

REGULAR MEETING HELD ON WEDNESDAY, JUNE 9, 2010

5:00 PM

ORDER OF BUSINESS

Item

1. CALL TO ORDER BY DIRECTOR at 5:01 p.m.

2. ROLL CALL: Freeholder Crabb; Freeholder Zellman; Freeholder Zeoli;
Freeholder Director Parrott; 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 6, 2010 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 – 5:10 PM

RESOLUTION RE: SETTING A PUBLIC HEARING TO AMEND THE DISTRICT SOLID WASTE MANAGEMENT PLAN TO REFLECT THE RELOCATION OF BACK THRU THE FUTURE, INC.

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

Is anyone present to be heard regarding this Resolution?

Comment from Freeholder Zellman

Freeholder Zellman explained that Back Thru the Future was a computer parts recycling operation.

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

6. PROCLAMATIONS/CERTIFICATES/PRESENTATIONS

A. Proclamations and Certificates

1. Certificate presented to Vernon High School "Champions for Charity" for sharing its spirit of community, enthusiasm of youth, and sincere desire to help those in need on June 1, 2010.

374-2010

Freeholder Zellman said that she had an additional Certificate for the Board's approval.

2. Certificate in recognition of the "100th Anniversary" of the Newton Police Department.

375-2010

MOTION made by Freeholder Zellman to approve these Certificates, seconded by Freeholder Zeoli and passed unanimously.

B. Presentations

1. Acknowledging the retirement of Christopher Ciasulla, Sergeant 1st Class Investigator for the Prosecutor's Office, who retired after 22 years with the County; Phyllis L. Cooper, County Correction Officer at the Jail, who retired after 21 ¼ years with the County; Thomas Donald Drake, Principal Engineer – Civil for Engineering, who retired after 25 ¼ years with the County; Steven A. Lee, Equipment Operator – Road Department, who retired after 20 ¾ years with the County; Harry Predmore, Confidential Assistant for Engineering, who retired after 31 ½ years with the County; and Mark A. Tomasula, County Correction Sergeant at the Jail, who retired after 26 ¼ years with the County.

MOTION made by Freeholder Zeoli to approve these presentations, seconded by Freeholder Crabb and passed unanimously.

7. PUBLIC SESSION FROM THE FLOOR

(Please note: Everyone is asked to keep their comments to 10 minutes or less)

MOTION made at 5:19 p.m. by Freeholder Crabb to open the meeting to the Public, seconded by Freeholder Zeoli and passed unanimously.

Comments on Sussex County Community College (SCCC)

Naomi Miller, Middletown, NY, came forward; she said she taught at SCCC; she thanked the Board for being pro-active regarding the issues at the College; Ms. Miller asked the Board to hold a public hearing to hear testimony to determine what actually occurred during the period that Dr. Mierendorf was being fired.

E Franklin, Newton, came forward; he said he also worked at the College; he echoed Ms. Miller's request for the Freeholder Board to hold a public hearing.

Tim Lee, a student at SCCC, came forward; he expressed his support for Dr. Mierendorf.

Maureen Murphy-Smolka, Sparta, came forward; she thanked the Board for its help with the issues at the College; she said that she felt it was the responsibility of the Board of Chosen Freeholders to exercise its charge to ensure that the Board of Trustees members abided by the standards of best practices; she felt that it would be a prudent move to have a formal hearing to determine what transpired in the dismissal of Dr. Mierendorf and that Dr. Mierendorf should be reinstated.

Sam Keeb, Vernon, came forward; she said that the College was still in distress and asked for a public meeting whereby Dr. Mierendorf and the Board of Trustees could explain both sides of the situation.

Neda Bavrlie, Blairstown, came forward; she thanked the Freeholder Board for everything it has done; she said there were still many unanswered questions; Ms. Bavrlie discussed the actions of the Board of Trustees and said it was tarnishing the College's reputation; she said she was in favor of a public hearing and thought that Freeholder Zeoli had said at the last meeting that he was in favor of this.

Freeholder Zeoli clarified that he had said that he would not stand in the way if one of

his colleagues wanted a public hearing, adding that he personally did not want one.

Technical School pool

George Sudor, Wantage, came forward; he said many people were distraught over the closing of the Technical School pool; Mr. Sudor discussed the Technical School Board of Education Meeting and the architect's findings.

Mr. Eskilson discussed his conversation with Mark Toback, Superintendent, Technical School; Mr. Toback had informed him that he (Mr. Toback) had not received any response from any of the Superintendents of the affected districts, nor had he heard from any community not for profit agencies in the hopes of bringing together a group to brainstorm to see if there was a way to take this off the public budget

Budget decisions regarding Catholic Family & Community Services

Linda Ward, Catholic Family & Community Services, came forward; she asked the Board that when it was making its budget decisions to think about the impact its decision has on the employees of Catholic Family & Community Services and the clients it services.

