

REGULAR MEETING HELD ON WEDNESDAY, OCTOBER 26, 2011

5:00 PM

ORDER OF BUSINESS

Item

1. CALL TO ORDER BY DIRECTOR at 5:04 pm
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.

---

**PUBLIC HEARING – 5:05 PM**

**FINAL ADOPTION – BOND ORDINANCE  
561-2011**

**Freeholder Director Zeoli:** "At our regular meeting held on September 28, 2011, we introduced for first reading the following Bond Ordinance which was advertised in the New Jersey Herald issue of October 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 IMPROVEMENTS TO VARIOUS ROADWAYS, BRIDGES AND OTHER PUBLIC PROPERTY DAMAGED BY HURRICANE IRENE AND TROPICAL STORM LEE, BY AND IN THE COUNTY OF SUSSEX, STATE OF NEW JERSEY; APPROPRIATING \$11,250,000.00 THEREFOR AND AUTHORIZING \$11,250,000.00 BONDS OR NOTES OF THE COUNTY TO FINANCE PART OF THE COSTS THEREOF**

**MOTION** 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 Space, seconded by Freeholder Crabb and passed unanimously.

**MOTION** that this Bond Ordinance be finally adopted made by Freeholder Space, 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

**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 Zellman, seconded by Freeholder Space and passed unanimously.

---

## **6. PROCLAMATIONS/CERTIFICATES/PRESENTATIONS**

### A. Proclamations/Certificates

1. Proclamation designating November as "Pancreatic Cancer Awareness Month".

**562-2011**

2. Proclamation proclaiming November 6, 2011 as the "11<sup>th</sup> Annual Salute to Military Veterans".

**563-2011**

3. Certificate recognizing Florence M. Ferris in celebration of her 100<sup>th</sup> Birthday.

**564-2011**

**MOTION** made by Freeholder Zellman to approve these Proclamations and Certificate, 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 5:15 pm by Freeholder Crabb to open the meeting to the Public, seconded by Freeholder Space and passed unanimously.

### **Closed bridge on Putter Road**

Willard Klemm, Fredon, came forward to tell the Board that the County closed the bridge on Putter Road; he has 26 horses in that particular field; he tries to keep a nice looking farm, but the County closed it down and he could still always get around with his tractor, now the County sent people to put the cyclone fence up like it is forever, high tension wires on bottom, on top etc. and they come at least once a week to check to make sure the bridge didn't fall down; he can't get through there and all they had to do was put up one 4 x 6 steel gate and give him a lock for it and then he would be able to go through, feed the horses and bring it out and lock it up; they blocked it all up and he called and no one has called back; he has made a lot of calls, but has not gotten too far.

Mr. Eskilson said the bridge has been rated as in imminent danger of failure and that is why no one is allowed to travel across the road with any means of transportation; Mr. Klemm said it is his land and the County just has a right of way through it.

Mr. Eskilson said the likelihood of that bridge opening any time in the next 3 to 4 years is basically none; he explained about all the bridges that have been affected by the storm. There was a short discussion.

## **Solar Project**

Frank DeWitt, Augusta, came forward and said he had a couple comments about a Resolution; this is in regard to the Resolution for the Solar Project in the County; he said it is a great initiative; the two things he question is how fast the County is reacting to this; he feels the Board is under the understanding that it is under a constraint with the timing of the grants by the end of the year; he just wanted to clarify that the Federal tax credit is approved to 2016.

Mr. Eskilson said yes, but not the 1603 cash conversion grant; Mr. DeWitt agreed.

Mr. DeWitt continued by saying that there are other companies that could fund this project that don't need the Federal grant; Freeholder Zeoli said the County had an RFP out and the County only had one company respond to the RFP. There was a short discussion.

Doug Bocher from NW Financial, the County's Financial Advisor on this transaction; there is an additional value to the developer getting that cash as opposed to a tax credit that would come to the developer over a period of time; after the end of this year when it goes back to the regular tax credit, typically what a bigger developer would do would be to bundle those tax credits and sell those tax credits to the marketplace and get \$.75 to \$.80 on the dollar.

Mr. Eskilson said with the change in the SREC market, the County is pretty confident that without the public financing, the County probably would not have had a bid or certainly a competitive bid; there was a short discussion.

Mr. DeWitt said he just wanted to make sure the Board was aware of all the data; he said the company that is backing this is only 2 years old.

