

REGULAR MEETING HELD ON WEDNESDAY, SEPTEMBER 25, 2013

5:00 PM

ORDER OF BUSINESS

Item

1. CALL TO ORDER BY DIRECTOR at 5:00 p.m.

2. ROLL CALL Freeholder Crabb; Freeholder Graham; Freeholder Mudrick;
Freeholder Phoebus; Freeholder Director Vohden;
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 8, 2013 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/Certificates

1. Proclamation designating the month of October, 2013 as "Breast Cancer Awareness Month".

472-2013

2. Proclamation designating the month of October, 2013 as "Domestic Violence Awareness Month".

473-2013

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

B. Presentations

1. Presentation by the Center for Digital Government to the County of Sussex of an award for coming in sixth place out of 3,065 counties nationwide for the Digital Counties Survey.

Chris Gomolak of McAfee and Intel Company presented the award to Bill Kosinetz, Division Head of Information Management.

The Board and Mr. Eskilson commended and thanked Bill Kosinetz and his whole team for their hard work and success.

7. PUBLIC SESSION FROM THE FLOOR

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

MOTION made at 5:18 p.m. by Freeholder Crabb to open the meeting to the Public, seconded by Freeholder Phoebus and passed unanimously.

There was no one.

MOTION made at 5:19 p.m. by Freeholder Crabb to close the meeting to the Public, seconded by Freeholder Phoebus and passed unanimously.

8. FREEHOLDERS' COMMENTS

Comments by Freeholder Phoebus

- **Project Community Connect**

Freeholder Phoebus reported that the Department of Human Services participated in Project Community Connect which took place at Manna House in Newton and Harvest House in Sussex where attendees were given lunch and dinner, flu shots, dental check-ups, and haircuts; she said most of the attendees were given an evaluation which determined that the number one issue that attendees would like to see addressed is mental health; she said the Project as a whole was a great success.

- **Champions for Charity**

Freeholder Phoebus said that Champions for Charity packed 200 family bags of food and they were all distributed. Freeholder Phoebus reminded everyone that the food pantries in Sussex County are very low on food and there is a great need for infant diapers.

- **Skylands Ride**

Freeholder Phoebus said that on Saturdays, Skylands Ride is transporting between 80 to 100 people and the residents are very happy with this service.

Comments by Freeholder Graham

- **Ginnie's House**

Freeholder Graham attended a meeting at Ginnie's House and he reported that they are moving ahead with the plans for their fund raiser and will update the Board at the next meeting; he said that the equipment at Ginnie's House used for interviews is getting very old and Prosecutor Weaver is looking into the possibility of using monies that have been confiscated from drug deals for enhancing this equipment.

- **Sussex County Community College (SCCC)**

Freeholder Graham attended the SCCC meeting held Monday evening and he said that Barnes and Noble is now going to operate the College Book Store which will bring funding to the College.

- **Autumn Events**

Freeholder Graham reminded everyone that there are a lot of things to do in the County during this time of year and he personally attended Champions of the Grill and the Oktoberfest in Vernon. Freeholder Graham also reminded everyone that Waterloo Village was holding its Harvest Moon Festival on October 10th.

Comments by Freeholder Mudrick

- **9/11 Ceremony**

Freeholder Mudrick said that after the last Freeholder Meeting on September 11th, he and other members of the Board attended the ceremony at SCCC and he commended the College and Newton Chief of Police, Mike Richards, for doing a beautiful job.

Comments by Freeholder Crabb

- **Vernon Township**

Freeholder Crabb said that he read about the proposal in Vernon for an indoor water park and a 40,000 square foot indoor sports complex; he commented that there is a very high demand for indoor soccer fields and skating rinks and he is very interested to see how this project moves forward.

- **County Government Spending**

Freeholder Crabb reported that the County Government is down 30% and that is in no small part due to the efforts of Bill Kosinetz and his team.

- **Bridge E-06**

Freeholder Crabb said that Bridge E-06, located down by Littell's Gas, is getting a lot of attention from onlookers because the construction has exposed the old stone arch bridge that was built in 1852 and he was glad to hear from the Division of Engineering that the old stone arch bridge is still viable; he encouraged everyone to park and take a look at this bridge.

- **Sussex County Firemen's Parade**

Freeholder Crabb reminded everyone that Saturday, October 5, 2013, is the Sussex County Firemen's Parade and it is being held this year in Franklin.

Comments by Freeholder Vohden

- **Green Township**

Freeholder Vohden said that the "New Jersey Herald" reported that Green Township has been selected as the 10th Best Town in New Jersey for young families and as a resident of Green, he is very proud of that distinction.

