

REGULAR MEETING HELD ON WEDNESDAY, FEBRUARY 27, 2013

5:00 PM

ORDER OF BUSINESS

Item

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

2. ROLL CALL Freeholder Crabb; Freeholder Mudrick; Freeholder Phoebus;
Freeholder Vohden; Freeholder Director Space;
John Eskilson, County Administrator; Dennis McConnell,
County Counsel; 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 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

There were no Public Hearings.

6. PROCLAMATIONS/CERTIFICATES/PRESENTATIONS

A. Proclamations/Certificates

1. Proclamation designating the month of March, 2012 as "American Red Cross Month".

139-2013

MOTION made by Freeholder Phoebus to approve this Proclamation, seconded by Freeholder Vohden and passed unanimously.

B. Presentations

1. Acknowledging the retirement of Joanne Baker, Adjuster for County Counsel, who retired after 23 1/2 years with the County; and Carol A. Crowley, Principal Librarian, who retired after 23 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 5:08 p.m. by Freeholder Phoebus to open the meeting to the Public, seconded by Freeholder Vohden and passed unanimously.

Comment from Ann Smulewicz

Ann Smulewicz of Wantage came forward; she spoke about the resignation of one of the Board members of the Sussex County Community College and asked the Freeholder Board to consider candidates from diverse backgrounds other than attorneys when filling that vacancy.

Ms. Smulewicz asked Freeholder Crabb to repeat his comments about the SCMUA from the last meeting and Freeholder Crabb agreed to do this during his comments.

MOTION made at 5:11 p.m. by Freeholder Crabb to close the meeting to the Public, seconded by Freeholder Vohden and passed unanimously.

8. FREEHOLDERS' COMMENTS

Comments from Freeholder Crabb

- **Congratulations to Carol Crowley**

Freeholder Crabb congratulated Carol Crowley on her retirement; he explained that she has worked at the Franklin Branch of the Library for many years.

- **Franklin Viaduct**

Freeholder Crabb said that they are just about ready to start putting the sheathings in for the Franklin Viaduct.

- **Sussex County Municipal Utilities Authority (SCMUA)**

As Freeholder Crabb had promised Mrs. Smulewicz, he explained in depth about "stranded debt" and ways in which the County could possibly solve this problem in years to come.

Mrs. Smulewicz came forward again and thanked Freeholders Crabb and Vohden along with former Freeholder Zeoli for attempting to tackle this problem.

Comments from Freeholder Mudrick

- **Congratulations to Freeholder Director Space**

Freeholder Mudrick congratulated Freeholder Director Space and his wife on his appointment to the New Jersey Assembly.

- **Sussex County Arts and Heritage Council**

Freeholder Mudrick reported that at the last meeting Gene DePrez was approved as President, Glenn Lewis as Vice President, Mary Rapuano as Secretary and Kathy Pope as Treasurer; he said that the Council had hoped to appoint a new Executive Director; however, the person who was offered the position, declined; therefore, Mary Jo Mathias agreed to stay on until a new Director could be found.

- **Department of Environmental and Public Health Services**

As its Liaison, Freeholder Mudrick has been meeting with several members of the Department to familiarize himself with their roles and functions and was very impressed.

- **Sussex County Community College**

Freeholder Mudrick attended the Sussex County Community College Board of Trustees Meeting where Chairman Glenn Gavan made a statement and asked that the message be given to the Freeholders that the students are the reality of the College; Freeholder Mudrick also heard presentations from four students showing their appreciation for the College.

Comments from Freeholder Phoebus

- **Department of Human Services**

Freeholder Phoebus reported that there was supposed to be a meeting this morning with the Human Services Director and all of the non-profits where they get together and pool all their thoughts, but due to a school delay with Vo-Tech, this meeting was not held.

- **Sussex County Youth Services**

Freeholder Phoebus attended a Youth Services meeting and commended the staff for having one of the most fabulous programs in the State for tracking juveniles to keep them out of the juvenile detention system and keep them at home, in school and provide them with services to live a healthy, adult life; Sussex County is also going to issues guidelines so that the other Counties in the State can model this program since it is so successful.

- **Division of Senior Services**

Freeholder Phoebus said that the “transition care for seniors” is becoming a huge success; this program partners Sussex County with Newton Medical Center and they work together to keep the seniors that are hospitalized and released from returning back to the hospital by supplying them with at-home care and transportation.

Freeholder Phoebus added that the meals for the Meals on Wheels program are being provided by Newton Medical Center and there have been many compliments on the food from the seniors.