David Wilfom from Sunlight General came forward; he said the company that is financing this is 2 years old, the construction firm that is building this for Sunlight General is a company called Mastek, a publicly traded company; they have over 2 billion dollars a year in sales and they have installed about 4 gigawatts of wind farms across the State, etc.; they are doing an installation for Somerset County, Mercer County and Morris County; they also have completed jobs in Bergen County. There was a short discussion.

Mr. Bocher said he attended a pre bid meeting with about 6 bidders, and only one bid came in.

Mr. DeWitt said he feels this is a great initiative for the County; he said his last comment is that the State is looking to make rulings with the SREC's; there may be a market coming back in the near future; if the County was to wait, he understands that the County loses the option with the Federal grant, but the County may be able to get a better deal. There was a short discussion.

**MOTION** made at 5:31 pm by Freeholder Crabb to close the meeting to the Public, seconded by Freeholder Space and passed unanimously.

## **8. FREEHOLDERS' COMMENTS**

### **Freeholder Crabb's comments**

Freeholder Crabb said he had two things; he said it was about 1 ½ years ago that the Board approved a Proclamation honoring Jack Baum of Franklin, he was the last engineer of the New Jersey Zinc Company, he is a world-wide noted mineralogist; he passed away this past week at the age of 96; he will be missed.

Freeholder Crabb said he wanted to make special mention about the fire in Stillwater; the Stillwater Inn, the job that Stillwater Fire Department did was tremendous with limited resources; they saved the exposures; he wanted to recognize the Stillwater Fire Department.

### **Freeholder Vohden's comments**

Freeholder Vohden said last Saturday he went to the Fairgrounds for the second annual Sussex County Harvest Festival; there was a good turnout, 50 booths, advertising was paid for; he talked about how everyone loved the event.

Freeholder Vohden said he also attended the Master Gardener graduation at the High Point Interpretive Center; he gave out the diplomas; he made a few comments about this event.

Freeholder Vohden said he also visited the Board of Elections and discussed some of the rules and regulations for the voting booths.

Freeholder Vohden said that at 10:30 this morning there was a legislative update for municipal officials; there were 35 people attending; the Legislators updated them on various issues including wastewater, governor's tools kit, and legislative procedures.

### **Freeholder Zellman's comments**

Freeholder Zellman said that Tom Drabic, County's Transportation Planner, announced that he viewed the tracks for the Lackawanna Cutoff up to the intersection of Brooklyn Stanhope Road; she attended the Transit Hearing yesterday via phone conference; Freeholder Zellman said she wanted to commend the Citizens Advisory Council for all the work they have done. There was a short discussion.

Freeholder Zellman said she attended the Boy Scout dinner honoring Bill Curcio and said it was well-attended.

Freeholder Zellman said she also attended and spoke at the DASI Candlelight Vigil honoring the victims of Domestic Violence.

Freeholder Zellman said she was going to give the Board a mini report on the Harvest Festival at Waterloo Village; there were about 230 people there; she wanted to publicly thank Tranquility Farms, that provided all the corn stalks and pumpkins free of charge; and Lockwood Farms, which did the decorations; they had 8 restaurants and a distributor, who all provided the food and drinks for free; they netted over \$7,000.00 and she was very proud of that.

### **Freeholder Space's comments**

Freeholder Space said that he wanted to remind everyone about the Chamber Expo; he also wanted to say that he attended a fundraiser for PSS at the Hudson Guild Farm.

Freeholder Space said he and his wife were really working hard to do well with the dancing competition.

Freeholder Space said he had the opportunity to tour the Homestead and had lunch with Linda Hunter Conklin.

### **Freeholder Zeoli's Comments**

Freeholder Zeoli said he and the County Administrator have had some meetings with the people from the Veterans' Cemetery group; they are committed to helping them but have been very clear about the County's budget problems; they are appreciative of the County's efforts to try to help them. There was a short discussion.

Freeholder Zeoli thanked the members of the solar team for all their work.

