

SUSSEX COUNTY
FREEHOLDER MEETING OF JANUARY 22, 2020 AT 6:00PM
FREEHOLDER MEETING ROOM
REGULAR BUSINESS MINUTES

Item

1. **CALL TO ORDER BY DIRECTOR** at 6:00PM
2. **ROLL CALL** Freeholder Fantasia, Freeholder Fasano, Freeholder Hertzberg, Freeholder Director Petillo and Freeholder Yardley

Also Present: County Administrator, Greg Poff, County Counsel, Kevin Kelly and Clerk to the Board Teri Lyons

3. **MOMENT OF SILENCE 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 3, 2020 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 AGENDA**

Freeholder Petillo noted to amend Resolution 12 A to reflect Mr. Dabinett's term to expire on January 31, 2025 and the removal of Resolution 13. B because supporting documentation is still needed.

MOTION to approve the Agenda as amended by Freeholder Hertzberg
Seconded by Freeholder Fantasia
(Voice vote)- All voted in affirmative

6. **PROCLAMATIONS/CERTIFICATES/PRESENTATIONS- None**

Freeholder Petillo inquired of the audience how many were present regarding the 2nd Amendment discussion. The majority of the audience indicated same. Freeholder Petillo decided to move New Business Discussion to Item #8 at this time. Afterwards the Board would respond and then the Agenda will resume.

Item 8 was addressed at this time.

7. **PUBLIC HEARINGS - None**
8. **PUBLIC SESSION FROM THE FLOOR**

Comments are limited to 3 minutes or less and must only address issues regarding agenda items. Please state your name, and print your name and municipality on the sign in sheet.

MOTION to open the floor for public comment by Freeholder Hertzberg
Seconded by Freeholder Fasano
(Voice Vote)-All voted in the affirmative

Michael C. Leonard, Frankford Twp - Quoted statistics from the latest NBC News Wall Street Journal poll. The survey finds that 89% of Americans favor expanded background checks for gun purchases, 76% support Red Flag Laws; 75% are in favor of Voluntary buyback program, in which the government would purchase firearms from gun owners; 62% favor a ban on the sale of automatic weapons. He owns a gun and he does not feel threatened by laws that may protect his grandchildren from the mayhem of Newtown, CT. Newton and Newtown sound similar and we can only pray we never experience a similar situation.

Harry Dunleavy, Augusta - Commented briefly re proposed Resolution supporting 2nd Amendment, but then redirected this comment to Education and the amount of money wasted on education in the County and the State of New Jersey. Many teachers employed are not properly qualified and do not have degrees in the subjects they are teaching. Mr. Dunleavy feels more money should be put towards Homeless and inquired where he could send a donation to battle Homeless. Mr. Poff said he will provide Mr. Dunleavy with contact information for Human Services Administrator Carol Novrit.

Bill Gettler, Wantage – I am a hunter, owns sport shoot and a US Citizen who served in the United State Air Force. I'm tired of Governor Murphy and feels that the County should pass a resolution that tells the Governor that we are tired of him taking away our rights.

Pat Reid, Byram – Her husband owns a gun, her daughter's husband owns a gun, her grandson is in the military and owns many guns. Her brothers own guns for sporting and hunting. None of them need nor do they want magazines with huge rounds. They don't want assault type weapons and they also do not want their guns taken

away. She doesn't want their guns taken away; but she does want sensible gun laws. New Jersey has sensible gun laws and she believes this because if you look at the 50 states, New Jersey is ranked No. 7 for the fewest gun related deaths, which is pretty significant. [presented exhibit]. We need to keep our children safe and welcomed Board and the Public to review the exhibits presented.

Mike Vrabel, Sparta- Member of the New Jersey State Executive Brady Campaign Board is here tonight to voice his opposition of proposed 2nd Amendment Safe Sanctuary Resolution. Just as the 1st Amendment is limited by libel and slanders laws we see the 2nd Amendment is limited by constitutional restrictions. He takes this path of anti-gun violence because he loves this Country. He served in the US Air Force for 14 years as a pilot and knows that sensible gun laws make us safer. New Jersey has one of the lowest gun death rates in the Country. He urges everyone to support law enforcement as they enforce New Jersey's strict gun laws.

