

REGULAR MEETING HELD ON WEDNESDAY, JUNE 10, 2015

5:00 PM

ORDER OF BUSINESS

Item

1. CALL TO ORDER BY DIRECTOR at 5:00 PM
2. ROLL CALL Freeholder Graham, Freeholder Mudrick, Freeholder Phoebus; Freeholder Vohden, Freeholder Director Crabb; Bernard Re, Acting County Administrator; Dennis McConnell, County Counsel; Catherine Williams, 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 5, 2015 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 - 5:04 PM

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**A. FINAL ADOPTION – BOND ORDINANCE  
263-2015**

**Freeholder Director Crabb:** "At our regular meeting held on May 27, 2015, we introduced for first reading the following Bond Ordinance which was advertised in the New Jersey Herald issue of May 29, 2015, together with a Notice of Public Hearing stating it would be held at this meeting at 5:00 PM:

**BOND ORDINANCE PROVIDING FOR IMPROVEMENTS TO AND THE REPLACEMENT OF THE AGRICULTURAL GREENHOUSES AT THE SUSSEX COUNTY TECHNICAL SCHOOL, LOCATED WITHIN THE COUNTY OF SUSSEX, STATE OF NEW JERSEY; APPROPRIATING \$130,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$130,000 BONDS OR NOTES OF THE COUNTY OF SUSSEX, STATE OF NEW JERSEY, FOR FINANCING A PORTION OF SUCH APPROPRIATION**

**MOTION** that the Public Hearing be opened by Freeholder Mudrick, seconded by Freeholder Graham and passed unanimously.

Is anyone present to be heard regarding this Bond Ordinance?

There was no one present.

**MOTION** that the Public Hearing be closed made by Freeholder Graham, seconded by Freeholder Phoebus and passed unanimously.

**MOTION** that this Bond Ordinance be finally adopted made by Freeholder Vohden, seconded by Freeholder Graham.

On Roll call the vote was:

Freeholder Graham	Yes
Freeholder Mudrick	Yes
Freeholder Phoebus	Yes
Freeholder Vohden	Yes
Freeholder Director Crabb	Yes

**MOTION** to authorize the Clerk to advertise this Bond Ordinance as finally adopted, and also post same on the bulletin board in the lobby of the County Administrative Center made by Freeholder Phoebus, seconded by Freeholder Graham and passed unanimously.

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**B. FINAL ADOPTION – BOND ORDINANCE  
264-2015**

**Freeholder Director Crabb:** "At our regular meeting held on May 27, 2015, we introduced for first reading the following Bond Ordinance which was advertised in the New Jersey Herald issue of May 29, 2015, together with a Notice of Public Hearing stating it would be held at this meeting at 5:00 PM:

**BOND ORDINANCE PROVIDING FOR VARIOUS 2015 CAPITAL IMPROVEMENTS,  
BY AND IN THE COUNTY OF SUSSEX, STATE OF NEW JERSEY;  
APPROPRIATING \$8,749,651 THEREFORE AND AUTHORIZING \$8,333,000 BONDS  
OR NOTES OF THE COUNTY TO FINANCE PART OF THE COSTS THEREOF**

**MOTION** that the Public Hearing be opened made by Freeholder Graham, seconded by Freeholder Vohden and passed unanimously.

Is anyone present to be heard regarding this Bond Ordinance?

There was no one present.

**MOTION** that the Public Hearing be closed Freeholder Phoebus, seconded by Freeholder Graham and passed unanimously.

**MOTION** that this Bond Ordinance be finally adopted made by Freeholder Vohden, seconded by Freeholder Graham.

On Roll Call the vote was:

Freeholder Graham	Yes
Freeholder Mudrick	Yes
Freeholder Phoebus	Yes
Freeholder Vohden	Yes
Freeholder Director Crabb	Yes

**MOTION** to authorize the Clerk to advertise this Bond Ordinance as finally adopted, and also post same on the bulletin board in the lobby of the County Administrative Center made by Freeholder Mudrick, seconded by Freeholder Graham and passed unanimously.

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**6. PROCLAMATIONS/CERTIFICATES/PRESENTATIONS**

A. Presentations

1. Presentation by Open Space Advisory Committee and Sussex County Agriculture Development Board
2. Presentation by Planning Board regarding the Sussex County Wastewater Management Plan

**7. PUBLIC SESSION FROM THE FLOOR**

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

**MOTION** made at 5:18 PM by Freeholder Graham to open the meeting to the Public, seconded by Freeholder Mudrick and passed unanimously.

## **Comment by Dan Scheuer**

Mr. Scheuer representing Sussex County Fire Chief's Association stated we are here because we recently received notice that we have a retiring fire marshal effective July 1, 2015 and we also have a resignation of an assistant fire marshal coordinator effective July 1, 2015 as well. With those taking place, it leaves one part-time fire marshal/fire coordinator in Sussex County with a tremendous amount of responsibility and duties for that particular person, with fire inspections and all the paperwork involved. In the past, previous Freeholder Boards have given the option to the Sussex County Fireman's Association and Sussex County Fire Chief's Association to notify and interview the people who are interested in the fire marshal job in Sussex County and then the Freeholder Board appoints the fire marshals and the fire coordinators. Because of the time period, I am asking for your permission for us to go ahead and start this procedure as soon as possible, since we will probably have a vacancy for 2 to 3 months while this whole process takes place. We are hoping to come to you in early September recommending people for these positions and fill their unexpired terms.

Freeholder Director Crabb stated this is the third time around when these situations have come up. I don't think this Board would have any objection to the process.

