

REGULAR MEETING HELD ON WEDNESDAY, JUNE 27, 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 (arrived at 5:06 pm); Freeholder Zeoli; Freeholder Director Crabb; 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 January 4, 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 none.

6. PROCLAMATIONS/CERTIFICATES/PRESENTATIONS

A. Proclamations and Certificates

1. Proclamation in recognition of Jacob D. Wallace attaining the rank of Eagle Scout.

332-2012

MOTION made by Freeholder Zeoli to approve this Proclamation, seconded by Freeholder Space and passed unanimously.

B. Presentations

1. Acknowledging the retirement of Judy Behler, Senior Practical Nurse, Division of the Homestead, who retired after 25¼ years with the County; Patrick W. Bailey, County Division Head, Treasury, who retired after 27 years with the County; William F. Gordon, Mechanical Store Clerk, Fleet Management, who retired after 18 years with the County; and Jeffrey W. Vealey, Laborer, Division of the Homestead, who retired after 25 years with the County.

The Freeholders recognized these retirees.

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 pm by Freeholder Space to open the meeting to the Public, seconded by Freeholder Zeoli and passed unanimously.

Sewer Service Areas

Ann Smulewicz of Wantage came forward and said she was here specifically to discuss Resolution 12.C. – submittal of the future sewer service area maps; she said she was at the meeting representing the Wantage Sewer PAC; she said she was very happy that the County is finally moving ahead and feels that it is 20 years too late; she discussed the economy in Pennsylvania compared to New Jersey; she said she would like to address this Resolution; she went over some of the history of the future sewer service maps; she asked the Board what the Sussex County Planning Board was doing?

Freeholder Zeoli said the County has been passionately fighting to get the sewer service maps approved by the State for years; the holdup is not on Sussex County's end, it is on DEP's end; he explained to Ms. Smulewicz everything the County has been doing to get this done; he also explained to Ms. Smulewicz that the Board is going to approve this Resolution, but not tonight because there are a few more towns that need to formally adopt it; Ms. Smulewicz said that is their problem, this has been long enough; there was a lengthy discussion.

Ms. Smulewicz said this is going to happen very soon because she is going to make this her business; she said she has a reasonable arrangement with the Governor and she has a friend in the NJDEP.

George Graham, Councilman in Stanhope, came forward and said thank you; he said Stanhope has been working through this for 6 years; this is a very complicated issue; he said Eric Snyder has been magnificent; they have gone to Trenton and have done all the work; it is just that the DEP always came up with a reason why Stanhope couldn't have this or that; there was a short discussion about Stanhope's excess sewer capacity and the role of the NJDEP.

MOTION made at 5:25 pm by Freeholder Space to close the meeting to the Public, seconded by Freeholder Vohden and passed unanimously.

8. FREEHOLDERS' COMMENTS

Comments from Freeholder Space

New Jersey Minimum Wage

Freeholder Space said he was glad to see that the minimum wage for the State of New Jersey increase is stalled; it will be very difficult for small businesses in the County; he feels people will be doing the same amount of business with less staff.

Technical School Graduation

Freeholder Space said he had the opportunity to attend Sussex County Technical School's graduation; Commissioner Wirths was the guest speaker and he did a great job.

Comments from Freeholder Zellman

Freeholder Zellman said this week she had some transportation events; Monday she went to the NJTPA Project Prioritization meeting.

Six County Coalition

Freeholder Zellman said she coordinated an agenda meeting this week with the representatives from the Six County Coalition; she said she wanted to leave the Board a legacy for 2012 and 2013, the Board now has the agendas all laid out for all the meetings for 2012 and 2013; she indicated that Sussex County will host the meeting on Wednesday, October 3rd at the Waterloo Village meeting house and the topics will include funding for the Local Lead Program through transportation and also she will invite Deputy Commissioner Dave Kuhn who is in charge of the DOT Capital program; there will also be an update for the HUD Sustainable Grant; Freeholder Zellman asked for approval from the Board to complete the SUP for Waterloo Village, the reservation for that and the meeting house is reserved. The Board was ok with that.