Freeholder Zellman clarified with Ms. Ward that she was referring to the funding cuts in the amount of Peer Group funding that the Catholic Family & Community Services would receive; she noted that the Freeholder Board was not the decision maker in the Peer Group funding and that it was important for the public to know this; the Human Services Advisory Committee (HSAC) and the Allocations Group were the ones who make the decisions as to the levels of funding.

There was a brief discussion regarding the difficult financial times and the impact it is having on non-profit organizations and the operations of County Government.

Comments on Sussex County Community College (SCCC)

Cathy Brennan, Newton, came forward; she expressed her concern about the current issues the College was experiencing; she felt these issues could possibly be resolved with a public hearing and the reinstatement of Dr. Mierendorf.

Catholic Family & Community Services

Joseph Duffy came forward; he informed the Freeholder Board that he was now President, of Catholic Charities, Paterson Diocese.

MOTION made at 6:00 p.m. by Freeholder Crabb to close the meeting to the Public, seconded by Freeholder Zellman and passed unanimously.

Comments on SCCC

Freeholder Parrott stated that he and Freeholder Zeoli met with the College last week regarding the College's budget; he referred to rumors that the County had been holding up its budget because there was going to be a dramatic increase, stating that this could not be further from the truth; Freeholder Parrott said that in reviewing the College's finances and working with the Mercadien Report, the final County budget was \$190,000.00 less.

Mr. Eskilson stated the Board of Trustees Meeting was scheduled for June 23, 2010; if the Board of Trustees moves on the College budget, this will allow the County to move forward with its budget on the same day.

Freeholder Parrott said that the new implementation of the Mercadien Report and

financial information will be placed online; a lot of the questions pertaining to finances will be available on the College website.

Freeholder Zeoli said that the College agreed to keep its budget the same as last year; he said that the good that will come from all of this is a greater partnership between the County and College administration in terms of working together to ensure that there is a long term plan for the College; Freeholder Zeoli said that he has always said that he did not believe the Freeholder Board should micro manage the College, but at the same time, since the Freeholder Board contributes millions of dollars of taxpayers' dollars, the County needs accountability as to how this money is spent; he said that in his opinion, a long-term plan had been established, such as a five year capital plan that will be a part of the College budget.

8. APPROVAL OF CONSENT AGENDA

- A. RESOLUTION RE: PAYMENT OF BILLS
376-2010

- B. RESOLUTION RE: APPROVING PARTICIPATION WITH THE STATE OF
377-2010 NEW JERSEY IN A STATE AND LOCAL LAW
ENFORCEMENT ASSISTANCE PROGRAM
ADMINISTERED BY THE DEPARTMENT OF LAW AND
PUBLIC SAFETY (Resolution authorizes this participation
for the time period of January 1, 2010 to June 30, 2010)

- C. RESOLUTION RE: AUTHORIZATION FOR THE FILING OF AN
378-2010 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 2011 (JANUARY 1, 2011 –
DECEMBER 31, 2011) IN THE AMOUNT OF \$499,630.00

- D. RESOLUTION RE: AUTHORIZATION FOR THE FILING OF AN
379-2010 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 2011 IN THE AMOUNT OF
\$698,806.00 (Resolution authorizes this application with the
Federal share being \$349,403.00, State share being
\$174,702.00 and the County share being \$174,701.00)

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

On Roll Call the vote was:

Freeholder Crabb	Yes
Freeholder Zellman	Yes
Freeholder Zeoli	Yes

OFFICES AND INSTITUTIONS

2. RESOLUTION RE: AWARDING A CONTRACT BASED ON PROPOSALS RECEIVED THROUGH THE COMPETITIVE CONTRACTING PROCESS FOR A CONSULTANT TO ASSIST IN THE AGRITOURISM/ECOTOURISM MARKETING STRATEGY OF THE COUNTY OF SUSSEX AS REQUIRED UNDER THE GRANT FOR SAID PURPOSE (Resolution awards this Contract to the only respondent to the proposal process, Union Green, in the amount of \$18,500.00)
Pulled from Agenda
3. RESOLUTION RE: AWARD OF A CONTRACT EXTENSION FOR MAINTENANCE OF ELEVATORS AT VARIOUS SUSSEX COUNTY BUILDINGS FOR THE COUNTY OF SUSSEX (Resolution awards this extension to the current Contract holder, Standard Elevator Corp., in the annual amount of \$29,280.00 and at the rates as proposed and specified in the bid tendered on April 21, 2009)
386-2010

MOTION made by Freeholder Crabb to adopt Resolutions 12. A. 1 and 12. A. 3., seconded by Freeholder Zeoli.