Litsa Binder, Sparta: Expressed support for existing laws. [Audio recording is inaudible]

Assemblyman Parker Space - Law abiding citizen's rights are being stripped away every day and it is very important to uphold our Constitution. It is very important we uphold our Rights. I attended the 2nd Amendment Rally in Virginia, where thousands voiced their concerns in peaceful protest while most were carrying their guns. The criminals should be locked up and the law abiding citizens should be left alone.

David Dewit, Hampton, - Lifetime resident of Sussex County and does not feel these Resolutions are very useful. He is appalled at our elected officials advocating to pass them. The Resolutions are simply designed to undermine public understanding of recent gun legislation passed in our State. We require testing to secure a driver's license to allow people to drive on our roads. The same rigger should be required of potential purchasers and owners of lethal weapons.

William Hayden, Frankford - Supports the 2nd Amendment Resolution. New Jersey resident rights have been whittled away.

Michael Corso, Stillwater- Pastor of Sophia Inclusive Community. Evidence shows that temporary removable of guns in crisis situations reduce the risk of firearm suicides. Firearm suicide is a significant public health concern. When there are Red Flag laws, suicide rates drop.

Larry Lawson, Fredon Township has been a hunter, gun owner and gun collector since age 14. A member of the NRA since age 16. Supports a 2nd Amendment Resolution. Our Constitution states very clearly what our rights are and that the government cannot infringe upon those rights. He urges the residents of Sussex County to support this.

Barbara Kellam-Scott, Vernon- Adopting this resolution, would be totally meaningless. The draft resolution she read indicates we oppose state and national laws and that is not our prerogative. The Board is responsible for keeping us constitutional and if adopted the Resolution could bring serious ramifications. Would Sheriff Strada or the Vernon Police Department follow the County's lead and not enforce a duly obtained extreme risk protection order?

Freeholder Petillo interjected that the Board of Chosen Freeholders does not have the authority to direct the Sheriff. The resolution does not have any power behind it. It is a symbolic motion to make a statement. We are listening to the community to determine what type of statement we should make. Under the Constitution we do have guaranteed rights and that is what the people are talking about is their guaranteed rights.

Dominick Portall, Lafayette- Thanked the Freeholder Board for listening tonight and thanked those in attendance supporting our 2nd Amendment rights. Mr. Portall read from a prepared statement. He said if you read the 2nd Amendment it is short and concise. There are no exceptions written in it. The Founds of our Country wanted to wiggle room for its meaning. Most laws are written so there is room for exception; this is not one of them. He said the 2nd Amendment does not grant us the right to bear arms; the 2nd Amendment denies the government the authority to infringe upon our right to bear arms. He hopes this resolution will pass and he hopes there will be additional action from this County to do everything in their power to restore the rights of their constituents.

Sally Gibson, Fredon- Thanked the Freeholders for asking the public to voice our opinions. She has been a member of the NRA and is a gun owner. She has worked in the field of Domestic Violence in this County and saw guns being used. It took her a long time to have more of a middle view and feels something needs to be done but she does not know what. However, she will not support the proposed resolution because it is strictly political. The County is being torn apart and she thinks this resolution will do more harm.

Ed Szabo, Stillwater - Showed the Board a fishing license he purchased in the 1940's. All the Rules and Regulations were printed on a small sheet of paper. Next, he presented this 2020 Hunting License. The length of document was about Mr. Szabo's heights. The document containing the Rules and Regs is 91 pages. His first hunting license cost \$1.00, today the cost is close to \$300.00. He supports everything the Board can do to help us on the 2nd amendment.

Keith Kimble, Hopatcong - A very strong supporter of the Constitution as a whole. The Constitution is very clear on the 2nd Amendment. Gun owners are not bad people He is a gun owner and none of his guns have ever shot anyone or hurt anyone and never will. He keeps his guns locked and he goes to the range to practice, train and take classes. New Jersey Gun Laws are extremely restrictive.

Savas Savidis, Hardyston- The issue tonight is not the 2nd Amendment but the entire Constitution. Feels the government is trying to take away all our rights and it is important for the Board to speak up and support our County.

