

REGULAR MEETING HELD ON WEDNESDAY, MARCH 30, 2011

5:00 PM

ORDER OF BUSINESS

REVISED DUE TO SNOW STORM ON MARCH 23, 2011

Item

1. CALL TO ORDER BY DIRECTOR at 5:03 p.m.

2. ROLL CALL: Freeholder Crabb; Freeholder Space; Freeholder Vohden;
Freeholder Zellman; John Eskilson, County Administrator;
Dennis McConnell, County Counsel; Elaine Morgan, Clerk

Freeholder Director Zeoli was excused.

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 March 23, 2011 from the Administrative Center of the County of Sussex, located at One Spring Street, Newton, New Jersey to the following:

New Jersey Herald	WSUS Radio
New Jersey Sunday Herald	WNNJ Radio
Star Ledger	

and is also posted on the bulletin board maintained in the Administrative Center for public announcements and has been submitted to the Sussex County Clerk in compliance with said Act."

5. PUBLIC HEARINGS

There were no Public Hearings.

6. PROCLAMATIONS/CERTIFICATES/PRESENTATIONS

A. Proclamations/Certificates

1. Certificate in recognition of the contributions of all Long Term Care Administrators throughout Sussex County for the care and compassion they provide to residents and their families and declaring the week of March 14-18, 2011 as "Long Term Care Administrator's Week".

197-2011

2. Certificate in recognition of Beemerville Fire Department's "80th Anniversary" celebrating 80 years of dedicated volunteer fire fighting service and commitment to saving lives and protecting the property of the residents of the Beemerville community.

198-2011

MOTION made by Freeholder Space to approve these Certificates, seconded by Freeholder Crabb and passed unanimously.

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

MOTION made at 5:09 p.m. by Freeholder Space to open the meeting to the Public, seconded by Freeholder Vohden and passed unanimously.

Comments on interim policy for County roadway use

Michael Blahut, member, Ogdensburg First Aid Squad, came forward; Mr. Blahut discussed the Resolution on the agenda which addressed the use of County roadways for banners, charitable solicitation, etc.; he said there was a permit involved and asked if the permit could be waived for a non-profit organization; Mr. Blahut also asked if there were any fees involved.

Mr. Eskilson replied that there were no fees involved; he said the process would be difficult to waive as most of the activities conducted on County roadways are by the non-profit organizations; Mr. Eskilson said that the drive behind this is a threefold increase over the last six or seven years for these types of activities; in the past year there have been some problems such as an organization, that unbeknownst to the County, shut down some County roads on a Saturday; this was a major artery and mayhem ensued; the intent is not only to protect the County and its liability, but also to protect the safety of the organization and its members; Mr. Eskilson briefly defined some of the provisions in the interim policy; he added that the intent was not to diminish any organizations fund raising capabilities; Mr. Eskilson said that he and staff would be available to walk organizations through this process.

Andy Ball, Main Street Events, came forward; he said he has been pursuing some aggressive visual notifications and digital signs to assist in 5K runs.

Mr. Eskilson said there were certain rules of the road with respect to safety and sign placement; whatever is placed on the roadway must be in compliance with these rules.

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

8. FREEHOLDERS' COMMENTS

Comments from Freeholder Vohden

- **Champions for Charity**

Freeholder Vohden said he attended the Champions for Charity at Pope John High School; the total food collected was almost 10,500 pounds; he also attended the Champions for Charity at Wallkill Valley Regional High School where 7,913 pounds of food was collected.

- **Electronic recycling event**

Freeholder Vohden said he visited this event which was held at the Municipal Utilities Authority.

- **Spring Fest**

Freeholder Vohden said that he attended Spring Fest at the Sussex County Fairgrounds.

- **Mayor's meeting**

Freeholder Vohden said he attended the Mayor's Meeting hosted by Senator Oroho.

Comments from Freeholder Crabb

- **Electronic recycling event**

Freeholder Crabb said he also attended this event; he noted the large amount of electronic items collected that day.

- **Shared Services**

Freeholder Crabb said a proposal has been made to Vernon Township to provide a shared service to perform its fleet maintenance; this would be for cars, light trucks, and heavy equipment; the work would be performed at the Wheatsworth Road facility.

It is also being looked at to extend shared services for Fire Official to Hamburg, Newton, and Andover Township; there is currently a shared service with Franklin Borough.

Comments from Freeholder Space

- **NJ Conference on Tourism**

Freeholder Space said he attended the recent NJ Conference on Tourism; he said it was a very informational conference.

- **St. Baldrisex fundraiser**

Freeholder Space said he participated in the cancer fundraiser which raised over \$20,000.00; the funds will help local children with cancer.

- **DARE Graduation**

Freeholder Space said he would be attending the fifth grade DARE Graduation at the Merriam Avenue School in Newton.

