

SPECIAL MEETING HELD ON WEDNESDAY, NOVEMBER 12, 2014

4:00 PM

ORDER OF BUSINESS

Item

1. **CALL TO ORDER BY DIRECTOR** at 4:00 p.m.

2. **ROLL CALL** Freeholder Crabb; Freeholder Graham; Freeholder Mudrick;
Freeholder Phoebus; Freeholder Director Vohden;
John Eskilson, County Administrator/Clerk; Dennis McConnell,
County Counsel; Cathy Williams, Secretary to County
Administrator

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 November 4, 2014 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. **APPROVAL OF MINUTES** Special Meeting October 22, 2014

MOTION made by Freeholder Graham to approve the Minutes of the Special Meeting of October 22, 2014, seconded by Freeholder Phoebus and passed unanimously.

6. **HEARING**

A. Continuation of Chargeback Hearing pursuant to N.J.A.C. 9A:4-1.4

Mr. McConnell reported that at the last Special Meeting of the Freeholder Board on October 22, 2014, the Board heard a presentation by Sussex County Community College as to its position on this Chargeback issue and they also heard from the parents of the student. He advised the Freeholders that they have received a copy of the Minutes which detailed all of the testimony that was conducted at that point in time and he believes that the Board has in its possession, all of the Exhibits.

Mr. McConnell advised the Freeholder Board that at this time, they are to make a determination, based on the Exhibits and the testimony that was provided last Hearing, as to whether or not this Chargeback, for those general education courses, is appropriate or inappropriate.

Freeholder Vohden confirmed that the members of the Freeholder Board had received copies of the Minutes; he said there were a lot of questions asked the last time, 16 pages to be exact along with a copy of all the documentation. Freeholder Vohden asked if anyone had any additional questions.

Mr. McConnell advised the Freeholder Board that they could comment on the testimony and the Exhibits.

Freeholder Mudrick said he just wanted to comment on the October 22nd meeting and that he thought that the representative from the College and Legal Counsel, as well as the parents represented themselves very professionally and spoke very well. The way in which all participants conducted themselves at the meeting along with his review of all submitted documents over the last several weeks assisted him in making an informed decision, for the record.

Freeholder Graham said, for the record, that the Freeholder Board made a conscious decision to deliberate this matter in Open Session and nothing of any kind had been discussed or worked out in Closed Session. He added that the Freeholder Board heard everything in Open Session, we digested it and now the Board is back in Open Session.

Freeholder Crabb said that he felt bad for Mr. & Mrs. Berry because they've gone through a bureaucracy. He feels bad because of the misguidance County College of Morris gave them regarding the fact that the County of Sussex would eventually agree to pay the Chargeback. He said it would be a whole different situation if the College had to request the Chargeback rather than sending the student. Freeholder Crabb continued by saying it is lost on him how the resolution of this matter leads you here. Freeholder Crabb said he just wanted to be open in saying that he doesn't understand how we all got here or the rationale that they set things up like this, but we are here and he respected the testimony of Sussex County Community College. One of the major factors of that testimony was that Sussex County Community College does offer the prerequisite courses here and that there are other students who have gone into this Radiology Program down in Morris County and have taken their prerequisite courses here.

Freeholder Vohden said that he wished that there was more the Board could do, but as we reviewed the documents and the Minutes from the last meeting, the Board has to consider the facts and they have to follow the guidelines and Statutes and work within the State law. Freeholder Vohden just hopes that what happens here will help prevent this situation from happening again in the future for other students and families.

Mr. McConnell advised the Board to discuss the testimony that's been provided and the Exhibits. The Freeholder Board has to come to a conclusion based on those facts, those Exhibits and the Law and express that conclusion in the form of a decision.

Mr. McConnell said he just wanted to make sure that everyone on the Board has read the Minutes and everyone looked at all the Exhibits and there should be a decision based on that.