Lake Musconetcong

Freeholder Zellman said there has been some spraying at Lake Musconetcong; they were able to get \$12,000.00 from the State for Steve Ellis to do the water chestnut.

Waterloo Village

Freeholder Zellman also said that she attended a stakeholders meeting at Waterloo Village, which was very interesting because it included non-profit partners from such entities as Rutherford Hall, Grover Cleveland Home and Jersey Bikers Coalition for help with the parks.

Comments from Freeholder Vohden

Champions for Charity

Freeholder Vohden said he went to the Walkkill Valley High School's Board of Education meeting where Steve Oroho and Jeff Parrott awarded the School with the trophy for the Champions for Charity; they were the winners this year.

Veterans' Cards

Freeholder Vohden said the day before the Clerk's office gave the 1000th Veterans' Card out.

Sussex County Chamber of Commerce

Freeholder Vohden said he attended last Thursday a program by the Sussex County Chamber of Commerce that mentors future business leaders under 40; they are going to be looking for new additional elected officials.

HSAC

Freeholder Vohden also said this morning he attended the HSAC meeting where he was asked about the future of the Peer Group funding program; he said that is something the Budget Committee will have to discuss.

Comments from Freeholder Zeoli

Capital Projects Committee

Freeholder Zeoli said he and Freeholder Vohden had a Capital Projects Committee meeting on Monday and he said one of the priorities that they have taken up is the additional space for the food pantry; the resulting plans will make it a lot easier for the residents who need that service; he also indicated that the County is having a very serious crisis with regard to records retention (there was a short discussion).

Freeholder Zeoli said he and the Director had a meeting with members of the SCMUA with regard to the future.

Comments from Freeholder Crabb

Franklin Viaduct

Freeholder Crabb said there was a pre-construction bid meeting for the Franklin Viaduct so that is moving forward.

Lake Neepaulin

Freeholder Crabb said there were a lot of e-mails with regard to the Lake Neepaulin sign; he said he knows this was something the County wasn't looking to get involved in; the sign has been there forever and he went over some of the history on this issue.

Mr. Eskilson, County Administrator, said Engineering is working on a process to alleviate this; he said this is clearly a community dispute.

SWAC

Freeholder Crabb indicated that when they get to New Business, it is his intention to appoint a subcommittee to follow up on the recommendation from SWAC regarding the post closure strategies for the landfill.

