

REGULAR MEETING HELD ON WEDNESDAY, MAY 11, 2011

5:00 PM

ORDER OF BUSINESS

Item

1. CALL TO ORDER BY DIRECTOR at 5:08 p.m.

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

3. MOMENT OF SILENT PRAYER AND SALUTE TO THE FLAG

4. PUBLIC STATEMENT

"Pursuant to the Open Public Meetings Act, Chapter 231, P.L. 1975 Adequate Notice as defined by Section 3D of Chapter 231, P.L. 1975, has been made by regular mail, such notice being submitted on February 15, 2011 from the Administrative Center of the County of Sussex, located at One Spring Street, Newton, New Jersey to the following:

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

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

5. PUBLIC HEARINGS

A.

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**PUBLIC HEARING – 5:10 PM**

**FINAL ADOPTION – CAPITAL ORDINANCE  
309-2011**

**Freeholder Director Zeoli:** "At our regular meeting held on April 27, 2011, we introduced for first reading the following Capital Ordinance which was advertised in the New Jersey Herald issue of May 2, 2011 together with a Notice of Public Hearing stating it would be held at this meeting at 5:00 PM:

**CAPITAL ORDINANCE APPROPRIATING \$1,872,700.00 TO BE RECEIVED FROM THE NEW JERSEY DEPARTMENT OF TRANSPORTATION LOCAL AID TO COUNTIES FOR INTERSECTION IMPROVEMENTS AND ANNUAL ROAD RESURFACING PROGRAM**

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

Is anyone present to be heard regarding this Capital Ordinance?

There was no one.

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

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

On roll call the vote was:

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

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

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B.

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**PUBLIC HEARING – 5:12 PM**

**FINAL ADOPTION – BOND ORDINANCE  
310-2011**

**Freeholder Director Zeoli:** "At our regular meeting held on April 27, 2011, we introduced for first reading the following Capital Ordinance which was advertised in the New Jersey Herald issue of May 2, 2011 together with a Notice of Public Hearing stating it would be held at this meeting at 5:00 PM:

**BOND ORDINANCE PROVIDING FOR VARIOUS 2011 CAPITAL IMPROVEMENTS BY AND IN THE COUNTY OF SUSSEX, STATE OF NEW JERSEY, APPROPRIATING \$6,281,520.00 THEREFOR AND AUTHORIZING \$5,982,400.00 BONDS OR NOTES OF THE COUNTY TO FINANCE PART OF THE COSTS THEREOF**

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

Is anyone present to be heard regarding this Bond Ordinance?

There was no one.

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

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

On roll call the vote was:

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

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

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**6. PROCLAMATIONS/CERTIFICATES/PRESENTATIONS**

A. Proclamations/Certificates

1. Proclamation designating the week of May 16, 2011 as "Relay for Life Days".

### **311-2011**

2. Proclamation designating the week of May 8<sup>th</sup> through May 14, 2011 as "National Nursing Home Week".

### **312-2011**

3. Certificate in recognition of Joseph A. Kistle's retirement from his position of Chief of Police of Franklin Borough.

### **313-2011**

**MOTION** made by Freeholder Crabb to approve these Proclamations and this Certificate, seconded by Freeholder Space 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 5:30 p.m. by Freeholder Crabb to open the meeting to the Public, seconded by Freeholder Vohden and passed unanimously.

#### **Comments on Regional Greenhouse Gas Initiative (RGGI)**

Greg Gorman, Hamburg, came forward; he said that he was present to voice his opposition to the Resolution regarding the Regional Greenhouse Gas Initiative (RGGI); he said he was going to raise some issues he thought the Board should consider; he referred to a report issued by the working group of the Pontifical Academy of Sciences (copy on file in the Clerk of the Board's Office); Mr. Gorman said that prior to adopting this Resolution, the Board should ask itself how this will impact the renewable energy and the alternative energy; he said that from everything he has read so far the greatest benefit available, in terms of what the RGGI provides, is a good background and basis for innovation in terms of efficiency measures.

Sister Merriam McGillis, founder and director of Genesis Farm, came forward; she provided an outline of her comments (copy on file in the Clerk of the Board's Office); she highlighted that Genesis Farm grew organic vegetables and fruits; Sister McGillis said the work at the Farm was grounded on a commitment to scientific research and the understanding of the evolutionary nature of the universe; she added that she and the Board were the generation that was making the decisions now as to whether there will be a future worth living; what is decided today will affect not only the human species, but all of the higher, more complex species of life.

