

REGULAR MEETING HELD ON WEDNESDAY, JULY 27, 2011

5:00 PM

ORDER OF BUSINESS

Item

1. **CALL TO ORDER BY DIRECTOR** at 5:02 pm
2. **ROLL CALL:** Freeholder Crabb; Freeholder Space; Freeholder Vohden; Freeholder Zellman; Freeholder Director Zeoli; John Eskilson, County Administrator; Dennis McConnell, County Counsel; and 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 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**

A.

PUBLIC HEARING – 5:03 PM

FINAL ADOPTION – ORDINANCE

Freeholder Director Zeoli: "At our regular meeting held on July 13, 2011, we introduced for first reading the following Ordinance which was advertised in the New Jersey Herald issue of July 19, 2011 together with a Notice of Public Hearing stating it would be held at this meeting at 5:00 PM:

ORDINANCE RE: ESTABLISHMENT OF FEES FOR OFF-DUTY SHERIFF'S OFFICERS WHO PERFORM GENERAL SAFETY AND POLICE SERVICES FOR PRIVATE OR QUASI-PUBLIC AND PUBLIC FUNCTIONS, INCLUDING CONSTRUCTION PROJECTS WITHIN THE COUNTY OF SUSSEX
427-2011

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

Is anyone present to be heard regarding this Ordinance?

Marie Raffay said she was present as the Chairman of the Friends of Waterloo Village; she said she thinks it is important to strike a rate; they had an event in May where they needed police officers and she wanted to make sure the Board has looked into the fares as being a fair one and that it covers the costs of doing business; it can be a big cost for some of the non-profits who are looking for coverage.

Mr. Eskilson informed Ms. Raffay that the rate is \$70.00 per hour, \$60.00 is for the actual officer and \$10.00 is for all the other administrative overhead including the car,

etc.; the rate is based on an analysis that is done at the Sheriff's office; that amount has not changed; he said that this codifies a past practice.

Mr. McConnell said there is an analysis that will be done by the Sheriff every year once his budget is struck to make sure that he recoups his costs; he (Mr. McConnell) said he feels the Sheriff's officers are one of the cheapest in the County; Ms. Raffay agreed. There was a short discussion.

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

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

Freeholder Zeoli mentioned that he has asked staff to come up with a way to make it easy for non-profits to deal with this and certainly putting money in escrow ahead of time is a concern for the Fair and other non-profits, so the County will find a way to make sure that works.

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 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.

Freeholder Zeoli at this point said he wanted to pull the following item off the agenda tonight for technical matters; it is Item 19.B. under New Business as follows:

19. NEW BUSINESS

- B. Approval of letter to Frankford Township in support of the Township's smart growth initiative for its plan to develop a Town Center at Ross' Corner and the realization of the Township's vision that it represents.

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6. PROCLAMATIONS/CERTIFICATES/PRESENTATIONS

A. Proclamations/Certificates

1. Proclamation recognizing James Braun for attaining the rank of Eagle Scout.
428-2011

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

B. Presentations

1. Acknowledging the retirement of Diane Eakman, Deputy Clerk of the Board, who retired after 25 years with the County; Joseph Kabatyr, Laborer for the Road Department, who retired after 16 years with the County; Patricia Lorentzen, Deputy Surrogate, who is retiring after 19 years with the County; Elaine M. Rottger, Principal Library Assistant, Typing, who is retiring after 29 years with the County; and Andrew Taylor, Institutional Attendant for the Homestead, who is retiring after 11 ½ 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 5:10 pm by Freeholder Vohden to open the meeting to the Public, seconded by Freeholder Space and passed unanimously.

Term Limits for Sussex County Community College Board of Trustees and Search Committee

Harry Dunleavy, Augusta, New Jersey, came forward and said he read the article in the New Jersey Herald today about the terms at the College; he pointed out that he applied to join the Sussex County Community College Board of Trustees and discussed the Search Committee and his concerns about that Committee; he said it might be a good idea for the Freeholders to say that there should be someone on the Board that has a math degree.

Mr. Dunleavy also discussed the state of the finances of the Technical School Board when he was on that Board; he said no one from the Search Committee ever called him about his application for an appointment to the Sussex County Community College Board of Trustees.

Mr. Eskilson, County Administrator, went over the process for himself and the Search Committee.

Freeholder Zeoli said the Board is instituting term limits tonight, which is going to mean new Search Committee members and new Trustees down the road; he doesn't think it is necessarily the right place to lobby for himself (Mr. Dunleavy); Mr. Dunleavy said he wasn't lobbying for himself and was making a point; Freeholder Zeoli said his point was well taken.

