

REGULAR MEETING HELD ON WEDNESDAY, OCTOBER 27, 2010

5:00 PM

ORDER OF BUSINESS

Item

1. CALL TO ORDER BY DIRECTOR at 5:01 p.m.

2. ROLL CALL: Freeholder Crabb; Freeholder Space; Freeholder Zellman;
Freeholder Zeoli; Freeholder Director Parrott; John
Eskilson, County Administrator; Dennis McConnell, County
Counsel; Diane Eakman, Deputy 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. Certificate for Michael S. Richards in recognition of becoming the tenth Chief of Police, his dedication to the law enforcement community, and commitment to safeguarding the lives and properties of the residents of the Town of Newton.

585-2010

2. Proclamation designating the month of November, 2010, as "Pancreatic Cancer Awareness Month."

586-2010

MOTION made by Freeholder Zeoli to approve this Certificate and this Proclamation, seconded by Freeholder Crabb and passed unanimously.

Freeholder Parrott said there was an additional Certificate for the Board's approval.

3. Certificate for John D. Tomasula in recognition of 25 years of dedicated service to the Town of Newton and its residents and commitment as a member of law enforcement to protect the lives and properties of the community.

587-2010

MOTION made by Freeholder Zeoli to approve this 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 5:11 pm by Freeholder Crabb to open the meeting to the Public, seconded by Freeholder Zeoli and passed unanimously.

Comments from Bill Gettler

- **Alleged misuse of welfare benefits**

Bill Gettler, Wantage, came forward; Mr. Gettler discussed an alleged situation whereby a County resident was receiving welfare benefits that Mr. Gettler was not entitled to.

Mr. McConnell explained that Medicare and Medicaid have the responsibility to check the assets of those receiving benefits; no one will be removed from their home while they are sick, but after that, if the assets are there, Medicare and Medicaid will seek restitution; he further explained that the County Division of Social Services, through the Medicare/Medicaid process, conducts a long interview and gets justification for all of someone's assets; if it is a husband/wife situation and the husband is ill, the wife would not be forced from the home, however, when the husband passes, the costs are recouped; the Federal Government mandates that these costs are recouped.

- **Sussex County Community College Board of Trustees**

Mr. Gettler expressed his displeasure at the potential appointment of Lorraine Parker to the Community College Board of Trustees.

- **Comments on primary election**

Mr. Gettler offered his opinion on the primary election.

Comment from Paul Schwartz

Paul Schwartz, Montague, came forward; he requested that speed limit signs be posted on Deckertown Turnpike; he said that there were no speed signs posted on Deckertown Turnpike and there was an issue with people speeding on this road.

Mr. Eskilson said that he would pass along Mr. Schwartz's request to Walter Cramp, Sussex County Engineer.

MOTION made at 5:20 pm by Freeholder Crabb to close the meeting to the Public, seconded by Freeholder Zeoli and passed unanimously.

8. FREEHOLDERS' COMMENTS

Comments from Freeholder Zeoli

- **Ribbon cutting for CR 620/Bridge Q-09**

Freeholder Zeoli said that he attended the ribbon cutting for CR 620 and Bridge Q-09; he asked Walter Cramp, County Engineer, and Susan Delmar, Principal Engineer, to come forward.

Mr. Cramp introduced Ms. Delmar: he said that Ms. Delmar has picked up much of the bridge work for the County, adding that Ms. Delmar has done an exceptional job.

Freeholder Zeoli said that he asked both of them to attend tonight to express how appreciative the Board is of the efforts put forth on projects of this nature; he added that the bridge fit in very well with the aesthetics of Sparta.

- **Bridge P-13/CR 560**

Freeholder Parrott noted that a letter of appreciation was received from Mayor George Harper, Sandyston Township, regarding Bridge P-13, CR 560, in Layton; he added that he also received phone calls from people expressing their pleasure over the bridge; Freeholder Parrott complimented both Mr. Cramp and Ms. Delmar on their work and commitment to the County.

- **County budget**

Freeholder Zeoli said that the budget process continues; he said that the County was facing an unprecedented fiscal crisis; he added that everyone's cooperation would be appreciated.

Comments from Freeholder Crabb

- **Eagle Scout Court of Honor**

Freeholder Crabb said that he attended an Eagle Court of Honor for Sean McNeilly, who is the nephew of the Deputy County Clerk.

- **November 10, 2010 Freeholder Meeting**

Freeholder Crabb said that because of a conflict with his job, he would be unable to attend the November 10, 2010 Freeholder Meeting; he asked the Board to consider rescheduling this meeting.