Concetto Formica, Franklin- Support this resolution. Our Rights have been slowly chopped away. He has tried and tried again to get our points across but they always seem to fall on deaf ears, until now. Right now, we are finally being heard. All we are asking for is nothing more than to follow the Rules. We are asking that that the Constitution be followed, everyone swears allegiance when you take your Oath of Office. Gun owners have been labeled the evil ones, wild cowboys but that is not us. He has taught his eight year old son to shoot and because of this, his son respects the proper use of a gun. When he was a child he saw firsthand what guns can do. His cousin owned a convenience store. The store was robbed and his cousin was murdered. He thanked the Board for putting this on the Agenda and allowing both sides to speak. He has been to Trenton and screamed and yelled and it went on deaf ears; perhaps finally we are starting to get our point across.

Glen Simmons, Hopatcong- Moved here from Bergen County. Sussex County has proven to him that it is a gun-friendly County and supports the Resolution. Served 8 years as a United States Marine until he was wounded. He is bothered that Governor Murphy's passes laws which incriminate law abiding citizens. These resolutions should pass in more Counties to show Trenton how we feel.

Zoe Heath, Vernon- Referenced a time when she was younger and attended summer camp. Older campers had the opportunity to target shoot. She participated in the activity and thought it was fun and cool. It is her understanding; the Resolution that is up for discussion specifically talks about Red Flag laws. Red Flag laws are what address gun owners who are not law abiding citizens. She thinks the majority of Sussex County residents likely owns a gun and has guns in their homes. These people are law abiding citizens who have respect for gun safety or life. However, if someone is being abusive and will not let the victim leave home, controls the finances and frightens the children; the Red Flag law is there for the Victim so she does not get murdered.

Matthew Conway, Vernon- Simply thanked the Board for allowing this conversation.

Courtney Hofaker, Lafayette- Grew up in the Catskills Region of New York where it was easy to have a gun. She agrees that law abiding citizens are using guns in the name of the Constitution.

John Park, Netcong, - Agrees that the Resolution is symbolic of sentiment. [Poor audio quality]

Jim Baldini, Sandyston Township- Owning a gun is a civil right and doesn't understand when defending the Constitution it becomes a divisional topic in our County. Defending the Constitution should unite us. Red Flag Laws repeating legislation already adopted but can imposed for board enforcement. He praised the Board on how they have addressed this topic.

Rich H. Hampton, - Attended the weekend Gun Rally in Virginia and sees that the problem is that every gun law is directed at law abiding people. Bad people don't follow the laws. These laws are making it more restrictive to protect ourselves and it does absolutely nothing to stop crime.

Joe Parks reference suppression of American Americans and other people of color from exercising their rights to bear and carry arm.

Joseph B., Stillwater- Without the 2nd Amendment we do not have any guarantees.

Litsa Binder, Sparta read a statement from a Brady Campaign Board member who was unable to attend this meeting. Statements highlights noted that local government should determine if a law is constitutional or not. The notion that if you don't like a law, you don't have to follow it, is wrong and not American. Adopting the 2nd Amendment Sanctuary resolution is a bad idea. It will have economic effects on Sussex County. It will apply that residents and County Officials care more about their guns than they care about the safety of their community. If you pass this resolution, that will be the perception. Families may leave for safer communities. Her wish is that elected officials will spend their time and energy on the local issues that are more important to the residents of our County.

MOTION to close the floor for public comment by Freeholder Hertzberg
Seconded by Freeholder Fantasia
(Voice Vote) – All voted in the affirmative

Freeholder Petillo thanked everyone for coming and she appreciates the respect from everyone.

The Board Members expressed comments based on remarks they heard pertaining to the 2nd Amendment.

Freeholder Fasano

In this State he is concerned about some proposed and already passed legislation that deals with the 2nd Amendment because he is skeptical that it can truly accomplish safety and fairness. He does not believe that preventing criminals and unfit elements from obtaining a firearm should come at the expense of law abiding citizens protecting themselves and keeping their individual rights. He supports the concept of a resolution to potentially vote on it at an upcoming meeting. He is looking forward to that further discussion. He thanked the public for speaking and sharing their comments and concerns.

Freeholder Hertzberg

Thanked everyone for coming out. It is important to discuss when we do not agree. Things were said that we are not doing tonight. We are not telling people to not obey the laws. We understand what we can and can't do. Comments were made that this is a waste of time and frivolous, but I don't see it that way. Feels we are making a statement and perpetuating the feelings of our constituents. He heard comments that we are doing our constituents a disservice. Polls disagree. We were elected by people who do want to see their constitutional

rights protected. I don't know if anyone here disagrees with the Constitution but you may disagree with some of the things we believe about guns but maybe you don't. Our job is to protect the Constitution and we swear an Oath when we take this job and I take it very seriously. Just because government passes laws doesn't make them right.