9. APPROVAL OF CONSENT AGENDA

- A. RESOLUTION RE: PAYMENT OF BILLS
333-2012
- B. RESOLUTION RE: RESOLUTION PROVIDING FOR THE INSERTION OF
334-2012 ANY SPECIAL ITEM OF REVENUE IN THE 2012 BUDGET OF COUNTY OF SUSSEX RELATING TO THE 2012 AREA PLAN ALLOCATION, MID-YEAR ALLOCATION OF AREA PLAN FOR AN ADDITIONAL AMOUNT OF \$339,684.00
- C. RESOLUTION RE: RESOLUTION PROVIDING FOR THE INSERTION OF
335-2012 ANY ADDITIONAL SPECIAL ITEM OF REVENUE IN THE 2012 BUDGET OF THE COUNTY OF SUSSEX RELATING TO THE COUNTY COMPREHENSIVE CANCER CONTROL PLAN GRANT FOR A TOTAL AMOUNT OF \$2,407.00 FOR THE PERIOD OF JULY 1, 2011 TO JUNE 30, 2012
- D. RESOLUTION RE: AUTHORIZATION FOR THE FREEHOLDER DIRECTOR
336-2012 AND THE CLERK OF THE BOARD TO EXECUTE A CONTRACT WITH ALL ABOUT CARE, LLC ALLOCATING \$16,000.00 IN PERSONAL ASSISTANCE SERVICES PROGRAM (PASP) FUNDS FOR THE PROVISION OF THE PERSONAL ASSISTANTS FOR THE DISABLED POPULATION (Resolution authorizes cost reimbursement based on the State/County established rates for personal assistance services of \$13.26 per hour weekdays and \$15.30 per hour weekends and holidays.)
- E. RESOLUTION RE: AUTHORIZATION FOR THE FREEHOLDER DIRECTOR
337-2012 AND THE CLERK OF THE BOARD TO EXECUTE A CONTRACT WITH UNITED CEREBRAL PALSY OF NORTHERN, CENTRAL AND SOUTHERN NEW JERSEY, INC. ALLOCATING \$45,000.00 IN PERSONAL ASSISTANCE SERVICES PROGRAM (PASP) FUNDS FOR THE PROVISION OF THE PERSONAL ASSISTANTS FOR THE DISABLED POPULATION (Resolution authorizes cost reimbursement based on the State/County established rates for personal assistance services of \$13.26 per hour weekdays and \$15.30 per hour weekends and holidays.)
- F. RESOLUTION RE: AUTHORIZATION TO PROVIDE MASONRY AND
338-2012 CONCRETE SERVICES NEEDED TO BE PERFORMED IN AND AROUND VARIOUS SUSSEX COUNTY BUILDINGS (Resolution authorizes the execution of purchase orders in the amount of \$54,878.25 to Tony's Concrete Construction Company, Inc.)
- G. RESOLUTION RE: AUTHORIZATION TO PROVIDE FOR THE PURCHASE
339-2012 OF VEHICLES FOR THE SUSSEX COUNTY OFFICE OF FLEET MANAGEMENT (Resolution authorizes the execution of the necessary purchase orders in the approximate total amount of \$44,191.38 for Two (2) Dodge Chargers, \$22,095.69 each, from Winner Ford of Cherry Hill.)

- H. RESOLUTION RE: AUTHORIZING A SECOND AMENDMENT TO THE COMPETITIVE CONTRACT AGREEMENT WITH GENESIS ENGINEERING, LLC FOR PROVIDING SPECIALIZED BRIDGE ENGINEERING SERVICES FOR VARIOUS SUSSEX COUNTY BRIDGE PROJECTS PURSUANT TO N.J.S.A. 40A:11-5(1)(a)(i) (Resolution authorizes a No Cost Time Extension to the Agreement with Genesis Engineering, LLC)
- 340-2012**

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 adopt these Resolutions, 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

10. APPROVAL OF MINUTES

There were none.

11. APPOINTMENTS AND/OR RESIGNATIONS

There were none.

12. RESOLUTIONS

- A. RESOLUTION RE: PROVIDING TEMPORARY CLOSURE OF CR 607 IN THE BOROUGH OF HOPATCONG
341-2012
- B. RESOLUTION RE: PROVIDING TEMPORARY CLOSURE OF CR 613 IN THE TOWNSHIP OF SPARTA
342-2012
- C. RESOLUTION RE: SUBMITTAL OF THE FUTURE SEWER SERVICE AREA MAPS FOR SUSSEX COUNTY AS REQUIRED BY NEW LEGISLATION ADOPTED JANUARY 2012
(Pulled from Agenda)

MOTION made by Freeholder Zeoli to adopt Resolutions A and B, seconded by Freeholder Space and passed unanimously.