County Counsel Dennis McConnell stated I believe this comes under the Sheriff's jurisdiction and I don't want to step on anyone's toes.

Mr. Scheuer stated it does come under the Sheriff's office as it is now but the appointment comes from the Freeholder Board. The appointment of the most recent Assistant Fire Marshal, Fire Marshal Joe Inga and me mapped out a plan to do these formal interviews that have been presented to the Sheriff for the future.

Dennis McConnell said I just want to get the Sheriff's input.

Bernard Re, Acting County Administrator stated a personnel requisition has been placed in the system for signature for the replacement of the Fire Marshal, Joe Inga. It is in the process through the Sheriff's office. The paperwork is in process.

Freeholder Director Crabb stated with all that being said, I would recommend that you start your process. Historically, the process has been driven by the County Fire Association.

Mr. Scheuer stated I would just ask that we can move forward.

Cheryl Thom came forward and said she received an email from Undersheriff Armstrong and said he has sent the requisitions for the two open positions and that the Sheriff's Office is willing to work with us going forward.

Mr. McConnell said as long as we have the consent of the Sheriff, I am very happy. I do not want to do anything to defend the Sheriff.

Freeholder Director Crabb stated there is the legal side of these things and there are lots of things that have been done in the past.

Freeholder Mudrick said the legal side and the common sense side get in conflict with one another beyond our control and don't move as quickly as we would like to. What I suggest would be to confirm with the Sheriff and I can be in contact with him within 24 to 48 hours and let you know that, if there is no objections from the Board. I will get something from the Undersheriff in writing.

Mr. Scheuer stated if it is ok with this Board that we start our process and if we have to put it on hold we will.

## **Comment by Rose Ann Salanitri**

Ms. Salanitri came forward and stated as far as the Open Space goes, I think I heard the gentleman say that we are paying a percentage of a \$100 dollars on our tax and he also said that this money is not going towards Open Space in Sussex County but in other counties. I must be misunderstanding that.

Freeholder Graham said I believe you said there were 16 communities within Sussex County?

The Open Space representative stated that all the trustee money stays in Sussex County; 16 of our municipalities have participated. The tax is a maximum of 1.5 cents for every \$100 of valuation.

Ms. Salanitri said that was a substantial number that you quoted to purchase open space and farm land preservation per acre. Sussex County is a beautiful place. We live here by choice and we certainly appreciate the open space in Sussex County. But I am very curious about the whole program and if personal property is being bought at the taxpayers' expense and don't we have enough open space in Sussex County and farm land and shouldn't that be left again to the private sector and should we be taxed to preserve that when there is already abundance. I live in Sandyston and quite a bit of our town there is a high percentage that is already state property and I know it has affected the town not as favorable and even yet there seems to be a disconnect because we are buying open space to keep it open space and then we are saying it is to attract development. To me that is ambiguous. I will have questions later and I am assuming that this project is posted somewhere so that we can read it in detail.

Freeholder Vohden stated it is available on the Freeholder's website.

Ms. Salanitri said this sounds like a wonderful thing but as this committee has found out and this Board has found out sometimes everything that glitters is not gold. We need to look at these things cautiously and count the cost.

### **Comment by Neil Kenny, Green Township**

Mr. Kenny came forward and stated that Freeholder Vohden spoke about COAH and then he himself spoke with the Township Clerk in Green and had a lengthy conversation because Green Township does not have a store, it does not have public transportation, so I don't know how they will put up 144 units in there to meet the COAH requirement. The bigger fear I have it that this mandate COAH is coming down judicially so they are making more decisions from the bench. I moved up here to get away from certain elements; congestion. I moved from the city and I like the fresh air and the country. I like the fact that I have to have at least five acres to live on. What concerns me is I don't know if anyone here is familiar with the Refugee Settlement Program here in New Jersey? I was not aware of this myself. This is a program that is sponsored by the United Nations in conjunction with the United States government and what they do is farm out to churches, synagogues, etc., and they bring in refugees. Rather than bringing in the refugees and putting them in the cities, they want to put them into these COAH areas. These people have vastly different backgrounds, religion, etc. and my concern is we are being told by COAH, by some judge, that we need to do this. The majority of the people they are bringing in are Muslims and the majority are Arabic speaking. I had a reunion a few years back near the Mayo Clinic in Rochester and I was amazed by the lack of civility, lack of acceptance, lack of moving into this country that the Somali's represented. A large number of the Somalis right now are in a hurry to go back and kill other Muslims, which is fine with me, but now I understand the President is sending in more of our troops and some new fresh blood for the killing grounds. Having said that, I would hope the Board will look at this issue and get back to the Governor and tell him we are not going to accept these people. I don't think it has anything to do with being a Christian or anything else, because you just can't take people and put them into our neighborhoods and our homes and they don't want to be here. If there are any Muslims here I will have a conversation with you outside. I just want to point out the fact that in every nation, where Muslims are a minority, they are overwhelmingly instrumental in fighting for minority rights; it is a big issue with them. In every country where they are the majority there are no minority rights.

Just look at France, England, our shores and it is coming to Minnesota and to have some judge in Trenton or wherever else turn around and tell you to tell your towns that we have to come up with affordable housing and back all these people in, I have a real issue with that. I hope the Board will be aware of this. I can get you the information about the Refugee Settlement Program if you would like.

**MOTION** made at 5:38 PM by Freeholder Crabb to close the meeting to the Public, seconded by Freeholder Phoebus and passed unanimously.