For instance in New Jersey if you carry a gun you need to carry ball ammo which is a full jacketed ammo. So if there was a bad guy in front of me and I shot him, the bullet would go through him and you and the next person. This is very dangerous but it is what is required in New Jersey rather than a jacketed hollow point which will open up and stay in the bad guy. These are the types of things that were not thought through. For example, the last round of gun laws, they forgot to exclude law enforcements and had to go back and back the amendment. As Freeholders we do not have the ability to change the law but we are trying to bring light to the fact that they are not always right. The Constitution was written for a reason and we want to bring light to that.

An audience member suggested if you are going to change the laws than make sure you go through the right channels.

Nothing we are going to do is going to change the laws. We are addressing the Constitution. The other comments that we care more about guns than the people are not true. When he pinned on his badge he took an oath that he would risk his life to help other people. We do what we do because we care about the people. This just happens to be a topic that came up.

Freeholder Yardley

Thanked everyone for coming out. This Board has not made a decision as to how or what the Resolution will say. I believe in supporting the 2nd Amendment and look forward to our next meeting.

Freeholder Fantasia

Told the public when she was a teenager she worked at a fast food restaurant in Sparta. There was a robbery and a gun was placed against the back of her head and she was forced under a desk in the restaurant while the money was stolen. It was one of the scariest moments of her life. If any of you were there with a gun, she would have welcomed it as opposed to the only person with a weapon was the man with his knees in her back and the gun to the back her head. People might want different things based on our experiences.

The 2008 case, District of Columbia vs. Heller. In this case the District of Columbia law banned handgun possession by making it a crime to carry an unregistered fire arm then they made it illegal to register your firearm which is creating a problem which in turn was found to be unconstitutional. She reviewed the Supreme Court decision. We are dancing around Heller in the state of New Jersey.

As a result this has caused all liability insurances to be scrutinized "engendered" use of firearms. The language is vague but I think it was written to be ambiguous and left open for interpretation because apparently New Jersey thinks we have unlimited funds to fight these things in the courts.

Conversely, proposed Bill 6003 which is referenced in Cape May County's Resolution provides that no person may possess a firearm unless that person has first obtained a firearm policy for liability insurance in the amount no less than \$50,000. However, no insurance companies for firearms are permitted in the State of New Jersey.

The gun laws discriminate. Governor Murphy has proposed discriminatory fees. The huntsmen, sportsmen and sportswoman that are funding so many conservation activities in the state of New Jersey are now burdened again for the fees prohibit the economically disadvantage.

Next topic was justifiable need. You need to provide a justifiable need to carry a gun in the state of New Jersey. In 1970 the impetuous was serious threats, flash forward in 1990 it was moved to specific threats. Governor Christie rolled it back to serious threats again and now Governor Murphy has moved to specific threats. We are playing a semantics game, but it really is not a game because the cost is simply too high. It should be moved back to serious threats.

The Red Flag Extreme Risk Protective Order is flawed because of semantics. It allows police to act on good cause instead of probable cause. The State and Federal Constitution indicate arrest for probable cause this is allowing for good cause. How does NJ address this flaw? The office of the Attorney General said we are going to fix it but that makes no sense because the law is the law. The new iteration follows good cause so I don't believe it passes any constitutional muster in any capacity. Under those terms she feels it will be reversed.

One thing that District 24, Senator Oroho, Assemblyman Space and Wirths have issued a Bill that is pending to help clean up some vague legislation.

I will support the 2A community because it is a community that promotes safety, education, and responsibility. I took the eight hour NRA class. Six hours was all about safety. I brought my 16 year old daughter and she learned how to use a gun.

In closing, just wished the Murphy admission would shift their energy from this piece and talk about curtailing criminal possession and use of firearms. IN my opinion, that is what is ripping apart our State, and our Nation.

County Counsel, Kevin Kelly

When you take on a task of writing a resolution like this you want to know what the law. The threshold of when this really became a law was in 2008 when the United States Supreme Court held in the Heller vs. the District of

Columbia case that District of Columbia could not ban handguns. Justice Scalia stated “the 2nd Amendment confers upon individuals a right to keep and bear arms for self-defense”. He said self-defense was the basis of the decision. Justice Scalia went on to say, “self-defense is a basic right recognized by many legal systems from ancient times to the present day”. Justice Scalia concluded, “Citizens must be permitted to use hand guns for the core lawful purpose of self-defense” that was the basis for the decision. Two years later the U.S. Supreme Court recognized that the 2nd Amendment right established in Heller applied equally to all states in the Country through the 14th Amendment with the case, McDonald v. City of Chicago.

