

REGULAR MEETING HELD ON WEDNESDAY, MAY 26, 2010

5:00 PM

ORDER OF BUSINESS

Item

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

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

3. MOMENT OF SILENT PRAYER AND SALUTE TO THE FLAG

4. PUBLIC STATEMENT

"Pursuant to the Open Public Meetings Act, Chapter 231, P.L. 1975 Adequate Notice as defined by Section 3D of Chapter 231, P.L. 1975, has been made by regular mail, such notice being submitted on January 6, 2010 from the Administrative Center of the County of Sussex, located at One Spring Street, Newton, New Jersey to the following:

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

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

5. PUBLIC HEARINGS

There were no Public Hearings.

6. PROCLAMATIONS/CERTIFICATES/PRESENTATIONS

A. Proclamations and Certificates

1. Proclamation designating May 31, 2010 as "World No Tobacco Day".
357-2010

2. Certificate presented to Kittatinny Regional High School "Champions for Charity" for sharing its spirit of community, enthusiasm of youth, and sincere desire to help those in need on May 11, 2010.
358-2010

3. Certificate presented to Lenape Valley Regional High School "Champions for Charity" for sharing its spirit of community, enthusiasm of youth, and sincere desire to help those in need on May 18, 2010.
359-2010

4. Certificate presented to Monsignor Kieran McHugh in recognition of his guidance, determination, and selfless dedication to help those most in need, through the "Champions for Charity" food drive, hosted by Sussex County high schools.
360-2010

5. Certificate presented to the Wallkill Golf Club in recognition of its 100th Anniversary.
361-2010

Freeholder Zellman stated that she had an additional Certificate for the Board's consideration.

6. Certificate presented to Diane Eakman in appreciation for her hard work and dedication in scheduling and planning all aspects of Youth in County Government Day.
362-2010

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

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Freeholder Parrott stated that the agenda would be amended to allow for the acknowledgement of the letter of resignation from Harold J. Wirths from his position as Sussex County Freeholder, and the appointment of Freeholder Crabb as Deputy Director.

10. APPOINTMENTS AND/OR RESIGNATIONS

A. Resignations

2. Letter received from Harold J. Wirths resigning his position as Sussex County Freeholder effective May 20, 2010.

MOTION made by Freeholder Zeoli to acknowledge the letter of resignation, with regret, from Harold J. Wirths resigning his position as Sussex County Freeholder effective May 20, 2010, seconded by Freeholder Zellman and passed unanimously.

B. Appointments

1. **RESOLUTION RE: AMENDING THE APPOINTMENT OF THE
363-2010 DEPUTY DIRECTOR OF THE BOARD OF
CHOSEN FREEHOLDERS FOR THE YEAR 2010**

MOTION made by Freeholder Zeoli to adopt this Resolution, seconded by Freeholder Zellman and passed unanimously.

The Oath of Office was administered to Freeholder Crabb by Dennis McConnell, County Counsel.

Comment from Freeholder Crabb

Freeholder Crabb stated that it was an honor to be given this vote of confidence by his colleagues, and to follow a Freeholder who has served in this position and almost every other position on this Board faithfully for a long time; Hal Wirths is now serving Sussex County very well in Trenton; Freeholder Crabb said that he would continue to move forward as an advocate for the taxpayers of Sussex County.

Freeholder Parrott returned the meeting to the agenda as listed.

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7. PUBLIC SESSION FROM THE FLOOR

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

MOTION made at 5:14 p.m. by Freeholder Crabb to open the meeting to the Public, seconded by Freeholder Zellman and passed unanimously.

Comments regarding Sussex County Community College (SCCC)

Robin Costania, Franklin, came forward; she said she was a student at SCCC; she said she was outraged when she read the article in the newspaper regarding the Mercadien Report; Ms. Costania said that it seemed the Mercadien Report did not substantiate Kirk Perry's claims of financial improprieties on the part of Dr. Mierendorf; she discussed the claims that the College Finance Department was not well trained, stating that she took offense to this charge as she was employed in that area for five years and the staff was

well trained.

