

REGULAR MEETING HELD ON THURSDAY, MAY 26, 2011

5:00 PM

ORDER OF BUSINESS

Item

1. **CALL TO ORDER BY DIRECTOR** at 5:05 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 April 28, 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.

PUBLIC HEARING – 5:06 PM

**FINAL ADOPTION – ORDINANCE
336-2011**

Freeholder Director Zeoli: "At our regular meeting held on April 27, 2011, we introduced for first reading the following 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:

**ORDINANCE TO AMEND THE FARE SCHEDULE FOR SKYLANDS RIDES, IN THE
DEPARTMENT OF HUMAN SERVICES, DIVISION OF SOCIAL SERVICES**

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 Ordinance?

Comments from Brian Schnabel

Brian Schnabel, Newton, came forward; he said he was the Chair for the Citizens Advisory Committee (CAC); Mr. Schnabel said that transportation was very important; this is a difficult terrain to cover and if there was any other way to do this without increasing the fares, it would have been done; Mr. Schnabel said that for many people, Transit has become a lifeline by providing them with transportation to medical treatments.

Freeholder Zellman thanked Mr. Schnabel and all the members of the CAC for their dedication and hard work.

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

MOTION that this 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 Ordinance as finally adopted, and also post same on the bulletin board in the lobby of the County Administrative Center made by Freeholder Vohden, seconded by Freeholder Space and passed unanimously.

6. PROCLAMATIONS/CERTIFICATES/PRESENTATIONS

A. Proclamations/Certificates

1. Proclamation recognizing Grant D. Pasake for attaining the rank of Eagle Scout.

337-2011

2. Proclamation recognizing Ian Thomas Wolfe for attaining the rank of Eagle Scout.

338-2011

3. Proclamation designating the month of May, 2011 as "Mental Health Awareness Month".

339-2011

4. Certificate in recognition of Pope John Regional XXIII High School students and their selfless acts of kindness and sincere desire to help a neighbor in need through their participation in "Champions for Charity" on March 10, 2011.

340-2011

5. Certificate in recognition of Hopatcong High School students and their selfless acts of kindness and sincere desire to help a neighbor in need through their participation in "Champions for Charity" on April 5, 2011.

341-2011

6. Certificate for Doris Lantz in recognition of her many years of devoted service to the residents of Sussex County through her selfless acts of volunteerism, for sharing her spirit of community with everyone whose lives she has touches, and her heartfelt dedication to helping a neighbor in need.

342-2011

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

B. Presentations

1. Acknowledging the retirement of Elsie Allen, Director of Food Services at the Homestead, who is retiring after 17 years with the County; Jane Barry-Triano, Human Services Specialist 4 for Social Services, who is retiring after 23 years with the County; Barbara Boyce, Principal Clerk Typist for the Sheriff's Office, who retired after 25 ¾ years with the County; Michael Briegel, Assistant Prosecutor for the Prosecutor's Office, who retired after 25 ½ years with the County; Timothy A. Cooney, Sergeant 1st Class Investigator for the Prosecutor's Office, who retired after 23 ½ years with the County; David DiMarco, Undersheriff, who is retiring after 14 ½ years with the County; Robin Elmo, Human Services Specialist 3 for Social Services, who is retiring after 16 years with the County; James P. Gleason, Supervising Juvenile Detention Office for the Juvenile Detention Center, who retired after 13 ¼ years with the County; Gale Halke, Human Services Specialist 4 for Social Services, who is retiring after 34 years with the County; Deborah McCann, Social Work Supervisor for Social Services, who is retiring after 36 ½ years with the County; Roxann Staley, Social Worker for Social Services, who is retiring after 32 ½ years with the County; and Stanley Utter, Principal Engineering Aide/Traffic Enumerator for the Engineering Department, who retired after 38 ½ years with the County.

Comment from Freeholder Zeoli

Freeholder Zeoli acknowledged the many years of service to the County and he thanked the retirees for their dedication.

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

MOTION made at 5:20 p.m. by Freeholder Crabb to open the meeting to the Public, seconded by Freeholder Space and passed unanimously.

There was no one.

MOTION made at 5:21 p.m. by Freeholder Crabb to close the meeting to the Public, seconded by Freeholder Space and passed unanimously.

8. FREEHOLDERS' COMMENTS

Comments from Freeholder Crabb

- **Senior event at Selective Insurance**

Freeholder Crabb attended the senior event at Selective Insurance; he noted there was a large turnout of seniors, with many vendors as well.

Comments from Freeholder Space

- **Sparta Farmer's Market**

Freeholder Space said he conducted the opening ceremony for the Sparta Farmer's Market.

- **2010 Budget**

Freeholder Space said the first budget meeting for the 2012 County budget was held.