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

- A. RESOLUTION RE: PAYMENT OF BILLS  
**565-2011**
- B. RESOLUTION RE: GRANT APPLICATION FROM THE SUSSEX COUNTY  
**566-2011** DEPARTMENT OF HUMAN SERVICES TO CMS FOR  
TRANSITIONAL CARE PROGRAM TO REDUCE  
MEDICARE COSTS AND HOSPITAL READMISSIONS TO

BE FILED BY OCTOBER 28, 2011 GRANT APPLICATION  
DEADLINE

- C. RESOLUTION RE: AUTHORIZATION TO EXECUTE AN AGREEMENT WITH  
**567-2011** NJ TRANSIT ON BEHALF OF THE COUNTY OF SUSSEX  
FOR TERMINATION OF LEASE/RETIREMENT OF  
VEHICLE AGREEMENT VEHICLE #16-1138 UNDER  
SECTION 5310 OF THE FEDERAL TRANSIT  
ADMINISTRATION
- D. RESOLUTION RE: AUTHORIZATION TO EXECUTE AN AGREEMENT WITH  
**568-2011** NJ TRANSIT ON BEHALF OF THE COUNTY OF SUSSEX  
FOR TERMINATION OF LEASE/RETIREMENT OF  
VEHICLE AGREEMENT VEHICLE #16-1139 UNDER  
SECTION 5310 OF THE FEDERAL TRANSIT  
ADMINISTRATION
- E. RESOLUTION RE: AUTHORIZATION TO EXECUTE AN AGREEMENT WITH  
**569-2011** NJ TRANSIT ON BEHALF OF THE COUNTY OF  
SUSSEX FOR TERMINATION OF LEASE/RETIREMENT  
OF VEHICLE AGREEMENT VEHICLE #16-1140 UNDER  
SECTION 5310 OF THE FEDERAL TRANSIT  
ADMINISTRATION
- F. RESOLUTION RE: AUTHORIZATION TO EXECUTE AN AGREEMENT WITH  
**570-2011** NJ TRANSIT ON BEHALF OF THE COUNTY OF SUSSEX  
FOR TERMINATION OF LEASE/RETIREMENT OF  
VEHICLE AGREEMENT VEHICLE #16-1178 UNDER  
SECTION 5310 OF THE FEDERAL TRANSIT  
ADMINISTRATION
- G. RESOLUTION RE: RESOLUTION PROVIDING FOR THE INSERTION OF  
**571-2011** ANY SPECIAL ITEM OF REVENUE IN THE 2011  
BUDGET OF COUNTY OF SUSSEX RELATING TO THE  
2011 AREA PLAN ALLOCATION, FINAL OBLIGATION  
AND ALLOCATION OF AREA PLAN FOR 2011, AN  
ADDITIONAL AMOUNT OF \$13,174.00
- H. RESOLUTION RE: RESOLUTION PROVIDING FOR THE INSERTION OF  
**572-2011** ANY SPECIAL ITEM OF REVENUE IN THE 2011  
BUDGET OF THE COUNTY OF SUSSEX FOR THE CASE  
MANAGEMENT, DFHS12CSE005 SPECIAL CHILD  
HEALTH SERVICES (SCHS), CASE MANAGEMENT  
SERVICES FOR THE TOTAL AMOUNT OF \$85,692.00
- I. RESOLUTION RE: APPROVING PARTICIPATION WITH THE STATE OF  
**573-2011** NEW JERSEY IN THE COUNTY PROSECUTOR  
INSURANCE FRAUD REIMBURSEMENT PROGRAM  
ADMINISTERED BY THE DIVISION OF CRIMINAL  
JUSTICE'S INSURANCE FRAUD PROSECUTOR
- J. RESOLUTION RE: APPROVING PARTICIPATION WITH THE STATE OF  
**574-2011** NEW JERSEY IN A STATE AND LOCAL LAW  
ENFORCEMENT ASSISTANCE PROGRAM  
ADMINISTERED BY THE DEPARTMENT OF LAW AND  
PUBLIC SAFETY
- K. RESOLUTION RE: RESOLUTION PROVIDING CONSENT OF SUSSEX  
**575-2011** COUNTY TO SOLAR DEVELOPER AND UNDERWRITER  
AWARDS OF MORRIS COUNTY IMPROVEMENT  
AUTHORITY IN CONNECTION WITH SUCH  
AUTHORITY'S 2011 RENEWABLE ENERGY PROGRAM  
UNDERTAKEN ON BEHALF OF SUSSEX COUNTY

**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.

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** Regular Meeting October 12, 2011

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

Freeholder Vohden wanted to amend the October 12, 2011 minutes stating that during his discussion at the last meeting having to do with the Fair School Funding Plan he said the County would save \$70,000.00 but meant \$70,000,000.00.

**11. APPOINTMENTS AND/OR RESIGNATIONS**

There were none.