- **Board of Taxation**

Freeholder Phoebus attended her first Tax Board meeting, she reported that in 2004 Sussex County had 300 appeals; in 2012 the Board processed 2,000 appeals.

Freeholder Phoebus discussed Assembly Bill 3780, which requires use of short sale data under certain circumstances to assess real property and determine assessment ratios. There was a lengthy discussion on this Bill. Freeholder Phoebus requested the County Administrator to prepare and have a Resolution in opposition of this Bill on for the next Freeholder meeting

Mr. McConnell said that there could be a direction at the end of the meeting for Mr. Eskilson to draw up the appropriate Resolution for the next meeting.

- **Economic Development Partnership (EDP)**

Freeholder Phoebus and John Eskilson attended an EDP Meeting where Vision 2020 was discussed; Freeholder Phoebus asked Mr. Eskilson to report on Vision 2020.

Mr. Eskilson explained in detail about Vision 2020 and how it will be utilized with the use of GIS technology to assist Municipal and County governments in identifying potential growth sights in the County.

Freeholder Phoebus added that the EDP would work with the County on existing buildings that are vacant by trying to find occupants for those buildings to assist the municipalities in obtaining good ratables.

Comments from Freeholder Vohden

- **Highlands Council**

Freeholder Vohden attended the recent meeting of the Highlands Council and in the future will report back to the Board about any actions or proceedings that the Council considers which will directly impact the residents of Sussex County.

The Highlands Act has a tremendous impact on 38% of Sussex County and Freeholder Vohden receives many calls about the Act. The Act recognizes the need to provide just compensations to the Highlands Land Bonus through acquisitions, TDRs and other strategies and the main topic of conversation at the last meeting was the Highlands Transfer of Development Rights (TDR) Act. Under this TDR program, the builders would pay for the right to build projects that would allow them to build at least five extra units, per acre, over existing zoning and what they pay for that right would be transferred to the farmers and land owners who would be restricted from developing the land. It's a very difficult program to implement and the Council is going to take that on as its main concern over the next few months. At the meeting, one Sussex County resident spoke to the Council about the nightmares he is having

dealing with the program as it exists and he is one of many. Right now, the TDR bank is only considering the applications of hardship cases, for example, people that are about to lose their property and about to go into foreclosure.

- **Sussex County Agriculture Development Board**

Freeholder Vohden attended the latest meeting where two members of the State Agriculture Development Board were present to explain and answer questions about preserved farm post closure issues; he added that there are 166 preserved farms (17,000 acres) at present in Sussex County. One of the State members also reported on the Farmland Assessment Bill which is moving quickly through both Houses and will eventually be approved; this Bill establishes new and more stringent standards to qualify for Farmland Assessment.

- **Sussex County Historical Society**

Freeholder Vohden attended the Society's monthly meeting and was impressed with the experience and talent of the members.

- **North Jersey Transportation Planning Authority (NJTPA)**

Freeholder Vohden attended his first meeting of the NJTPA and gave an update to the Board.

- **Capital Projects**

Freeholders Vohden and Space both attended a Capital Projects tour the previous day touring several of the facilities in the County including the Library, Fire Academy, the new storage space

Freeholder Phoebus asked Freeholder Vohden if when they first introduced the Highlands Act didn't they have something in it that said the State was to purchase or reimburse these property owners for their development?

Freeholder Vohden responded that in the Act the land owners will be compensated where appropriate and he interpreted that "where appropriate" was according to the Constitution through Transfer of Development Rights and other strategies, the only method is Transfer of Development Rights. When the Bill is being considered, the Senator, the Legislature that voted on the Bill knew there was a promise of compensation; that statement was in the Act.

Freeholder Vohden was sitting in the second row when Senator Smith and Senator McKeown were the sponsors of the Bill and as an answer to a question said, "follow the money" and they talked about Tom Cruise, and they promised there would be a funding source, a steady funding source, a compensation for the land owners in the Highlands and that was nine years ago. If those Senators, today, would take that same vote, Freeholder Vohden doesn't feel the Act would pass. He said nine years later, here we are, there is no method, no strategy, no means for compensation. Freeholder Vohden said there is an underfunded, unworkable, incomplete Transfer of Development Rights program, which is the only means for compensation other than Farmland Assessment and Open Space funding which will work and there have been funded acquisitions in the Highlands, but there was legislation that guaranteed that the appraisals would be based on the 2004 property values and that is going to expire soon and this property will now, after nine years, be worth what it is on the market. An extreme example is, if you have a wooded piece of property, a forested piece of property, the zoning is 80 acres per home. If you own 157 acres, you are entitled to one home. And, that property will be appraised at current market value.

