

REGULAR MEETING HELD ON THURSDAY, JULY 26, 2012

5:00 PM

ORDER OF BUSINESS

Item

1. CALL TO ORDER BY DIRECTOR at 5:03 p.m.
2. ROLL CALL Freeholder Space; Freeholder Vohden; Freeholder Zellman; Freeholder Zeoli; Freeholder Director Crabb, 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 July 16, 2012 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 in recognition of Christopher Sarao attaining the rank of Eagle Scout.  
**380-2012**

Freeholder Crabb added the following Certificate:

2. Certificate in recognition of "Corrections Officer Day" In New Jersey.  
**381-2012**

B. Presentations

1. Acknowledging the retirement of Dorothy A. Decker, Principal Library Assistant, Typing, Division of Library Services, who retired after 25 years with the County.

MOTION made by Freeholder Space to approve this Proclamation and this Certificate, seconded by Freeholder Zellman 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 5:05 p.m. by Freeholder Zeoli to open the meeting to the Public, seconded by Freeholder Space and passed unanimously.

There was no one.

**MOTION** made at 5:06 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 Zellman**

- **Tri-State Actors Reception**

Freeholder Zellman attended a reception for the Tri-State Actors to bring attention to the actors; she encouraged everyone to go see their performances.

- **Veterans Monument Committee**

Freeholder Zellman advised that the Committee was meeting this coming week to look at the long term sustainability of the Veterans' Monument in the Newton Square; she encouraged everyone to take a look at the gardens which have insignias from all of the branches of the service and is color coordinated with annuals and perennials.

Freeholder Zellman said that the Committee was also meeting with Dr. Paul Mazur on the plans for a monument that is being proposed at SCCC highlighting the statue that was donated by Bob Nicholson; she said they also would be working with Bob Hautau, who created the plans for the gardens; the Committee will be working with Dr. Mazur to help raise funds for this monument.

- **Friends of Waterloo Village**

Freeholder Zellman reported that they are making plans for their Harvest Moon Festival on October 11, 2012 and encouraged everyone to get their tickets early since it was a sell out last year.

- **TransOptions Awards Meeting**

Freeholder Zellman attended the meeting and said that she accepted, on behalf of the County, the Gold Award which is awarded for creating programs that provide and promote commuting options for employees.

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

Freeholder Zellman and Freeholder Vohden attended the meeting and she said that one of the significant items on the agenda was an amendment to the NJTPA's 2012 Transportation Improvement Program (TIP) to remove a project that entailed safety and operational improvements to Newton-Sparta Road; she said that she reluctantly voted yes to that because of the "no build option" and that the County had no choice but to present that to the NJTPA because of the fact that the County had one municipality, Sparta Township, that really presented opposition to the project and put a stop to it. Freeholder Zellman did advise the NJTPA that Newton-Sparta Road was one of the most heavily traveled roadways in the County and that the County hopes to revisit the issue at some point in the future.

### **Comments from Freeholder Vohden**

- **The Bloustein School of Planning and Public Policy At Rutgers University**

Freeholder Vohden attended a forum at the School where the moderator was Dr. James Hughes who is the Dean of the School and a noted economist; he said the forum was designed to help elected officials with the state of the economy and consider options for dealing with slow growth; he shared a few points of interest.

- **Human Services Liaison Meeting**

Freeholder Vohden attended the meeting with Steve Gruchacz where an important topic of discussion was the future of Peer Group funding.

- **Sussex County Board of Agriculture**

Freeholder Vohden was in attendance at the Board of Agriculture meeting where there were discussions and reports on the storm which did a lot of damage across the County; he said that it is rumored that Tranquility Farms lost 60 acres of pumpkins as a result of hail damage.

- **Congratulations to Freeholder Susan Zellman**

Freeholder Vohden congratulated Freeholder Zellman for obtaining the award for Elected Official of the Year from TransOptions.

### **Comments from Freeholder Crabb**

- **Special Freeholder Meeting**

Freeholder Crabb reminded everyone of the Special Freeholder Meeting on Wednesday, August 1, 2012 at 5:30 p.m.; items would be the Franklin Viaduct and RER.

Freeholder Crabb asked, without objection, to have Resolution 14.C. moved up as the next item for consideration; there were no objections.