Ms. Costania referred to the action taken by the Freeholder Board in 2008 when it declared a vote of no confidence in the Sussex County Technical School Board; she asked that the Freeholder Board take the same action with the College.

Freeholder Parrott responded to Ms. Costania noting that the Board had been presented with all of the facts regarding the issue with the Technical School Board of Education, had reviewed the facts, and then made its decision; he said that the Freeholder Board had only just received the Mercadien Report and had not yet reviewed it; if the Freeholder Board declared a vote of no confidence in the SCCC Board of Trustees at this time, prior to reviewing all of the facts, it would be doing the very same thing to the Board of Trustees as the Board of Trustees did to Dr. Mierendorf; Freeholder Parrott also stated that everyone must understand that the Freeholder Board appoints the members of the Technical School Board of Education and does not appoint the members of the Board of Trustees.

Sally Gibson, Newton, came forward; she referred to an email dated January 25, 2010, from Frank Nocella to Jacob Smith, noting that the date was important; everything that is in the Mercadien Report is outlined in this email.

Ms. Gibson read a letter from Maureen Murphy-Smolka; copy attached hereto and made a part of the official minutes.

Mr. Eskilson noted that the fact finding process has never stopped; he added that he only received the Mercadien Report at noon today.

Comment on school boards

Harry Dunleavy, Augusta, came forward; he said there were about 27 local school boards in the County; Mr. Dunleavy said that statewide, hundreds of millions of dollars could be saved if there were less school boards; he asked the Board to consider getting something done regarding revamping the system for public education and how the funds are distributed by contacting our State Legislators.

Comments regarding Sussex County Community College (SCCC)

Mr. Dunleavy asked the Freeholder Board to evaluate the present situation at SCCC very carefully; he said he attended the Board of Trustees Meeting when Dr. Mierendorf was fired; Mr. Dunleavy said it was disgusting the way some of the students and faculty behaved as they were insulting to the Board of Trustees, adding that there was nothing to gain by this behavior; he hoped the Freeholder Board would be fair to both sides, Dr. Mierendorf and the Board of Trustees.

Veterans Cemetery

John Harrigan, Vernon, came forward; he said the County needs a Veterans cemetery; Mr. Harrigan said that the request was for 30 acres to bury approximately 11,000 Veterans.

Freeholder Parrott informed Mr. Harrigan that this issue was currently being addressed.

Mr. McConnell stated that the County did not have 30 acres, but there was an existing County cemetery, the old welfare cemetery, across from the Homestead Nursing Home; the problem is that it is not certain as to the location of all the grave locations; there is a small section of the cemetery, which is nowhere near 30 acres, but could possibly be dedicated for Veterans; once this is done, there are State and Federal processes that must be completed; to start a cemetery involves quite a lot of work and criteria

established by the State must be met; this could also involve employing ground penetrating radar to insure that no existing graves are disturbed at this location.

Mr. Harrigan asked if there was any other property that could be donated for this purpose.

There was a brief discussion regarding the availability of property.

Comments regarding Sussex County Community College (SCCC)

Jan Jones, Milford, Pennsylvania, came forward; she referred to the date that the accounting system was set-up which was six years ago, noting that this system was in place before Dr. Mierendorf became President; no one had complained about the system for six years.

Ms. Jones read a letter from Priscilla Orr who could not attend the meeting (copy attached hereto and made a part of these minutes).

E Franklin, formerly of Haiti, came forward; he said he works at SCCC; Mr. Franklin said that what happened to Dr. Mierendorf at the Board of Trustees Meeting reminded him of events that happened in Haiti whereby when someone voiced their opinion, the government would come at night and take them away, never to be seen again.

Dan Lee, a student at SCCC, came forward; he said that he was present in support of Dr. Mierendorf; he wanted the Freeholder Board to re-appoint Dr. Mierendorf as President.

Freeholder Zeoli said that he felt it was important for everyone to understand that the Freeholder Board had absolutely no legal authority to appoint Dr. Mierendorf or any College President.