Comments from Freeholder Space

Freeholder Space said that as everyone knew he would be moving on, but should still be on the Board through the meeting of March 13th.

9. APPROVAL OF CONSENT AGENDA

- A. RESOLUTION RE: PAYMENT OF BILLS
140-2013

- B. **RESOLUTION RE: RESOLUTION PROVIDING FOR THE CANCELING OF 141-2013** THE GRANT FUND BALANCES FOR THE STATE OF NEW JERSEY, OFFICE OF HOMELAND SECURITY AND PREPAREDNESS, FFY09 HOMELAND SECURITY GRANT, AWARD #2009-SS-T9-0082 FOR THE TOTAL AMOUNT OF \$92.92
- C. **RESOLUTION RE: RESOLUTION PROVIDING FOR THE CANCELING OF 142-2013** THE GRANT FUND BALANCES FOR THE SENIOR CITIZEN AND DISABLED RESIDENT TRANSPORTATION ASSISTANCE PROGRAM (CASINO REVENUE) FOR THE TIME PERIOD OF JANUARY 1, 2009 TO DECEMBER 31, 2009 FOR A TOTAL AMOUNT OF \$139,735.49
- D. **RESOLUTION RE: RESOLUTION PROVIDING FOR THE CANCELING OF 143-2013** THE GRANT FUND BALANCES FOR THE SENIOR CITIZEN AND DISABLED RESIDENT TRANSPORTATION ASSISTANCE PROGRAM (CASINO REVENUE) FOR THE TIME PERIOD OF JANUARY 1, 2011 TO DECEMBER 31, 2011 FOR A TOTAL AMOUNT OF \$56,013.17
- E. **RESOLUTION RE: RESOLUTION PROVIDING FOR THE CANCELING OF 144-2013** THE GRANT FUND BALANCES FOR THE COUNTY COMPREHENSIVE ALCOHOLISM AND DRUG ABUSE SERVICES CONTRACT, #11-541-ADA-0, FROM JANUARY 1, 2011 TO DECEMBER 31, 2011 FOR A REMAINING TOTAL AMOUNT OF \$5,538.00
- F. **RESOLUTION RE: RESOLUTION PROVIDING FOR THE CANCELING OF 145-2013** THE GRANT FUND BALANCES FOR THE NEW JERSEY DEPARTMENT OF HEALTH AND SENIOR SERVICES FOR THE PROVISION OF LOCAL CORE CAPACITY FOR PUBLIC HEALTH EMERGENCY PREPAREDNESS GRANT FOR THE PERIOD OF AUGUST 10, 2011 TO AUGUST 9, 2012
- G. **RESOLUTION RE: AUTHORIZATION FOR THE FREEHOLDER DIRECTOR 146-2013** TO EXECUTE THE 2013 LETTER OF AGREEMENT FROM THE NJ GOVERNOR'S COUNCIL ON ALCOHOLISM AND DRUG ABUSE TO PROVIDE \$202,452.00 IN FUNDING TO THE SUSSEX COUNTY DEPARTMENT OF HUMAN SERVICES, DIVISION OF COMMUNITY & YOUTH SERVICES FOR THE PERIOD OF JANUARY 1, 2013 TO DECEMBER 31, 2013
- H. **RESOLUTION RE: AUTHORIZING SUBMISSION OF THE PUBLIC LIBRARY 147-2013** STATISTICAL REPORT FOR 2012 BY THE SUSSEX COUNTY DIVISION OF LIBRARY SERVICES
- I. **RESOLUTION RE: AUTHORIZING THE ISSUANCE OF PURCHASE 148-2013** 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 AmCad; Dentrust Dental; Midwest Tapes, LLC; Morville Agency; NJ Herald, Inc.; Pocono Produce Co.; RP Baking LLC; Service Electric Cable TV; Universal Mailing Services; and US Foods, Inc.)
- J. **RESOLUTION RE: AUTHORIZATION FOR THE COUNTY OF SUSSEX TO**

149-2013

EXECUTE AN AMENDMENT TO INCREASE THE FUNDING OF THE SPECIAL CHILD HEALTH SERVICES GRANT FOR THE FUNDING PERIOD OF JULY 1, 2012 THROUGH JUNE 30, 2013 BETWEEN THE COUNTY OF SUSSEX AND THE NEW JERSEY DEPARTMENT OF HEALTH (Resolution authorizes this Amendment in the amount of \$3,799.00 to fund the part time salary and fringe benefits for the increase of hours of the part time case manager)