**12. RESOLUTIONS**

- A. RESOLUTION RE: CONCURRING RESOLUTION FOR SPARTA TOWNSHIP  
**576-2011** ORDINANCE #11-09 APPROVING A TRAFFIC SIGNAL AT THE INTERSECTION OF COUNTY ROUTE 517 AND TOWN CENTER DRIVE, A.K.A. SUSSEX COUNTY TRAFFIC SIGNAL SC-08, ALONG WITH AUTHORIZATION TO OPERATE PROPOSED SIGNAL SC-08 IN ACCORDANCE WITH THE PHASING AND TIMING SCHEDULE DEVELOPED BY OMLAND ENGINEERING
- B. RESOLUTION RE: WAIVER REQUEST FOR REDUCED SIGHT TRIANGLE  
**577-2011** EASEMENT FOR QUICK CHEK STORE, COUNTY ROUTE 517, SPARTA
- C. RESOLUTION RE: DEVELOPER'S AGREEMENT FOR FINAL MAJOR  
**578-2011** SUBDIVISION, AIRPORT ROAD LLC, COUNTY ROUTE 603, GREEN TOWNSHIP
- D. RESOLUTION RE: URGING THE NEW JERSEY STATE LEGISLATURE TO  
**579-2011** DISTRIBUTE STATE AID FOR EDUCATION TO THE SCHOOL DISTRICTS IN A FAIR MANNER

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

**Item 12.A.**

Freeholder Crabb asked if this item was just pro forma because that signal has been working already. Mr. McConnell pointed out that this Resolution sets the timing of the signal in cooperation with Sparta.

This Motion passed unanimously.

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

A. Change Orders

1. RESOLUTION RE: AUTHORIZING CHANGE ORDER NO. 1 TO AN AGREEMENT BETWEEN THE COUNTY OF SUSSEX AND FREDRIC M. KNAPP, ESQ., AS SPECIAL COUNSEL FOR THE COUNTY OF SUSSEX, STATE OF NEW JERSEY (Resolution authorizes this increase of \$20,000.00 (44.45%) for additional labor counsel services)  
**580-2011**

**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**

- A. RESOLUTION RE: CHANGE IN TITLE, TEXT, OR AMOUNT OF APPROPRIATIONS PURSUANT TO N.J.S.A. 40A:4-85  
**581-2011**

**MOTION** made by Freeholder Space 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

**15. PERSONNEL**

- A. Personnel Agenda

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

**16. ADMINISTRATIVE REPORT**

- A. Other

Mr. Eskilson said he had one item for Executive Session relating to a Collective Bargaining issue with CWA 1032.

**17. COUNTY COUNSEL**

- A. Capital Projects
- B. Litigation

- C. Contract
- D. Other Matters

Mr. McConnell, County Counsel, said he had nothing this evening.

**18. UNFINISHED BUSINESS**

There was none.

**19. NEW BUSINESS**

There was none.

**20. PUBLIC SESSION FROM THE FLOOR**

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

**MOTION** made at 5:55 pm by Freeholder Crabb to open the meeting to the Public, seconded by Freeholder Zellman and passed unanimously.

Lisa Chamings, Stillwater, came forward to thank Freeholder Crabb for his acknowledgement of the Stillwater Fire Department. There was a short discussion.

**MOTION** made at 5:57 pm by Freeholder Crabb to close the meeting to the Public, seconded by Freeholder Zellman and passed unanimously.

**21. EXECUTIVE SESSION**

**MOTION** made at 5:58 pm by Freeholder Zellman to go into Executive Session for one item of Collective Bargaining and no action is expected, seconded by Freeholder Vohden and passed unanimously.

**RESOLUTION RE: REQUESTING EXECUTIVE SESSION  
582-2011**

- 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 6:25 pm by Freeholder Space to come out of Executive Session and return to Open Session, seconded by Freeholder Crabb and passed unanimously.

**22. REMINDERS**

Wednesday                      November 9, 2011                      Regular Meeting                      5:00 PM

**MOTION** made by Freeholder Crabb to change the meeting from Wednesday, November 9 at 5 pm to Monday, November 14 at 5 pm, seconded by Freeholder Vohden and passed unanimously.

**23. ADJOURNMENT**

**MOTION** made at 6:28 pm by Freeholder Zellman to adjourn, seconded by Freeholder Space and passed unanimously.

---

Elaine A. Morgan, Clerk

**Dated:        October 26, 2011**