Neda Bavrlie, Blairstown, came forward; she said she was present for one last time to speak her mind as she felt this might be a waste of her time; Ms. Bavrlie said that at the last Freeholder Meeting and also this evening, the Freeholders said that they could not reinstate Dr. Mierendorf; she questioned the process of appointing members of the Board of Trustees.

Freeholder Parrott reviewed the process of the Search Committee, its review of the applicants and subsequent recommendation to the County Administrator; the Freeholder Board then reviews the recommendation and that person serves at the pleasure of the Freeholder Board; he noted that the Freeholder Board had the authority to appoint members to the Technical School Board of Education; after the Freeholder Board has the opportunity to review the Mercadien Report it will make a statement and will be better able to determine if it felt the Board of Trustees acted in a proper way.

Ms. Bavrlie briefly discussed the Mercadien Report.

Carmen Di Lizia, Frankford, came forward; she said the College was worth making headlines about and expressed support for Dr. Mierendorf.

Doris Lantz, Newton, came forward; she asked how she could receive a copy of the Mercadien Report.

Bruce Scruton, New Jersey Herald reporter, stated that the Mercadien Report, in its entirety, would be on the newspaper's website.

Ms. Lantz asked if the County received a copy of the College's audit; Mr. Eskilson replied that the County did receive a copy of the College's audit.

Dorothy Hartman, Montague, came forward; she asked if part of the Freeholder Board's fact finding would involve Mr. Perry's statement that there were other reasons for letting Dr. Mierendorf go.

Freeholder Parrott said that yes, he would certainly ask those questions; he added that everyone was led to believe that the Mercadien Report would clear up any issues.

Technical School pool

Ryan Westra, Hampton, came forward; he asked if the Technical School pool was going to be repaired.

Freeholder Parrott stated that as discussed at the last meeting, efforts were being made to investigate whether the pool could be privatized.

Comments regarding Sussex County Community College (SCCC)

Sally Gibson, Newton, came forward; she said that the staff and faculty have remained professional; she wanted the Freeholder Board to know that the relationship between the staff and faculty and the Board of Trustees is irreparable; she stated the need to remove Kirk Perry from the Board of Trustees.

Harry Dunleavy, Augusta, came forward; he said that he attended the meeting at which Dr. Mierendorf was dismissed; he said that the behavior of some of the students and faculty towards Mr. Perry was disgraceful.

Freeholder Parrott said that it was important for everyone to know that each person who appears before the Freeholder Board is treated with dignity and respect; he said the Freeholder Board recognized that it was important for everyone to be heard.

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

8. APPROVAL OF CONSENT AGENDA

- A. RESOLUTION RE: PAYMENT OF BILLS
364-2010
- B. RESOLUTION RE: AUTHORIZATION TO APPLY FOR THE RECREATIONAL OPPORTUNITIES FOR INDIVIDUALS WITH DISABILITIES GRANT (ROID) FOR THE TOTAL AMOUNT OF \$33,751.00 FOR THE PERIOD OF JANUARY 1, 2011 TO DECEMBER 31, 2011 (Resolution authorizes this application for calendar year 2011)
- C. RESOLUTION RE: APPROVING PARTICIPATION WITH THE STATE OF NEW JERSEY IN THE NEW JERSEY BODY ARMOR REPLACEMENT FUND PROGRAM ADMINISTERED BY THE DEPARTMENT OF LAW AND PUBLIC SAFETY, DIVISION OF CRIMINAL JUSTICE
366-2010
- D. RESOLUTION RE: AUTHORIZATION FOR THE FILING OF AN APPLICATION TO NEW JERSEY DIVISION OF ELECTIONS FOR A GRANT UNDER SECTION 261 OF HELP AMERICA VOTE ACT OF 2002
367-2010

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

On Roll Call the vote was:

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

9. APPROVAL OF MINUTES Regular Meeting May 12, 2010

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

10. APPOINTMENTS AND/OR RESIGNATIONS

A. Resignations

1. E-mail received from Cindy Armstrong, Sussex County Division of Community and Youth Services, informing the Board that Judy Drake has resigned from the Local Advisory Committee on Alcohol and Drug Abuse effective immediately.