The Board thanked Mr. Gorman and Sister McGillis for their comments.

**MOTION** made at 5:40 p.m. by Freeholder Space to close the meeting to the Public, seconded by Freeholder Vohden and passed unanimously.

#### **8. FREEHOLDERS' COMMENTS**

##### **Comments from Freeholder Zellman**

- **Money Smart Week**

Money Smart Week is the week of May 16 – 19, 2011; it is a series of nine free workshops presented throughout the County during the day, with two low cost workshops in the evening; Freeholder Zellman distributed copies of the schedule.

- **Senior Services meeting**

Freeholder Zellman attended the Senior Services meeting.

- **North Jersey Transportation Planning Authority (NJTPA) Trustee Meeting**

Freeholder Zellman attended the NJTPA Trustee Meeting; the Board approved a two year NJTPA Unified Planning Work Program (UPWP); a few of the newer expanded programs for the year include the Sussex County Complete Streets study, which will undertake the research necessary to establish a county-wide Complete Streets policy and develop an implementation plan for study recommendations; Federal funding was

received for the Job Access Reverse Commute (JARC) and the New Freedom Programs; JARC supports services that link low income workers with job centers, while New Freedom Programs help to enhance mobility options for travelers with disabilities.

- **Waterloo Music Festival**

Freeholder Zellman distributed posters advertizing the music festival; the net proceeds of the festival will benefit the restoration of Waterloo Village; the festival dates are May 14 and 15, 2011.

### **Comments from Freeholder Crabb**

- **Solar energy initiative**

Freeholder Crabb said that preliminary assessments have been taken and a list has been established.

Mr. Eskilson said that the list was screened and of the 64 facilities that were submitted, 25 qualified for the more detailed feasibility study to determine the final pool for the bid based on the applications.

Freeholder Crabb said that the site work that is starting now will be completed by July 1, 2011; on July 27, Morris and Sussex Counties will adopt the Ordinances, November 9 the bonds will be sold, November 23 is the closing for the bonds and also the beginning of the installation of the renewable energy projects; these are hard and fast dates.

Mr. Eskilson said this was an extremely aggressive schedule, but necessary to try to insure that the successful bidder takes advantage of the safe harbor rule; this is the 30% cash grant available from the Federal Government on the value of the system that expires on December 31, 2011; if a successful vendor gets 5% of the value of the assets of the project prior to December 31, they are eligible to convert the 30% tax credit to cash with the U.S. Treasury.

- **Franklin Viaduct**

Freeholder Crabb said that core samples were taken along the roadside where the new bridge will be; the Franklin Mineral Museum is very interested in these core samples because it is local legend that the berm was put in by the Zinc Company and probably filled in with some very valuable minerals; County Engineering staff has provided a map of where these core samples were taken; the net benefit is that hopefully, the Mineral Museum will have discussions with Engineering and a place to deliver this material would be determined; the County would not have to dispose it.

### **Comments from Freeholder Vohden**

- **Sussex County Historical Society**

Freeholder Vohden attended the Sussex County Historical Society Meeting; he said members expressed some concerns regarding a crack in the basement wall and the need to have someone mow the lawn; he suggested contacting the Sheriff regarding utilizing the SWAP; he noted that the historic marker in Walpack has been damaged by vandals and is being stored in the Municipal Building; the Historical Society has a volunteer who will repair the marker with the County's permission.

Mr. Eskilson said he thought this was being taken care of with respect to the volunteer making the repairs; he will check with Facilities Management.

Freeholder Vohden said that one of the Society's major events was the "History Day", which in the past has been held at the Community College; he said the College's new policy is to charge for use of the College; the Historical Society is looking for a new venue because it is felt that it will be too expensive to host its event there.

- **Board of Elections**

Freeholder Vohden attended the Board of Elections meeting; the recent school board election was one of the topics; procedures to make the process more accurate and more transparent were discussed; he said there was a lengthy discussion about an IT problem where four voting districts had a double count; an investigation is underway to determine the problem; the issue was only with the preliminary count and the final count was correct.

- **County Planning Board**

Freeholder Vohden said he has been a member of the County Planning Board since 2003, and also serving on the Development Review Committee; this Committee reviews every application for the County; back in 2003, 10 to 30 applications would be reviewed every two weeks; this past year 1 to 2 applications have been reviewed; this past Monday, the County Planning Board and the Development Review Committee were cancelled; he said this was a sign of the times in Sussex County and was not a good sign.