On Roll Call the vote was:

Freeholder Crabb	Yes
Freeholder Zellman	Yes
Freeholder Zeoli	Yes
Freeholder Director Parrott	Yes

13. FINANCIAL

- A. RESOLUTION RE: AUTHORIZATION TO CANCEL OUTSTANDING CHECKS
387-2010
- B. RESOLUTION RE: AMENDING SUSSEX COUNTY'S BANKS AS DEPOSITORIES FOR THE REMAINDER OF 2010
388-2010

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

On Roll Call the vote was:

Freeholder Crabb	Yes
Freeholder Zellman	Yes
Freeholder Zeoli	Yes
Freeholder Director Parrott	Yes

14. PERSONNEL

- A. Personnel Agenda – there is no Personnel Agenda for this meeting.

15. ADMINISTRATIVE REPORT

- A. Other

Mr. Eskilson stated that he had no report at this time.

16. COUNTY COUNSEL

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

Mr. McConnell stated that he had no report at this time.

17. UNFINISHED BUSINESS

There was no Unfinished Business.

18. NEW BUSINESS

There was no New Business.

19. PUBLIC SESSION FROM THE FLOOR

(Please note: Everyone is asked to keep their comments to 10 minutes or less)

MOTION made at 6:15 p.m. by Freeholder Crabb to open the meeting to the Public, seconded by Freeholder Zellman and passed unanimously.

Link on NJ Herald website

Shauna Saunders, Newton, came forward; she referred to a link on the NJ Herald website which stated that it was an open letter to the taxpayers of Sussex County bearing the College logo; it does not state that it is a private ad and it appears that it is from the College; Ms. Saunders said that this was a misrepresentation of the College.

Freeholder Parrott suggested that Ms. Saunders approach the Board of Trustees with her concern and ask the Board what its thoughts were on this matter.

Ms. Saunders questioned why the Freeholder Board did not address past issues this evening.

Mr. McConnell reiterated that the Freeholder Board had no authority whatsoever to reinstate Dr. Mierendorf, nor did it have authority to conduct a public hearing as to whether or not the Board of Trustees acted appropriately; he added that the statute that was given to him is true and accurate; the Freeholder Board does have the authority to hold a hearing to decide whether a Trustee should be removed from his or her position, but it has to be for cause; Mr. McConnell said that the Freeholder Board could remove one or two Trustee Board members or the entire Board of Trustees, however, it still does not affect the decision of that Board in terminating Dr. Mierendorf; the Freeholder Board does not have the authority to revoke that decision and the Board is not here to micro manage; the law is clear that the Board of Trustees is an independent authority.

Mr. Eskilson explained that the College's past finances were reviewed in depth; he said that poor past practices have been corrected and the issue of using cash surplus for internal capital projects has been resolved; Mr. Eskilson also detailed how he and staff reviewed every journal entry.

There was a brief discussion.

Dismissal of Dr. Mierendorf

Maureen Murphy-Smolka, came forward; she said that her concern was when the facts surrounding Dr. Mierendorf's dismissal would be made known and how would these facts be made known.

MOTION made at 6:32 p.m. by Freeholder Crabb to close the meeting to the Public, seconded by Freeholder Zellman and passed unanimously.

20. FREEHOLDERS' COMMENTS

Comments from Freeholder Zellman

- **Meeting with NJDOT**

Freeholder Zellman said that on June 4, 2010, she met with Freeholders from Morris, Hunterdon, and Somerset Counties prior to going to the NJDOT in order to refine the regional plan from the Six County Coalition; the group met with the Assistant Commissioner of the NJDOT who assured them that he would present the group's findings to the Commissioner; Freeholder Zellman said that their group indicated that they were a unified front as far as the need for more regional types of situations, but they were also looking for improvements in public transportation.

Also discussed was the need for the local aid program to continue because although that includes resurfacing local roads and repairing County bridges, any money that does not come from the State then becomes a burden for the taxpayers.

Freeholder Zellman said that a discussion was also held regarding looking at improvements that would help increase the flow and decrease the congestion in corridors, such as Route 23, Route 206, and Route 31.

Concern was also expressed about funding for the Franklin Viaduct, which is being fully funded by State dollars.

- **Six County Coalition Meeting**

Freeholder Zellman said that the next Six County Coalition Meeting was hosted by Hunterdon County and was scheduled for June 30, 2010; further details will follow.

Comments from Freeholder Crabb

- **Shared Services Agreement**

Freeholder Crabb said that the County would be entering into a Shared Services Agreement with Franklin Borough to provide the services of Fire Official; this Agreement is being finalized and discussion is in progress with one other community.

- **Wheatsworth Road facility**

Freeholder Crabb said that bids would be going out at the end of the month for some of the electrical work.

Mr. Eskilson said that the rough framing was almost completed, the elevator pit is completed, the Agreement with the masonry service provider to build the shaft is being

finalized; and the elevator Contract has been awarded; right now it has been 90% of internal staff doing work, but contractor activity will begin shortly.