Letter to Frankford Township on its Smart Growth Initiative

Paul Sutphen, Frankford Township, came forward and said his original reason for being here was to comment on the proposed letter that was on the Agenda under New Business regarding the Frankford Smart Growth; he was very happy to hear that that was taken off the Agenda; since he is here he wanted to make a couple of points; the fact that the Board wanted to send a letter seems like the Board may have a wrong opinion of what is going on in Frankford; one thing he wanted to make very clear is that what is going on is neither smart growth for Frankford nor smart growth for Sussex County; he is sure everyone is aware of the controversy in Frankford in the past; the residents of Frankford didn't know about that development agreement for over 2 years until they sued the Township; since then he has been involved in 2 lawsuits over that; malls are failing all over the country and in New Jersey and if this one fails it will be a disaster for Frankford and for Sussex County.

He wanted to bring up five items to show where Frankford is falling short on the smart growth area:

- 1) in 2010 Frankford suspended its levy for open space, which is likely to render ineligibility for sharing in any grant monies through the State or the County.
- 2) in 2010 Frankford suspended further development of its farmland preservation land and the Planning Consultant working on that was dismissed.
- 3) Frankford accepted over \$100,000.00 of grant money from the State to implement planning for a smaller scale center at Ross' Corner and to preserve open space through the development of a TDR (transfer development rights Ordinance).
- 4) it doesn't make any sense to build a sewer system that discharges treated water to the ground water in Frankford; will the treatment system be foolproof?
- 5) in 2010 Frankford reversed previously enacted smart growth zoning changes that were applauded by the Office of Smart Growth in its 2009 Opportunities and Constraints Report. Now Frankford has returned to previous commercial sprawls strip development along Highway 206 and 565.

A lady from the audience said she would like to speak about the same issue; Freeholder Zeoli said he would rather not, it is not appropriate at this point, the Board is not taking any action tonight so if you are just using this as a platform to go against Frankford and the developer, it has no business before this body; the lady said she was here as an interested resident of Lafayette and she came because this was on the Agenda; Freeholder Zeoli said it is off the Agenda now; he said she was certainly welcome to talk; the lady said she wanted to make her concerns known; Freeholder Zeoli again pointed out that the Board was not taking action on it; the lady said ok if the Board was not going to let her speak; Freeholder Zeoli said she was more than welcome to speak; she has a First Amendment right and the microphone is right there; the lady said she understood that; Freeholder Zeoli asked if anyone wanted to come up to the microphone.

Janice Heisinger from Lafayette came forward to tell the Board that there is nothing that she needs to buy that she can't buy within 15 minutes of where she lives; there are enough stores that sell everything; bringing in more retail into the area is going to kill the mom and pop stores that still remain.

Term Limits for the Sussex County Community College Board of Trustees and Search Committee

Ann Bain, Secretary of the Sussex County Community College Board of Trustees, came forward and complemented the Search Committee; they have a wonderful Board, she said that two members of the Board have Masters in Business Administration; they are proud of the members who are not college-graduates; she said Sussex County Community College is about opportunity and that is what it is all about.

She also wanted to address the Resolution establishing term limits for Sussex County Community College Board of Trustees and the Search Committee; the Freeholders currently have the power to approve or disapprove appointments to these Boards; the establishment of term limits via Resolution reduces the Board's power by removing its ability to reappoint someone it may wish to keep.

She also said that she believes this Board would be the first Board of Chosen Freeholders in the State to establish term limits for College Trustees; she recommended that the Board vote down the Resolution and approve or disapprove recommendations as they have done in the past, table the motion for further study or amend the motion to read except in special circumstances; this addition would allow the Board to renew a term if a Board member was in a position to fill a State or national position; it takes time to get to that point; continue as an officer if needed and continue on the Board for institutional memory or fulfill some other need unknown at this time.

Byram's Wastewater Management Plan

Marie Raffay said she was here as a Councilwoman from Byram and wanted to address the first reading approval of Byram's Wastewater Management Plan; she thanked Mr. Eskilson for the work he did with the Highland's Council, who saved Byram so much money in helping them to get things going for their Village Center; she thanked the Board in advance for its support of this.

MOTION made at 5:40 pm by Freeholder Crabb to close the meeting to the public, seconded by Freeholder Vohden and passed unanimously.

8. FREEHOLDERS' COMMENTS

Comments from Freeholder Zellman

- **TransOptions Awards Breakfast**

Freeholder Zellman said she attended the TransOptions Awards Breakfast at which the County was recognized with an award for employers.

On November 30th they are having a sequel to the March 31st Complete Streets Program to be held at the County College of Morris; it will be a much closer to the ground aspect at which they will be looking at accommodating transit and disabilities; they will be reaching out to different organizations to reach out to potential attendees.

Friends of Waterloo Village is planning an art sale and a wine and cheese tasting event on October 13, 2011; they have three local artists that will be selling prints – Bill Sturm, David Rush and Joyce Bambach and they will be auctioning off two paintings, one by Bill Sturm and one by David Rush for the benefit of the roof on the grist mill at Waterloo Village.