## **8. FREEHOLDERS' COMMENTS**

### **Comments by Freeholder Graham**

- **Capital Projects**

Freeholder Graham said there are things we are working on now. The library exterior is now complete. We are working on a records retention project with the prosecutor. The project is out to bid. The elevators over at the judicial center are in need of repair. We put up money in the Capital Budget last year for the elevators; those are in the process of being taken care of. The roof at Ginnie's House that we have been putting off for years

will be rehabilitated. It is very necessary to keep that building standing. We are working with the Sheriff's department for what we will be doing in the future. Not sure where it will go but there are a lot of concerns over there. The parking deck lighting project we will be doing ourselves. We will not be going through Capital Projects. Below this building there is a fire proofing medium that is on the building that has been falling off. We need to fix that; it keeps the building safe.

Freeholder Graham stated he is very proud in what we do in our Buildings and Grounds Department. Joe Biuso does a combination of overseeing our projects as well as making sure the projects done outside are being kept on and he also runs the crew inside. We did a rehab job on this building and it was all done through Joe. I wanted to take my time today to say I appreciate people who work for this County whether it is in Social Services, Buildings and Grounds, the Motor Pool; no matter what happens up here or in the newspapers they are here every day. Sometimes they do them under very adverse conditions and I just want to thank them.

### **Comments by Freeholder Phoebus**

- Report from the Clerk's Department

Jeff Parrott who is the County Clerk told me that the income from the clerk's office is up by \$46,259.79 from 2004 at this time. That is a good signal that the Clerk's Department is up. Also I would like to mention that three of my friends have put their houses on the market and they were sold in less than two weeks and they are getting their asking prices. One went into a bidding war and it went higher than the asking price and it was sold for cash. I think we are seeing movement in real estate especially coming into Sussex County.

Freeholder Phoebus asked Freeholder Graham how we are doing with the Cochran House. Have we been successful with it?

Freeholder Graham stated yes. He confirmed with Ron Tappan and Joe Biuso who were in the audience. He said we have not had any issues as the heat has gone up. He said for those of you that don't know, we had a problem with the roof at the Cochran House which is over by where the County Clerk's office is. The medium that they put on the roof and the resin interacted with the heat and it created a problem inside the building and it was an ongoing thing. The material was put on by a general contractor. Buildings and Grounds came up with a very innovative idea where they ran tubes off the side of the building to bring fresh air off the side of the buildings. Hopefully that will allow a year or so to cure and then we can take the tubes off. My hat is off to everybody that went through this and not just the engineering part but the personnel part as well.

### **Comments by Freeholder Vohden**

- **Older American's Day**

Freeholder Vohden attended the Older American's Day at Selective Insurance Company. There were over 200 senior citizens there. It is always a fun day. It was a great revelation for me that I have been an older American for 17 years.

- **Ceremony at the Veterans' Monument**

Freeholder Vohden attended the ceremony at the Veterans' Monument sponsored by the Sussex County Elks. After the ceremony, they went back to the Elks Lodge in Sussex and there were over 150 veterans there from different programs across the state. Also at the Fraternal Order of Police at Franklin Park, there were over 300 attendees at that meeting. It is good to see that kind of turn out at these different events.

Freeholder Vohden said back in December of 2014 we passed a resolution in support of the establishment of a veteran's community based outpatient facility in Sussex County. The closest clinic for the veterans right now is in East Orange which is 40 miles away. Some go to Port Jervis or Lyons in Basking Ridge. Rodney Frelinghuysen has been pushing for it. Scott Garrett has gotten on board and he is supporting it. John Griffith of the VA Health Care informed us that the committee has approved and recommended a community based outreach clinic that is a full medical service facility similar to Lyons, East Orange, and Port Jervis is the Sussex County/Warren County area. They presented their recommendation to the Director who has also approved it. This is a major step towards getting a veteran's clinic in the area. The veterans have requested the

Freeholder Board to request all the municipalities in Sussex County approve a resolution in support of the clinic. I would like to ask the Director to send a letter to the municipalities.

**MOTION** made by Freeholder Vohden to get a letter to the municipalities, seconded by Freeholder Graham and passed unanimously.

- **Highlands Act**

Freeholder Vohden attended a meeting at the request of the Warren County Freeholder Director, Ed Smith. John Donadio, Executive Director of the New Jersey Association of Counties set up a meeting with Senator Bob Smith of Middlesex County. Senator Smith was the prime sponsor of the Highlands Act; the legislature was signed into Act about 10 years ago. Mr. Smith is currently the chairman of Senate of Environmental and Energy Committees. He agreed to meet to discuss the Highlands Act and the impact on economic development, job growth, real property values, drinking water and open space.

Freeholder Vohden attended the meeting as a NJAC Board member and a Sussex County Freeholder with the consent of Director Crabb. Also attending the meeting were the planners from Hunterdon and Somerset counties. Freeholder Smith made a presentation explaining his position that all the waters that drain from Sussex County that run down rivers and southern Sussex County drains directly into the Delaware River an interstate water way. All the water from northern Sussex County, the Walkkill water shed drain north into the Hudson River. We do have areas northeast where the water is used as a water supply. We have strict regulations protecting the water supply. Freeholder Ed Smith was looking to get relief from the Act in these areas because of the situation where the water is not being used for drinking water. Senator Smith explained to us that the Act was for protecting future water supply in these areas. On the subject of economic development, job growth and real property values, I presented him the figures on Sussex County economic and demographic indicators and how they have all been trending downward since the adoption of the Highlands Act Regional Master plan in 2008. We presented data to Senator Smith and his first statement was everything has been trending down since 2008 in the State. He gave me the opportunity to compare the figures with other counties. It is true, house sales are up. They were up last year by 3.9%, but property values went down 6% which is unique to Sussex County. Most of these factors are unique to Sussex County. After Senator Smith reviewed the figures he agrees he would take another look at what is happening here in the Highlands Region. Thirty-six percent of Sussex County is prematurely preserved, 38% is in the Highlands Region, that leaves 26% for us to have future development and when you apply the restrictions, it doesn't give a lot of land to develop. Senator Smith said he would look into giving us some relief. He spoke about Senator Oroho who sponsored a Corridor Bill. His bill would ask to allow development on some of our major corridors where one side of the road you have a preservation area and the other side is a planning area where we can do some development so only a road separates us. The Senator did agree that he would consider allowing us some relief for economic development in these corridors where we have sewer service areas. If you look at the map, it still doesn't give us much, but it is a step in the right direction.