- **Debate held by the NJ Herald and the League of Women Voters/county budget**

Freeholder Crabb congratulated the NJ Herald on its ability to hook up multi-media to simulcast the debate to about 300 people; he said that he brought this up to tie it to a conversation about further budget cuts to areas such as the Division of Engineering and the measurable impact on the services the Division will be able to provide; he said that the Budget Committee and the Freeholder Board has reviewed everything it has control of; difficult decisions have been made in order to meet the challenging 2% CAP.

Freeholder Crabb said the Constitutional Offices, particularly public safety, is about 40% of the tax levy; he said he brings this up because no matter who someone supports, it is important to go to the NJ Herald website to look at this debate to help you make up your mind as to who you will vote for; Freeholder Crabb said that from the Board's perspective, the Board needs to be able to have collaboration with its Constitutional colleagues in order to meet next year's constraints; things like public safety will have to come into the conversation.

Comments from Freeholder Zellman

- **Vernon Shuttle**

Freeholder Zellman said that she met with Carol Novrit, Tom Drabic, and Eric Snyder, who advised her that the Vernon Shuttle would commence on November 1, 2010; this is a NJ Transit bus that will be linking up with the County loop; this was a result of the Mobility Study and working with TransOptions.

- **The Fare Study**

The Fare Study is complete and will be presented to the Citizen's Advisory Committee to evaluate how it will be working with the fares for the transit busses.

- **Complete Streets Conference**

Freeholder Zellman attended a Complete Streets Conference which was held by the NJDOT at Rutgers University in New Brunswick; there was some very interesting information which looked at streets to accommodate all users, whether it was bicycle, pedestrian, transit bus, etc.; she said that it was being considered to bring that information to this region, hopefully, in a tri-county aspect to attract the speakers that would be helpful; a means would be found to do this without a cost to the County.

- **Hudson Gill Farm/hike**

Freeholder Zellman said that she volunteered at the fundraiser at Hudson Gill Farm; Friends of Waterloo Village was chosen as one of the four beneficiaries of this fundraiser.

Comments from Freeholder Space

- **Swearing in of Newton Police Chief**

Freeholder Space said that he was unable to attend the swearing in ceremony for the new Police Chief for Newton, Mike Richards; he noted that he has known him for many years and was proud that Mr. Richards would now be Police Chief of Newton.

- **Ginnie's House fundraiser**

Freeholder Space noted that Ginnie's House was hosting a fundraiser this Friday; he encouraged all to attend and support Ginnie's House.

- **Voting**

Freeholder Space encouraged everyone to vote this Tuesday.

Comments from Freeholder Parrott

- **Champions for Charity**

Freeholder Parrott noted that Champions for Charity kicks off November 2, 2010, at 8:00 a.m., at Sparta High School; he invited the Board to attend if possible; he added that Mary Emilius from United Way would be at the school to speak to the students about how difficult things are for other people and that in addition to food donations, there were other ways to offer assistance to those in need.

- **Public comment**

There was a brief discussion regarding public comment.

- **Governor's Tool Kit**

Freeholder Parrott encouraged support of the Governor's Tool Kit.

- **Rescheduling of November 10, 2010 Freeholder Meeting**

The Board discussed possible dates and times to reschedule the November 10, 2010 Freeholder Meeting; it was agreed to reschedule the meeting to Monday, November 8, 2010, at 6:00 p.m.

MOTION made by Freeholder Zeoli to reschedule the November 10, 2010, Freeholder Meeting to Monday, November 8, 2010, at 6:00 p.m., Sussex County Administrative Center, seconded by Freeholder Crabb and passed unanimously.