Comments from Freeholder Zellman

- **United Way Public Officials Forum**

Freeholder Zellman attended the United Way Public Officials Forum at Saint Elizabeth's College; she said the Northeast New Jersey United Way now represents six counties; Commissioner Wirths was a speaker.

- **Waterloo Music Festival**

Freeholder Zellman said that planning has begun for a 2012 Waterloo Music Festival.

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

Freeholder Zellman said she attended the NJTPA meeting, adding that it was also the retirement of Cliff Sobel, Deputy Director; she said she had a conversation with Rich Roberts from NJ Transit; Freeholder Zellman asked Mr. Roberts the status of the Lackawanna Cutoff; there have been some issues with the Department of Environmental Protection (DEP); she said things were supposed to be more streamlined, however, this does not seem to be the situation; there seems to be middle management in the DEP that is putting a stop gap to some kind of economic development; it appears there is a stream encroachment issue around the proposed Andover train station; Freeholder Zellman said she asked Mr. Roberts to keep her informed as things move forward as she has some very serious concerns; she added that she planned to contact Congressman Frelinghuysen and Senator Oroho if the project does not move along.

Comments from Freeholder Vohden

- **Farm tours**

Freeholder Vohden said he spent one day last week with the Agriculture Development Board Committee members touring 16 farms that have filed applications for Farmland Preservation; the tour commenced in Green Township and ended in Vernon Township.

- **Board of Agriculture Meeting**

Freeholder Vohden said that at the Board of Agriculture Meeting, the County Extension Agent reported that the County has received approximately \$120,000.00 in a Sustainable Agricultural Research and Education (SARE) grant through Rutgers University; another \$60,000.00 grant was also received from the NJ Farm Bureau for agri-tourism.

- **Champions for Charity**

Freeholder Vohden reported that the next Champions for Charity would be held at Lenape Valley High School on May 31 at 8:00 a.m.; Vernon Township High School would be on June 2 at 8:00 a.m.

Comments from Freeholder Zeoli

- **Regional Greenhouse Gas Initiative**

Freeholder Zeoli said that it was announced today that New Jersey will be pulling out of the Regional Greenhouse Gas Initiative (RGGI); he commended the Freeholder Board for previously adopting its Resolution in support of pulling out of RGGI; Freeholder Zeoli also thanked the Governor for making the decision to pull out of RGGI.

- **Suggestion to aid Food Pantry**

Freeholder Zeoli said he met someone who does a farm program whereby they grow vegetables for the Food Pantry; he suggested this be looked into to see if there was any way that something like this could be incorporated into current programs to aid the Food Pantry; Freeholder Vohden volunteered to explore this suggestion.

9. APPROVAL OF CONSENT AGENDA

- A. RESOLUTION RE: PAYMENT OF BILLS
343-2011

- B. RESOLUTION RE: AUTHORIZATION FOR THE BOARD OF CHOSEN FREEHOLDERS OF THE COUNTY OF SUSSEX TO APPLY FOR AND ACCEPT FUNDING IN THE AMOUNT OF \$22,965.00 FROM THE NJ DEPARTMENT OF HEALTH & SENIOR SERVICES' REGIONAL HEALTHCARE FACILITY PREPAREDNESS GRANT PROGRAM 2012 FOR THE PERIOD OF JULY 1, 2011 TO JUNE 30, 2012 (Resolution authorizes this funding to be used to acquire additional electronic medical record software)

- C. RESOLUTION RE: AUTHORIZATION FOR THE FREEHOLDER DIRECTOR TO SIGN THE SUBGRANT AWARD FOR THE VICTIMS OF CRIME ACT (VOCA) GRANT PROGRAM, V-19-10, FOR THE PERIOD APRIL 1, 2011 THROUGH MARCH 31, 2012 IN THE AMOUNT OF \$87,185.00 (Resolution authorizes this award with an in-kind match of \$21,796.00)

- D. RESOLUTION RE: AUTHORIZATION FOR THE FREEHOLDER DIRECTOR TO SIGN THE SUBGRANT AWARD FOR THE 2010 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT, JAG 1-20-07, FOR THE PERIOD OCTOBER 1, 2010 THROUGH SEPTEMBER 30, 2011 IN THE AMOUNT OF \$5,461.00

- E. 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, 2012 TO DECEMBER 31, 2012 (Resolution authorizes this Grant with matching amount of \$6,750.00)

- F. 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.

- G. RESOLUTION RE: AUTHORIZING THE COUNTY OF SUSSEX TO ENTER INTO AN AGREEMENT WITH THE TOWNSHIP OF FREDON FOR ENFORCEMENT AGENCY SERVICES AS SET FORTH IN THE NJ STATE UNIFORM FIRE CODE REGULATIONS IN ACCORDANCE WITH THE PROVISIONS OF N.J.S.A. 40A:65-1 ET SEQ.