- K. **RESOLUTION RE: 150-2013** AUTHORIZATION FOR THE FREEHOLDER DIRECTOR TO SIGN THE SUBGRANT AWARD FOR THE STOP VIOLENCE AGAINST WOMEN ACT, GRANT, 10VAWA-73, MAY 1, 2012 TO APRIL 30, 2013 IN THE AMOUNT OF \$11,741.00 (Resolution authorizes this award in the amount of \$8,806.00 State share and \$2,935.00 in-kind match)
- L. **RESOLUTION RE: 151-2013** TO ACCEPT THE FUNDING FOR THE CHRONIC DISEASE SELF-MANAGEMENT PROGRAM, "ATTACHMENT A" WITH THE NEW JERSEY DEPARTMENT OF HUMAN SERVICES, DIVISION OF AGING SERVICES FOR THE PERIOD OF JANUARY 1, 2013 TO AUGUST 31, 2013 IN THE AMOUNT OF \$10,000.00 (Resolution accepts this funding to provide four six-week Chronic Disease Self-Management Programs)
- M. **RESOLUTION RE: 152-2013** AUTHORIZATION FOR THE FREEHOLDER DIRECTOR TO EXECUTE CONTRACT #13AVWN WITH THE NJ DEPARTMENT OF HUMAN SERVICES, DIVISION OF DISABILITY SERVICES TO PROVIDE \$12,400.90 IN FUNDING TO THE SUSSEX COUNTY DEPARTMENT OF HUMAN SERVICES, DIVISION OF SENIOR SERVICES FOR THE PERIOD OF JANUARY 1, 2013 TO DECEMBER 31, 2013
- N. **RESOLUTION RE: 153-2013** PAYMENT OF DEDUCTIBLE LITIGATION COST IN THE MATTER OF MURRAY V. COUNTY OF SUSSEX (Resolution authorizes this payment in the amount of \$7,206.04)

Mr. Eskilson explained that the most of the grant cancelling Resolutions are for very small amounts; it's simply for closing the books. He added that 9.C. and 9.D. are larger amounts because they are transit grants; the casino grants, SCDRTAP, and are typically rolled over into next funding year, so those are not cancelled out and are rolled into the next program year.

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 approve the Financial Consent Agenda, seconded by Freeholder Phoebus.

On Roll Call the vote was:

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

10. APPROVAL OF MINUTES

There were no Minutes for approval.

11. APPOINTMENTS AND/OR RESIGNATIONS

A. Resignations

1. Letter received from Patrick Aramini resigning from his position on the Sussex County Community College Board of Trustees effective immediately.
2. E-mail received from Joseph Maikisch resigning from his position on the Sussex County Planning Board.

B. Appointments

1. **RESOLUTION RE: APPOINTMENT OF WOLFGANG
154-2013** GSTATTENBAUER AS A MEMBER OF THE SUSSEX COUNTY PLANNING BOARD TO FILL THE UNEXPIRED TERM OF JOSEPH MAIKISCH. SAID TERM TO BEGIN IMMEDIATELY AND EXPIRE DECEMBER 31, 2015
2. **RESOLUTION RE: APPOINTMENT OF GENE L. CRAWFORD AS THE
155-2013** FIRST ALTERNATE MEMBER OF THE SUSSEX COUNTY PLANNING BOARD TO FILL THE UNEXPIRED TERM OF WOLFGANG GSTATTENBAUER. SAID TERM TO BEGIN IMMEDIATELY AND EXPIRE DECEMBER 31, 2015
3. **RESOLUTION RE: APPOINTMENT OF DONALD R. PLOETNER, II AS
156-2013** A MEMBER-AT-LARGE (ENVIRONMENTAL) OF THE SUSSEX COUNTY SOLID WASTE ADVISORY COUNCIL FOR A TERM OF THREE (3) YEARS. SAID TERM TO BEGIN IMMEDIATELY AND EXPIRE DECEMBER 31, 2015
4. **RESOLUTION RE: APPOINTMENT OF DONALD R. PLOETNER, II AS
157-2013** 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

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

12. RESOLUTIONS

- A. **RESOLUTION RE: OPPOSING ASSEMBLY BILL A-3553 REQUIRING
158-2013** POLLING PLACES TO BE OPEN FIFTEEN DAYS PRIOR TO AN ELECTION TO ALLOW FOR EARLY VOTING

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

Freeholder Vohden said that he stopped by the Election Board to see Administrator, Marge McCabe, and she presented Freeholder Vohden with a copy of the Bill; he explained that this is an early voting Bill that's cost prohibitive for Sussex County. Freeholder Vohden gave a brief overview of the Bill.