MOTION made by Freeholder Crabb to accept this resignation with regret, seconded by Freeholder Zellman and passed unanimously.

2. Letter received from Harold J. Wirths resigning his position as Sussex County Freeholder effective May 20, 2010.

Letter of resignation acknowledged earlier in the meeting.

B. Appointments

1. RESOLUTION RE: AMENDING THE APPOINTMENT OF THE **(adopted earlier)** DEPUTY DIRECTOR OF THE BOARD OF CHOSEN FREEHOLDERS FOR THE YEAR 2010

Resolution adopted earlier in the meeting.

Oath of Office will be placed on file and recorded in the Sussex County Clerk's Office.

11. RESOLUTIONS

There were no Resolutions for Item #11.

12. AWARDS OF CONTRACTS/CHANGE ORDERS/BIDS

A. Awards of Contract

1. RESOLUTION RE: AWARD OF CONTRACT FOR SEWAGE **368-2010** DISPOSAL SYSTEM ALTERATION PLAN(S) FOR ANDOVER, VERNON AND LAFAYETTE FOR THE COUNTY OF SUSSEX, DIVISION OF FACILITIES MANAGEMENT (Resolution awards this Contract to the lowest responsible bidder, Chris-Con, Inc., in the approximate amount of \$69,652.50)
2. RESOLUTION RE: AWARD OF CONTRACTS FOR BITUMINOUS

- 369-2010** CONCRETE, AGGREGATES AND BROKEN STONE FOR THE COUNTY OF SUSSEX DIVISION OF PUBLIC WORKS 2010-2011 (Resolution awards these Contracts to the low bidder for each item based on location and per ton mile hauled)
3. **RESOLUTION RE: AWARD OF CONTRACT FOR DRAINAGE PIPE & TUBING; HIGH DENSITY POLYETHYLENE (HDPE) FOR THE COUNTY OF SUSSEX (Resolution awards this Contract to the lowest responsible bidder, Chemung Supply Corporation, for the unit prices proposed in its bid)**
370-2010
4. **RESOLUTION RE: AWARD OF CONTRACT FOR TWO (2) MOHAWK MODEL TP-30 (OR EQUAL) HEAVY DUTY VEHICLE LIFTS FOR THE COUNTY OF SUSSEX, OFFICE OF FLEET MANAGEMENT (Resolution awards this Contract to the only responsible bidder, Specialty Automotive Equipment, in the amount of \$82,000.00)**
371-2010
5. **RESOLUTION RE: AUTHORIZING THE ENTRY INTO A PROFESSIONAL SERVICES AGREEMENT WITH GREENMAN-PEDERSEN, INC. FOR THE PROVIDING OF ENGINEERING SERVICES TO PERFORM CONSTRUCTION ADMINISTRATION AND INSPECTION FOR VARIOUS SUSSEX COUNTY ROAD AND BRIDGE PROJECTS WITHOUT COMPETITIVE BIDDING AS A PROFESSIONAL SERVICE PURSUANT TO N.J.S.A. 40A:11-5(1)(a)(i) (Resolution authorizes this Agreement in the amount not to exceed \$600,000.00)**
372-2010

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

Resolution 12. A. 2.

Freeholder Zellman referred to Resolution 12. A. 2., to clarify that instead of taking one of these bids, the County would sift through and look at each category.

Mr. Eskilson said that this depends on geographic award, depending on where the County was picking up.

On Roll Call the vote was:

Freeholder Crabb	Yes
Freeholder Zellman	Yes
Freeholder Zeoli	Yes, abstaining on Resolution 12. A. 2.
Freeholder Director Parrott	Yes

13. FINANCIAL

- A. **RESOLUTION RE: AUTHORIZING EMERGENCY TEMPORARY APPROPRIATIONS OF 2010 OPERATING BUDGET FOR THE COUNTY OF SUSSEX**
373-2010

MOTION made by Freeholder Zellman to adopt this Resolution, seconded by Freeholder Zeoli.

Resolution 13. A.