Comments from Freeholder Vohden

Project Self-Sufficiency Tour

Freeholder Vohden said he had a tour of Project Self-Sufficiency with the Executive Director; he was informed about all its services and programs, including the Work Connections, which is a new workforce development program funded annually with a $\frac{3}{4}$ million dollar grant from the Department of Labor for the next three years; it is a great organization.

Sussex County Fairgrounds

As liaison to the Sussex County Fairgrounds, he met with Mark Musilli and discussed some current issues.

Barn Fire in Wantage

Freeholder Vohden discussed the Barn fire in Wantage that was in an article in The New Jersey Herald; at the last meeting he discussed the Barn fire in Pennsylvania and said he is interested to see how long it takes for this one to be back up and running; he is going to keep an eye on what happens with the regulations in New Jersey.

Planning Board Meeting

Freeholder Vohden said at their monthly Planning Board meeting again, there were no applications; the Development Review Committee that meets every two weeks and reviews every sub-division in Sussex County has been seeing an average of two or three applications per meeting for all 24 municipalities; he pointed out that some of the municipalities have a planning board and a zoning board; Hopatcong is now looking at merging their planning and zoning boards into a Land Use Board; he feels that as Freeholders everyone should encourage all municipalities to look at the cost savings to merge those two boards.

Board of Agriculture Meeting

Freeholder Vohden said at the Board of Ag meeting Monday night a new program was announced – it was the 10 for 10 program buy fresh, buy local Sussex County farms and farmers markets.

Comments from Freeholder Crabb

Sussex County Fire Academy

Freeholder Crabb said he had the opportunity to meet with representatives from the Sussex County Fire Chief's Association, Sussex County Firemen's Association and the Fire Academy Board of Directors with representatives from the Community College, which was very useful; it seems that there is concern in the fire service with regard to the maintenance and the upkeep of the fire and police training area; as it turned out, the President of the College was very interested in facilitating the meeting with these representatives and with the decision makers at the College, including Harry Damato, Paul Mazur and Katherine Scott; it was the linkage of communications between those on the ground running the Academy and the

decision makers; he feels they are reestablishing that communication; there was a short discussion.

Freeholder Crabb said in the end there will be deliverables and on-going forums for discussions.

Barn Fire in Wantage

When he looked at the barn fire in the Herald, the first thing that came to his mind as a firefighter was that there was a piece of the barn left and that is significant; he gave accolades to those who came out and fought that fire and were able to save a portion of it; he extended his congratulations for another job well done.

Comments from Freeholder Space

Barn Fire in Wantage

Freeholder Space said on the Wantage Fire, it wasn't just Sussex County, they also had help from New York State – Greenville, Unionville, Slate Hill; he shared a heartfelt story with the Board about what happened during this fire. He said that is what community is all about.

Mr. Eskilson asked if the Freeholder Director would consider amending the Agenda to advance several of the Resolutions and one Ordinance so that Mr. Pearlman can leave.

Freeholder Director Zeoli said he would give his report first and then amend the Agenda.

Comments from Freeholder Director Zeoli

Department of Human Services

Freeholder Zeoli said that Freeholder Zellman, in her capacity as liaison to the Department of Human Services, did a review and tonight the Board will have before it for consideration the changes for the Division of Senior Services; before they took this action, they met with Steve Gruchacz, Department Administrator and the County Administrator to basically look at the overall department to see where there are duplication of services, etc.; he would like for each Freeholder to do this with the Department they are liaison to; there was a short discussion concerning looking at the County's internal processes.

Freeholder Zellman said it was very helpful to do that because it showed her levels of details that she didn't know about.

Franklin Viaduct Bridge

Freeholder Zeoli said he spoke to the Governor's office today and thanked them for their help in terms of getting the funding for the Franklin Viaduct Bridge; the County is still a couple of million dollars short, but the County is doing its best to try to close that gap.

Potential Sale of the Homestead

Freeholder Zeoli said he felt it was important to let everyone know that the Freeholders are starting a process now as they are dealing with the 2% cap reality that we live in, as part of the County's approach to looking at what are its core functions, what core businesses does it need to be in; obviously the Board needs to make sure the bridges don't fall down and the roads don't crumble and at the Jail the inmates don't escape; the vital services that the County is mandated to do such as aging and others are fulfilled, but beyond that what are the core government functions; the feeling the Board has as it goes forward with the 2% cap world, the County can't do big tax hikes, nor would it want to, but they also have to realize they can't do what they used to do; it is a new reality.

To that end, the County is going to be doing a review now of the County nursing home, the Homestead to determine whether or not it makes sense to keep it as a public facility or whether it would be better to look if there are interested parties who would rather run it, potentially buy it from the County; other counties around the State are going through this process right now; Salem County just sold their nursing home; the County received an estimate from one broker, who estimated that the County's nursing home could be sold for anywhere from \$8 million on up; obviously, with those kinds of numbers in this economy, the Board has to take a look at it and first and foremost as Freeholders, they would want to know that the level of care would be the same and that there would not be any changes to that; one of the goals would be to see if there were any non-profits that would be interested in coming in to potentially purchase it.