---

## **14. FINANCIAL**

- C. RESOLUTION RE: AUTHORIZING THE COUNTY OF SUSSEX TO ACCEPT THE BID UNDER OPTION A AND REJECT THE BIDS UNDER OPTION B AND THE OFFER TENDERED FOR THE SALE OF REAL AND PERSONAL PROPERTY LOCATED IN THE TOWNSHIP OF FRANKFORD, COUNTY OF SUSSEX, KNOWN AS 129 MORRIS TURNPIKE OR ASSOCIATED WITH THE OPERATIONS THEREWITH AND DESIGNATED AS A PORTION OF LOT 4 IN BLOCK 21 ON THE TAX MAPS OF THE TOWNSHIP OF FRANKFORD AND FOR THE EXECUTION OF AN AGREEMENT OF SALE FOR THE PURCHASE PRICE OF SEVEN MILLION EIGHT HUNDRED FIFTY THOUSAND (\$7,850,000.00) DOLLARS

Mr. McConnell stated that there are two modifications to the Contract Agreement; one is in Section 6.3 and the other was in Section 7.10. Mr. McConnell explained the modifications in detail. These modifications are covered in the Resolution.

**MOTION** by Freeholder Zeoli to include these modifications in the Contract Agreement, seconded by Freeholder Space and passed with Freeholder Zellman abstaining.

**MOTION** by Freeholder Vohden to adopt this amended Resolution, seconded by Freeholder Space.

Freeholder Crabb thanked the Board, senior staff and the public for being resolute in a very difficult situation; he also said that there were productive and positive discussions with Jake Lighten to remain.

On Roll Call the vote was:

Freeholder Space	Yes
Freeholder Vohden	Yes
Freeholder Zellman	No
Freeholder Zeoli	Yes
Freeholder Director Crabb	Yes

---

-

**9. APPROVAL OF CONSENT AGENDA**

- A. RESOLUTION RE: PAYMENT OF BILLS  
**383-2012**
  
- B. RESOLUTION RE: AUTHORIZATION FOR THE FREEHOLDER DIRECTOR TO EXECUTE A CONTRACT FOR STATE FY 2013 ON BEHALF OF THE COUNTY OF SUSSEX WITH THE NEW JERSEY DEPARTMENT OF MILITARY AND VETERANS AFFAIRS FOR THE PROVISION OF TRANSPORTATION SERVICES TO SUSSEX COUNTY VETERANS (Resolution authorizes this Contract in the amount of \$9,000.00)  
**384-2012**
  
- C. RESOLUTION RE: AUTHORIZATION FOR THE FILING OF AN APPLICATION TO NEW JERSEY TRANSIT CORPORATION AND THE DEPARTMENT OF TRANSPORTATION, UNITED STATES OF AMERICA, ON BEHALF OF THE COUNTY OF SUSSEX FOR A GRANT UNDER THE FEDERAL TRANSIT ACT AS AMENDED, FOR THE STATE FY 2013 IN THE AMOUNT OF \$698,154.00 (Resolution authorizes this Application with the Federal share (Section 5311) being \$349,077.00, State share (NJ Transit) being \$174,539.00 and the County share being \$174,538.00)  
**385-2012**
  
- D. RESOLUTION RE: AUTHORIZATION FOR THE FILING OF AN APPLICATION TO NEW JERSEY TRANSIT CORPORATION ON BEHALF OF THE COUNTY OF SUSSEX FOR A GRANT UNDER THE NEW JERSEY SENIOR CITIZEN AND DISABLED RESIDENT TRANSPORTATION ASSISTANCE PROGRAM (SCDRTAP) FOR FY 2013 (JANUARY 1, 2013 – DECEMBER 31, 2013) IN THE AMOUNT OF \$410,000.00  
**386-2012**
  
- E. RESOLUTION RE: AUTHORIZATION FOR THE FREEHOLDER DIRECTOR AND CLERK OF THE BOARD TO EXECUTE AN AGREEMENT, ATTACHMENT "A", WITH CATHOLIC FAMILY & COMMUNITY SERVICES FOR THE PROVISION OF PROVIDING DISASTER ASSISTANCE RELIEF FUNDING TO REPLENISH SHELF STABLE MEALS USED DURING THE HURRICANE OF 2011 FOR THE PERIOD OF JANUARY 1, 2012 TO DECEMBER 31, 2012 FOR A TOTAL AMOUNT OF \$361.00  
**387-2012**
  