There was also a brief conversation on the compensation to the landowners and there was nothing new there. Senator Smith concluded the meeting by suggesting that our county residents approve the Highlands Act and he suggested we consider a referendum to consider that question. Freeholder Vohden said he is not recommending we do that.

- **Foreclosures**

Freeholder Vohden gave an update on the foreclosures in Sussex County. There are 4,400 foreclosures in Sussex County. Human Services Department set up a program for people who are in jeopardy of losing their homes and can come to the seminars they are providing. There is one going on right now from 2:00 PM to 8:00 PM tonight. They have attorneys, real estate agents, reverse mortgage people, bankers and they are having private interviews with people who are in jeopardy of losing their homes. They are having a second session to help these people who are losing their homes in Sussex County.

Freeholder Graham thanked Freeholder Vohden for attending the meeting. You are a strong voice for that and I appreciate that. Freeholder Vohden said it was set up by NJAC because they are concerned about us; the four other counties.

Freeholder Mudrick extended his condolences to John Eskilson and his family for their losses and he thanked Bernie Re for sitting in as County Administrator.

Freeholder Mudrick extended his heartfelt congratulations to all the local, county and state candidates who ran and won in their respective primary election races held 8 calendar days ago on Tuesday, June 2<sup>nd</sup>. I want to especially acknowledge and congratulate and say good luck and best wishes to Fredon Mayor Carl Lazzaro and Sussex Borough Mayor Johnathan Rose and for the wins in the other freeholder primary races representing their respective parties. I want to give a heartfelt (and when I say heartfelt it really is heartfelt) acknowledgement to all the candidates that ran for public office at one of their local municipalities either at the county level or state level for those who have put their hats in the ring for November. As I look around this room, I see a lot of people who have been in public office. It takes an awful lot of courage for those of you. It is hard on the immediate and the extended families, and supporters when you run a campaign; try and meet and greet people to get your message out but win or lose, at the end of the day, I think it makes not only Sussex County great but the United States greater that we have this represented democracy that we live in, so good luck to all candidates moving forward between now and November.

- **Older American's Day**

Freeholder Mudrick attended this event at Selective Insurance Company along with over 200 older Americans who attended (wise people, who I learn from and who have more experience than I). It was very nice for Selective to open their doors and for the table set ups being present in supporting the older Americans. Freeholder Mudrick extended his thanks to Steve Gruchacz and Senior Services for what they did that day.

- **Salute to Veterans**

Freeholder Mudrick attended the event at the Highpoint Monument. He said the veterans were the center focus of that program which he thought was a classy program and he hopes the Sussex Elks continues to move forward with their 4<sup>th</sup> annual next year.

- Freeholder Mudrick acknowledged Anne Kakerbeck, Administrative Supervisor of Family Services Division of Social Services on her recent retirement as a Sussex County employee effective May 29, 2015.

## **Comments by Director Freeholder Crabb**

- **Veterans Ceremony**

One of the things that Freeholder Vohden did from his trip to Normandy last year was he brought back sand and he distributed it onto the monument. I was not at the last Freeholder meeting and I have not missed a meeting in 8 years, but I was over in Belgium on business and I had the opportunity to go to the Iron Forest at Bastogne just north and east of Bastogne and entered the forest (if you have ever watched Band of Brothers) on the same road that they walked on; I just want to say it was chilling. You can clearly see fox holes. I sat in one of those fox holes and I thought how unworthy I was to be there because you look up and you can still see where the bursts were from the shelling they took from those weeks. I brought some soil back from one of those fox holes and it was added to the sand that Freeholder Vohden added to the High Point Monument.

Freeholder Director Crabb said he got text messages, phone calls, and emails from the newspaper about the article that was on the front page today about the County disposing records from 1992 – 2013. I responded to the editor last night and we had a long discussion on it. One of the things I promised you I would get the comprehensive list of those records. The interesting thing about this is the whole set of records was not county wide enterprise that we haven't done record retention processes. We do record retention process every single day. In this particular instance, it was solely from the previous Clerk Elaine Morgan when she cleaned her office out. This was the entire scope of what these documents were that came out of her office. Going through these documents is where this list was that came up. Yes there was a document from 1992. It was a Planning Board bid hearing. As a matter of fact throughout the whole 1990's and I am counting 5

from that period and they were all bid hearings. The vast majority of these things are from the early 2000's. I just want to explain why we are just purging them now. The approval to have these records dealt with for the normal records retention process was signed back on April 9, 2015. The process is that you sign these things and then it goes down to the State for their approval as well.

Dennis McConnell said it goes through records retention, they follow it through, send it down to Trenton and then respond and approve the destruction of the records.

Director Freeholder Crabb said and we have our retentions person here who would have done their due diligence before it went down. Everything that is in here has already been transcribed over to a written document. The retention date is 80 days.