Mr. Eskilson clarified that use of the word “emergency” was simply the language attached; this was a one month appropriation pending the introduction of the County budget, noting that there was no emergency involved.

On Roll Call the vote was:

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

14. PERSONNEL

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

15. ADMINISTRATIVE REPORT

A. Other

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

Comment on Hal Wirths

Mr. Eskilson thanked Hal Wirths for all of his support over the years; he wished him well in his new position as Commissioner of the Department of Labor and Workforce Development.

16. COUNTY COUNSEL

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

Photocopy fees

Mr. McConnell referred to correspondence received from the Constitutional Officer’s Association regarding the photocopier lawsuit and the fees involved in the actual costs; Bill A-2709 puts back in place the fees that were put in place by the Legislature in 2002, with a caveat onto that for self-service copiers which sets the fee at 15 cents; the Appellate Court has rendered a decision stating that the legislation was very confusing and it hoped that the Legislature would enact a bill such as A-2709; if the Legislature did not do this, then the Counties would have to establish a rate based on actual cost which would have to be done prior to July 1, 2010; Sussex County will do this unless this legislation is passed; Mr. McConnell recommended to the Board that it encourage the Legislators to set a fee by statute to allow for conformity throughout the State.

Mr. McConnell said that he would forward copies of Bill A-2709 to the Board; if the Board is in concurrence, something could be on for the next meeting.

17. UNFINISHED BUSINESS

There was no Unfinished Business.

18. NEW BUSINESS

There was no New Business.

19. PUBLIC SESSION FROM THE FLOOR

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

MOTION made at 6:26 p.m. by Freeholder Crabb to open the meeting to the Public, seconded by Freeholder Zellman and passed unanimously.

Power line presentation

Bill Steckowich, Stillwater, came forward; he thanked the Board for the opportunity to speak to the Board next month regarding the power lines; he said there was quite a bit of information that he did not feel the Freeholder Board had seen.

Comments from Marge McCabe, Administrator, Board of Elections

Marge McCabe, Administrator, Board of Elections, came forward; she thanked the Board for considering Resolution 8. D.; she said that the State has offered HAVA funding for polling location ADA upgrades; she said that this year Franklin, Hampton, and Hopatcong are submitting applications for consideration by the State to allow for ADA upgrades.

Ms. McCabe added that this year the State has certified the new firmware to allow for all of the candidates to appear on the review page of the voting machines; the new firmware will be in place for the November election.

Freeholder Crabb questioned if there was a standardized testing protocol when there was a firmware upgrade.

Ms. McCabe responded that the Board of Elections had its own testing protocol; she explained that when the new machines were received in 2001, the former technician, over the next several years, had developed testing and validation criteria for the machines; Ms. McCabe said that the current technician has taken those testing and validation criteria to the next level; she said the Board of Elections was very confident in the machines when they went out because of the protocols that are in place.

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

20. FREEHOLDERS' COMMENTS

Comments from Freeholder Zellman

- **Waterloo Village breakfast**

Freeholder Zellman said that the Waterloo Village breakfast was tomorrow (May 27, 2010); she explained that the "Friends of Waterloo" was a non-profit organization that was being formed, with its focus on the restoration and the revitalization of Waterloo Village; Freeholder Zellman said that this was a kick-off for an effort that it was hoped many people in the County and the region would become involved in; she said that there were between 75 – 100 persons attending, with newspaper, radio, and TV presence also.

- **Veterans information session**

On Saturday, May 29, 2010, at the Sussex County Community College, the Mental Health Board is hosting a Veterans information session; it is from 9:00 a.m. to 12:00 p.m.; the event will focus on Veterans, families of Veterans, and families of deployed personnel; there will be approximately 15 agencies present with resources available for people and support groups.

- **Liaison roles**

Freeholder Zellman provided the Board members with a handout depicting the highlights of each of the areas of the Department of Human Services that she serves as Liaison for; she provided the following brief updates:

Homestead - opened its Balance Center today.

HSAC - Mary Emilius will be the next Chairman of HSAC, adding that HSAC was informed that it would experience a 20% cut next year in Grant-in-Aid; HSAC was dismayed by this news, but seemed to understand that this was something that was beyond the control of the Freeholder Board.