Additional comment from Freeholder Vohden

- **Newton 200 Club**

Freeholder Vohden said that the Newton 200 Club is soliciting applications for scholarships for firefighters, police, and emergency squad workers; he said there were some good scholarships available.

Comments from Freeholder Zellman

- **Route 23**

Freeholder Zellman said that announcements have been made that the Route 23 improvements are in the Transportation Improvement Plan for this year for the NJDOT.

- **Complete Streets**

Freeholder Zellman said that the Complete Streets Conference was a sell-out; the Conference is at Waterloo Village on March 31, 2011.

- **Youth in County Government Day**

Freeholder Zellman said that Youth in County Government Day was Wednesday, April 13, 2011; she reminded the Board to arrive early.

- **Sussex County Education Association**

Freeholder Zellman attended the reception hosted by the Sussex County Education Association; it was a legislative panel, as well as speakers from the NJ Education Association.

- **Six County Coalition**

The Six County Coalition is Wednesday, April 6, 2011, and is hosted by Passaic County.

9. APPROVAL OF CONSENT AGENDA

- A. RESOLUTION RE: PAYMENT OF BILLS
199-2011
- B. RESOLUTION RE: APPROVAL OF THE 2011 COUNTY FARMLAND PRESERVATION, RECREATION AND OPEN SPACE TRUST FUND LEVY (Resolution authorizes the tax levy to be changed to \$0.341 per \$100.00 of county equalized real property valuation)
200-2011
- C. RESOLUTION RE: AUTHORIZATION FOR THE FREEHOLDER DIRECTOR TO FILE A PROJECT PROPOSAL WITH NEW JERSEY TRANSIT FOR INCLUSION IN THE FFY 2010 AND 2011 NEW FREEDOM GRANT APPLICATION SUBMITTED TO THE FEDERAL TRANSIT ADMINISTRATION OF THE UNITED STATES DEPARTMENT OF TRANSPORTATION FOR FEDERAL TRANSPORTATION ASSISTANCE AUTHORIZED BY SECTION 3037 OF THE TRANSPORTATION EQUITY ACT OF THE 21ST CENTURY (TEA-21)
201-2011
- D. RESOLUTION RE: AUTHORIZATION FOR THE FREEHOLDER DIRECTOR TO FILE A PROJECT PROPOSAL WITH NEW JERSEY TRANSIT FOR INCLUSION IN THE CONSOLIDATED JOB ACCESS AND REVERSE COMMUTE GRANT APPLICATION SUBMITTED TO THE FEDERAL TRANSIT ADMINISTRATION OF THE UNITED STATES DEPARTMENT OF TRANSPORTATION FOR FEDERAL TRANSPORTATION ASSISTANCE AUTHORIZED BY SECTION 3037 OF THE TRANSPORTATION EQUITY ACT OF THE 21ST CENTURY (TEA-21)
202-2011
- E. RESOLUTION RE: AUTHORIZATION FOR THE FREEHOLDER DIRECTOR AND THE CLERK OF THE BOARD TO EXECUTE AN AGREEMENT WITH NJ TRANSIT FOR JOB ACCESS AND REVERSE COMMUTE (JARC) ROUND 11 FOR THE PERIOD JANUARY 1, 2011 THROUGH DECEMBER 31, 2012 SUBMITTED TO THE FEDERAL TRANSIT ADMINISTRATION OF THE UNITED STATES DEPARTMENT OF TRANSPORTATION FOR FEDERAL TRANSPORTATION ASSISTANCE AUTHORIZED BY SECTION 3037 OF THE TRANSPORTATION EQUITY ACT OF THE 21ST CENTURY (TEA-21)
203-2011
- F. RESOLUTION RE: AUTHORIZATION FOR THE FREEHOLDER DIRECTOR AND THE CLERK OF THE BOARD TO EXECUTE A CONTRACT WITH CENTER FOR PREVENTION AND COUNSELING ALLOCATING \$29,103.00 FOR THE PROVISION OF ALCOHOL AND DRUG ABUSE SERVICES FOR THE CITIZENS OF SUSSEX COUNTY (Resolution authorizes this Contract to provide outpatient & intensive outpatient counseling sessions for calendar year 2011)
204-2011
- G. RESOLUTION RE: AUTHORIZATION FOR THE FREEHOLDER DIRECTOR AND THE CLERK OF THE BOARD TO EXECUTE A CONTRACT WITH CENTER FOR PREVENTION AND COUNSELING ALLOCATING \$18,752.00 FOR THE PROVISION OF ALCOHOL AND DRUG ABUSE SERVICES FOR THE CITIZENS OF SUSSEX COUNTY (Resolution authorizes this Contract to provide community-based education sessions/classes for calendar year 2011)
205-2011
- H. RESOLUTION RE: AUTHORIZATION FOR THE FREEHOLDER DIRECTOR