### **Comments from Freeholder Space**

- **Advanced Housing event**

Freeholder Space said he attended the Advanced Housing event; the former Demarest Farm has been completely renovated with multiple apartments for some challenged individuals.

- **Charter School**

Freeholder Space did a walkthrough of the new school; he said that with the exception of the gym, everything else utilized in the construction was previously used modular buildings.

### **Comments from Freeholder Zeoli**

- **County Budget**

Freeholder Zeoli said that the goal was to look at all aspects of County Government; all departments and agencies would be reviewed; he said there would be many difficult decisions to make; the Budget Committee would be approached for recommendations; obviously, one decision to be made first would be regarding the non-profits.

## **9. APPROVAL OF CONSENT AGENDA**

A. RESOLUTION RE: PAYMENT OF BILLS  
**314-2011**

B. RESOLUTION RE: AUTHORIZATION TO FILE AN APPLICATION WITH NJ TRANSIT AND THE U.S. DEPARTMENT OF TRANSPORTATION ON BEHALF OF THE COUNTY OF SUSSEX FOR AN ELDERLY AND PERSONS WITH DISABILITIES CAPITAL ASSISTANCE PROGRAM GRANT UNDER SECTION 5310 OF THE FEDERAL TRANSIT ADMINISTRATION FOR 2011 FUNDING

C. RESOLUTION RE: AUTHORIZATION FOR THE COUNTY OF SUSSEX TO

- 316-2011** EXECUTE AN APPLICATION TO RENEW THE SPECIAL CHILD HEALTH SERVICES CASE MANAGEMENT GRANT FOR \$85,692.00 FOR THE CONTRACT PERIOD OF JULY 1, 2011 THROUGH JUNE 30, 2012 AND FUNDING PERIOD OF JULY 1, 2011 THROUGH JUNE 30, 2012 BETWEEN THE COUNTY OF SUSSEX AND THE NEW JERSEY DEPARTMENT OF HEALTH AND SENIOR SERVICES (Resolution authorizes this application with a County share in the amount of \$56,204.00 cash funds and \$13,261.00 in-kind funds)
- D. **317-2011** RESOLUTION RE: AUTHORIZATION FOR THE SUSSEX COUNTY BOARD OF CHOSEN FREEHOLDERS TO ALLOW THE SUSSEX COUNTY DEPARTMENT OF ENVIRONMENTAL AND PUBLIC HEALTH SERVICES TO RESCIND AND SUBMIT A REVISED 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 rescinds previous Resolution adopted on March 30, 2011 and submits new Application in the amount of \$50,000.00)
- E. **318-2011** RESOLUTION RE: AUTHORIZING SUBMISSION OF A GRANT APPLICATION TO N.J.D.E.P. FOR THE IMPLEMENTATION OF A PROGRAM UNDER THE COUNTY ENVIRONMENTAL HEALTH ACT N.J.S.A. 26:3A2-21 ET SEQ. FOR CALENDAR YEAR JANUARY 1, 2011 THROUGH DECEMBER 31, 2011 FOR THE DEPARTMENT OF ENVIRONMENTAL AND PUBLIC HEALTH SERVICES AND FURTHER AUTHORIZING THE ENTRY INTO INTERAGENCY AGREEMENTS BETWEEN THE COUNTY OF SUSSEX AND N.J.D.E.P. COVERING THE PROVISIONS OF ENVIRONMENTAL HEALTH SERVICES (Resolution authorizes this Application for a minimum dollar amount of \$50,000.00 and a maximum dollar amount of \$350,000.00)
- F. **319-2011** RESOLUTION RE: ADOPTION OF THE 2011 SERVICE ALLOCATION AND SPENDING PLAN FOR PEER GROUPING FUNDING (Resolution adopts this Plan for \$131,536.20 to be allocated for calendar year 2011)
- G. **320-2011** RESOLUTION RE: AUTHORIZATION TO PROVIDE FOR THE PURCHASE OF THE COMPUTER HARDWARE REQUIRED FOR THE DIVISION OF INFORMATION SERVICES FOR THE DESKTOP VIRTUALIZATION PROJECT (Resolution authorizes this purchase from Dell Marketing in the amount of \$40,357.50)
- H. **321-2011** RESOLUTION RE: AUTHORIZATION FOR THE FREEHOLDER DIRECTOR TO PROVIDE THE NEW JERSEY DEPARTMENT OF TRANSPORTATION A COMMITMENT TO ADVERTISE AND A COMMITMENT TO FUND FEDERAL PROJECT HISP-C00S(206), LOCAL HIGH RISK RURAL ROAD PROGRAM (206), LOCAL HIGH RISK RURAL ROADS PROGRAM FOR FY 2011, UPON RECEIPT OF FEDERAL AUTHORIZATION FOR THE PROJECT
- I. RESOLUTION RE: AUTHORIZING THE EXECUTION OF A SETTLEMENT