Division of Senior Services - 170 people participated in Older Americans Day held at Selective Insurance.

Division of Social Services - Temporary assistance applications have increased at the Division of Social Services due to the expiration of unemployment benefits for many persons; the Division of Social Services is very grateful for the assistance to the food pantry that the Champions for Charity events have provided.

Comments from Freeholder Crabb

- **Thank you to Veterans**

Freeholder Crabb thanked the Veterans for attending the Freeholder Meeting; he thanked the Veterans for their service and their sacrifices for our country.

- **Role as Deputy Freeholder Director**

Freeholder Crabb said that he was truly honored to serve as Deputy Freeholder Director; he said that this Freeholder Board has lent itself to great communication and collaboration with our Legislators; he thanked his colleagues for their confidence in him.

- **New Emergency Management vehicle**

Freeholder Crabb said that he saw the new Emergency Management vehicle that was completely paid for with grant monies; he noted that it was an impressive vehicle, with extraordinary surveillance capabilities.

Comments from Freeholder Zeoli

- **Congratulations to Freeholder Crabb**

Freeholder Zeoli expressed his congratulations to Freeholder Crabb on his appointment as Deputy Freeholder Director.

- **Comments on Hal Wirths**

Freeholder Zeoli said that he attended the swearing in of Hal Wirths as Commissioner of the Department of Labor & Workforce Development; he added that he felt Hal would do a good job and he was proud of him.

- **Thank you to Veterans**

Freeholder Zeoli thanked the Veterans for their service to our country.

- **Comment on the Sussex County Community College**

Freeholder Zeoli said there were 150,000 people in this County who relied on the Freeholder Board; he said that speaking personally, he felt the old agreement with the College should be thrown out, noting that this year called for a 2% increase for the College; Freeholder Zeoli said that he wanted to look at every dollar the County will potentially give to the College and compare it with the state of the economy as it now stands versus when the original agreement was reached; he said in his opinion it may be less than a 2% increase; Freeholder Zeoli said that he could not vote to give millions of dollars and have absolutely no accountability over where that money goes; he added, that speaking for himself, tomorrow was a whole new day and the Mercadien Report would be reviewed along with the money that was proposed to be given to the College; Freeholder Zeoli said that people would probably get angry with him, but as the Governor said, unlike the United States of America, the State of New Jersey cannot print money, and neither can Sussex County.

Comments from Freeholder Parrott

- **Sussex County Community College**

Freeholder Parrott said that he, the County Administrator, and the County Treasurer would be meeting on a quarterly basis to review the College finances; he said that he did not think many people understood the position that the Freeholder Board has been put in; the Freeholders are being blamed for everything; the point is that the Freeholders take responsibility and step up to the plate; the Freeholders are responsible for the taxpayers money.

- **Sussex County Community College Commencement**

Freeholder Parrott said that the College Commencement went extremely well; he said that he hoped that everyone was appreciative of the education and help that Sussex County has given to them; also, he hoped that future generations understood that the financial capability is not what it used to be.

- **Sussex County Homestead**

Freeholder Parrott said that he had the opportunity to go to the new Balance Center at the Homestead; he expressed his appreciation to Jake Lighten for moving forward with the Center; Freeholder Parrott explained that this was a physical therapy center for use by persons needing therapy; he added that through a joint venture, the Center was not costing the taxpayers any money.

Freeholder Zellman added that the Center was bringing in a different group of people to the Homestead; there was now a wider scope of services available there, including sub-acute care; for persons being released from a hospital and in need of rehab, the Homestead was the place to go; Freeholder Zellman said it was a full spectrum of services that are provided at the Homestead Health Campus, not the Homestead Nursing Home.

Mr. Eskilson noted that the County was now in the position to redirect Workers' Comp rehab claims, the public sector in particular, to that facility, which means the insurance dollars the County pays to its self-insurance fund get recycled back into the general fund of the County.