- 206-2011** AND THE CLERK OF THE BOARD TO EXECUTE A CONTRACT WITH FREEDOM HOUSE ALLOCATING \$40,000.00 FOR THE PROVISION OF ALCOHOL AND DRUG ABUSE SERVICES FOR THE CITIZENS OF SUSSEX COUNTY (Resolution authorizes this Contract to provide male halfway house services for calendar year 2011)
- I. **207-2011** RESOLUTION RE: AUTHORIZATION FOR THE FREEHOLDER DIRECTOR AND THE CLERK OF THE BOARD TO EXECUTE A CONTRACT WITH ALFRE, INC. DBA MRS. WILSON'S ALLOCATING \$18,779.00 FOR THE PROVISION OF ALCOHOL AND DRUG ABUSE SERVICES FOR THE CITIZENS OF SUSSEX COUNTY (Resolution authorizes this Contract to provide women's halfway house services for calendar year 2011)
- J. **208-2011** RESOLUTION RE: AUTHORIZATION FOR THE FREEHOLDER DIRECTOR AND THE CLERK OF THE BOARD TO EXECUTE A CONTRACT WITH NEWTON MEMORIAL HOSPITAL ALLOCATING \$7,000.00 FOR THE PROVISION OF ALCOHOL AND DRUG ABUSE SERVICES FOR THE CITIZENS OF SUSSEX COUNTY (Resolution authorizes this Contract to provide outpatient counseling for calendar year 2011)
- K. **209-2011** RESOLUTION RE: AUTHORIZATION FOR THE FREEHOLDER DIRECTOR AND THE CLERK OF THE BOARD TO EXECUTE A CONTRACT WITH SAINT CLARE'S BEHAVIORAL HEALTH ALLOCATING \$18,300.00 FOR THE PROVISION OF ALCOHOL AND DRUG ABUSE SERVICES FOR THE CITIZENS OF SUSSEX COUNTY (Resolution authorizes this Contract to provide detoxification services for calendar year 2011)
- L. **210-2011** RESOLUTION RE: AUTHORIZATION FOR THE FREEHOLDER DIRECTOR AND THE CLERK OF THE BOARD TO EXECUTE A CONTRACT WITH SUNRISE HOUSE ALLOCATING \$122,103.00 FOR THE PROVISION OF ALCOHOL AND DRUG ABUSE SERVICES FOR THE CITIZENS OF SUSSEX COUNTY (Resolution authorizes this Contract to provide inpatient services, intensive outpatient counseling, detoxification and case management services for calendar year 2011)
- M. **211-2011** RESOLUTION RE: AUTHORIZATION FOR THE FREEHOLDER DIRECTOR AND THE CLERK OF THE BOARD TO EXECUTE A CONTRACT WITH ALL ABOUT CARE, LLC ALLOCATING \$26,508.00 IN PERSONAL ASSISTANCE SERVICES PROGRAM (PASP) FUNDS FOR THE PROVISION OF THE PERSONAL ASSISTANTS FOR THE DISABLED POPULATION (Resolution sets a 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)
- N. RESOLUTION RE: AUTHORIZATION FOR THE FREEHOLDER DIRECTOR