- 322-2011** AGREEMENT AND RELEASE WITH TERRY LYNN, INC. REGARDING THE MUDSLIDE OF MARCH 13, 2010 ONTO COUNTY ROUTE 620
- J. **323-2011** RESOLUTION RE: AUTHORIZING THE EXECUTION OF A FARMLAND PRESERVATION AGREEMENT BETWEEN THE COUNTY OF SUSSEX AND THE RIDGE AND VALLEY CONSERVANCY FOR THE ACQUISITION OF THE MANAK FARM, KNOWN AS BLOCK 801, LOT 8 FREDON TOWNSHIP
- K. **(Tabled)** RESOLUTION RE: AUTHORIZING THE COUNTY OF SUSSEX TO ENTER INTO AN AGREEMENT WITH THE TOWNSHIP OF ANDOVER 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.
- L. **(Tabled)** RESOLUTION RE: AUTHORIZING THE COUNTY OF SUSSEX TO ENTER INTO AN AGREEMENT WITH THE BOROUGH OF HAMBURG 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.
- M. **(Tabled)** RESOLUTION RE: AUTHORIZING THE COUNTY OF SUSSEX TO ENTER INTO AN AGREEMENT WITH THE TOWN OF NEWTON 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.
- N. **324-2011** RESOLUTION RE: AUTHORIZING THE RENEWAL OF A LEASE AGREEMENT FOR THE LEASE OF PROPERTY FOR THE EXISTING COUNTY EXPOSITION BUILDING AND FOR THE LEASE OF THREE (3) POLE BARNs FROM SUSSEX COUNTY FARM AND HORSE SHOW INC., THE NEW JERSEY STATE FAIR, FOR A TERM OF ONE YEAR FOR THE PURPOSE OF DISPLAYING COUNTY GOVERNMENT SERVICES AND STORAGE OF COUNTY EQUIPMENT

**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 Resolutions 9. A – 9. J., and Resolution 9. N., on the Financial Consent Agenda, seconded by Freeholder Space.

**Resolution 9. J.**

Freeholder Zellman questioned the dollar amounts; she referred to the discrepancies within the Resolution.

Mr. McConnell said that there was a revised Resolution today; the actual cost is \$206,058.000; there was additional input from the attorney and from the representative from the Ridge and Valley Conservancy; the County was paying for half of the land acquisition and half of the survey costs; this is predicated on a final survey because this is an estimate on approximately 63 acres.

On roll call the vote was:

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

**10.    APPROVAL OF MINUTES**

There were no minutes for approval.

**11.    APPOINTMENTS AND/OR RESIGNATIONS**

A.    Appointments

1.    RESOLUTION RE: APPOINTMENT OF DANIEL C. CONKLING AS THE SECOND ALTERNATE MEMBER OF THE SUSSEX COUNTY PLANNING BOARD TO FILL THE UNEXPIRED TERM OF JOSEPH MAIKISCH. SAID TERM TO EXPIRE DECEMBER 31, 2012  
**325-2011**
  
2.    RESOLUTION RE: APPOINTMENT OF JOSEPH MAIKISCH AS THE FIRST ALTERNATE MEMBER OF THE SUSSEX COUNTY PLANNING BOARD TO FILL THE UNEXPIRED TERM OF JOHN T. FORD, D.C.. SAID TERM TO EXPIRE DECEMBER 31, 2012  
**326-2011**
  
3.    RESOLUTION RE: APPOINTMENT OF JOHN T. FORD, D.C. AS A MEMBER OF THE SUSSEX COUNTY PLANNING BOARD TO FILL THE UNEXPIRED TERM OF RICHARD A. VOHDEN. SAID TERM TO EXPIRE DECEMBER 31, 2012  
**327-2011**

**MOTION** made by Freeholder Crabb to adopt these Resolutions, seconded by Freeholder Space and passed with Freeholder Zeoli abstaining on Resolution 11. A. 3.