Comments on economy and Sussex County

Freeholder Parrott referred to the debate held the previous evening; he said it was important to know if the information that comes out of a debate is factual; Freeholder Parrott said that

he and his colleagues work tirelessly on the budget to keep taxes down; he said that the Freeholder Board did not create the economic mess in New Jersey; the Board was here to try and correct it and that is what it is doing right now.

Comment from Mr. Eskilson

- **CR 620/Main Street/Landslide in Sparta Township**

Mr. Eskilson said that engineer drawings were dropped off to the County by the owner of the Eagle's Nest property and were forwarded to the County's geotechnical expert for review; comments from the geotechnical expert are being reviewed by in-house engineers; Mr. Eskilson said that the good news was that conceptually, it appears that those plans are something that can work; it involves a large intercept French drain on the top of the mountain, with a pipe collecting the water and sending it down into the drain system at the bottom; there are some technical calculations that need to be reviewed, i.e. amount of water, adequacy of sizing and pipe; once these things are determined, it is anticipated that the owner of the property will be able to move forward to resolve the situation to allow for the re-opening of that road; the opening of the road is critical since as of July 1, 2010, work will begin on the Main Street bridge in Sparta at the other end of CR 620/Main Street.

Comments on Hal Wirths

Freeholder Zellman said that she has spent ten years on the Freeholder Board with Hal Wirths; she said they have come a long way together; she noted that part of the campaign pledge when she was running with Charlie Kuperus was to improve efficiency and to become a Freeholder Board of which the County could be proud of; Freeholder Zellman said she felt that over the past ten years, the Freeholder Board has succeeded in that respect; she said that Hal has always been true to his word and he can be trusted 100%, adding that she knew he would show that same level headedness and that same true spirit in Trenton that he has shown for the past ten years on the Freeholder Board; Freeholder Zellman said that Hal has been a truly wonderful colleague to work with and she would miss him.

Freeholder Parrott said that Hal Wirths was a man of integrity; he added that he enjoyed working with him and he would miss him.

21. EXECUTIVE SESSION

There were no items for Executive Session.

RESOLUTION RE: REQUESTING EXECUTIVE SESSION

- A. Personnel
- B. Contract
- C. Litigation
- D. Other Matters

It is anticipated that the deliberations conducted in closed session may be disclosed to the public upon the determination of the Sussex County Board of Chosen Freeholders that the public interest will no longer be served by such confidentiality.

22. REMINDERS

Monday	May 31, 2010	Memorial Day	Holiday
Wednesday	June 9, 2010	Regular Meeting	5:00 pm

23. ADJOURNMENT

MOTION made at 6:58 p.m. by Freeholder Zeoli to adjourn the meeting, seconded by Freeholder Zellman and passed unanimously.

Elaine A. Morgan, Clerk

DATED: May 26, 2010

Morgan, Elaine

From: Priscilla Orr [cilorr22@gmail.com]
Sent: Wednesday, May 26, 2010 1:16 PM
To: Morgan, Elaine
Subject: Urgent Letter

To the Board of Chosen Freeholders:

I am writing to ask you to respectfully continue to consider the proposal made by former President Constance Mierendorf's attorney to reinstate her as President of SCCC, and to ask Mr. Perry to step off the board. I know several of my colleagues will ask about the findings in the Mercadian report, which has not been made public, and of the thousands of dollars spent on attorneys in legal action against Mierendorf. Below are listed some of the Standards of Good Practice for Trustee Boards by the Association of Community College Trustees (ACCT). Clearly, the SCCC Board of Trustees is in violation of several of these standards, which I have underlined.