- 212-2011** AND THE CLERK OF THE BOARD TO EXECUTE A CONTRACT WITH UNITED CEREBRAL PALSY OF NORTHERN, CENTRAL AND SOUTHERN NEW JERSEY, INC. ALLOCATING \$60,000.00 IN PERSONAL ASSISTANCE SERVICES PROGRAM (PASP) FUNDS FOR THE PROVISION OF THE PERSONAL ASSISTANTS FOR THE DISABLED POPULATION (Resolution sets a 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)
- O. **213-2011** RESOLUTION RE: AUTHORIZATION FOR THE FREEHOLDER DIRECTOR TO EXECUTE THE 2011 LETTER OF AGREEMENT FROM THE NJ GOVERNOR'S COUNCIL ON ALCOHOLISM AND DRUG ABUSE TO PROVIDE \$202,452.00 IN FUNDING TO THE SUSSEX COUNTY DEPARTMENT OF HUMAN SERVICES, DIVISION OF COMMUNITY & YOUTH SERVICES FOR THE PERIOD OF JANUARY 1, 2011 TO DECEMBER 31, 2011
- P. **214-2011** RESOLUTION RE: ALLOCATION OF \$18,772.00 TO THE ACTION MUNICIPAL ALLIANCE FOR THE PROVISION OF SUBSTANCE ABUSE PREVENTION PROGRAMS AND AUTHORIZATION FOR THE FREEHOLDER DIRECTOR AND CLERK TO EXECUTE AGREEMENT (Resolution authorizes this allocation for calendar year 2011)
- Q. **215-2011** RESOLUTION RE: ALLOCATION OF \$9,951.00 TO THE CENTRAL MUNICIPAL ALLIANCE FOR THE PROVISION OF SUBSTANCE ABUSE PREVENTION PROGRAMS AND AUTHORIZATION FOR THE FREEHOLDER DIRECTOR AND CLERK TO EXECUTE AGREEMENT (Resolution authorizes this allocation for calendar year 2011)
- R. **216-2011** RESOLUTION RE: ALLOCATION OF \$12,474.00 TO THE HARDYSTON/FRANKLIN MUNICIPAL ALLIANCE FOR THE PROVISION OF SUBSTANCE ABUSE PREVENTION PROGRAMS AND AUTHORIZATION FOR THE FREEHOLDER DIRECTOR AND CLERK TO EXECUTE AGREEMENT (Resolution authorizes this allocation for calendar year 2011)
- S. **217-2011** RESOLUTION RE: ALLOCATION OF \$13,134.00 TO THE HOPATCONG MUNICIPAL ALLIANCE FOR THE PROVISION OF SUBSTANCE ABUSE PREVENTION PROGRAMS AND AUTHORIZATION FOR THE FREEHOLDER DIRECTOR AND CLERK TO EXECUTE AGREEMENT (Resolution authorizes this allocation for calendar year 2011)
- T. **218-2011** RESOLUTION RE: ALLOCATION OF \$11,420.00 TO THE LENAPE MUNICIPAL ALLIANCE FOR THE PROVISION OF SUBSTANCE ABUSE PREVENTION PROGRAMS AND AUTHORIZATION FOR THE FREEHOLDER DIRECTOR AND CLERK TO EXECUTE AGREEMENT (Resolution authorizes this allocation for calendar year 2011)
- U. **219-2011** RESOLUTION RE: ALLOCATION OF \$2,993.00 TO THE OGDENSBURG MUNICIPAL ALLIANCE FOR THE PROVISION OF SUBSTANCE ABUSE PREVENTION PROGRAMS AND AUTHORIZATION FOR THE FREEHOLDER DIRECTOR AND CLERK TO EXECUTE AGREEMENT (Resolution authorizes this allocation for calendar year 2011)
- V. RESOLUTION RE: ALLOCATION OF \$7,564.00 TO THE SANDYSTON

- 220-2011** MUNICIPAL ALLIANCE FOR THE PROVISION OF SUBSTANCE ABUSE PREVENTION PROGRAMS AND AUTHORIZATION FOR THE FREEHOLDER DIRECTOR AND CLERK TO EXECUTE AGREEMENT (Resolution authorizes this allocation for calendar year 2011)
- W. **221-2011** RESOLUTION RE: ALLOCATION OF \$12,953.00 TO THE SOUTHWESTERN MUNICIPAL ALLIANCE FOR THE PROVISION OF SUBSTANCE ABUSE PREVENTION PROGRAMS AND AUTHORIZATION FOR THE FREEHOLDER DIRECTOR AND CLERK TO EXECUTE AGREEMENT (Resolution authorizes this allocation for calendar year 2011)
- X. **222-2011** RESOLUTION RE: ALLOCATION OF \$16,043.00 TO THE SPARTA MUNICIPAL ALLIANCE FOR THE PROVISION OF SUBSTANCE ABUSE PREVENTION PROGRAMS AND AUTHORIZATION FOR THE FREEHOLDER DIRECTOR AND CLERK TO EXECUTE AGREEMENT (Resolution authorizes this allocation for calendar year 2011)
- Y. **223-2011** RESOLUTION RE: ALLOCATION OF \$12,716.00 TO THE SUSSEX/WANTAGE MUNICIPAL ALLIANCE FOR THE PROVISION OF SUBSTANCE ABUSE PREVENTION PROGRAMS AND AUTHORIZATION FOR THE FREEHOLDER DIRECTOR AND CLERK TO EXECUTE AGREEMENT (Resolution authorizes this allocation for calendar year 2011)
- Z. **224-2011** RESOLUTION RE: ALLOCATION OF \$20,467.00 TO THE VERNON MUNICIPAL ALLIANCE FOR THE PROVISION OF SUBSTANCE ABUSE PREVENTION PROGRAMS AND AUTHORIZATION FOR THE FREEHOLDER DIRECTOR AND CLERK TO EXECUTE AGREEMENT (Resolution authorizes this allocation for calendar year 2011)
- AA. **225-2011** RESOLUTION RE: AUTHORIZATION FOR THE FREEHOLDER DIRECTOR TO EXECUTE THE LOW INCOME HEATING AND ENERGY ASSISTANCE PROGRAM (LIHEAP) COUNTY WELFARE AGENCY (CWA) ADMINISTRATION 2011 GRANT AGREEMENT #2011-05139-0289-00 IN THE AMOUNT OF \$2,860.00 FOR THE PERIOD OF OCTOBER 1, 2010 THROUGH SEPTEMBER 30, 2011
- BB. **226-2011** RESOLUTION RE: AUTHORIZATION FOR THE FREEHOLDER DIRECTOR TO EXECUTE THE UNIVERSAL SERVICE FUND (USF) COUNTY WELFARE AGENCY (CWA) ADMINISTRATION 2011 GRANT AGREEMENT #2011-05134-0232-00 IN THE AMOUNT OF \$1,540.00 FOR THE PERIOD OF JULY 1, 2010 THROUGH JUNE 30, 2011
- CC. **227-2011** RESOLUTION RE: RESOLUTION PROVIDING FOR THE CANCELING OF THE GRANT ACCOUNT BALANCES FOR THE STATE OF NEW JERSEY, DEPARTMENT OF LAW AND PUBLIC SAFETY, DIVISION OF CRIMINAL JUSTICE, INSURANCE FRAUD REIMBURSEMENT, JANUARY 1, 2010 TO DECEMBER 31, 2010 FOR A REMAINING TOTAL AMOUNT OF \$69,958.87
- DD. RESOLUTION RE: RESOLUTION PROVIDING FOR THE CANCELING OF