The Board is not voting tonight to make any decisions, but what he (Freeholder Zeoli) is asking the Board to do is to begin the process of the review as to whether or not the County should be in the nursing home business as a County, whether the County can afford to do it and secondly, there is an issue with regard to the subdivision of the lot, that, before any potential sale could happen, it would need to be dealt with so he asked County Counsel and the County Administrator to please immediately proceed with reviewing that in terms of how that would have to be corrected, if at all, in order to make this happen; he said if there were any entities out there that would like to have a conversation with the Board about the process, certainly the Board would welcome the opportunity to do so; it is a wonderful place, the level of care is amazing, I also know the level of care in a private facility is amazing and so they have to look at what makes sense for the taxpayers going forward for the next 20-25 years; that process will begin tomorrow and obviously the Board welcomes all kinds of feedback on it; other counties in the State are going this way, the County is not first in this, in fact he would say Sussex County is coming to the dance a little late; he knows Salem has done it, Essex County has done it and there are a few others that have done it or are in the process of doing it; these are the tough decisions that we are all going to face as they go forward in the future in the 2% cap world.

Freeholder Zeoli said he appreciates Freeholder Space's work at the fire and all the men and women who went up there to put that fire out.

Freeholder Zeoli said they will amend the Agenda to move forward with Item #14 Financial.

14. FINANCIAL

A.

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INTRODUCTION FOR FIRST READING – ORDINANCE

ORDINANCE RE: GUARANTY ORDINANCE OF THE COUNTY OF SUSSEX, NEW JERSEY, SECURING THE MORRIS COUNTY IMPROVEMENT AUTHORITY'S COUNTY OF SUSSEX GUARANTEED RENEWABLE ENERGY PROGRAM LEASE REVENUE BONDS (COUNTY OF SUSSEX PROGRAM), SERIES 2011 (FEDERALLY TAXABLE) IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$50,000,000.00

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

Mr. Eskilson, County Administrator, mentioned there are lots of safeguards built into this process, including a performance bond in year one of construction, including the ability to recoup the energy payment should a developer default and a deficiency agreement that covers almost worst case scenario should the SRex market collapse, with minimum risk moving forward.

Steve Pearlman from Inglesino, Pearlman, Wyciskala & Taylor, came forward to say that the Board has four (4) actions tonight; one Ordinance and three Resolutions on the solar program; he gave a very brief overview for the Board and the audience.

Freeholder Zeoli said he was in a meeting with the County Administrator and Mr. Pearlman, County's Bond Counsel, County Counsel and County Treasurer to discuss this and he (Freeholder Zeoli) is convinced that the risk to the County is minimal; the County also has the option as it goes on to look at private financing as well, in which case the County would not have to guarantee anything and that is also something that would be considered at a later date.

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 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 17, 2011 at 5:00 pm prior to final adoption of this Ordinance made by Freeholder Crabb, seconded by Freeholder Space and passed unanimously.

- B. **RESOLUTION RE: REQUESTING DEDICATION BY RIDER TRUST FUND APPROVAL FROM THE DIVISION OF LOCAL GOVERNMENT SERVICES FOR OFF-DUTY AND OUTSIDE EMPLOYMENT OF COUNTY SHERIFF'S OFFICERS**
430-2011

- C. **RESOLUTION RE: RESOLUTION OF THE COUNTY OF SUSSEX AUTHORIZING THE ISSUANCE OF A REQUEST FOR PROPOSALS PURSUANT TO THE LOCAL PUBLIC CONTRACTS LAW N.J.S.A. 40A:11-4.1(k) IN CONNECTION WITH THE MORRIS COUNTY IMPROVEMENT AUTHORITY'S COUNTY OF SUSSEX RENEWABLE ENERGY PROGRAM**
431-2011

- D. **RESOLUTION RE: RESOLUTION PROVIDING SUSSEX COUNTY'S CONSENT TO THE ISSUANCE BY THE MORRIS COUNTY IMPROVEMENT AUTHORITY OF THE AUTHORITY'S COUNTY OF SUSSEX GUARANTEED RENEWABLE ENERGY PROGRAM LEASE REVENUE BONDS (COUNTY OF SUSSEX PROGRAM), SERIES 2011 (FEDERALLY TAXABLE) IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$50,000,000.00 AND RELATED DOCUMENTS**
432-2011

- E. **RESOLUTION RE: RESOLUTION OF THE SERIES 2011 LOCAL UNIT PARTICIPATING IN THE MORRIS COUNTY IMPROVEMENT AUTHORITY'S SERIES 2011 RENEWABLE ENERGY PROGRAM (COUNTY OF SUSSEX PROGRAM), AND AUTHORIZING SUCH AUTHORITY TO APPLY TO THE LOCAL FINANCE BOARD FOR THE NECESSARY CONSENTS AND APPROVALS ON BEHALF OF SUCH PARTICIPANT, ALL IN CONNECTION WITH THE AUTHORITY'S COUNTY OF SUSSEX GUARANTEED RENEWABLE ENERGY PROGRAM LEASE REVENUE BONDS (COUNTY OF**
433-2011