B.    Resignations

1.    Letter received from Doris Lantz resigning her position on the Human Services Advisory Council.
  
2.    Letter from Elsie Nucum Allen resigning her position on the Advisory Council of the Division of Senior Services.

**MOTION** made by Freeholder Crabb to accept these resignations with regret, seconded by Freeholder Zellman and passed unanimously.

**12.    RESOLUTIONS**

A.

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**INTRODUCTION FOR FIRST READING - RESOLUTION**

**RESOLUTION RE:    PRELIMINARY ADOPTION OF THE ANDOVER TOWNSHIP  
328-2011            WASTEWATER PLAN AMENDMENT FOR ST. PAUL'S ABBEY  
                             PROPERTY AND AMENDMENT TO THE SUSSEX COUNTY  
                             WASTEWATER MANAGEMENT PLAN**

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

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

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- B. RESOLUTION RE: SUPPORTING THE REPEAL OF THE GLOBAL WARMING RESPONSE ACT (2007) AND THE REGIONAL GREENHOUSE GAS INITIATIVE OR RGGI IMPLEMENTING LAW (2007)  
**329-2011**
  - C. RESOLUTION RE: AUTHORIZING THE EXECUTION OF THE NECESSARY DOCUMENTS TO PROVIDE FOR THE USE OF THE LONG POND SCHOOL ON CR 669 FOR A PUBLIC INFORMATION CENTER FOR OPERATIONAL SAFETY IMPROVEMENTS TO SUSSEX COUNTY ROUTES 616 AND 517 (NEWTON SPARTA ROAD) TO BE HELD ON MAY 23, 2011  
**330-2011**

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

**Resolution 12. B.**

Freeholder Zellman said that listening to the earlier comments during Public Session, and realizing that RGGI is flawed, she would like the comments to reflect the fact that there is a need to find a solution to the reduction of global warming and emissions; it will probably be a solution that has better results and less negative results.

Freeholder Vohden noted that 10,000 years ago there were thousands of feet of glacial ice right where they were sitting this evening; the elevation of Newton is approximately 680 feet above sea level; when the glaciers were here, this elevation where everyone is right now, was 980 feet; in geological time, 10,000 years is not that long ago; Freeholder Vohden said that he was basing his decision on fact; he said that we went from an arctic climate to what we have today; Freeholder Vohden said that he strongly believed in global warming; he added that he did not believe that we had anything to do with that; greenhouse gasses have always been here and always will be; our climate will continue to get warmer and get colder; he said these are natural occurrences and that was why he was voting yes.

Freeholder Zeoli added that most importantly, RGGI was a tax that would make New Jersey less competitive than our neighboring states; this idea of carbon credits will only help the Wall Street stock brokers and certainly not help the residents of Sussex County.

The Motion was passed unanimously.

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

- A. Awards of Contracts
  - 1. RESOLUTION RE: AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT BETWEEN THE COUNTY OF SUSSEX AND SUSAN BECKER, RN/MSN, APN-C FOR NURSE PRACTITIONER SERVICES FOR THE SUSSEX COUNTY HOMESTEAD – BALANCE CENTER (Resolution authorizes this Agreement in the amount not to exceed \$21,600.00 for the period of May 11, 2011 to May 10, 2012)  
**331-2011**

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

On roll call the vote was:

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

Freeholder Director Zeoli Yes

B. Change Orders

1. **RESOLUTION RE: 332-2011** AUTHORIZING AMENDMENT NO. 1 TO A PROFESSIONAL SERVICES AGREEMENT BETWEEN THE COUNTY OF SUSSEX AND PENNONI ASSOCIATES, INC. FOR THE PROVIDING OF ASBESTOS ABATEMENT DESIGN SERVICES FOR THE LOBBY RESTROOMS AT THE HOMESTEAD NURSING HOME AS A PROFESSIONAL SERVICE PURSUANT TO N.J.S.A. 40A:11-5(1)(a)(i) (Resolution authorizes this increase in the amount of \$3,036.05 for three (3) extra days of on-site daily monitoring services due to unanticipated circumstances that increased the Contractor's time to complete the work)

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

On roll call the vote was:

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

**14. FINANCIAL**

There were no items for Financial.