- **"Project Launch"**

Freeholder Vohden said that he had the opportunity to speak at a press conference held at Project Self-Sufficiency announcing "Project Launch" which is a new extended learning program that will be offered to Newton 4th to 8th Grade students; he added that the program is a partnership between Project Self-Sufficiency and Newton Public Schools with funding through a grant of \$450,000.00 annually from the NJ Department of Education.

9. APPROVAL OF CONSENT AGENDA

A. RESOLUTION RE: PAYMENT OF BILLS
474-2013

B. RESOLUTION RE: ACCEPTANCE OF FEDERAL FUNDS FOR
475-2013 ENTITLEMENT LANDS AND DISTRIBUTION OF
FEDERAL FUNDS FOR PAYMENT IN LIEU OF TAXES
(Resolution authorizes funds be distributed as follows:
Township of Montague - \$12,007.67; Township of
Sandyston - \$16,548.02; and Township of Walpack -
\$25,950.31)

- C. **RESOLUTION RE: ASSIGNMENT OF A CONTRACT TO EMERGENCY COMMUNICATIONS NETWORK, LLC FOR THE COMMUNITY NOTIFICATION SYSTEM FOR THE COUNTY OF SUSSEX (Resolution authorizes this Assignment for the period of June 1, 2013 to May 31, 2014 for the amount of \$22,792.17 for the first year, with the County reserving the right to extend this Contract for four (4) additional and consecutive one (1) year terms at the rate of \$27,275.00 per year)**
476-2013
- D. **RESOLUTION RE: PAYMENT OF DEDUCTIBLE LITIGATION COST IN THE MATTER OF MURRAY V. COUNTY OF SUSSEX (Resolution authorizes this payment in the amount of \$4,202.30)**
477-2013
- E. **RESOLUTION RE: PAYMENT OF DEDUCTIBLE LITIGATION COST IN THE MATTER OF HAWKINS V. COUNTY OF SUSSEX (Resolution authorizes this payment in the amount of \$960.36)**
478-2013
- F. **RESOLUTION RE: ALLOCATION OF \$29,621.00 TO THE SUSSEX COUNTY DIVISION OF SOCIAL SERVICES FOR VOUCHERS FOR TRANSPORTATION AND AUTHORIZATION FOR THE FREEHOLDER DIRECTOR AND CLERK TO EXECUTE A CONTRACT (Resolution authorizes this funding from the SFY 2014 Transportation funding from the NJ Department of Human Services, Division of Family Development for the period July 1, 2013 through June 30, 2014)**
479-2013
- G. **RESOLUTION RE: AUTHORIZATION FOR THE BOARD OF CHOSEN FREEHOLDERS TO ACCEPT A SUBGRANT AWARD OF THE FEDERAL FISCAL YEAR 2013 OF DEPARTMENT OF HOMELAND SECURITY EMERGENCY MANAGEMENT PERFORMANCE GRANT PROGRAM FUNDING IN THE AMOUNT OF \$55,000.00**
480-2013
- H. **RESOLUTION RE: AUTHORIZATION TO EXECUTE AN AGREEMENT FOR SUSSEX COUNTY TO PARTICIPATE IN THE NJ STATE COOPERATIVE PURCHASING AGREEMENT WITH ENERGY SOLVE LLC (Resolution authorizes this Agreement in the amount of \$6.30 per bill processed for an amount not to exceed \$20,000.00)**
481-2013
- I. **RESOLUTION RE: RESOLUTION PROVIDING FOR THE INSERTION OF A SPECIAL ITEM OF REVENUE IN THE BUDGET OF THE COUNTY OF SUSSEX RELATING TO THE PUBLIC HEALTH EMERGENCY PREPAREDNESS GRANT #PHLP14LNC014 FOR THE TOTAL AMOUNT OF \$579,254.00, JULY 1, 2013 TO JUNE 30, 2014**
482-2013

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.

Mr. McConnell said that he would like to make a caveat to Resolution 9.H. to ensure that there is a \$2,000,000.00 policy that guarantees performance under this Agreement; he knows that it is applicable to the State since he has made numerous calls to the State to make sure that policy would then be available to the County in case something went awry under this particular Agreement. The State has not gotten back to Mr. McConnell as of yet, but if the Board could pass this subject to confirmation that that policy would indeed cover the County of Sussex as well.

Mr. McConnell asked for a Motion to amend.

Mr. Eskilson added that if not, a separate policy be issued by the vendor, if the State policy does not apply; and Mr. McConnell agreed and asked for a Motion as further amended by Mr. Eskilson.

MOTION made by Freeholder Crabb to amend Resolution 9.H. as recommended by County Counsel, seconded by Freeholder Mudrick.