SUSSEX PROGRAM), SERIES 2011 (FEDERALLY TAXABLE) IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$50,000,000.00 AND THE PARTICIPANT PROJECT FINANCED THEREBY

MOTION made by Freeholder Crabb to adopt Resolutions B-E, 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

9. APPROVAL OF CONSENT AGENDA

- A. **RESOLUTION RE: PAYMENT OF BILLS
434-2011**

- B. **RESOLUTION RE: AUTHORIZATION FOR THE FREEHOLDER DIRECTOR
435-2011** AND CLERK OF THE BOARD TO EXECUTE FEDERAL AID AGREEMENT NO. 2011-DT-BLA1-07 (Resolution authorizes this Agreement for funds through the 2010 High Risk Rural Roads Program)

- C. **RESOLUTION RE: AUTHORIZATION FOR THE FREEHOLDER DIRECTOR
436-2011** AND CLERK OF THE BOARD TO EXECUTE FEDERAL AID AGREEMENT NO. 2011-DT-BLA1-08 (Resolution authorizes this Agreement for funds through the 2011 High Risk Rural Roads Program)

- D. **RESOLUTION RE: RESOLUTION PROVIDING FOR THE INSERTION OF
437-2011** ANY SPECIAL ITEM OF REVENUE IN THE 2011 BUDGET OF THE COUNTY OF SUSSEX RELATING TO THE SEXUAL ASSAULT NURSE EXAMINER/SEXUAL ASSAULT RESPONSE TEAM PROJECT, VICTIM OF CRIME ACT GRANT, VS-39-09, OCTOBER 1, 2010 TO SEPTEMBER 30, 2011 FOR A TOTAL AMOUNT OF \$56,406.00

- E. **RESOLUTION RE: RESOLUTION PROVIDING FOR THE INSERTION OF
438-2011** ANY SPECIAL ITEM OF REVENUE IN THE 2011 BUDGET OF THE COUNTY OF SUSSEX RELATING TO THE COUNTY COMPREHENSIVE CANCER CONTROL PLAN GRANT FOR A TOTAL AMOUNT OF \$50,000.00 FOR THE PERIOD OF JULY 1, 2011 TO JUNE 30, 2012

- F. **RESOLUTION RE: RESOLUTION PROVIDING FOR THE INSERTION OF
439-2011** ANY SPECIAL ITEM OF REVENUE IN THE 2011 BUDGET OF THE COUNTY OF SUSSEX RELATING TO THE CHRONIC DISEASE SELF-MANAGEMENT PROGRAM (CDSMP), DACS11CDF005, IN THE AMOUNT OF \$40,000.00

- G. **RESOLUTION RE: RESOLUTION PROVIDING FOR THE INSERTION OF
440-2011** ANY SPECIAL ITEM OF REVENUE IN THE 2011 BUDGET OF THE COUNTY OF SUSSEX RELATING TO THE COUNTY ENVIRONMENTAL HEALTH ACT (CEHA) GRANT FOR A TOTAL AMOUNT OF \$142,513.00