Freeholder Graham said that he did read the Minutes, in fact, he read the Minutes in depth. He spoke about how the Board approached this subject a few weeks ago and how they were approaching it now by looking at what County College of Morris was offering and that this particular course required some early courses to be taken, the Core Ed courses, and those Core Ed courses, in his estimation, were offered through Sussex County Community College. Freeholder Graham provided some comments on his personal experience with paying for courses at Sussex County Community College and County College of Morris. Freeholder Graham said that if the student had gone and taken the prerequisite courses at Sussex County Community College, there wouldn't have been an issue. Freeholder Graham said he was going to vote against the Chargeback, and not because he felt there was anything wrong done by anybody, but he feels that the Freeholders can only act in accordance with the Statute and guidelines, as the Director said.

Freeholder Phoebus stated that she read the Minutes and all of the information that the Board received. Freeholder Phoebus said there seems to be a lack of communication on the part of County College of Morris and the information they provided. She concluded that the Board has to go by what the Statutes provide and therefore, she agrees with Freeholder Graham and has to vote no on this Chargeback.

Freeholder Crabb said he has to go by the testimony of Ms. McFadden when she replied that, for example, last Spring there were 12 Sussex County residents enrolled in the professional phase of Radiography, of those 12, five or six had done all the prerequisites at Sussex County Community College and been accepted into that Program. The County of Sussex is covering the professional courses, and based on that, he has to deny the Chargeback.

Freeholder Mudrick said he had to go back to what he said on October 22nd; he addressed Mr. & Mrs. Berry and said Mr. Eskilson received a letter from Dr. Simmons from County College of Morris, the Vice President of Student Development and Enrollment Management. In that letter it states, in summary, that Karen Berry requested a letter confirming which New Jersey Counties approved Chargebacks for students taking General Education courses at County College of Morris. While Freeholder Mudrick said he could not comment on all the New Jersey Community Colleges, Dr. Simmons confirms in this letter that eleven counties, including Sussex, authorize all courses at County College of Morris for Chargeback. Mr. & Mrs. Berry testified that they were verbally advised that only Sussex County Community College does not honor the Chargeback. Freeholder Mudrick said he knows the Berrys were told something based on testimony and that's what he is basing his vote on; you were told something by a representative, administratively, from County College of Morris, yet, in writing, you were presented with contradictory information.

Freeholder Vohden said he reviewed the testimony discussed at the October 22nd meeting, read the Minutes and read all the supporting documents. One sentence contained in the letter from County College of Morris threw Freeholder Vohden off and sent him back to the Statutes. It states "the following Counties authorize Chargebacks for the residents taking all courses of County College of Morris, as long as the students are enrolled in programs of study not offered at the home Community College". Freeholder Vohden said that he not only went through the Statutes that the Board was given, he went back and reviewed all the Statutes and could come up with nothing that would dispute this. Therefore, Freeholder Vohden advised the Berrys that he is going to go along with the rest of the Board, according to the Statutes, and vote no.

Mr. McConnell said that at this time he felt it would be appropriate, if that's the decision, that the Board direct County Counsel to draw up the appropriate decision to be approved at the next meeting for dissemination to all parties.

Freeholder Mudrick said he wanted to apologize to the Berrys and said that they were correct, and it's important that not only you but the public knows this, for the record, that the letter was addressed to Mr. Eskilson, it was copied to Dr. McFadden, but you were told one thing and County Administration was told something different from County College of Morris; Freeholder Mudrick commented that the Board is deliberating on the information presented to it. He said he also wanted to apologize because any decision made should not be made with emotion. It's just hard when a County resident is affected potentially adversely in terms of out-of-pocket cost that there's no action we are authorized to take.

MOTION to have County Counsel memorialize the decision that was discussed to deny the Chargeback as presented at the October 22, 2014 Meeting made by Freeholder Phoebus, seconded by Freeholder Graham.

There was a short discussion.

On Roll Call the vote was:

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

7. **ADJOURNMENT**

MOTION made at 4:24 p.m. by Freeholder Crabb to adjourn, seconded by Freeholder Phoebus and passed unanimously.

John H. Eskilson, Clerk

DATED: NOVEMBER 12, 2014