- F. RESOLUTION RE: AUTHORIZATION TO SUBMIT AN APPLICATION FOR GRANT FUNDS TO THE STATE OF NEW JERSEY, DIVISION OF CRIMINAL JUSTICE FOR AN AMOUNT YET TO BE DETERMINED, TO BE USED FOR THE PURCHASE OF BODY ARMOR FOR MEMBERS OF THE  
**388-2012**

SHERIFF'S BUREAUS OF LAW ENFORCEMENT AND  
CORRECTIONS

- G. RESOLUTION RE: APPROVAL TO SUBMIT PRE-APPLICATION FOR  
**389-2012** SMALL CITIES GRANT TO EFFECTUATE THE  
REHABILITATION OF VARIOUS SCARC, INC. OWNED  
AND OPERATED GROUP HOME AND SUPPORT  
FACILITIES (Resolution authorizes this application to  
rehabilitate approximately 10 group homes and complete  
repairs on other facilities and apply for a grant in an amount  
not to exceed \$400,000.00)
- H. RESOLUTION RE: AUTHORIZING THE ISSUANCE OF PURCHASE  
**390-2012** 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  
purchase orders for Hardyston Collision Services)
- I. RESOLUTION RE: AUTHORIZATION FOR THE SUSSEX COUNTY BOARD  
**391-2012** OF CHOSEN FREEHOLDERS TO APPROVE THE  
SUBMISSION OF AN APPLICATION WITH THE NJ  
DEPARTMENT OF HEALTH AND SENIOR SERVICES  
FOR THE PROVISION OF THE LOCAL CORE CAPACITY  
FOR PUBLIC HEALTH EMERGENCY PREPAREDNESS  
GRANT FOR THE PERIOD OF AUGUST 10, 2012 TO  
JUNE 30, 2013 (Resolution authorizes this Application  
providing the funding amount of \$313,445.00 to the County  
of Sussex and the funding amount of \$312,235.00 to the  
County of Hunterdon)

**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 Space to approve the Financial Consent Agenda, seconded by Freeholder Zeoli.

On Roll Call the vote was:

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

10. **APPROVAL OF MINUTES** Regular Meeting June 27, 2012  
Regular Meeting July 11, 2012

**Executive Session Minutes**  
Regular Meeting June 13, 2012  
Regular Meeting June 27, 2012

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

11. **APPOINTMENTS AND/OR RESIGNATIONS**

A. Appointments

1. RESOLUTION RE: REAPPOINTMENT OF ELIZABETH A. MANLEY AND LAUREN HIRTES AS MEMBERS OF THE SUSSEX COUNTY MENTAL HEALTH BOARD FOR TERMS OF THREE (3) YEARS EACH COMMENCING IMMEDIATELY AND EXPIRING JUNE 30, 2015  
**392-2012**

**MOTION** made by Freeholder Zellman to adopt this Resolution, seconded by Freeholder Space and passed unanimously.

Freeholder Zellman explained that there were four members whose terms were coming to a close, and only two of those members were able to be reappointed since the other two had had two successive terms of six years each, and according to the statute, they cannot be reappointed for another successive term; she asked that thank you letters be sent to the two individuals. Freeholder Zellman added that they are still looking for new members.

B. Resignations

1. Received an e-mail from Christine Florio informing the Board that Catherine Kochka-Thomas has resigned from the Human Services Advisory Council.

Without objection, Freeholder Crabb asked that a letter of regret and thanks be sent.

12. **RESOLUTIONS**

- A. RESOLUTION RE: ENDORSING A WILDLIFE CORRIDOR ON CR 619, WITHIN THE TOWNSHIP OF HAMPTON  
**393-2012**
- B. RESOLUTION RE: ENDORSING A WILDLIFE CORRIDOR ON CR 604, WITHIN THE TOWNSHIP OF BYRAM  
**394-2012**
- C. RESOLUTION RE: AUTHORIZATION FOR THE FREEHOLDER DIRECTOR AND CLERK OF THE BOARD TO EXECUTE A NO-COST TIME EXTENSION OF THE SUBCONTRACT GRANT AGREEMENT WITH THE NEW JERSEY TRANSPORTATION PLANNING AUTHORITY ENTITLED "COUNTY OF SUSSEX FY 2012 SUBREGIONAL MUTCD RETRO-REFLECTIVITY TRAFFIC SIGN INVENTORY & ASSESSMENT PROGRAM" (Resolution authorizes the no-cost time extension for one year until June 30, 2013)  
**395-2012**

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

Freeholder Zellman requested that in Resolution 12.C., the word "NEW" be changed to "NORTH" in the name of the organization.