- 228-2011** THE GRANT ACCOUNT BALANCES FOR THE STATE OF NEW JERSEY, DEPARTMENT OF COMMUNITY AFFAIRS, COMMUNITY-BASED RECREATION OPPORTUNITIES FOR INDIVIDUALS WITH DISABILITIES FOR A REMAINING TOTAL AMOUNT OF \$234.75
- EE. **229-2011** RESOLUTION RE: AUTHORIZATION TO PROVIDE FOR THE PURCHASE OF A VEHICLE FOR THE SUSSEX COUNTY SHERIFF'S OFFICE (Resolution authorizes this purchase of one (1) 2011 Ford Expedition EL from Warnock fleet in the total amount of \$32,097.00)
- FF. **230-2011** RESOLUTION RE: AUTHORIZATION FOR THE SUSSEX COUNTY DIVISION OF SENIOR SERVICES TO APPLY FOR GRANT FUNDS FROM THE NEW JERSEY DEPARTMENT OF HEALTH AND SENIOR SERVICES, DIVISION OF AGING AND COMMUNITY SERVICES FOR THE STATE HEALTH INSURANCE PROGRAM (SHIP) FOR THE PERIOD OF APRIL 1, 2011 TO MARCH 31, 2012 (Resolution authorizes this application in the amount of \$27,000.00)
- GG. **231-2011** RESOLUTION RE: AUTHORIZATION FOR THE SUSSEX COUNTY BOARD OF CHOSEN FREEHOLDERS TO ALLOW THE SUSSEX COUNTY DEPARTMENT OF ENVIRONMENTAL AND PUBLIC HEALTH SERVICES TO SUBMIT AN APPLICATION FOR IMPLEMENTATION OF THE NJ COMPREHENSIVE CANCER CONTROL PLAN IN SUSSEX COUNTY ISSUED BY THE NJ DEPARTMENT OF HEALTH AND SENIOR SERVICES, OFFICE OF CANCER CONTROL AND PREVENTION (Resolution authorizes this application in the amount of \$65,000.00)
- HH. **232-2011** RESOLUTION RE: AUTHORIZATION FOR THE BOARD OF CHOSEN FREEHOLDERS TO ACCEPT A SUBGRANT AWARD OF THE FEDERAL FISCAL YEAR 2011 OF DEPARTMENT OF HOMELAND SECURITY EMERGENCY MANAGEMENT PERFORMANCE GRANT PROGRAM FUNDING IN THE AMOUNT OF \$50,000.00 AND FOR THE COUNTY CHIEF FINANCIAL OFFICER TO AMEND THE BUDGET AND CERTIFY THE AVAILABILITY OF FUNDS

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 adopt the Financial Consent Agenda, seconded by Freeholder Space.

On roll call the vote was:

Freeholder Crabb	Yes
Freeholder Space	Yes
Freeholder Vohden	Yes
Freeholder Zellman	Yes

10. APPROVAL OF MINUTES

Regular Meeting January 14, 2011
 Regular Meeting January 28, 2011
 Regular Meeting February 9, 2011
 Regular Meeting February 23, 2011

MOTION made by Freeholder Vohden to approve these minutes, seconded by Freeholder Crabb and passed with Freeholder Zellman abstaining on the regular Meeting Minutes of January 28, 2011.

Executive Session Minutes
Regular Meeting February 9, 2011

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

11. APPOINTMENTS AND/OR RESIGNATIONS

A. Appointments

1. RESOLUTION RE: APPOINTMENT OF RONALD V. SUAREZ AS
233-2011 SUSSEX COUNTY MEDICAL EXAMINER
PURSUANT TO N.J.S.A. 52:17B-83 (Resolution
authorizes this appointment for a term of five (5)
years to expire on December 31, 2015)