"In support of effective community college governance, the Board believes:

- That it derives its authority from the community and that it must always act as an advocate on behalf of the entire community; *The Board has managed to undo in a few weeks the hard earned reputation of the College within our community and throughout the state. A friend who has supported the College for years expressed her concern over donated funds, and this is one of many. Others have expressed concerns about sending their children to the College. At all the state meetings of other community colleges, we are being queried about the renegade actions of some of the Board members. Others have expressed concern for our professional reputation.*
- That it is responsible for creating and maintaining a spirit of true cooperation an a mutually supportive relationship with its CEO; *There was nothing cooperative in the way they released President Mierendorf and attempted to scapegoat her for issues that clearly go back beyond her tenure as President. Nor did they credit her for the efforts she made to address the financial issue.*
- That it always strives to differentiate between external and internal processes in the exercise of its authority;
- That its trustee members come to each meeting prepared an ready to debate issues fully and openly; *This spirit was clearly absent the night President Mierendorf was fired. It was embarrassing enough to have them dismiss the College community's concerns out of hand, but to see several of the Board members blatantly ignore the appeals made by business leaders, a former Board member, and the head of the Chamber of Commerce was clear indication they were defying this standard.*
- That its behavior, and that of its members, exemplify ethical behavior and conduct that is above reproach; *One could question the ethics of publically besmirching an outstanding academic's reputation such as Mierendorf's as well as the reputation of the College. As serious a concern are the thousands of dollars being spent to remove her from office at a time when there was the clear possibility of addressing whatever the some of the Board member's concerns were in a more fiscally responsible manner.*
- That it endeavors to remain always accountable to the community" *And where is that smoking gun?*

I raise these questions with deep respect for the accountability to which you each hold yourselves along with the hope that you will take the timely action of accepting the offer from Constance Mierendorf's attorney to reinstate her as President and to remove Mr. Kirk Perry as board chair.

Sincerely,

Priscilla Orr

Associate Professor of English, SCCC.

Morgan, Elaine

From: Maureen Murphy-Smolka [msmolka@sussex.edu]
Sent: Wednesday, May 26, 2010 2:24 PM
To: Morgan, Elaine
Subject: Questions for Freeholders

Ms. Morgan,

Since I am unable to attend the Freeholder's meeting today at 5 PM, I would like to have these questions presented.

Thanks for your assistance.

Maureen Murphy-Smolka

I am sorry that I can not attend the Freeholders' Meeting, but I have a previous engagement. However, I would like to present the questions I have and hope you can respond to them.

At the last Freeholders' Meeting, the board was presented with numerous questions and concerns about SCCC and the pool at the Sussex Technical School. The board members respectfully and attentively listened to all community members. At the conclusion of the question period, there was an answer period. Various members of the board as well as the director of the board answered each and every question.

At the SCCC Board of Trustees meeting last night, May 25th, it was noted that the Board of Trustees had received the Mercadian report on May 20, 2010. Hopefully the Board of Chosen Freeholders also received a copy of the Mercadian report at that time.

At the last Board of Chosen Freeholders meeting, we were told that the board was waiting to receive the Mercadian report in order to use that report for fact finding purposes concerning the conflict between Board of Trustees Chairman, Kirk Perry, and SCCC President, Dr. Constance Mierendorf, and how the information in the Mercadian report led to the Board of Trustees' decision to fire a president who had months before had had her contract renewed. My question to the Board of Chosen Freeholders is what has your fact finding revealed?

My second question deals with the practices of the SCCC Board of Trustees. While I realize that they are an autonomous group, many of the board members have been appointed by the Board of Chosen Freeholders and it is the responsibility of the Board of Chosen Freeholders to assure that the trustee members are following standards of good practice for trustee boards.

One of the standards developed by the Association of Community College Trustees is that "the board endeavors to remain always accountable to the community". Last night during section 8, Courtesy of the Floor (Public Session), many faculty, staff, student and community members asked questions about the use of the Mercadian report as a basis for firing Dr. Mierendorf on April 27, 2010, since the report was not received by the Board of Trustees until May 20, 2010. The board was also asked why Dr. Mierendorf was fired. Neither these two questions nor any of the other questions asked were answered. When asked why our questions were not being answered, we were told this was not the forum for answering questions. When asked what the forum or procedure for obtaining answers to our questions was, we were not answered at all.

My question to the Board of Chosen Freeholders is why isn't the SCCC Board of Trustees being accountable to the community? How can the community get the answers to the questions they presented at last night's trustees' meeting?

Thank you for listening to my questions, please send me your answers via email at msmolka@sussex.edu.