Dennis McConnell said there are different retention rates for different documents. For recordings after the matter has been transcribed and approved by governing body, the retention date is 80 days.

Director Freeholder Crabb stated, as he told the reporter last night, he doesn't know where the news item is and I hope this gives some clarity as to what my comments were.

## 9. APPROVAL OF CONSENT AGENDA

- A. RESOLUTION RE: PAYMENT OF BILLS  
**265-2015**
- B. RESOLUTION RE: AUTHORIZATION TO FILE AN APPLICATION TO NEW JERSEY TRANSIT CORPORATION AND THE U.S. DEPARTMENT OF TRANSPORTATION ON BEHALF OF THE COUNTY OF SUSSEX FOR AN ELDERLY AND PERSONS WITH DISABILITIES CAPITAL AND OPERATING ASSISTANCE PROGRAM GRANT UNDER SECTION 5310 OF THE FEDERAL TRANSIT ADMINISTRATION FOR ONE YEAR REPRESENTING FEDERAL FISCAL YEAR 2014 FUNDING
- C. RESOLUTION RE: RESOLUTION RE: RESOLUTION REQUESTING PERMISSION FOR THE DEDICATION BY RIDER FOR THE MOSQUITO CONTROL RESERVE FUND REQUIRED BY N.J.S.A. 40A:4-62.2  
**267-2015**
- D. RESOLUTION RE: RESOLUTION PROVIDING FOR THE INSERTION OF ANY SPECIAL ITEM OF REVENUE IN THE 2015 BUDGET OF THE COUNTY OF SUSSEX RELATING TO THE FY2015 CLEAN COMMUNITIES GRANT AWARD FOR A TOTAL AMOUNT OF \$109,360.83  
**268-2015**
- E. RESOLUTION RE: AUTHORIZATION TO PROVIDE FOR THE PURCHASE OF ROADWAY TRAFFIC STRIPING FOR THE SUSSEX COUNTY DEPARTMENT OF ENGINEERING AND PLANNING (*Authorize the execution of the necessary purchase order up to the total amount of \$275,000.00 by the Sussex County Office of Purchasing to permit the purchase of the above listed materials*)  
**269-2015**
- F. RESOLUTION RE: AUTHORIZATION TO PROVIDE FOR THE SERVICES OF PRINTING ELECTION BALLOTS FOR THE SUSSEX COUNTY CLERK'S OFFICE (*This resolution is to authorize the Purchasing Agent to issue a purchase order in the amount of \$59,695.00 to the Printing Center for the printing of the 2015 election ballots*)  
**270-2015**
- G. RESOLUTION RE: AUTHORIZING THE PLACEMENT OF A PUBLIC QUESTION ON THE OFFICIAL BALLOT FOR THE GENERAL ELECTION ON NOVEMBER 3, 2015 CONCERNING A PROPOSITION AUTHORIZING THE  
**271-2015**

COUNTY OF SUSSEX TO CONTINUE A TRUST FUND IN ORDER TO ACQUIRE LANDS FOR FARMLAND PRESERVATION, RECREATION AND OPEN SPACE PURPOSES PURSUANT TO N.J.S.A. 40:12-15.1 ET SEQ.

- H. RESOLUTION RE: AUTHORIZING THE COUNTY OF SUSSEX TO ENTER INTO AN AGREEMENT WITH THE TOWNSHIP OF FREDON 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.

- I. RESOLUTION RE: AUTHORIZING A SHARED SERVICE AGREEMENT BETWEEN THE COUNTY OF SUSSEX AND THE DEPARTMENT OF ENVIRONMENTAL AND PUBLIC HEALTH SERVICES WITH THE SUSSEX COUNTY MUNICIPAL UTILITIES AUTHORITY FOR SOLID WASTE ENFORCEMENT PURSUANT TO N.J.S.A. 40A:65-1 ET SEQ.

Freeholder Director Crabb said Resolution 9. I was being pulled from the agenda due to both parties still having to review it.

**The Board of Chosen Freeholders of the County of Sussex has reviewed the Consent Agenda consisting of various proposed Resolutions and determined that adoption of the said Resolutions is in and will further the public interest.**

**MOTION** made by Freeholder Vohden to approve the Financial Consent Agenda Resolutions A-H, seconded by Freeholder Mudrick.

**Discussion:**

Freeholder Graham stated he would like to abstain from Resolution 9.E.

On Roll call the vote was:

Freeholder Graham	Yes; abstaining on E.
Freeholder Mudrick	Yes
Freeholder Phoebus	Yes
Freeholder Vohden	Yes
Freeholder Director Crabb	Yes

**10. APPROVAL OF MINUTES**

Special Meeting February 19, 2015  
Regular Meeting March 25, 2015

**MOTION** made by Freeholder Graham to approve the Minutes of the Special Meeting February 19, 2015 and the Regular Meeting of March 25, 2015, seconded by Freeholder Vohden and passed unanimously.

Freeholder Director Crabb abstaining from Regular Meeting March 25, 2015 due to his absence.