The US Supreme Court has steadily recognized the validity of the following restrictions on the 2nd Amendment right to bear arms” “noting in our opinion should be taken to cast doubt on longstanding prohibitions on the possession of firearms by felons and the mentally ill, or laws forbidding the carrying of firearms in sensitive places such as schools and government buildings, or laws imposing conditions and qualifications on the commercial sale of arms.” Heller at 626, 627.

Justice Scalia goes on to say, “this case represents the Court’s first in-depth examination of the Second Amendment. One should not expect it to clarify the entire field.” Heller at 635.

We have an initial decision with initial principals with the idea that there will be litigation to flush out the remaining areas.

In 2013, the New Jersey’s Federal Courts considered the Second Amendment right to carry handguns in public and the constitutionality of the “justifiable need” standard of the State’s Handgun permit Law in N.J.S.A. 2C:58-4.

The Third Circuit Court of Appeals upheld the justifiable need provision of our Statutes:

“New Jersey legislators... have made a policy judgment that the state can best protect public safety by allowing only those qualified individuals who can demonstrate a “justifiable need” to carry a handgun to do.” Drake v. Fiko, 724 F.3D 426, 439 (3rd Cir. 2013)

The U.S. Supreme Court declined the appeal of this decision and this statutory prohibition of handguns remains valid in New Jersey. This is where we are in New Jersey currently. There are still a lot of things that have not been decided, and this will be taken into consideration when we draft this Resolution.

In my opinion, it is ultimately going to end up at the Supreme Court as we move through these issues.

Freeholder Petillo

She thanked everyone for coming out tonight to express your opinions and concerns. All of us have strong convictions on this very important topic. .

The meaning of the 2nd Amendment has been debated almost from the beginning with strong arguments on both sides. Today, in light of so many mass killings, the idea of expanding gun control and increasing regulations seems reasonable to many people. However, these policies have failed to produce the results that we all want...less gun violence. That is because people who plan to kill others are filled with evil and evil is not rational. Evil has no bounds. My heart breaks every time I hear about a mass murder. When I reflect on these tragedies I realize the only thing that stopped that evil was a gun. So now we have security guards or retired police officers with guns in our schools, our churches and even in our Freeholders meetings and we do this for a sense of security.

Restrictions on guns only affect law abiding citizens, who are the same people who defend society successfully against evil. If a house of God has to have armed security to feel safe, and schools have to have armed security to feel safe then why the average person shouldn’t be allowed to bear arms to protect themselves and their families?

When I took her my Oath of Office, I made a solemn vow to support the Constitution of the United States of America and the Constitution of the State of New Jersey. I believe in all our individual rights that are stated within our Constitution and support the Second Amendment.

This Board is in agreement to write a Resolution. We are going to consider everything that was presented when preparing the document. We appreciate the time you took to have this conversation and we are extremely grateful for your input.

Freeholder Petillo asked for a motion for a 15 minute recess.

MOTION made by Freeholder Fasano
Seconded by Freeholder Yardley
(Voice Vote)- All voted in the Affirmative

MOTION to close the floor for public comment made by Freeholder Fantasia
Seconded by Freeholder Hertzberg
(Voice Vote)- All voted in the Affirmative

9. FREEHOLDERS’ COMMENTS

Comments by Freeholder Fasano

Since the last Freeholder meeting, I had the opportunity to familiarize myself with the County's Administrative Code and the budget. I have booked himself for an eight hour Orientation with Mr. Poff and various county employees representing county departments. .

Tonight a member of the public stated that the Board should focus on things that affect this County. A Resolution the Board will be adopting tonight supports the Lake Hopatcong Commission which strongly endorses the continuing efforts and the proposed budget of the Lake Hopatcong Commission and it also urges the State to provide all necessary funding to allow the Lake Hopatcong Commission to continue it works in improving Lake Hopatcong and its surrounding communities.