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

A. Awards of Contracts

1. RESOLUTION RE: AUTHORIZING THE ENTRY INTO A PROFESSIONAL SERVICES AGREEMENT WITH GUERIN & VREELAND ENGINEERING INC. FOR THE PROVIDING OF ENGINEERING DESIGN SERVICES FOR AN ANTENNA/TOWER SITE PLAN FOR THE 9-1-1 EMERGENCY COMMUNICATIONS CENTER AS A PROFESSIONAL SERVICE PURSUANT TO N.J.S.A. 40A:11-5(1)(a)(i) (Resolution authorizes this Agreement in an amount not to exceed \$10,920.00)

**MOTION** made by Freeholder Vohden to adopt this Resolution, seconded by Freeholder Space.

On Roll Call the vote was:

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

**14. FINANCIAL**

- A. RESOLUTION RE: CHANGE IN TITLE, TEXT, OR AMOUNT OF APPROPRIATIONS PURSUANT TO N.J.S.A. 40A:4-85  
**397-2012**
- B. RESOLUTION RE: AMENDING THE 2012 CAPITAL BUDGET  
**398-2012**

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

On Roll Call the vote was:

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

- C. RESOLUTION RE: AUTHORIZING THE COUNTY OF SUSSEX TO ACCEPT THE BID AND THE OFFER TENDERED FOR THE SALE OF REAL AND PERSONAL PROPERTY LOCATED IN THE TOWNSHIP OF FRANKFORD, COUNTY OF SUSSEX, KNOWN AS 129 MORRIS TURNPIKE OR ASSOCIATED WITH THE OPERATIONS THEREWITH AND DESIGNATED AS A PORTION OF LOT 4.01 IN BLOCK 21 ON THE TAX MAPS OF THE TOWNSHIP OF FRANKFORD AND FOR THE EXECUTION OF AN AGREEMENT OF SALE FOR THE PURCHASE PRICE OF SEVEN MILLION, EIGHT HUNDRED FIFTY THOUSAND (\$7,850,000.00) DOLLARS  
**HANDLED EARLIER IN THE MEETING**

D.

---

-  
**INTRODUCTION FOR FIRST READING – CAPITAL ORDINANCE  
399-2012**

**CAPITAL ORDINANCE APPROPRIATING \$1,580,000.00 TO BE RECEIVED FROM THE NEW JERSEY DEPARTMENT OF TRANSPORTATION TRUST FUND'S LOCAL BRIDGES, FUTURE NEEDS PROGRAM (LBFN) FOR THE REHABILITATION OF SUSSEX COUNTY FRANKLIN VIADUCT BRIDGE E-07**

**MOTION** to adopt this Capital Ordinance on first reading by Freeholder Zeoli, seconded by Freeholder Zellman.

On Roll Call the vote was:

Freeholder Space	Yes
Freeholder Vohden	Yes
Freeholder Zellman	Yes
Freeholder Zeoli	Yes
Freeholder Director Crabb	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 August 15, 2012 at 5:00 pm prior to final adoption of this Capital Ordinance by Freeholder Space, seconded by Freeholder Zeoli and passed unanimously.

---

E.

---

-  
**INTRODUCTION FOR FIRST READING – CAPITAL ORDINANCE  
400-2012**

**CAPITAL ORDINANCE APPROPRIATING \$1,872,700.00 TO BE RECEIVED FROM THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE REHABILITATION OF VARIOUS SUSSEX COUNTY BRIDGES AND ROADS, INCLUDING, BUT NOT LIMITED TO, SUSSEX COUNTY FRANKLIN VIADUCT BRIDGE E-07**

**MOTION** to adopt this Capital Ordinance on first reading by Freeholder Zellman, seconded by Freeholder Zeoli.

On Roll Call the vote was:

Freeholder Space	Yes
Freeholder Vohden	Yes
Freeholder Zellman	Yes
Freeholder Zeoli	Yes
Freeholder Director Crabb	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 August 15, 2012 at 5:00 pm prior to final adoption of this Capital Ordinance by Freeholder Space, seconded by Freeholder Zellman and passed unanimously.

---

**15. PERSONNEL**

- A. There was no Personnel Agenda.