**11. APPOINTMENTS AND/OR RESIGNATIONS**

No appointments or resignations

**12. RESOLUTION**

- 1 RESOLUTION RE: PRELIMINARY ADOPTION OF THE SUSSEX COUNTY WASTEWATER MANAGEMENT PLAN UPDATE AND AMENDMENT TO THE SUSSEX COUNTY WATER

QUALITY MANAGEMENT PLAN (Since the DEP approval of the Sewer Service Area mapping in June 2013, there are some mapping changes to the Future Sewer Service Area Map. Affected parties as defined in N.J.A.C. 7:15 were identified as 24 municipalities, Sussex County Municipal Utilities Authority, Musconetcong Sewerage Authority, and Highlands Council)

2. RESOLUTION RE: AUTHORIZING THE FREEHOLDER DIRECTOR AND THE CLERK OF THE BOARD OF CHOSEN FREEHOLDERS TO SIGN THE NEW JERSEY DEPARTMENT OF TRANSPORTATION CORPORATE ACKNOWLEDGEMENT AND AUTHORIZING THE COUNTY ENGINEER TO SIGN NJDOT ACCESS STREET INTERSECTION PERMIT NUMBER S-181-N-0005-2013 FOR THE MODIFICATION OF A TRAFFIC SIGNAL AT THE INTERSECTION OF NJSH ROUTE 181 WITH SUSSEX COUNTY ROUTE 517 IN THE TOWNSHIP OF SPARTA  
**274-2015**
3. RESOLUTION RE: PROVIDING TEMPORARY CLOSURE OF CR 630 IN BRANCHVILLE BOROUGH  
**275-2015**
4. RESOLUTION RE: PROVIDING TEMPORARY CLOSURE OF CR 613 IN SPARTA TOWNSHIP  
**276-2015**
5. RESOLUTION RE: AUTHORIZATION OF AS-BUILT PLANS ENTITLED "PROPOSED STREETScape IMPROVEMENTS – PHASE II TO COUNTY ROUTE 560, VILLAGE OF LAYTON, SANDYSTON TOWNSHIP" REVISED THROUGH APRIL 28, 2015, DEVELOPED BY HAROLD E. PELLOW & ASSOCIATES FOR THE TOWNSHIP OF SANDYSTON  
**277-2015**

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

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

#### A. Awards of Contract

1. RESOLUTION RE: AWARD OF A CONTRACT EXTENSION FOR FIRE ALARM INSTALLATION, REPAIR, SERVICE AND MONITORING SERVICES FOR THE COUNTY OF SUSSEX  
**278-2015**  
*(This resolution is for authorization to extend the current contract for another year to Protective Measures Security and Fire Systems with the Contact term from July 1, 2015 to June 30, 2016)*
2. RESOLUTION RE: AWARD OF CONTRACTS FOR BITUMINOUS CONCRETE, AGGREGATES AND BROKEN STONE FOR THE COUNTY OF SUSSEX DIVISION OF PUBLIC WORKS 2015 – 2016  
**279-2015**
3. RESOLUTION RE: AWARD OF CONTRACT FOR DRAINAGE PIPE & TUBING; HIGH DENSITY POLYETHYLENE (HDPE) AND HORIZONTAL ELLIPTICAL REINFORCED CONCRETE PIPE (HERCP) FOR SUSSEX COUNTY  
**280-2015**

B. Bids

1. **RESOLUTION RE: REJECTION OF BID FOR THE AWARD OF CONTRACT FOR THE COCHRAN HOUSE RECORDS RETENTION RENOVATION PROJECT** (*Only one bid was received for the Cochran House Records Retention award of contract. This bid was rejected for substantially exceeding the amount of funds appropriated for this project*)

**MOTION** made by Freeholder Mudrick to adopt these Resolutions, seconded by Freeholder Graham.

On Roll Call the vote was:

Freeholder Graham	Yes
Freeholder Mudrick	Yes
Freeholder Phoebus	Yes
Freeholder Vohden	Yes
Freeholder Director Crabb	Yes

14. **FINANCIAL**

1. **RESOLUTION RE: RESOLUTION DETERMINING THE FORM 282-2015**  
AND OTHER DETAILS OF THE OFFERING OF \$3,200,000 COUNTY COLLEGE BONDS, SERIES 2015 (COUNTY COLLEGE BOND ACT, 1971 N.J. LAWS C. 12, AS AMENDED) OF THE COUNTY OF SUSSEX, STATE OF NEW JERSEY AND PROVIDING FOR THE SALE OF SUCH BONDS

**MOTION** made by Freeholder Graham to adopt the Resolution, seconded by Freeholder Mudrick.

On Roll Call the vote was:

Freeholder Graham	Yes
Freeholder Mudrick	Yes
Freeholder Phoebus	Yes
Freeholder Vohden	Yes
Freeholder Director Crabb	Yes

15. **PERSONNEL**

A. Personnel Agenda

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

16. **ADMINISTRATIVE REPORT**

A. Other

No report tonight

## 17. COUNTY COUNSEL

Mr. McConnell said he has four items for closed session. Three separate complaints dealing with Plaintiff Wolosky vs. County of Sussex and an issue with a settlement regarding O'Connell vs. County of Sussex.

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

## 18. UNFINISHED BUSINESS

There was no unfinished business.

## 19. NEW BUSINESS

Freeholder Mudrick asked without any objection I would like from each one of us when we started our tenure as Freeholders. If it is realistic to give to Cathy our attendance records from regular and special meetings so we can be accountable and transparent to the public; the people we serve and report it to the public. It is a matter of public record in the minutes but I would like to share it.

Freeholder Director Crabb said without objection further moved.

## 20. PUBLIC SESSION FROM THE FLOOR

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

**MOTION** made at 6:14 PM by Freeholder Vohden to open the meeting to the Public, seconded by Freeholder Graham and passed unanimously.