***This motion was never acted on.**

Mr. Eskilson said that by way of clarity, under this Contract, the County will pay this Company \$6.30 per bill, and they will turn around the money and pay the electric utility. For that, they analyze and audit the bills on an ongoing basis, make sure the tariffs are correct, that the County is paying for what it is supposed to get; they also enter the data into their software system, correct it for reasonable variations and occupancy, so the County gets a good idea of what it is spending and what it is using on an adjusted basis.

There was a short discussion.

Freeholder Vohden asked if that was a Motion to amend Resolution 9.H. and if a roll call or voice vote was needed.

Freeholder Crabb asked if the Board could pass all the Resolutions based on the changes.

Mr. McConnell suggested that the Board pull off Resolution 9.H. and vote on it separately as amended and vote on the balance of them.

MOTION made by Freeholder Crabb to amend Resolution 9.H. as stated, seconded by Freeholder Graham.

On Roll Call the vote was:

Freeholder Crabb	Yes
Freeholder Graham	Yes
Freeholder Mudrick	Yes
Freeholder Phoebus	Yes
Freeholder Director Vohden	Yes

MOTION made by Freeholder Crabb to take Resolution 9.H. out of the Consent Agenda and act on that separately, seconded by Freeholder Graham.

On Roll Call the vote was:

Freeholder Crabb	Yes
Freeholder Graham	Yes
Freeholder Mudrick	Yes
Freeholder Phoebus	Yes
Freeholder Director Vohden	Yes

MOTION made by Freeholder Crabb to pass the remaining Resolutions on the Consent Agenda, except for Resolution 9.H., seconded by Freeholder Graham.

On Roll Call the vote was:

Freeholder Crabb	Yes
Freeholder Graham	Yes
Freeholder Mudrick	Yes
Freeholder Phoebus	Yes
Freeholder Director Vohden	Yes

MOTION made by Freeholder Crabb to pass Resolution 9.H. as amended, seconded by Freeholder Graham.

On Roll Call the vote was:

Freeholder Crabb	Yes
Freeholder Graham	Yes
Freeholder Mudrick	Yes
Freeholder Phoebus	Yes
Freeholder Director Vohden	Yes

10. APPROVAL OF MINUTES

Regular Meeting September 11, 2013

Executive Session Minutes

Regular Meeting September 11, 2013

Release of Executive Session Minutes

A portion of Regular Meeting August 14, 2013

MOTION made by Freeholder Graham to approve the Regular Meeting and Executive Session Minutes of September 11, 2013 and to Release a portion of the Executive Session Minutes of August 14, 2013, seconded by Freeholder Phoebus and passed unanimously.

11. APPOINTMENTS AND/OR RESIGNATIONS

There were no Appointments and/or Resignations.

12. RESOLUTIONS

- A. RESOLUTION RE: PROVIDING TEMPORARY CLOSURE OF CR 630 IN
483-2013 BRANCHVILLE BOROUGH (Resolution authorizes this
closure for a fundraising event on October 12 and for a
Halloween Parade on October 31)

MOTION made by Freeholder Crabb to adopt this Resolution, seconded by Freeholder Phoebus and passed unanimously.

B.

**INTRODUCTION FOR FIRST READING – ORDINANCE
484-2013**

**ORDINANCE TO AMEND THE FEE SCHEDULE OF THE DEPARTMENT OF
ENVIRONMENTAL AND PUBLIC HEALTH SERVICES**

MOTION to adopt this Ordinance on first reading made by Freeholder Crabb, seconded by Freeholder Graham.

On Roll Call the vote was:

Freeholder Crabb	Yes
Freeholder Graham	Yes
Freeholder Mudrick	Yes
Freeholder Phoebus	Yes
Freeholder Director Vohden	Yes

MOTION to authorize the Clerk to advertise this Ordinance as introduced for first reading, and also post same on the bulletin board in the lobby of the County Administrative Center, together with a Notice of Public Hearing stating that a hearing will be held on October 9, 2013 at 5:00 pm prior to final adoption of this Ordinance made by Freeholder Graham, seconded by Freeholder Phoebus and passed unanimously.