This is very important in lieu of what happened to Lake Hopatcong this summer and is thrilled to see the County taking action when it comes to advocating for the protection of an important resource. I know the lake community and its people. I'm hopeful the State realizes they do have an obligation to preserve and protect our State's largest lake and thanked the Board in advance for this legislation.

Comments by Freeholder Hertzberg

No further comments.

Comments by Freeholder Yardley

Because the Littell Center in Franklin will soon be closing, he was asked by our Veterans Services Coordinator to expand his office hours here for the time he will lose in Franklin. Mr. Poff indicated this will be accommodated.

Recently visited the White House and strongly recommends all to visit our Nation's Capital.

Congratulated District 24 Legislators regarding the passage of the Dirty Dirt Bill, which was prompted by the illegal soil dumping in Vernon.

The County's Administrative Code is a living document which needs updates. He has some recommendations and suggestions. Perhaps we can accomplish a Code overhaul piece by piece.

Comments by Freeholder Fantasia

Attended the Glenwood Pochuck 40th Anniversary Installation dinner for ambulance services. The event was amazing. The entire Corp gets 73 members and is a quite model with a positive vibe.

SCCC Update: Hundreds of local girls participated in a STEM contest at the college, which was co-sponsored by Thorlabs and Johnson and Johnson. The Pass it Along initiative in partnership with the College is another new program this month on technical and vocational careers. The College Culinary students baked over 2000 cookies and donated them to Project Self-Sufficiency. There is also open dialogue collaboration between the College and the First Methodist Church to collaborate on activities, like the recent panel discussion on climate change.

The College assigned two new honor's program transfer agreements. One is from St. John's University and the other is Bloomsburg University. It is these types of partnerships that promote County College enrollment. County football coaches are in full support of the addition of the football team. It is important to note that is it expected to increase college enrollment by 3.5% over the next four years. Salem County is the only county in New Jersey to have an increase in enrollment and they attribute that to its athletics program. The College finalized its purchase of the McGuire building.

Arts and Heritage Council Update: The New Jersey State Council is requesting a meeting with the Arts and Heritage Council executive committee and herself. This is an annual request and financial support from the State is predicated upon having this meeting. Reminder tomorrow is the last day for the photo contest. The top prize is \$300.00. You can digitally submit your entry.

The County Library system is hosting Leap into Reading and will continue in the month of February.

Comments by Freeholder Petillo

No further comments.

10. APPROVAL OF CONSENT AGENDA

A. RESOLUTION RE: 047-2020

AUTHORIZATION FOR THE FREEHOLDER DIRECTOR AND CLERK OF THE BOARD TO EXECUTE MODIFICATION #3 TO INCREASE THE SOCIAL SERVICES FOR THE HOMELESS CONTRACT #SH19019 WITH THE NEW JERSEY DEPARTMENT OF HUMAN SERVICES, DIVISION OF FAMILY DEVELOPMENT IN THE AMOUNT OF \$20,000.00 FOR THE PROVISION OF HOMELESSNESS AND HOMELESSNESS PREVENTION SERVICES FOR THE CONTRACT TERM OF JANUARY 1, 2019 TO DECEMBER 31, 2020 FOR A TOTAL CONTRACTED AMOUNT OF \$399,400.00

B. RESOLUTION RE: 048-2020

AUTHORIZATION FOR THE FREEHOLDER DIRECTOR AND CLERK OF THE BOARD TO EXECUTE MODIFICATION #1 TO INCREASE THE CONTRACT #TS19019 WITH THE NEW JERSEY DEPARTMENT OF HUMAN SERVICES, DIVISION OF FAMILY DEVELOPMENT IN THE AMOUNT OF \$21,400.00 FOR THE PROVISION OF TRANSPORTATION BLOCK GRANT SERVICES/TANF TRANSPORTATION SERVICES FOR A TOTAL CONTRACTED AMOUNT OF \$39,400.00 AND TO EXTEND THE CONTRACT TERM FROM JANUARY 1, 2019 TO DECEMBER 31, 2019 TO THE REVISED TERM OF JANUARY 1, 2019 TO DECEMBER 31, 2020