### **Comment by Doug Amades**

Mr. Amades, of Sparta came forward and said he read the article in the Herald and agrees with Freeholder Director Crabb that it seems to be much about nothing and I appreciate your clarification on that. I think it is kind of indicative of the temperature or the suspicion not against this Board but the suspicion generally involving the solar debacle, saga whatever you want to call it. I am a litigation attorney mostly in Manhattan and out here too. I was involved in the Encap Cherokee Meadowland debacle, and currently involved in the Madoff debacle. I don't bring these up to toot my own horn but maybe to qualify my comments. Document retention programs people tend to have a lot of faith in them as a way of shielding them from liability. Obviously an organization like this produces a lot of paper and you need to get rid of it. Most corporations I know have a 7 year retention policy. The problem is when there is some activity of investigations ongoing and it is not an investigation of this Board, I realize that, but this Board may be at the center of it or this Board may be called upon to testify at some point. The problem with document retention policies is if you have a document retention policy that says everything after 7 years gets destroyed, you are probably safe but the problem is they are never that way; they are always selective and to the extent that they are selective there is always a question about how selective. They are tissue thin and a way of protecting against questions that arise of why certain things happened. I understand the County has retention policies in place, but I would think that at this point when it comes to any information relating to the solar project that those things would be taken off the document retention track and keep them preserved. I personally don't think you have done anything wrong, but there is an investigation by two government agencies so just for the protection of the County you should keep them separate.

Freeholder Director Crabb stated I thank you for those comments. Every one of these audio tapes as you know already has a hard copy that has been kept in archives and most of them are on the county website. He asked Counsel are we going forward with destruction of these boxes at this point.

Dennis McConnell stated not until further review.

### **Comment by Ann Smulewicz**

Ann Smulewicz, Wantage, stated she is not an attorney and she does not make her living suing people so she has a different opinion. The rules are the rules. If the rules say they go then they go. Another thing is I have become disappointed in the Herald's headlines. Yesterday's or today's headline is one example. We have these alleged investigations since February and I would like an update on what the findings are. I would appreciate having more information and I do have a question on an attorney that does make money on people. The business with Mr. Perez, is that something that the Freeholders are paying for, or is that a private matter because it should be private.

Freeholder Graham stated the freeholders are not paying for it.

Ms. Smulewicz continued by saying she thanked the Board for doing a wonderful job. I have been coming to these meetings for a long time. I want to thank you for your perseverance.

### **Comment by Neil Kenny**

Mr. Kenny, Green Township came forward and thanked Mr. Mudrick for his sincere comments. I know you didn't win but there will be a next time. If we had more politicians that worked like you that we would be better off. He also stated that he has information on the Refugee Settlement program if anyone wants to contact me.

**MOTION** made at 6:24 PM by Freeholder Mudrick to close the public session, seconded by George Graham and passed unanimously.

### **21. EXECUTIVE SESSION – (Closed Session)**

Dennis McConnell said there are three separate complaints filed by Mr. Wolosky vs. the County of Sussex regarding issues with OPRA and an issue with the settlement agreement that was entered into with O'Connell for discussion and possible action when we come out.

Freeholder Director Crabb said he has an item for Executive Session and that is to conclude the discussion of filling the Sussex County's Administrator position from in-house pool of candidates and action may be taken upon return of closed session.

### **RESOLUTION RE: PROVIDING FOR AN EXECUTIVE (CLOSED) SESSION NOT OPEN TO THE PUBLIC IN ACCORDANCE WITH THE PROVISIONS OF N.J.S.A. 10:4-12 ET SEQ**

**283-2015**

**WHEREAS**, the subject matter(s) about to be discussed may be excluded from the public portion of the meeting by Resolution of the Board of Chosen Freeholders as an exception to the "Open Public Meetings Act" pursuant to N.J.S.A. 10:4-12 (b); and

**WHEREAS**, it appears necessary for the Board of Chosen Freeholders to discuss such matter(s) in Executive Session.

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Chosen Freeholders of the County of Sussex, in accordance with the provisions of N.J.S.A. 10:4-12(b) and N.J.S.A. 10:4-13 that the Board at this time enter into an Executive Session from which the public shall be excluded; and

**BE IT FURTHER RESOLVED**, that the general nature of the subject(s) to be discussed relate to the following item(s) authorized by N.J.S.A. 10:4-b as designated below:

\_\_\_\_\_ (1) **Matters Required by Law to be Confidential:**

\_\_\_\_\_ (2) **Matters Where the Release of Information Would Impair the Right to Receive Funds:**

  X   (3) **Matters Involving Individual Privacy:**

\_\_\_\_\_ (4) **Matters Relating to Collective Bargaining Agreements:**

\_\_\_\_\_ (5) **Matters Relating to the Purchase, Lease of Acquisition of Real Property or the Investment of Public Funds:**

\_\_\_\_\_ (6) **Matters Relating to Public Safety and Property:**

  X   (7) **Matters Relating to Litigation, Negotiations and the Attorney Client Privilege:**

  X   (8) **Matters Relating to the Employment Relationship:**

\_\_\_\_\_ (9) **Matters Relating to the Potential Imposition of a Penalty:**

**BE IT FURTHER RESOLVED** that the deliberations conducted in closed session may be disclosed to the public upon the determination of the Sussex County Board of Chosen Freeholders or provided by law that the public interest will no longer be served by such confidentiality; and

**BE IT FURTHER RESOLVED** that upon completion of the business for which the Board has entered into the Executive Session, the Board shall reconvene and resume its meeting open to the public.

**MOTION** made at 6:30 PM by Freeholder Mudrick to go into closed session for the reasons given by Mr. McConnell and Freeholder Director Crabb above, seconded by Freeholder Phoebus and passed unanimously.