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

12. RESOLUTIONS

- A. RESOLUTION RE: ESTABLISHMENT OF AN INTERIM POLICY AND
234-2011 APPLICATION FORM FOR COUNTY ROADWAY
OCCUPANCY FOR BANNERS, CHARITABLE
SOLICITATION, PARADES AND EVENTS
- B. RESOLUTION RE: AUTHORIZING SUBMISSION OF THE PUBLIC LIBRARY
235-2011 STATISTICAL REPORT FOR 2010 BY THE SUSSEX
COUNTY DIVISION OF LIBRARY SERVICES
- C. RESOLUTION RE: URGING SUSSEX COUNTY'S LOCAL LEGISLATORS TO
236-2011 DRAFT A BILL TO AMEND THE OPEN PUBLIC
RECORDS ACT

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

13. AWARDS OF CONTRACTS/CHANGE ORDERS/BIDS

A. Awards of Contracts

1. RESOLUTION RE: EMERGENCY SITUATION PERTAINING TO
237-2011 COUNTY BRIDGE F-09 ON COUNTY ROUTE 614
PAULINSKILL LAKE ROAD IN FREDON
TOWNSHIP AND AUTHORIZING THE AWARD OF
CONTRACTS FOR THE REQUIRED MATERIALS
AND SERVICES WITHOUT PUBLIC BIDDING IN
ACCORDANCE WITH N.J.S.A. 40A:11-6
2. RESOLUTION RE: AWARD OF CONTRACT FOR ANIMAL REMAINS –
238-2011 REMOVAL FROM ROADWAYS FOR THE COUNTY
OF SUSSEX DIVISION OF PUBLIC WORKS
(Resolution awards this Contract to the only
responsible bidder, Deer Carcass Removal Service,
LLC, in the approximate amount of \$50,000.00
based on a unit price of \$49.95 per unit)

3. **RESOLUTION RE: AWARD OF A CONTRACT EXTENSION BASED ON PROPOSALS RECEIVED THROUGH THE COMPETITIVE CONTRACTING PROCESS FOR AN ELECTRONIC DOCUMENT MANAGEMENT SYSTEM (EDMS) FOR THE COUNTY OF SUSSEX (Resolution awards this Contract Extension to Continuum Voice and Data Systems in the amount of \$25,232.88)**
239-2011
4. **RESOLUTION RE: AWARD OF CONTRACT FOR HOUSEKEEPING AND JANITORIAL SERVICES FOR THE SUSSEX COUNTY DIVISION OF FACILITIES MANAGEMENT (Resolution awards this Contract to the lowest responsible bidder in the amount of \$25,904.00)**
240-2011
5. **RESOLUTION RE: AWARD OF CONTRACT FOR MISCELLANEOUS BUILDING TRADE SERVICES (MASONRY) TO BE PERFORMED IN AND AROUND VARIOUS SUSSEX COUNTY BUILDINGS FOR THE COUNTY OF SUSSEX (Resolution awards this Contract to the lowest responsible bidder for Masonry work, SCC Contractors, LLC with a minimum expenditure of \$500.00 and a maximum Contract amount of \$100,000.00)**
241-2011
6. **RESOLUTION RE: AWARD OF CONTRACT FOR MISCELLANEOUS BUILDING TRADE SERVICES (ROOFING) TO BE PERFORMED IN AND AROUND VARIOUS SUSSEX COUNTY BUILDINGS FOR THE COUNTY OF SUSSEX (Resolution awards this Contract to the lowest responsible bidder for roofing work, Complete Building Management, LLC with a minimum expenditure of \$500.00 and a maximum Contract amount of \$200,000.00)**
242-2011
7. **RESOLUTION RE: AWARD OF CONTRACT FOR MISCELLANEOUS BUILDING TRADE SERVICES (ELECTRIC) TO BE PERFORMED IN AND AROUND VARIOUS SUSSEX COUNTY BUILDINGS FOR THE COUNTY OF SUSSEX (Resolution awards this Contract to the lowest responsible bidder for electric work, Tosone Electric, Inc. with a minimum expenditure of \$500.00 and a maximum Contract amount of \$100,000.00)**
243-2011
8. **RESOLUTION RE: AWARD OF CONTRACT FOR MISCELLANEOUS BUILDING TRADE SERVICES (PLUMBING) TO BE PERFORMED IN AND AROUND VARIOUS SUSSEX COUNTY BUILDINGS FOR THE COUNTY OF SUSSEX (Resolution awards this Contract to the lowest responsible bidder for plumbing work, Aero Plumbing & Heating Co. with a minimum expenditure of \$500.00 and a maximum Contract amount of \$50,000.00)**
244-2011
9. **RESOLUTION RE: AUTHORIZING ENTRY INTO A PROFESSIONAL**

245-2011

SERVICES AGREEMENT WITH MAGNACARE ADMINISTRATIVE SERVICES, L.L.C. TO PROVIDE INSURANCE CONSULTING SERVICES FOR THE COUNTY'S HEALTH AND PRESCRIPTION DRUG INSURANCE PLANS WITHOUT COMPETITIVE BIDDING AS AN EXTRAORDINARY UNSPECIFIABLE SERVICE PURSUANT TO N.J.S.A. 40A:11-5(1)(m) (Resolution authorizes this Agreement in an amount not to exceed \$51,000.00)

Mr. McConnell said there was an additional Resolution for the Board's consideration.