9. APPROVAL OF CONSENT AGENDA

- A. RESOLUTION RE: PAYMENT OF BILLS
588-2010
- B. RESOLUTION RE: PROVIDING FOR THE INSERTION OF ANY SPECIAL
589-2010 ITEM OF REVENUE IN THE 2010 BUDGET OF THE COUNTY OF SUSSEX RELATING TO THE STATE BODY ARMOR REPLACEMENT FUND PROGRAM – SUSSEX COUNTY SHERIFF’S OFFICE FOR A TOTAL AMOUNT OF \$10,119.33
- C. RESOLUTION RE: PROVIDING FOR THE INSERTION OF ANY SPECIAL
590-2010 ITEM OF REVENUE IN THE 2010 BUDGET OF THE COUNTY OF SUSSEX RELATING TO THE STATE BODY ARMOR REPLACEMENT FUND PROGRAM – SUSSEX COUNTY OFFICE OF THE PROSECUTOR FOR A TOTAL AMOUNT OF \$2,313.48
- D. RESOLUTION RE: PROVIDING FOR THE INSERTION OF ANY SPECIAL
591-2010 ITEM OF REVENUE IN THE 2010 BUDGET OF THE COUNTY OF SUSSEX RELATING TO THE 2010 AREA PLAN ALLOCATION, FINAL OBLIGATION AND ALLOCATION OF AREA PLAN FOR 2010, AN ADDITIONAL AMOUNT OF \$8,343.00
- E. RESOLUTION RE: EXECUTION OF A JURISDICTIONAL AGREEMENT
592-2010 BETWEEN THE STATE OF NEW JERSEY AND THE COUNTY OF SUSSEX FOR THE AREA OF US ROUTE 206 AND COUNTY ROUTES 604 AND 607, WITHIN THE TOWNSHIP OF BYRAM, SUSSEX COUNTY (Resolution authorizes the execution of this Agreement)
- F. RESOLUTION RE: AUTHORIZATION TO PROVIDE FOR THE PURCHASE
Pulled from OF VEHICLES FOR VARIOUS SUSSEX COUNTY **Agenda** AGENCIES (Resolution authorizes the purchase of two (2) Chevrolet Colorado Compact Pickup Trucks and two (2) Ford Escape SUVs from Mall Chevrolet and DFFLM, LLC in the total amount of \$78,702.00)
- G. RESOLUTION RE: AUTHORIZING THE ISSUANCE OF PURCHASE
593-2010 ORDERS UNDER THE PROVISIONS OF N.J.S.A. 19:44A-20.4 ET SEQ. FOR VARIOUS SERVICES, WITH ACCUMULATED VALUE LESS THAN THE BID THRESHOLD, AS STATED BELOW (Resolution authorizes the Purchasing Agent to issue Purchase Orders and execute such other documents as may be necessary with Microsystems of NJ – Tax Office Data Processing)
- H. RESOLUTION RE: EMERGENCY SITUATION PERTAINING TO THE
594-2010 CONDITION OF THE ROAD SURFACE ON COUNTY ROUTE 620 IN THE TOWNSHIP OF SPARTA AND AUTHORIZING THE AWARD OF CONTRACTS FOR THE REQUIRED MATERIALS AND SERVICES WITHOUT PUBLIC BIDDING IN ACCORDANCE WITH N.J.S.A. 40A:11-6 (Resolution authorizes the award of contracts on an emergent basis to source and procure all necessary materials to allow for the milling and application of asphalt overlay pavement as this matter is deemed to be an emergency situation in that it jeopardizes the travelling public and the County’s snow and ice operations)

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 Resolutions 9. A. – 9. E., and Resolutions 9. G. – 9. H., on the Financial Consent Agenda, seconded by Freeholder Crabb.

Resolution 9. H.

Freeholder Zellman asked for a synopsis of Resolution 9. H.

Mr. Eskilson explained that the contractor was awarded a bid to do microsurfacing, which is a thin layer of an asphalt product that extends the life of a road; this went bad, and there were issues with material and application; a second attempt was made to microsurface.

Mr. McConnell added that this was acceptable and half the road was completed, but half the road could not be done without completing the other half; however, the window of opportunity to complete the microsurfacing has closed.

Mr. Eskilson said the County had an agreement with the contractor to do a shallow mill fill, which is a full layer of asphalt on the road; this begins tomorrow and is at the expense of the contractor and no additional cost to the County.

Resolution 9. A.

Freeholder Space said that he was abstaining on Bill #24626.

On Roll Call the vote was:

Freeholder Crabb	Yes
Freeholder Space	Yes, but abstain on Bill #24626 on Resolution 9. A.
Freeholder Zellman	Yes
Freeholder Zeoli	Yes
Freeholder Director Parrott	Yes

10. APPROVAL OF MINUTES

(There are no minutes for approval)

11. APPOINTMENTS AND/OR RESIGNATIONS

A. Appointments

1. **RESOLUTION RE: APPOINTMENT OF GLENN E. PETILLO AS THE ALTERNATE #2 MEMBER/FIRE OFFICIAL FOR THE SUSSEX COUNTY UNIFORM CONSTRUCTION CODE BOARD OF APPEALS FOR A TERM OF FOUR (4) YEARS. TERM TO EXPIRE DECEMBER 31, 2013**
595-2010
2. **RESOLUTION RE: APPOINTMENT OF JOSEPH C. INGA AS THE ALTERNATE #1 MEMBER/FIRE OFFICIAL FOR THE SUSSEX COUNTY UNIFORM CONSTRUCTION CODE BOARD OF APPEALS FOR A TERM OF FOUR (4) YEARS. TERM TO EXPIRE DECEMBER 31, 2013**
596-2010