**MOTION** made at 7:26 PM by Freeholder Graham to come out of Executive Session and return to Open Session, seconded by Freeholder Vohden and passed unanimously.

**MOTION** made at 7:27 PM by Freeholder Graham for the Board to take a 10 minute break, seconded by made by Freeholder Vohden and passed unanimously.

**MOTION** made at 7: 40 PM by Freeholder Mudrick to come back from break, seconded by Freeholder Vohden and passed unanimously.

**MOTION** made by Freeholder Vohden to authorize County Counsel to proceed with the pending lawsuit Wolosky v. the County of Sussex, SSXL-282-15 as discussed in Executive Session and to finalize the settlement of O’Connell v. the County of Sussex as discussed in Executive Session, seconded by Freeholder Graham and passed unanimously.

Freeholder Director Crabb stated that in Executive Session we discussed filling the position of County Administrator and action will be taken. Before I do this, let me say that all candidates were the “Best of Breed”; all candidates were excellent; fluent in day to day operations of Sussex County; high praise to all candidates.

Freeholder Director Crabb read Resolution into the record:

**RESOLUTION RE: APPOINTMENT OF STEPHEN GRUCHACZ AS COUNTY  
284-2015 ADMINISTRATOR FOR THE COUNTY OF SUSSEX FOR A THREE (3)  
YEAR TERM PURSUANT TO N.J.S.A. 40A:9-42**

**WHEREAS**, there is a need to appoint a qualified person as Administrator of the County of Sussex pursuant to N.J.S.A. 40A:9-42 and Article 3 of the Sussex County Administrative Code (1989) revised June 10, 2009; and

**WHEREAS**, Stephen Gruchacz possesses the experience, education, and qualifications necessary to fill the statutory duties of said position; and

**WHEREAS**, Stephen Gruchacz has been serving the County of Sussex as Administrator of the Department of Human Services since 2002; and

**WHEREAS**, Stephen Gruchacz has indicated his desire to be appointed to the position of County Administrator for the County of Sussex.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Chosen Freeholders of the County of Sussex that Stephen Gruchacz is hereby appointed County Administrator for the County of Sussex for a term of three (3) years commencing July 1, 2015 and expiring on June 30, 2018; and

**BE IT FURTHER RESOLVED** that the annualized salary for the position shall be \$ 165,000.00 effective July 1, 2015; and

**BE IT FURTHER RESOLVED** that, in accordance with Article 3 section 3.1 of the Sussex County Administrative Code, the residency requirement for the position of County Administrator shall be waived for Stephen Gruchacz for the duration of this three (3) year appointment; and

**BE IT FURTHER RESOLVED** that from and after July 1, 2015, Stephen Gruchacz is authorized and directed to fulfill all of the duties and responsibilities of the position of County Administrator pursuant to N.J.S.A. 40A:9-42 and Article 3 of the Sussex County Administrative Code (1989) revised June 10, 2009; and

**BE IT FURTHER RESOLVED** that certified copies of this Resolution be forwarded to Stephen Gruchacz; County Treasurer; the New Jersey Civil Service Commission, P.O. Box 314, Trenton, NJ 08625-0314; Division of Administration – Employee Services; and the County Counsel.

**MOTION** made by Freeholder Mudrick to adopt the Resolution, seconded by Freeholder Vohden.

On Roll Call the vote was:

Freeholder Graham	No
Freeholder Mudrick	Yes
Freeholder Phoebus	No
Freeholder Vohden	Yes
Freeholder Director Crabb	Yes

**Discussion:**

Freeholder Mudrick said this process was a pleasant challenge; all interviewed well; need a successful leader; focused and purposeful. Freeholder Mudrick does not agree with the New Jersey Herald article that mentioned cronyism appointments or handcuffing future boards. This Board had met several times for interviews and discussions of interviewees; confident with Stephen Gruchacz and opposed to an interim position. We have a long list of things that need to move forward. This is a serious decision.

Freeholder Phoebus believes that the County should use interim to give both the interim and the Board of Chosen Freeholders protection.

Freeholder Vohden concurs with Freeholder Mudrick; we have been accused of rushing to judgement. Stephen Gruchacz is qualified; all four candidates were very good. We shouldn't do a nationwide search; more than half of the County Administrators have moved up from within. The idea of an interim is not good; we must abide by the statutes.

Freeholder Graham agrees with Freeholder Mudrick's thought about the list of what we need to do going forward; we have all been stalled. Mr. Gruchacz has never run a county, but I will support you. We have a huge list of things to do. Congratulations.

Freeholder Director Crabb said this is the best thing for Sussex County; no interim; we would only be extending the search. We have key staff and things need to get done. He was pleasantly surprised by the candidates' strengths.

Freeholder Mudrick suggested a Special Meeting on June 16, 2015 at 5:00 PM for the purpose of discussing filling the positions of County Treasurer, County Counsel and Department Administrator Environmental & Public Health Services.

**MOTION** made by Freeholder Mudrick to schedule a Special Meeting as discussed above for outstanding appointments, seconded by Freeholder Vohden as passed unanimously.

**MOTION** made by Freeholder Graham to change the meeting of June 24, 2015 5:00 PM to June 25, 2015 5:00 PM, seconded by Freeholder Phoebus and passed unanimously.

**22. REMINDERS**

Thursday

June 25, 2015

Regular Meeting – 5:00 PM

23. **ADJOURNMENT** (voice vote)

**MOTION** made at 8:16 PM by Freeholder Phoebus to adjourn, seconded by Freeholder Graham and passed unanimously.

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Catherine M. Williams, Clerk

**DATED:** June 10, 2015