Freeholder Mudrick added that it's estimated by the Board of Elections that the total cost to set-up and conduct the first early voting election will be \$680,000.00 with the cost of each subsequent early voting election to be \$188,000.00.

13. AWARDS OF CONTRACTS/CHANGE ORDERS/BIDS

A. Awards of Contracts

1. **RESOLUTION RE: AWARD OF CONTRACT FOR MISCELLANEOUS BUILDING TRADE SERVICES (ELECTRICAL) TO BE PERFORMED IN AND AROUND VARIOUS SUSSEX COUNTY BUILDINGS FOR THE COUNTY OF SUSSEX (Resolution awards this Contract to the lowest responsible bidder, Power with Prestige, Inc., with a minimum expenditure of \$500.00 and a maximum Contract amount of \$100,000.00)**
159-2013

2. **RESOLUTION RE: AWARD OF CONTRACT FOR MISCELLANEOUS BUILDING TRADE SERVICES (PLUMBING) TO BE PERFORMED IN AND AROUND VARIOUS SUSSEX COUNTY BUILDINGS FOR THE COUNTY OF SUSSEX (Resolution awards this Contract to the only responsible bidder, Aero Plumbing & Heating, Co., with a minimum expenditure of \$500.00 and a maximum Contract amount of \$75,000.00)**
160-2013

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

On Roll Call the vote was:

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

14. FINANCIAL

- A. **RESOLUTION RE: TRANSFER OF 2012 APPROPRIATION RESERVES**
161-2013

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

On Roll Call the vote was:

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

15. PERSONNEL

- A. Personnel Agenda

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

16. ADMINISTRATIVE REPORT

- A. Other

Mr. Eskilson congratulated Freeholder Space for moving up to the Assembly and wished him good luck.

17. COUNTY COUNSEL

- A. Capital Projects

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

Mr. McConnell also congratulated Freeholder Space and said that he would do well for Sussex County.

18. UNFINISHED BUSINESS

There was no Unfinished Business.

19. NEW BUSINESS

Freeholder Phoebus congratulated Freeholder Space.

Freeholder Mudrick recognized and thanked Donald R. Ploetner, II who was in attendance for volunteering his time on the two Boards he was just appointed to.

**20. PUBLIC SESSION FROM THE FLOOR
(Please note: Everyone is asked to keep their comments to 5 minutes or less)**

MOTION made at 6:10 p.m. by Freeholder Crabb to open the meeting to the Public, seconded by Freeholder Vohden and passed unanimously.

Comment from Donald Ploetner

Donald Ploetner came forward; he congratulated Freeholder Space and thanked the Board for his appointments to SWAC and Open Space.

Comment from David Fanale

David Fanale of Franklin came forward; he asked who the signers were of the Bill for early voting.

Mr. McConnell replied that the Bill was sponsored by District 9, Middlesex, John S. Wisniewski; District 19, Middlesex, Sheila Y. Oliver; District 34, Essex and Passaic, Patrick J. Diegnan; District 18, Middlesex, Daniel R. Benson; District 14, Mercer and Middlesex, Herb Conaway; District 7, Burlington, Craig Coughlin and co-sponsored by Wayne DeAngelo.

Mr. McConnell provided Mr. Fanale with a copy of the first page of the Bill.

Comment from George Graham

George Graham of Stanhope came forward; he congratulated Freeholder Space and asked Freeholder Phoebus for the number of the Bill on short sales.

Mr. Eskilson advised that the Bill number was A3780 and said that he would send an email blast out to all of the municipalities.

Mr. Graham also thanked Freeholder Vohden for keeping a close eye on the Highlands.

MOTION made at 6:13 p.m. by Freeholder Crabb to close the meeting to the Public, seconded by Freeholder Phoebus and passed unanimously.

21. EXECUTIVE SESSION

RESOLUTION RE: REQUESTING EXECUTIVE SESSION

There were no items for 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 March 13, 2013 Regular Meeting 5:00 pm

23. ADJOURNMENT

MOTION made at 6:14 p.m. by Freeholder Crabb to adjourn, seconded by Freeholder Mudrick and passed unanimously.

Elaine A. Morgan, Clerk

DATED: FEBRUARY 27, 2013