13. AWARDS OF CONTRACTS/CHANGE ORDERS/BIDS

- A. Awards of Contracts
1. RESOLUTION RE: AWARD OF CONTRACTS FOR SERVICES OF TEMPORARY EMPLOYMENT AGENCIES TO PROVIDE, AS NEEDED, STAFF AT THE SUSSEX COUNTY HOMESTEAD, A LONG TERM NURSING CARE FACILITY (Resolution awards these Contracts to the responsible bidder with the lowest total support staff rate with contingent awards in the event temporary staff support is not available: Delta-T Group North Jersey, Inc. – Primary; The Execu-Search Group – Secondary; and All American Healthcare Services – Tertiary)
- 343-2012**

2. **RESOLUTION RE: AWARD OF CONTRACT FOR MISCELLANEOUS BUILDING TRADE SERVICES FOR FIRE SUPPRESSION SYSTEM'S SERVICE IN VARIOUS SUSSEX COUNTY BUILDINGS AND FACILITIES**
344-2012 (Resolution awards this Contract to Absolute Protective Systems, Inc., with a minimum expenditure of \$500.00 and a maximum expenditure of \$100,000.00)

3. **RESOLUTION RE: AWARD OF CONTRACT FOR ANDOVER ROAD GARAGE ROOF REPAIRS** (Resolution awards this Contract, after a coin toss, to the winning lowest responsible bidder, Gen II Contracting Co., Inc. in the amount of \$129,600.00)
345-2012

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

Freeholder Crabb said he wanted to clarify that Item 13.A.1. is not that the County is replacing employees at the Homestead with temporary services; it is taking the contingencies that if the County ends up running short of staff, that the County has the framework and foundation to be able to provide employees to maintain the operations of the Facility.

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: CERTIFICATION OF REVIEW OF AUDIT BY GROUP AFFIDAVIT**
346-2012

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

There was a short discussion about the very few notes on the audit.

Freeholder Crabb indicated that the County's bond rating from Standard and Poors was upgraded from AA and this year it is AA Stable.

On Roll Call the Vote was:

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

15. PERSONNEL

- A. Personnel Agenda

There was no Personnel Agenda for this meeting.

16. ADMINISTRATIVE REPORT

- A. Other

Mr. Eskilson said he had no report tonight.

17. COUNTY COUNSEL

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

Dennis McConnell, County Counsel, said he had a couple of things; first is the Board needs to amend the Proposed Agreement of Sale for the County Nursing Home that was advertised and the Notice of Sale that was published on 2 consecutive days this month by adding additional conditions and the County is allowed by saying that the Contract of Sale may be amended from time to time by the County of Sussex up and through June 27, 2012, which is today; there are additional terms and conditions he (Mr. McConnell) would like to include as a result of the planning process; the additional provisions are 1) is the sale of property is subject to the final subdivision approval from the Frankford Township Land Use Board and the Sussex County Planning Board and the subdivision hearings will be completed prior to the date of auction; they are scheduled for July 11, 2012; 2) the sale will be subject to the following additional easements along CR 655; he said there have been some meetings with the County staff with regard to the subdivision application made to the Sussex County Planning Board and staff is requesting three (3) different easements – a bridge maintenance easement for County Bridge D-01, a stormwater sheet flow easement from CR 655 and Sight Triangle Easements for ingress and egress driveways onto the County Route and they have been provided for; in addition, the County shall so amend the Contract if the Board approves and also needs to publish an Amended Notice of Sale with these additional conditions contained therein.

Mr. McConnell requested a motion to amend the Contract as provided in the previous Resolution authorizing the auction to include those additional terms as well as to publish an amended notice of sale that has to be published for two (2) consecutive weeks at least 7 days prior to the auction date.

MOTION made by Freeholder Zeoli to amend the Contract as provided in the previous Resolution authorizing the auction to include those additional terms as well as to publish an amended notice of sale that has to be published for two (2) consecutive weeks at least 7 days prior to the auction date, seconded by Freeholder Space.

On Roll Call the Vote was:

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

Mr. McConnell said he had an additional item for closed session regarding two (2) potential condemnation actions, one in the Township of Montague regarding Shaytown Road and the other in the Borough of Franklin regarding the County's Bridge Project Bridge E-07 and action may be taken when the Board comes out.