- 10. **246-2011** RESOLUTION RE: AWARD OF CONTRACT FOR MISCELLANEOUS BUILDING TRADE SERVICES (CARPENTRY) TO BE PERFORMED IN AND AROUND VARIOUS SUSSEX COUNTY BUILDINGS FOR THE COUNTY OF SUSSEX

Explanation of Resolution 13. A. 10

Mr. McConnell explained that this trade was advertised at the same time as the others were but there was an issue regarding the lowest responsible bidder and the mandatory prevailing wage; there was a Bid Hearing this morning and it was determined that it should go to the second low bidder; this needs to be moved forward as there are certain issues at Wheatsworth Road that need to be accomplished in order for the County to occupy it as soon as possible.

Clarification of Resolution 13. A. 9.

Mr. McConnell said that he would like to make this Resolution subject to receipt of certain additional addendums regarding Affirmative Action; these documents are on the way, but have not yet been received.

MOTION made by Freeholder Crabb to adopt Resolutions 13. A. 1. – 13. A. 10 and to approve the caveat for Resolution 13. A. 9., as explained by County Counsel, seconded by Freeholder Vohden.

On roll call the vote was:

Freeholder Crabb	Yes
Freeholder Space	Yes, and abstain on Resolution 13. A. 2.
Freeholder Vohden	Yes
Freeholder Zellman	Yes

14. FINANCIAL

A.

INTRODUCTION FOR FIRST READING - RESOLUTION

RESOLUTION RE: AUTHORIZING CAP TO LIMIT COUNTY TAX REVENUE INCREASE
IN
247-2011 **2011 COUNTY BUDGET TO 3.5% OVER THE PREVIOUS YEAR'S**
FINAL LEVY SUBJECT TO CERTAIN EXCEPTIONS AND TO
ESTABLISH A CAP BANK

Comment on CAP Bank

Mr. Eskilson explained that the County and municipalities were both subject to the new CAP law; however, when the State Legislature removed the municipalities from the old CAP law, it forgot to remove the counties; so the counties were subject to two CAP laws, whichever is the most restrictive; the CAP Bank provisions are in both laws, but the CAP Bank increase to 3.5% is in the old law; there is no money changing hands in this action, except hypothetical budgets a year or two from now; the County’s budget did not go all the way up to CAP; the County has what the difference was between the tax levy and CAP; by this action, the Freeholders take that theoretical amount of money, put in on the side, and in the out years of 2012 and 2013, if there is a problem meeting CAP, the Freeholders may want to use that bank, this theoretical money, and apply it to the out year budgets.

MOTION to adopt this Resolution on first reading made by Freeholder Vohden, seconded by Freeholder Crabb.

On roll call the vote was:

Freeholder Crabb	Yes
Freeholder Space	Yes
Freeholder Vohden	Yes
Freeholder Zellman	Yes

MOTION to authorize the Clerk to advertise this Resolution as introduced for first reading, and also post same on the bulletin board in the lobby of the County Administrative Center, together with a Notice of Public Hearing stating that a hearing will be held on April 13, 2011 at 5:00 p.m. prior to final adoption of this Resolution made by Freeholder Space, seconded by Freeholder Crabb and passed unanimously.

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- B. RESOLUTION RE: AUTHORIZING EMERGENCY TEMPORARY
248-2011 APPROPRIATIONS OF 2011 OPERATING BUDGET FOR
THE COUNTY OF SUSSEX
- C. RESOLUTION RE: TRANSFER OF 2010 APPROPRIATION RESERVES
249-2011

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

On roll call the vote was:

Freeholder Crabb	Yes
Freeholder Space	Yes
Freeholder Vohden	Yes
Freeholder Zellman	Yes

15. PERSONNEL

- A. Personnel Agenda

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

- B. Resolutions
 - 1. RESOLUTION RE: ESTABLISHMENT OF “ADMINISTRATIVE
250-2011 ASSISTANT 1” AND SALARY RANGE
 - 2. RESOLUTION RE: ESTABLISHMENT OF “ADMINISTRATIVE
251-2011 ASSISTANT 2” AND SALARY RANGE
 - 3. RESOLUTION RE: ESTABLISHMENT OF “ADMINISTRATIVE

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

16. ADMINISTRATIVE REPORT

A. Other

Bi-County Development vs. the Department of Environmental Protection (DEP)

Mr. Eskilson referred to the case of Bi-County Development vs. the Department of Environmental Protection (DEP); he said the case has already been argued, so therefore, the County did not have the opportunity to file an authorizing Amicus Brief; the motion to stay the regulation pending the outcome really does not apply here because the County has already filed its plan; the harm would be filing a plan that might be rejected; the Freeholder Board is not being asked to take any action; Mr. Eskilson said that this was an extremely important case, the appellant has found the two areas by which the DEP has usurped all land use control in the State of New Jersey; he referred to the 270 page regulation in 2008; one paragraph discussed sewer service areas which prohibited new sewer service areas or expanded sewer service areas in areas that were environmentally sensitive; the catch is that the definition of environmentally sensitive includes potential and actual habitats that threaten endangered species; the further catch is that every square inch of land in Sussex County is identified as a potential habitat for threatened and endangered species; Mr. Eskilson said that this translates into no additional sewer service areas, basically no economic development; eight thousand acres of the County's sewer service plan comes off the table; this is how the DEP takes control over one part of land use.