- H. **RESOLUTION RE: RESOLUTION PROVIDING FOR THE INSERTION OF**

- 441-2011** ANY SPECIAL ITEM OF REVENUE IN THE 2011 BUDGET OF THE COUNTY OF SUSSEX RELATING TO THE 2011 AREA PLAN ALLOCATION, MID-YEAR ALLOCATION OF AREA PLAN FOR AN ADDITIONAL AMOUNT OF \$238,211.00
- I. **442-2011** RESOLUTION RE: RESOLUTION PROVIDING FOR THE INSERTION OF ANY SPECIAL ITEM OF REVENUE IN THE 2011 BUDGET OF THE COUNTY OF SUSSEX RELATING TO FY11 COOPERATIVE MARKETING GRANT FOR THE TOTAL AMOUNT OF \$9,000.00
- J. **443-2011** RESOLUTION RE: RESOLUTION PROVIDING FOR THE CANCELING OF THE GRANT ACCOUNT BALANCES FOR THE STATE OF NEW JERSEY, DEPARTMENT OF COMMUNITY AFFAIRS, SHARING AVAILABLE RESOURCES EFFICIENTLY 2007, AMENDMENT, 2007-04665-2388-02, FOR A REMAINING TOTAL AMOUNT OF \$51,794.19 (RESERVE), AND A TOTAL AMOUNT OF \$54,854.99 (RECEIVABLE)
- K. **444-2011** RESOLUTION RE: AUTHORIZATION TO CANCEL CERTAIN GENERAL CAPITAL IMPROVEMENT AUTHORIZATION BALANCES (Resolution authorizes the cancellation of unexpended and dedicated balances of General Capital Appropriations in the total amount of \$249,616.02)
- L. **445-2011** RESOLUTION RE: RESOLUTION PROVIDING FOR THE CANCELING OF THE GRANT ACCOUNT BALANCES FOR THE SENIOR FARMERS MARKET NUTRITION PROGRAMS, VARIOUS YEARS REMAINING FOR A TOTAL AMOUNT OF \$5.81
- M. **446-2011** RESOLUTION RE: AUTHORIZATION FOR THE FREEHOLDER DIRECTOR TO SIGN THE SUBGRANT AWARD FOR THE 2010 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT PROGRAM, JAG 3-11-07, SUSSEX COUNTY COMMUNITY JUSTICE PROGRAM FOR THE PERIOD FEBRUARY 2, 2010 TO FEBRUARY 1, 2011 IN THE TOTAL AMOUNT OF \$79,072.00
- N. **447-2011** 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 purchase orders for United Rentals and H&R Healthcare)
- O. **448-2011** RESOLUTION RE: AUTHORIZATION FOR THE FREEHOLDER DIRECTOR AND BOARD CLERK TO EXECUTE AN APPLICATION FOR DISCRETIONARY AID FROM NJDOT LOCAL AID INFRASTRUCTURE FUND IN THE AMOUNT OF \$3,750,000.00 FOR THE REPLACEMENT OF THE FRANKLIN VIADUCT BRIDGE E-07
- P. **449-2011** RESOLUTION RE: AUTHORIZING THE RENEWAL OF THE AGREEMENT BETWEEN THE COUNTY OF SUSSEX AND THE BOROUGH OF FRANKLIN FOR ENFORCEMENT AGENCY SERVICES AS SET FORTH IN THE NJ STATE UNIFORM FIRE CODE REGULATIONS IN ACCORDANCE WITH THE PROVISIONS OF N.J.S.A. 40A:65-1 ET SEQ.

- Q. RESOLUTION RE: AUTHORIZATION TO PROVIDE FOR THE PURCHASE OF ADDITIONAL ENERGY CONSERVATION RETROFITS IN VARIOUS SUSSEX COUNTY BUILDINGS FOR THE SUSSEX COUNTY DIVISION OF FACILITIES MANAGEMENT (Resolution authorizes this purchase from R. J. Donnelly in the approximate amount of \$312,058.75)
450-2011

- R. 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 SHERIFF'S BUREAUS OF LAW ENFORCEMENT AND CORRECTIONS
451-2011

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.

Mr. Eskilson said on Resolution 9.Q., given the Director's directive earlier he suggested the Board amend the authorized amount by \$95,591.46, which is the amount for the work at the Homestead; he suggested amending this by reducing the total by \$95,591.46 to a revised amount to be authorized of \$216,467.29.

MOTION made by Freeholder Vohden to amend Item #9.Q. to reduce it by \$95,591.46 for the Homestead to a revised total amount to be authorized of \$216,467.29, seconded by Freeholder Space and passed unanimously.

MOTION made by Freeholder Crabb to approve the Financial Consent Agenda as amended, 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 – but abstain on bill #30627

10. APPROVAL OF MINUTES: Regular Meeting July 13, 2011

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

11. APPOINTMENTS AND/OR RESIGNATIONS

There were none.

12. RESOLUTIONS

- A. RESOLUTION RE: ESTABLISHING TERM LIMITS FOR THE SUSSEX COUNTY COMMUNITY COLLEGE BOARD OF TRUSTEES AND THE SUSSEX COUNTY COMMUNITY COLLEGE BOARD OF TRUSTEES SEARCH COMMITTEE
452-2011

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

B.

INTRODUCTION FOR FIRST READING - RESOLUTION

**RESOLUTION RE: PRELIMINARY APPROVAL FOR THE BYRAM TOWNSHIP CHAPTER
453-2011 OF THE SUSSEX COUNTY WASTEWATER MANAGEMENT PLAN**

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

Public Hearing to be set after appropriate notice by the Township and the NJDEP.

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13. AWARDS OF CONTRACTS/CHANGE ORDERS/BIDS