**15. PERSONNEL**

A. Personnel Agenda

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

B. Resolutions

1. **RESOLUTION RE: 333-2011** AMENDING RESOLUTION ENTITLED "A RESOLUTION TO AUTHORIZE PARTICIPATION IN THE STATE HEALTH BENEFITS PROGRAM AND/OR SCHOOL EMPLOYEES' HEALTH BENEFITS PROGRAM OF THE STATE OF NEW JERSEY (SOCIAL SERVICES ID#1581-00)" ADOPTED DECEMBER 30, 2010 (Resolution ID number needed to be corrected to read ID#0847-04)
2. **RESOLUTION RE: 334-2011** AMENDING RESOLUTION ENTITLED "A RESOLUTION TO ADOPT THE PROVISIONS OF CHAPTER 48 (N.J.S.A. 52:14.17.38) UNDER WHICH A PUBLIC EMPLOYER MAY AGREE TO PAY FOR THE STATE HEALTH BENEFITS PROGRAM (SHBP) AND/OR SCHOOL EMPLOYEES' HEALTH BENEFITS PROGRAM (SEHBP) COVERAGE OF CERTAIN RETIREES (SOCIAL SERVICES ID#1581-00) (Resolution ID number needed to be corrected to read ID#0847-04 and Resolution Addendum attached needed to be corrected)

## **Resolutions 15. B. 1. and 15. B. 2.**

Mr. Eskilson explained that these Resolutions had nothing to do with any benefit level or any financial issues; this was simply an error; the box that said that spouses would receive health benefits upon the death of the employee was inadvertently checked; this is not the case; as a result, corrected Resolutions must be submitted without the box checked.

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

## **16. ADMINISTRATIVE REPORT**

- A. Other

Mr. Eskilson stated that he did not have a report at this time.

## **17. COUNTY COUNSEL**

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

Mr. McConnell stated that he had two items for Closed Session under Litigation in the matters of O'Shea vs. the County of Sussex and Wolosky vs. the County of Sussex.

## **18. UNFINISHED BUSINESS**

There were no items for Unfinished Business.

## **19. NEW BUSINESS**

### **Letter of Support for The Agricultural Learning Center at the Fairgrounds**

Freeholder Vohden requested the Board's approval to forward a letter of support to Kathleen Cafasso, Program Director, expressing the Board's support for The Agricultural Learning Center at the Fairgrounds.

**MOTION** made by Freeholder Vohden to forward a letter of support to Kathleen Cafasso, Program Director, expressing the Board's support for The Agricultural Learning Center at the Fairgrounds, seconded by Freeholder Space and passed unanimously.

### **Letter of Support for Notice of Rule Proposal**

Freeholder Zeoli requested the Board's approval to forward a letter of support to the NJ Department of Environmental Protection expressing the Board's support for a Notice of Rule Proposal; this is a waiver of departmental rules N.J.A.C. 7:1B.

**MOTION** made by Freeholder Crabb to forward a letter of support to the NJ Department of Environmental Protection expressing the Board's support for a Notice of Rule Proposal for the waiver of departmental rules N.J.A.C. 7:1B., seconded by Freeholder Vohden 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 6:15 p.m. by Freeholder Space to open the meeting to the Public, seconded by Freeholder Zellman and passed unanimously.

There was no one.

**MOTION** made at 6:16 p.m. by Freeholder Space to close the meeting to the Public, seconded by Freeholder Vohden and passed unanimously.

**21. EXECUTIVE SESSION**

**MOTION** made at 6:20 p.m. by Freeholder Crabb to go into Executive Session for the purpose of discussing litigation in the matters of O’Shea vs. the County of Sussex and Wolosky vs. the County of Sussex, seconded by Freeholder Space and passed unanimously.

**RESOLUTION RE: REQUESTING EXECUTIVE SESSION  
335-2011**

- 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 7:16 p.m. by Freeholder Space to come out of Executive Session and return to Public Session, seconded by Freeholder Zellman and passed unanimously.

**MOTION** made by Freeholder Crabb to authorize County Counsel in the matter of Wolosky vs. the County of Sussex, to go forward as directed in Executive Session, and in the matter of O’Shea vs. the County of Sussex, to proceed in the manner as discussed in Executive Session, seconded by Freeholder Space and passed unanimously.

On roll call the vote was:

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

**22. REMINDERS**

Wednesday	May 11, 2011	League of Mun.	6:00 pm
		Dinner – Lafayette House	
Thursday	May 26, 2011	Regular Meeting	5:00 pm

**23. ADJOURNMENT**

**MOTION** made at 7:18 p.m. by Freeholder Crabb to adjourn, seconded by Freeholder Space and passed unanimously.

\_\_\_\_\_  
Elaine A. Morgan, Clerk  
Board of Chosen Freeholders

**DATED: May 11, 2011**