18. UNFINISHED BUSINESS

Freeholder Crabb eluded to this earlier in his Freeholder Comments; he intends to appoint a subcommittee; the subcommittee would be to follow on to recommendations by the Solid Waste Advisory Council to pursue a road map of a transfer station on a post-closure basis for the County landfill; he said at this time he would like to appoint Freeholder Zeoli and himself, along with SCMUA Commissioners Director Ron Petillo, Wayne Dietz and Karl Meyer.

MOTION made by Freeholder Zellman to appoint a subcommittee to pursue a road map of a transfer station on a post-closure basis for the County landfill; those appointments are Freeholders Zeoli and Crabb and SCMUA Commissioners Director Ron Petillo, Wayne Dietz and Karl Meyer, seconded by Freeholder Vohden and passed unanimously.

19. NEW BUSINESS

1. Discussion confirming appointments to the NJTPA Committee of the North Jersey Sustainable Communities Consortium. County Representative – John Eskilson, County Administrator; First Alternate – Eric Snyder, Director, Division of Planning; Second Alternate – Tom Drabic, County Transportation Planner.

MOTION made by Freeholder Space to confirm the above appointments, seconded by Freeholder Zellman and passed unanimously.

Freeholder Zellman asked for a motion to approve the SUP for Waterloo Village as the place to hold the next Six County Coalition meeting on October 3, 2012; the application fee is \$40.00 or \$60.00; she will request a fee waiver not only for the application but for the event and using the building itself.

MOTION made by Freeholder Vohden to approve the SUP for Waterloo Village for the Six County Coalition and any fees that may be necessary, seconded by Freeholder Zellman and passed unanimously.

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

MOTION made at 6:55 pm by Freeholder Zeoli to open the meeting to the Public, seconded by Freeholder Space and passed unanimously.

Lake Neepaulin

Ann Smulewicz, Wantage, came forward and said in dealing with Lake Neepaulin, she can tell the Board that what starts as a very simple thing, ends up in litigation; they are still involved with the dam and the \$1,000,000.00; when it comes to the Friends of Lake Neepaulin, please exercise extreme caution in all discussions.

MOTION made at 6:56 pm by Freeholder Zellman to close the meeting to the Public, seconded by Freeholder Crabb and passed unanimously.

21. EXECUTIVE SESSION

MOTION made at 5:57 pm by Freeholder Vohden regarding the potential condemnation of a portion of Shaytown Road and also regarding the project E-07 in the Borough of Franklin, seconded by Freeholder Space and passed unanimously.

**RESOLUTION RE: REQUESTING EXECUTIVE SESSION
347-2012**

- 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 6:12 pm by Freeholder Zellman to come out of Executive Session and return to Open Session, seconded by Freeholder Space and passed unanimously.

MOTION made by Freeholder Space to come into Open Session, seconded by Freeholder Zellman and passed unanimously.

MOTION made by Freeholder Zellman with regard to the E-07 Bridge project in the Borough of Franklin the Board authorizes County Counsel to make good faith attempts to negotiate

with the property owner to acquire mitigation property in the area of the bridge containing 3.305 acres prior to commencement of any kind of condemnation action as required by Statute; and in the Township of Sandyston, the Board is giving authorization to County Counsel to preliminarily engage in good faith negotiations with the property owner of a vacated portion of Shaytown Road as this is a connector between CR 645 and CR 656 and without this connector, the County would jeopardize the safety of the traveling public; and the Board asks County Counsel to report back in the next two weeks, seconded by Freeholder Vohden and passed unanimously.

22. REMINDERS

Wednesday	July 4, 2012	Independence Day	Holiday
Wednesday	July 11, 2012	Regular Meeting	5:00 pm

23. ADJOURNMENT

MOTION made at 6:15 pm by Freeholder Zeoli to adjourn, seconded by Freeholder Space and passed unanimously.

Elaine A. Morgan, Clerk

Dated: June 27, 2012