A. Awards of Contracts

1. **RESOLUTION RE: 454-2011** AUTHORIZING THE ENTRY INTO A PROFESSIONAL SERVICES AGREEMENT BETWEEN THE COUNTY OF SUSSEX AND PARETTE SOMJEN ARCHITECTS FOR THE PROVIDING OF ARCHITECTURAL SERVICES FOR THE KEOGH-DWYER CORRECTIONAL FACILITY BARRIER FREE ACCESS AS A PROFESSIONAL SERVICE PURSUANT TO N.J.S.A. 40A:11-5(1)(a)(i) (Resolution authorizes this Agreement for architectural design services, architectural construction documents and contract administration services in an amount of \$11,900.00)
2. **RESOLUTION RE: 455-2011** AUTHORIZING THE ENTRY INTO A PROFESSIONAL SERVICES AGREEMENT WITH HQW ARCHITECTS, LLC FOR THE PROVIDING OF ARCHITECTURAL AND ENGINEERING SERVICES FOR THE NEW 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 for the full architectural and engineering services through construction administration in an amount of \$74,800.00)
3. **RESOLUTION RE: 456-2011** AUTHORIZING THE ENTRY INTO A PROFESSIONAL SERVICES AGREEMENT WITH ARCARI & IOVINO ARCHITECTS PC FOR THE PROVIDING OF CONSTRUCTION DOCUMENTS AND CONSTRUCTION ADMINISTRATION FOR THE SUSSEX COUNTY MAIN LIBRARY AS A PROFESSIONAL SERVICE PURSUANT TO N.J.S.A. 40A:11-5(1)(a)(i) (Resolution authorizes this Agreement to complete construction documents and administration in an amount not to exceed \$213,850.00)
4. **RESOLUTION RE: 457-2011** AWARD OF CONTRACT RENEWAL FOR MISCELLANEOUS BUILDING TRADE SERVICES FOR FIRE SUPPRESSION SYSTEM'S SERVICE IN VARIOUS SUSSEX COUNTY BUILDINGS AND FACILITIES (Resolution awards this Contract to the lowest responsible bidder, Castle Fire Protection, Inc. for an open-ended Contract with a minimum expenditure of \$500.00 and a maximum amount of \$100,000.00)
5. **RESOLUTION RE: 458-2011** AWARD OF A CONTRACT RENEWAL FOR FIRE ALARM INSTALLATION, REPAIR, SERVICE AND MONITORING SERVICES FOR THE COUNTY OF

SUSSEX (Resolution awards this Contract to the lowest responsible bidder, T&R Alarm Services, Inc. for an open-ended Contract with a minimum expenditure of \$500.00 and a maximum amount of \$100,000.00)

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

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.

INTRODUCTION FOR FIRST READING – ORDINANCE

This was handled earlier in the meeting.

ORDINANCE RE: GUARANTY ORDINANCE OF THE COUNTY OF SUSSEX, NEW JERSEY, SECURING THE MORRIS COUNTY IMPROVEMENT AUTHORITY'S COUNTY OF SUSSEX GUARANTEED RENEWABLE ENERGY PROGRAM LEASE REVENUE BONDS (COUNTY OF SUSSEX PROGRAM), SERIES 2011 (FEDERALLY TAXABLE) IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$50,000,000.00

MOTION to adopt this Ordinance on first reading.

MOTION to authorize the Clerk to advertise this 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 17, 2011 at 5:00 pm prior to final adoption of this Ordinance.

- B. **RESOLUTION RE: REQUESTING DEDICATION BY RIDER TRUST FUND (handled earlier) APPROVAL FROM THE DIVISION OF LOCAL GOVERNMENT SERVICES FOR OFF-DUTY AND OUTSIDE EMPLOYMENT OF COUNTY SHERIFF'S OFFICERS**

- C. **RESOLUTION RE: RESOLUTION OF THE COUNTY OF SUSSEX (handled earlier) AUTHORIZING THE ISSUANCE OF A REQUEST FOR PROPOSALS PURSUANT TO THE LOCAL PUBLIC CONTRACTS LAW N.J.S.A. 40A:11-4.1(k) IN CONNECTION WITH THE MORRIS COUNTY IMPROVEMENT AUTHORITY'S COUNTY OF SUSSEX RENEWABLE ENERGY PROGRAM**

- D. **RESOLUTION RE: RESOLUTION PROVIDING SUSSEX COUNTY'S (handled earlier) CONSENT TO THE ISSUANCE BY THE MORRIS COUNTY IMPROVEMENT AUTHORITY OF THE AUTHORITY'S COUNTY OF SUSSEX GUARANTEED RENEWABLE ENERGY PROGRAM LEASE REVENUE BONDS (COUNTY OF SUSSEX PROGRAM), SERIES 2011 (FEDERALLY TAXABLE) IN AN AGGREGATE**

PRINCIPAL AMOUNT NOT TO EXCEED \$50,000,000.00
AND RELATED DOCUMENTS

- E. RESOLUTION RE: RESOLUTION OF THE SERIES 2011 LOCAL UNIT
(handled earlier) PARTICIPATING IN THE MORRIS COUNTY
IMPROVEMENT AUTHORITY'S SERIES 2011
RENEWABLE ENERGY PROGRAM (COUNTY OF
SUSSEX PROGRAM), AND AUTHORIZING SUCH
AUTHORITY TO APPLY TO THE LOCAL FINANCE
BOARD FOR THE NECESSARY CONSENTS AND
APPROVALS ON BEHALF OF SUCH PARTICIPANT, ALL
IN CONNECTION WITH THE AUTHORITY'S COUNTY OF
SUSSEX GUARANTEED RENEWABLE ENERGY
PROGRAM LEASE REVENUE BONDS (COUNTY OF
SUSSEX PROGRAM), SERIES 2011 (FEDERALLY
TAXABLE) IN AN AGGREGATE PRINCIPAL AMOUNT
NOT TO EXCEED \$50,000,000.00 AND THE
PARTICIPANT PROJECT FINANCED THEREBY

15. PERSONNEL

- A. Personnel Agenda

There were three items added at the last minute for consideration by the Board.