MOTION made by Freeholder Crabb to adopt these Resolutions, seconded by Freeholder Zellman 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: AUTHORIZATION FOR THE BOARD OF CHOSEN FREEHOLDERS OF THE COUNTY OF SUSSEX TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT WITH MARY E. BRADY, M.D., TO PROVIDE ATTENDING PHYSICIAN SERVICES AS A PHYSIATRIST WITHOUT COMPETITIVE BIDDING AS A PROFESSIONAL SERVICE PURSUANT TO N.J.S.A. 40A:11-5(1)(A)(i) (Resolution authorizes the provision of physiatrist services as the needs dictate, with no cost to the County)**

2. **RESOLUTION RE: AWARDING A CONTRACT RENEWAL FOR THE PURCHASE OF PHARMACEUTICAL SERVICES FOR THE OFFICE OF THE SHERIFF (Resolution authorizes the renewal of the Contract for an additional one year period commencing November 25, 2010 for a period of one year)**

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

Resolution 13. A. 2.

Freeholder Crabb asked why there was a separate contract for pharmaceutical services for the Sheriff's Office.

Mr. Eskilson explained that this was for the dispensing of drugs for the inmates; he added that the County prescription plan was an insurance plan for the employees and this contract was a purchasing and dispensing plan for the inmates based on scripts written by the various physicians involved.

There was a brief discussion.

Mr. McConnell added that this was a bid item and it was the second year of the renewal; this was a very aggressively bid program and is the least expensive medications the County purchases.

On Roll Call the vote was:

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

B. Change Orders

1. **RESOLUTION RE: AWARD OF CHANGE ORDER NO. 1 TO A CONTRACT BETWEEN THE COUNTY OF SUSSEX AND EMPCO CONTRACTING, INC. FOR REPLACEMENT OF SUSSEX COUNTY BRIDGE Q-11 CARRYING COUNTY ROUTE 620 (GLEN ROAD) OVER SPARTA GLEN BROOK, TOWNSHIP OF SPARTA, SUSSEX, COUNTY, NEW JERSEY (2009 ARRA GRANT IN THE AMOUNT OF \$901,237.50) (Resolution authorizes the increase of \$4,212.66 (0.47%) for the installation of guide rail on the temporary Acrow bridge to protect the truss panels from sustaining damage due to possible vehicular impact and for the addition of temporary pavement at the eastbound approach to the temporary bridge)**

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

On Roll Call the vote was:

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

14. FINANCIAL

There were no items for Financial.

15. PERSONNEL

- A. Personnel Agenda
(None)

16. ADMINISTRATIVE REPORT

- A. Other

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

17. COUNTY COUNSEL

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

Item for Closed Session

Mr. McConnell stated that he had one item for Closed Session regarding the contract with EMPCO and Bridge Q-11.

18. UNFINISHED BUSINESS

There were no items for Unfinished Business.

19. NEW BUSINESS

There were no items for New Business.

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

MOTION made at 6:00 pm by Freeholder Zeoli to open the meeting to the Public, seconded by Freeholder Crabb and passed unanimously.

There was no one.

MOTION made at 6:01 pm by Freeholder Crabb to close the meeting to the Public, seconded by Freeholder Zeoli and passed unanimously.

21. EXECUTIVE SESSION

MOTION made at 6:02 p.m. by Freeholder Crabb go into Executive Session for items of contract dealing with EMPCO and Bridge Q-11, seconded by Freeholder Zellman and passed unanimously.

RESOLUTION RE: REQUESTING EXECUTIVE SESSION
600-2010

- 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 6:15 p.m. by Freeholder Zeoli to come out of Executive Session, seconded by Freeholder Crabb and passed unanimously.

MOTION made by Freeholder Crabb to return to Open Session, seconded by Freeholder Zeoli and passed unanimously.

Comment regarding public participation

Freeholder Zellman commented that she did not feel that it was appropriate for someone from the public to make denigrating remarks, whether it was about someone here or from the outside.

Mr. McConnell agreed, however, he felt that if the attempt was made to cut off the person making the remarks, there was the possibility that you would get into a debate and it would get worse; he added that his experience has been that when you try to cut someone off and start conversing with them back and forth, it only gets worse; let them have their say and leave.

Freeholder Zeoli asked if from a procedural point of view, if the person could be declared out of order.

Mr. McConnell replied yes, if it should become very bad.

22. REMINDERS

Wednesday November 10, 2010 Regular Meeting 5:00 pm

23. ADJOURNMENT

MOTION made at 6:20 p.m. by Freeholder Crabb to adjourn the meeting, seconded by Freeholder Zeoli and passed unanimously.

Diane S. Eakman, Deputy Clerk

DATED: October 27, 2010