**16. ADMINISTRATIVE REPORT**

- A. Other

Mr. Eskilson reported that the County of Sussex was recognized by NACo (National Association of Counties) as the single best county in population of 150,000 to 250,000 people for its innovative and collaborative work in cloud computing; he added that this was possible due to the hard work of the County's IT staff. Mr. Eskilson shared the award with the Board.

Mr. Eskilson said that it was nice to see that the S-REC legislation was signed by the Governor which will help stabilize the S-REC market. Mr. Eskilson also gave an update on the Solar Project.

**17. COUNTY COUNSEL**

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

Mr. McConnell said that the Board needed to set a new date for the Planning Board Appeal; there was a lengthy discussion; the Board agreed to set the new date for Monday, September 10, 2012 at 5:00 p.m., without objection.

Mr. McConnell has one item for closed session on litigation involving Gresham v. the County of Sussex and the Sussex County Sheriff's Office.

**18. UNFINISHED BUSINESS**

There were no items for Unfinished Business.

**19. NEW BUSINESS**

There were no items for New Business.

**20. PUBLIC SESSION FROM THE FLOOR**

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

**MOTION** at 5:40 p.m. by Freeholder Zeoli to open the meeting to the Public, seconded by Freeholder Space and passed unanimously.

**The Homestead**

Harry Dunleavy of Augusta came forward, he expressed his displeasure with the Board regarding the Homestead.

Jeff Daly of Newton came forward; he expressed his displeasure with the organization to whom the Homestead was sold.

Mr. Eskilson, Freeholder Crabb and Freeholder Zeoli advised Mr. Daly of additional information and statistics about Sentosa.

Freeholder Vohden advised that there are 1,052 nursing home beds in Sussex County; two thirds of those beds are one star nursing homes; he advised that the people that are really concerned about the senior citizens of Sussex County direct their attention to the two thirds of the beds that are well below average; he stated that he is very proud of what the Board has accomplished.

Kathy Brennan of Newton came forward; she spoke of her concerns for the staff at the Homestead.

Ann Smulewicz of Wantage came forward; she told the Board about a situation she had with her mother while her mother was in a nursing home.

Susan Williams came forward; she questioned Freeholder Vohden about the two thirds of nursing home beds in the County that are sub-standard. Freeholder Vohden advised that he was speaking about two thirds of the patients. Ms. Williams then asked if they were State owned or privately owned nursing homes. Freeholder Vohden advised they were privately owned.

Harry Dunleavy of Augusta came forward again; he spoke of his concerns for the patients. Mr. Eskilson advised him that no patients would be thrown out in the streets and that there is an Office of the Ombudsman that is charged with these matters, and that person lives in the County and his services are free.

**MOTION** at 5:58 p.m. by Freeholder Space to close the meeting to the Public, seconded by Freeholder Zeoli and passed unanimously.

Freeholder Crabb said before the Board goes into Executive Session he advised about the reminders in Item 22.

## **21. EXECUTIVE SESSION**

**MOTION** at 5:59 p.m. by Freeholder Zeoli to go into Executive Session for the purpose of litigation Gresham v. the County Sussex and the Sussex County Sheriff, seconded by Freeholder Space and passed unanimously.

### **RESOLUTION RE: REQUESTING EXECUTIVE SESSION 401-2012**

- 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 6:08 by Freeholder Space to come out of Executive Session and return to Open Session, seconded by Freeholder Zeoli and passed unanimously.

**MOTION** made by Freeholder Space to return to Public Session; seconded by Freeholder Zellman and passed unanimously.

**MOTION** to authorize County Counsel to entertain settlement negotiations with the firm of Jeffrey M. Patti with regard to the matter of Gersham v. the County of Sussex and the Sussex County Sheriff's Office made by Freeholder Zeoli, seconded by Freeholder Crabb and passed unanimously.

Freeholder Zellman stated that Sussex County is the host of the Six County Coalition in October and requested authorization to proceed with arrangements at Waterloo Village; Freeholder Crabb authorized without objections

**22. REMINDERS**

Wednesday	August 1, 2012	Special Meeting	5:30 p.m.
Wednesday	August 15, 2012	Regular Meeting	5:00 p.m.

**23. ADJOURNMENT**

**MOTION** made at 6:10 p.m. by Freeholder Zellman to adjourn, seconded by Freeholder Zeoli and passed unanimously.

---

Elaine A. Morgan, Clerk

**DATED: July 26, 2012**