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

16. ADMINISTRATIVE REPORT

- A. Other

Mr. Eskilson said he had nothing to add.

17. COUNTY COUNSEL

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

Mr. McConnell, County Counsel, said one thing he wanted to bring up was the Emergency Resolution entitled:

**RESOLUTION RE: EMERGENCY SITUATION PERTAINING TO COUNTY BRIDGE Q-06
459-2011 ON MAIN STREET SPARTA TOWNSHIP AND AUTHORIZING THE
AWARD OF CONTRACTS FOR THE REQUIRED MATERIALS AND
SERVICES WITHOUT PUBLIC BIDDING IN ACCORDANCE WITH
N.J.S.A. 40A:11-6**

Mr. McConnell said this particular bridge has been monitored for some time and when the water got lower this summer, staff went out and found that the underpinning had scoured

significantly; the County thought they would be able to get it done under the bid threshold, but Mr. Cramp went out, solicited quotes from some contractors and found it cannot be done under the bid threshold; it needs to be done, this bridge carries over 8,000 trips a day; it is an emergency. There was a short discussion.

MOTION made by Freeholder Vohden to adopt this Resolution, 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

Mr. McConnell said he had another item for Executive Session under litigation regarding Ameripay and the County of Sussex.

18. UNFINISHED BUSINESS

19. NEW BUSINESS

- A. Approval of letter to the NJDOT Commissioner regarding the proposed Replacement of State Bridge No. 1904-153 carrying Rt. 23 over Branch of Walkkill River.

MOTION made by Freeholder Space to approve this Letter, seconded by Freeholder Vohden and passed unanimously.

- B. Approval of letter to Frankford Township in support of the Township's smart growth initiative for its plan to develop a Town Center at Ross' Corner and the realization of the Township's vision that it represents.

This letter was pulled from the Agenda earlier in the meeting.

20. PUBLIC SESSION FROM THE FLOOR

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

MOTION made at 6:05 pm by Freeholder Crabb to open the meeting to the public, seconded by Freeholder Space and passed unanimously.

Funding for Catholic Family Services

Linda Ward, Catholic Family Services, came forward to say that as the Board looks at its core services that the County supports, she wanted to speak tonight on behalf of those that the County funds through Peer Group funding and that are under 60; Peer Group funding is the only funding for those clients; they are home bound, they are seriously sick, many with missing limbs, mental health issues, with the 20% cut from last year, if they get any further cuts, they are already down to two meals a week during summer; they make sure those clients have the basic fridge, microwave to be able to cook additional bags of food that they are delivering; she is asking the Board to look at that as it looks at all the cuts it has to make that those are really the hidden people; they have 22 clients like that on their books. There was a short discussion.

MOTION made at 6:08 pm by Freeholder Crabb to close Public Session and return to Open Session, seconded by Freeholder Zellman and passed unanimously.

21. EXECUTIVE SESSION

Handled later in the meeting.

RESOLUTION RE: REQUESTING EXECUTIVE SESSION

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

It is anticipated that the deliberations conducted in closed session may be disclosed to the public upon the determination of the Sussex County Board of Chosen Freeholders that the public interest will no longer be served by such confidentiality.

22. REMINDERS

Wednesday August 17, 2011 Regular Meeting 5:00 pm

21. EXECUTIVE SESSION

MOTION made at 6:09 pm by Freeholder Crabb to go into Executive Session for the purpose of discussing Ameripay vs the County of Sussex, seconded by Freeholder Space and passed unanimously.

RESOLUTION RE: REQUESTING EXECUTIVE SESSION
460-2011

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

MOTION made at 6:25 pm by Freeholder Crabb to come out of Executive Session and return to Public Session, seconded by Freeholder Space and passed unanimously.

MOTION made by Freeholder Vohden to authorize County Counsel as directed in Executive Session with regard to the issue of Ameripay and the County of Sussex, seconded by Freeholder Zellman and passed unanimously.

Mr. McConnell said he had one other comment with regard to the issue of the Homestead and he asked the Board to authorize County Counsel and the County Administrator to pursue the study, he felt there should be a motion from the Board.

MOTION made by Freeholder Space to authorize the County Administrator and County Counsel to move forward with a study on the sale of the Homestead, seconded by Freeholder Vohden and passed unanimously.

There was a short discussion on ways to use the public session such as if the first one is used for things only on the Agenda and the second one is wide open for any topic. The Board decided to leave it as is.

23. ADJOURNMENT

MOTION made at 6:27 pm by Freeholder Space to adjourn, seconded by Freeholder Zellman and passed unanimously.

Elaine A. Morgan, Clerk

Dated: July 27, 2011