Mr. Eskilson said the second part is where there are no sewers, everything else is on septic; he referred to the section which discussed the nitrates coming off the septic system and said that by this standard, the greatest density there could be in the zoning would be one unit for four to seven acres; by two paragraphs in a very large rule, the DEP took control of local land use; Mr. Eskilson said that this is an over reach to the legislative intent which was to control water quality; the appellant is making the case that this is actually a land use grab.

Mr. Eskilson concluded by stating that discussions have been held with the DEP, and it is supportive, but there is a rule in place; the problem is that the rules of engagement are not clear and it is the burden of the municipality and/or builder to disprove that this is a potential habitat.

There was a brief discussion.

17. COUNTY COUNSEL

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

Mr. McConnell stated that he had two items for discussion.

Certificate for DARE graduation

Mr. McConnell brought up Freeholder Space's request for a Certificate of Recognition for the DARE graduation for the fifth grade class at the Merriam Avenue School; he said there needed to be a Motion for action.

MOTION made by Freeholder Crabb to authorize presentation of a Certificate of Recognition for the fifth grade class DARE graduation at the Merriam Avenue School, seconded by Freeholder Vohden and passed unanimously.

Item for Closed Session

Mr. McConnell said that he had one item for Closed Session under Litigation regarding O'Shea vs. the County of Sussex.

18. UNFINISHED BUSINESS

There was no Unfinished Business.

19. NEW BUSINESS

Letter of Support for the Livestock Cooperative Auction Market Association of North Jersey, Inc.

Freeholder Vohden stated that he had a letter of support he would like the Board to consider; the letter was in support of a Rural Development Grant application being submitted by the Livestock Cooperative Auction Market Association of North Jersey, Inc., to the U. S. Department of Agriculture; there was a brief discussion.

MOTION made by Freeholder Vohden to approve the submission of a letter of support for a Rural Development Grant application being submitted by the Livestock Cooperative Auction Market Association of North Jersey, Inc., to the U. S. Department of Agriculture, seconded by Freeholder Space 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 6:13 p.m. by Freeholder Vohden to open the meeting to the Public, seconded by Freeholder Space and passed unanimously.

Comment on endangered species assessment

Lisa Chammings came forward; she asked if there was someone on staff at the County level who was qualified to do endangered species assessment.

Mr. Eskilson responded that there was no one on staff qualified to do this work; if the need arose, and the County received the grant money, a qualified consultant would probably be brought on board.

Comment on removal of animal remains from roadways

Andy Ball, Sparta, came forward; he questioned the award of contract for removal of animal remains from roadways; he wanted to know what the responsibility of Space Farms had been.

Freeholder Space explained that it was a sealed bid and anyone could put in a bid; in the past, Space Farms has always been the lowest bidder; he added that Space Farms had been doing this for a long time, adding that Space Farms could do it cheaper as it used the animal remains to feed its animals; Freeholder Space that the Division of Local Finance in Trenton determined that it was a conflict of interest that Space Farms bid on the County contract; Space Farms can still contract with the municipalities for township roads, but cannot contract for County roads.

Comment on removal of animal remains from roadways

Jill Space, Space Farms, came forward; she thanked the County for allowing Space Farms to provide the service for the last four years; she said that Space Farms will continue to service those towns it has contracts with.

MOTION made at 6:18 p.m. by Freeholder Crabb to open the meeting to the Public, seconded by Freeholder Vohden and passed unanimously.

21. EXECUTIVE SESSION

MOTION made at 6:19 p.m. by Freeholder Crabb to go into Executive Session for the purpose of discussion of litigation in the matter of O'Shea vs. the County of Sussex, seconded by Freeholder Space and passed unanimously.

RESOLUTION RE: REQUESTING EXECUTIVE SESSION
253-2011

- 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 6:33 pm by Freeholder Space to come out of Executive Session and return to Public Session, seconded by Freeholder Crabb and passed unanimously

22. REMINDERS

Wednesday April 13, 2011 Regular Meeting 5:00 pm

23. ADJOURNMENT

MOTION made at 6:34 p.m. by Freeholder Space to adjourn, seconded by Freeholder Vohden and passed unanimously.

Elaine A. Morgan, Clerk
Board of Chosen Freeholders

DATED: March 30, 2011