- H. 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.

- I. **RESOLUTION RE: 351-2011** RESOLUTION PROVIDING FOR THE CANCELING OF THE GRANT ACCOUNT BALANCES FOR THE STATE OF NEW JERSEY, DEPARTMENT OF COMMUNITY AFFAIRS, SHARING AVAILABLE RESOURCES EFFICIENTLY 2009, SUSSEX COUNTY HEALTH DEPARTMENT SERVICES TO THE BOROUGH OF HOPATCONG, FOR A REMAINING TOTAL AMOUNT OF \$2,968.45

- J. **RESOLUTION RE: 352-2011** RESOLUTION PROVIDING FOR THE CANCELING OF THE GRANT ACCOUNT BALANCES FOR THE STATE OF NEW JERSEY, DEPARTMENT OF COMMUNITY AFFAIRS, SHARING AVAILABLE RESOURCES EFFICIENTLY 2009, SUSSEX COUNTY HEALTH DEPARTMENT SERVICES TO THE TOWNSHIP OF VERNON, FOR A REMAINING TOTAL AMOUNT OF \$685.28

- K. **RESOLUTION RE: 353-2011** RESOLUTION PROVIDING FOR THE INSERTION OF ANY SPECIAL ITEM OF REVENUE IN THE BUDGET OF THE COUNTY OF SUSSEX FOR A TOTAL AMOUNT OF \$5,000.00 FOR THE CAPACITY-BUILDING OF MEDICAL RESERVE CORP UNIT, #MRC 11 286 FROM JANUARY 5, 2011 TO JULY 31, 2011

- L. **RESOLUTION RE: 354-2011** RESOLUTION PROVIDING FOR THE INSERTION OF ANY SPECIAL ITEM OF REVENUE IN THE 2011 BUDGET OF THE COUNTY OF SUSSEX RELATING TO THE CLEAN COMMUNITIES GRANT FOR THE TOTAL AMOUNT OF \$82,802.31

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 approve the Financial Consent Agenda, seconded by Freeholder Vohden.

Resolutions 9. F., 9. G., 9. H.

Joe Inga, Fire Marshal, came forward; he said this was a good opportunity for the towns to take advantage of this service and remove a line item from their budgets; he added that he felt that during the coming year, other municipalities would join in.

On Roll Call the vote was:

Freeholder Crabb	Yes
Freeholder Space	Yes, but abstain on Bill #29227 on Resolution 9. A.
Freeholder Vohden	Yes
Freeholder Zellman	Yes
Freeholder Director Zeoli	Yes

10. APPROVAL OF MINUTES

Regular Meeting April 13, 2011
Regular Meeting April 27, 2011
Regular Meeting May 11, 2011

Executive Session Minutes
Regular Meeting March 30, 2011
Regular Meeting April 27, 2011

Release of Executive Session Minutes
A portion of the Reg. Meeting of Feb. 9, 2011

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

11. APPOINTMENTS AND/OR RESIGNATIONS

A. Appointments

1. RESOLUTION RE: REAPPOINTMENT OF ELIZABETH MANLY, BARBARA ANDERSON, DAVID JOHNSTON, MICHAEL LASKO, SUZANNE SARNER AND DAVID NUFRIO AS MEMBERS OF THE SUSSEX COUNTY YOUTH SERVICES COMMISSION FOR TERMS OF THREE (3) YEARS EACH. TERMS TO EXPIRE APRIL 30, 2014
355-2011
2. RESOLUTION RE: APPOINTMENT OF MICHELLE EDWARDS, PATRICIA TOMASZEWSKI AND AMY CHAMER AS MEMBERS OF THE SUSSEX COUNTY YOUTH SERVICES COMMISSION FOR TERMS OF THREE (3) YEARS EACH. TERMS TO EXPIRE APRIL 30, 2014
356-2011

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

12. RESOLUTIONS

There were no Resolutions for Item #12.

13. AWARDS OF CONTRACTS/CHANGE ORDERS/BIDS

A. Awards of Contracts

1. RESOLUTION RE: AWARDING A CONTRACT BASED ON PROPOSALS RECEIVED THROUGH THE COMPETITIVE CONTRACTING PROCESS FOR A SOFTWARE SOLUTION FOR ELECTRONIC MEDICAL SYSTEM FOR THE SUSSEX COUNTY HOMESTEAD (Resolution awards this Contract to the respondent to the proposal process best meeting the requirement and pricing, eHealth Solutions, Inc., dba SigmaCare in the total amount of \$48,000.00)
357-2011
2. RESOLUTION RE: AWARD OF CONTRACTS FOR BITUMINOUS CONCRETE, AGGREGATES AND BROKEN STONE FOR THE COUNTY OF SUSSEX DIVISION OF PUBLIC WORKS 2011-2012 (Resolution awards these Contracts to the low bidder for each item based on location and per ton mile hauled for an approximate amount of \$75,000.00)
358-2011
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 a minimum amount of \$1,000.00)
359-2011
4. RESOLUTION RE: AWARDING A CONTRACT BASED ON