13. AWARDS OF CONTRACTS/CHANGE ORDERS/BIDS

A. Awards of Contracts

1. **RESOLUTION RE: AWARD OF A CONTRACT FOR SNOW AND ICE REMOVAL SERVICES FOR THE COUNTY FACILITY AT 201 WHEATSWORTH ROAD IN HARDYSTON TOWNSHIP, NEW JERSEY (Resolution awards this Contract to the lowest responsible bidder, Aspen Environmental Companies, LLC, in the amount of \$16,000.00)**
485-2013

2. **RESOLUTION RE: AWARDING A CONTRACT TO ADAMS, REHMANN & HEGGAN ASSOC., INC. TO PROVIDE ENGINEERING SERVICES FOR THE REPLACEMENT OF SUSSEX COUNTY BRIDGE S-28 CARRYING OLD TANNERY ROAD OVER A TRIBUTARY TO SWARTSWOOD LAKE IN THE TOWNSHIP OF STILLWATER PURSUANT TO N.J.S.A. 40A:11-4.1 (Resolution awards this Contract in an amount not to exceed \$76,465.07)**
486-2013

3. **RESOLUTION RE: AWARD OF CONTRACT FOR MISCELLANEOUS BUILDING TRADE SERVICES (MASONRY) TO BE PERFORMED IN AND AROUND VARIOUS SUSSEX COUNTY BUILDINGS FOR THE COUNTY OF SUSSEX (Resolution awards this Contract to the only responsible bidder, Tony's Concrete Construction Company, Inc., with a minimum expenditure of \$500.00 and a maximum Contract amount of \$100,000.00)**
487-2013

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

On Roll Call the vote was:

Freeholder Crabb	Yes
Freeholder Graham	Yes
Freeholder Mudrick	Yes
Freeholder Phoebus	Yes
Freeholder Director Vohden	Yes

B. Change Orders

1. **RESOLUTION RE: AUTHORIZING CHANGE ORDER NO. 1 TO AN AGREEMENT BETWEEN THE COUNTY OF SUSSEX AND TRIMBOLI & PRUSINOWSKI, L.L.C., AS SPECIAL COUNSEL FOR THE COUNTY OF SUSSEX, STATE OF NEW JERSEY (Resolution authorizes the increase of \$20,000.00 for additional legal services relevant to ongoing labor matters)**
488-2013

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

On Roll Call the vote was:

Freeholder Crabb	Yes
Freeholder Graham	Yes
Freeholder Mudrick	Yes
Freeholder Phoebus	Yes
Freeholder Director Vohden	Yes

C. Bids

1. **RESOLUTION RE: REJECTION OF BIDS FOR THE AWARD OF CONTRACT FOR STABILIZATION REPAIRS OF SUSSEX COUNTY BRIDGE F-08 ON FREDON-STILLWATER ROAD (CR610) IN FREDON TOWNSHIP, NJ (Resolution authorizes this rejection due to substantial changes required to the scope of work for this project)**
489-2013

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

On Roll Call the vote was:

Freeholder Crabb	Yes
Freeholder Graham	Yes
Freeholder Mudrick	Yes
Freeholder Phoebus	Yes
Freeholder Director Vohden	Yes

Mr. Eskilson said that by way of clarity, this Bridge will still be repaired by in-house staff, so the Bridge is not taken off the list, it's just being done in-house at this point.

Freeholder Graham recognized the Committeewoman from Stillwater, who's here to see the passing of the Stillwater Resolution; he added that he loved to see people from the towns actually come to the Meetings.

Anita Straway of Stillwater Township came forward to thank the Board for passing the Resolution concerning the bridge in Stillwater.

14. FINANCIAL

There were no Financial items for this meeting.

15. PERSONNEL

- A. Personnel Agenda (no Personnel Agenda for this meeting)

16. ADMINISTRATIVE REPORT

- A. Other

Mr. Eskilson said he had nothing to add.

17. COUNTY COUNSEL

Mr. McConnell said he had one item for Closed Session.

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

18. UNFINISHED BUSINESS

There was no Unfinished Business.

19. NEW BUSINESS

Freeholder Phoebus reported that Catholic Charities has a new representative, David Harrison, and he represents Sussex, Morris and Passaic County veterans; she explained about the services they will be offering to veterans and their families and mentioned that they are located in Franklin.

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 Graham 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 Phoebus and passed unanimously.

21. EXECUTIVE SESSION

MOTION made at 5:47 p.m. by Freeholder Crabb to go into Executive Session for one item under litigation and contract dealing with the contract and litigations regarding the Morris County Improvement Authority and SunLight Solar and no action will be taken, seconded by Freeholder Phoebus and passed unanimously.

**RESOLUTION RE: REQUESTING EXECUTIVE SESSION
490-2013**

A. Personnel

B. Contract

C. Litigation

1. Contract and litigation issues regarding the Morris County Improvement Authority and Sunlight Solar.

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 6:40 p.m. by Freeholder Crabb to come out of Executive Session and return to Open Session, seconded by Freeholder Phoebus and passed unanimously

22. REMINDERS

Wednesday

October 9, 2013

Regular Meeting

5:00 pm

23. ADJOURNMENT

MOTION made at 6:41 p.m. by Freeholder Phoebus to adjourn, seconded by Freeholder Graham and passed unanimously.

Elaine A. Morgan, Clerk

DATED: SEPTEMBER 25, 2013