The progress of the work will determine whether the Department of Environmental & Public Health Services moves first or the Office of Transit and fleet operations.

- **Award for Farmers Market**

Freeholder Crabb said that he also attended the architectural award presentation for the Farmers Market.

Comments from Freeholder Zeoli

- **Freeholder Intern Program**

Freeholder Zeoli discussed a possible Freeholder Intern Program, hopefully a four credit program; this would involve a student being an Intern for the Freeholder Board, learning the process and the work, constituent services, and the other facets of the position; Freeholder Zeoli said that he felt something like this would be a good learning program and a good way for a Political Science major to get some hands on government experience.

- **Service Electric Cable bill/9-1-1- tax**

Freeholder Zeoli said that he had noticed an item listed on his Service Electric Cable bill as a County 9-1-1 tax; he said that this was actually a State tax and not a County tax; Freeholder Zeoli asked if a letter could be sent to Service Electric Cable requesting it to clarify on its bill that this was a State tax so residents did not think that the County had imposed a 9-1-1 tax.

Mr. Eskilson added that this was actually worse yet; this was actually a State tax, monies of which were supposed to be passed through local governments, which does not happen anymore; Mr. Eskilson said that he could certainly send a letter, adding that it would be sent to the Board of Public Utilities and Service Electric Cable.

- **Identification issue**

Freeholder Zeoli discussed a 26 year old man who has served our country, has a military ID and cannot purchase alcohol in Sparta because he does not have an in-State ID; he added that he did not know if there was anything the Board could do to help.

Mr. McConnell stated that there were two options available; this person could go to the County Clerk's Office to obtain a County ID, or he could obtain a passport.

- **Budget Committee**

Freeholder Zeoli thanked Freeholder Parrott for his work on the Budget Committee; he added that he felt that the budget that was put together by the Committee will meet the County' goals and exceeded expectations.

Comments from Freeholder Parrott

- **Congratulations to Freeholder primary election winners**

Freeholder Parrott congratulated Parker Space and Rich Vohden on their victories in the recent primary election.

- **Champions for Charity**

Freeholder Parrott stated that he would be working on the Champions for Charity until the end of the year; 95,529 pounds of food have been collected by County high schools; it is anticipated that a grant will be received within the next three to four weeks from a major company, which could be as much as \$25,000.00, for the Division of Social Services; Sussex County is the only County in the State who has done this, and the only one in the country that has done this with the schools; Freeholder Parrott said that it has been a fantastic opportunity for him to work with all those who have participated; he said that after he has left the Freeholder Board, Freeholder Zellman will be assuming the responsibility.

- **Clarifications by Freeholder Parrott**

Freeholder Parrott said that he wanted to clarify some issues for the public.

- **Tunnel** – There was a rumor that there was a tunnel from the courthouse into the jail; there is no tunnel and never has been a tunnel; there was never any funding for a tunnel; this goes back many years ago and it was left on the manifest that was never picked up.
- **Illegal immigration** – Freeholder Parrott made it clear that he was not for illegal immigration and that he was totally against it.
- **Highlands Bill** – Freeholder Parrott said that a call went out that stated he was for the Highlands Bill; he said he fought against the Highlands Bill.
- **Ameripay** – Freeholder Parrott said that Ameripay was hired eight years ago and not hired by Jeff Parrott; he added that this was a fraudulent act that was done by Ameripay, affecting 17 towns; Freeholder Parrott said that he was there to help clean up the mess, but he did not hire the company; that was incorrect information; he added that it was important to know that the two men responsible for this action pleaded guilty, and hopefully, the County would get some of its money back.
- **County budget** – Freeholder Parrott said that another call went out regarding the budget and that the County was holding up the budget because of some “Saturday night surprise”; the surprise was that the taxpayers saved \$190,000.00.
- **SCCC** – Freeholder Parrott said that he told the people at the College that when he read the report, he would provide his findings, of which he did; he said he believed now that the process had begun to heal and move forward; Freeholder Parrott said that he was chastised many times in the newspaper as to why the Board did not take action sooner; without facts and figures, Freeholder Parrott said he would not persecute anyone unless he knows the facts, as there are two sides to every story, and then there is the middle which is usually the truth.

Freeholder Parrott said that he will continue to work diligently for the taxpayers during his last six months in office; he said that everyone needed to work together to help the country turn around; Freeholder Parrott added that he felt the Freeholder Board and the people coming on the Board would do a good job.

21. **EXECUTIVE SESSION**

There were no items for Executive Session.

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

June 23, 2010

Regular Meeting 5:00 pm

23. **ADJOURNMENT**

MOTION made at 6:54 p.m. by Freeholder Zeoli to adjourn the meeting, seconded by Freeholder Zellman and passed unanimously.

Elaine A. Morgan, Clerk

DATED: June 9, 2010