93%) for final quantities determined by as-built measurements and certified weight tickets)**  
**135-2013**
2. **RESOLUTION RE: AWARD OF CHANGE ORDER NO. 1 FINAL TO A CONTRACT BETWEEN THE COUNTY OF SUSSEX AND SCHIFANO CONSTRUCTION CORP. FOR THE "2012 SUSSEX COUNTY ROAD RESURFACING PROGRAM" (Resolution awards this Change Order for a decrease of \$256,674.18 (11.01%) for final quantities determined by as-built measurements and certified weight tickets)**  
**136-2013**

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

On Roll Call the vote was:

Freeholder Crabb	Yes
Freeholder Mudrick	Yes
Freeholder Vohden	Yes
Freeholder Director Space	Yes

**14. FINANCIAL**

- A. **RESOLUTION RE: TRANSFER OF 2012 APPROPRIATION RESERVES**  
**137-2013**

**MOTION** made by Freeholder Crabb to adopt this Resolution, seconded by Freeholder Mudrick.

On Roll Call the vote was:

Freeholder Crabb	Yes
Freeholder Mudrick	Yes
Freeholder Vohden	Yes
Freeholder Director Space	Yes

**15. PERSONNEL**

- A. Personnel Agenda

There was no Personnel Agenda for this meeting.

**16. ADMINISTRATIVE REPORT**

- A. Other

Mr. Eskilson, County Administrator, said he had nothing to add this evening.

**17. COUNTY COUNSEL**

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

Mr. McConnell, County Counsel, said he had three (3) items for Executive Session.

**18. UNFINISHED BUSINESS**

**MOTION** made by Freeholder Vohden that the Board accept the recommendation from the SWAC Committee and also to convey that sentiment to the SCMUA, seconded by Freeholder Crabb and passed unanimously.

**19. NEW BUSINESS**

There was no New Business.

**20. PUBLIC SESSION FROM THE FLOOR**

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

**MOTION** made at 6:03 pm by Freeholder Crabb to open the meeting to the Public, seconded by Freeholder Vohden and passed unanimously.

**Opposition to Assembly Bill a-3676**

Ann Smulewicz, Wantage, came forward and commended Freeholder Space for the Resolution he brought up opposing Assembly Bill A-3676; there was a short discussion.

**MOTION** made at 6:05 pm by Freeholder Crabb to close the meeting to the Public, seconded by Freeholder Vohden and passed unanimously.

**21. EXECUTIVE SESSION**

**MOTION** made at 6:07 pm by Freeholder Crabb to go into Executive Session for two items under Contract, one is the purchase of additional space for records retention and the other one is an issue regarding a contract for a solar project on County property and the last item will be under litigation regarding Caggiano v. the Township of Green, seconded by Freeholder Mudrick and passed unanimously.

RESOLUTION RE: REQUESTING EXECUTIVE SESSION  
**138-2013**

- 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 6:25 pm by Freeholder Crabb to come out of Executive Session and return to Open Session, seconded by Freeholder Vohden and passed unanimously.

**MOTION** made by Freeholder Vohden to allow the County of Sussex and its Constitutional Officers to file a companion suit with the Township of Green v. Thomas Caggiano with regards to inundating the County and its Constitutional Officers with OPRA's and unwarranted e-mails, seconded by Freeholder Space and passed unanimously.

**MOTION** made by Freeholder Crabb to authorize the County Administrator to seek out the services of a consultant with regard to a proposed solar project on property owned by the County known as the "Frankford Farm" with a limit of \$3,000.00 or he would have to return back to the Board for special authorization, seconded by Freeholder Space and passed unanimously.

**MOTION** made by Freeholder Crabb to authorize County Counsel to continue negotiations with Mr. Dan LePore to acquire additional space for records retention in the Cochran House, seconded by Freeholder Vohden and passed unanimously.

**22. REMINDERS**

Wednesday	February 13, 2013	League of Mun.	6:30 pm
		Dinner – The Homestead Restaurant	
Monday	February 18, 2013	President's Day	Holiday
Wednesday	February 27, 2013	Regular Meeting	5:00 pm

**23. ADJOURNMENT**

**MOTION** made at 6:26 pm by Freeholder Mudrick to adjourn, seconded by Freeholder Vohden and passed unanimously.

---

Elaine A. Morgan, Clerk

**Dated: February 13, 2013**