360-2011

PROPOSALS RECEIVED THROUGH THE COMPETITIVE CONTRACTING PROCESS FOR SERVICE PROVIDERS FOR THE SUSSEX COUNTY INTOXICATED DRIVER RESOURCE CENTER (Resolution awards this Contract to the only respondent to the proposal process, Center for Prevention & Counseling)

- 5. **361-2011** RESOLUTION RE: AWARD OF CONTRACT FOR “REPLACEMENT OF STAIRCASE NUMBER TWO IN PARKING DECK” FOR THE COUNTY OF SUSSEX, DIVISION OF FACILITIES MANAGEMENT (Resolution awards this Contract to the only responsible bidder, Ferraro Construction, in the amount of \$61,250.00)

Request for a separate vote on Resolution 13. A. 2.

Freeholder Crabb requested that Resolution 13. A. 2. be voted on separately.

MOTION made by Freeholder Vohden to adopt Resolutions 13. A. 1., and 13. A. 3. – 13. A. 5., 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 made by Freeholder Vohden to adopt Resolution 13. A. 2., seconded by Freeholder Space.

Resolution 13. A. 2.

Freeholder Crabb stated that he had a concern regarding this Resolution; he said that in reviewing the bid sheet, there were bids from Beaver Run Farms, a group the County has been doing business with for many years; Freeholder Crabb said he would describe the bids from Beaver Run Farms as categorically lower than the other bids submitted; however, Beaver Run Farms was not awarded any part of this contract because at the time the bids were submitted, Beaver Run Farms did so without submitting a bid bond or a certified check; Freeholder Crabb said he was informed by County Counsel that this is an issue that cannot be fixed after a bid opening; he said that this struck him as unappetizing that bids would be awarded based on a technicality that would cost taxpayers more money.

On Roll Call the vote was:

Freeholder Crabb	No
Freeholder Space	Yes
Freeholder Vohden	Yes
Freeholder Zellman	Yes
Freeholder Director Zeoli	Yes

1. RESOLUTION RE: AUTHORIZING CHANGE ORDER NO. 1 TO THE CONTRACT BETWEEN THE COUNTY OF SUSSEX AND FERRARO CONSTRUCTION CORP. FOR SUSSEX COUNTY HOMESTEAD NURSING HOME WATER SERVICE UPGRADE FOR THE COUNTY OF SUSSEX, DIVISION OF FACILITIES MANAGEMENT (Resolution authorizes the increase of \$428.34 (0.1%) for a new sealed combustion unit)

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

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

There was no Personnel Agenda.

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

Closed Session

Mr. McConnell stated that he had two items under Litigation for Closed Session regarding 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**

Letters for Board approval

- Thank you for bridge funding

Freeholder Zeoli said the first letter was to the State of New Jersey thanking the State for the funding it provided to the County for its bridges.

- **Request for Senator Oroho's assistance to secure additional funding**

The second letter was to Senator Oroho regarding the Franklin Viaduct project and that the project is \$3.75 million short; the letter requests Senator Oroho's assistance in securing additional funding for the project.

MOTION made by Freeholder Crabb to approve these letters, seconded by Freeholder Vohden and approved unanimously.

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

MOTION made at 5:45 p.m. by Freeholder Crabb to open the meeting to the Public, seconded by Freeholder Zellman and passed unanimously.

There was no one.

MOTION made at 5:46 p.m. by Freeholder Crabb to close the meeting to the Public, seconded by Freeholder Zellman and passed unanimously.

21. EXECUTIVE SESSION

MOTION made at 5:47 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 Zellman and passed unanimously.

**RESOLUTION RE: REQUESTING EXECUTIVE SESSION
363-2011**

- 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 6:00 p.m. by Freeholder Crabb to come out of Executive Session and return to Public Session, seconded by Freeholder Zellman and passed unanimously.

MOTION made by Freeholder Vohden to authorize County Counsel to take the action as discussed in Executive Session in the matter of O'Shea v. the County of Sussex, seconded by Freeholder Zellman and passed unanimously.

22. REMINDERS

Monday	May 30, 2011	Memorial Day	Holiday
Wednesday	June 8, 2011	Regular Meeting	5:00 pm

23. ADJOURNMENT

MOTION made at 6:01 p.m. by Freeholder Space to adjourn, seconded by Freeholder Zelman and passed unanimously.

Elaine A. Morgan, Clerk
Board of Chosen Freeholders

DATED: May 26, 2011