C. RESOLUTION RE: 049-2020

AUTHORIZATION FOR THE FREEHOLDER DIRECTOR TO APPLY FOR AND ACCEPT CONTRACT #20-541-ADA-0 WITH THE NJ DEPARTMENT OF HUMAN SERVICES, DIVISION OF MENTAL HEALTH AND ADDICTION SERVICES PROVIDING \$341,911.00 IN FUNDING WITH A COUNTY MATCH OF \$43,412.00 FOR A TOTAL OF \$385,323.00 TO THE SUSSEX COUNTY DEPARTMENT OF HEALTH AND HUMAN SERVICES, DIVISION OF COMMUNITY AND YOUTH SERVICES FOR THE PERIOD OF JANUARY 1, 2020 TO DECEMBER 31, 2020

D. RESOLUTION RE: 050-2020

AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT BETWEEN THE COUNTY OF SUSSEX AND THE CENTER FOR PREVENTION AND COUNSELING FOR INTOXICATED DRIVER RESOURCE CENTER (IDRC) EDUCATION AND SCREENING SERVICES WITHOUT COMPETITIVE BIDDING AS A PROFESSIONAL SERVICE PURSUANT TO N.J.S.A. 40A:11-5(1)(a)(i) IN THE AMOUNT OF \$12,282.00 FOR THE PERIOD OF JANUARY 1, 2020 THROUGH JUNE 30, 2020

E. RESOLUTION RE: 051-2020

TO AMEND THE CY 2020 JUVENILE JUSTICE COMMISSION'S YOUTH SERVICES PLAN UPDATE AND APPLICATION IN THE AMOUNT OF \$368,500.00 FOR THE PROVISION OF SERVICES TO AT RISK AND COURT INVOLVED YOUTH FOR THE PERIOD OF JANUARY 1, 2020 TO DECEMBER 31, 2020

F. RESOLUTION RE: 052-2020

AUTHORIZATION FOR THE FREEHOLDER DIRECTOR TO EXECUTE LETTER OF AGREEMENT FOR FUNDING IN THE AMOUNT OF \$42,500.00 FROM THE MORRIS/SUSSEX/ WARREN EMPLOYMENT AND TRAINING SERVICES NEEDS BASED WORK SUPPORTS PROGRAM FOR THE PROVISION OF TRANSPORTATION SERVICES TO LOW INCOME RESIDENTS FOR THE PERIOD OF JULY 1, 2019 THROUGH JUNE 30, 2020

G. RESOLUTION RE: 053-2020

TO AMEND THE HUMAN SERVICES GRANT AGREEMENT DoAS20AAA005, MODIFICATION # 1 WITH THE NEW JERSEY DEPARTMENT OF HUMAN SERVICES, DIVISION OF AGING SERVICES IN THE AMOUNT OF \$142,284.00 FOR THE PROVISION OF FEDERAL FINANCIAL PARTICIPATION (FFP) FUNDS FOR AN AREA PLAN GRANT TOTAL OF \$1,739,427.00 FOR THE PERIOD OF JANUARY 1, 2020 TO DECEMBER 31, 2020

H. RESOLUTION RE: 054-2020

AUTHORIZATION FOR THE FREEHOLDER DIRECTOR AND CLERK TO EXECUTE THE FISCAL YEAR 2020 SUBREGIONAL TRANSPORTATION PLANNING WORK PROGRAM SUBCONTRACT BETWEEN THE COUNTY OF SUSSEX AND THE NORTH JERSEY TRANSPORTATION PLANNING AUTHORITY

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. If any Freeholder would like to remove an item to be considered separately, please do so now.

MOTION to approve the Consent Agenda A – H by Freeholder Fantasia
Seconded by Freeholder Hertzberg
(Roll call vote)

Freeholder Fantasia	Yes
Freeholder Fasano	Yes
Freeholder Hertzberg	Yes
Freeholder Petillo	Yes
Freeholder Yardley	Yes

11. APPROVAL OF MINUTES

MOTION to approve the minutes

Regular Meeting – January 8, 2020 made by Freeholder Fasano
Seconded by Freeholder Fantasia
(Voice Vote)- All voted in the Affirmative with the exception of Freeholder Yardley who abstained.

Executive Session- January 8, 2020 made by Freeholder Fantasia

Seconded by Freeholder Fasano
(Voice Vote)- All members present voted in the affirmative, with exception of Freeholder Yardley who abstained.

12. APPOINTMENTS AND/OR RESIGNATIONS

- A. RESOLUTION RE: 055-2020**
REAPPOINTMENT OF ROBERT C. DABINETT A MEMBER OF THE BOARD OF COMMISSIONERS OF THE SUSSEX COUNTY MUNICIPAL UTILITIES AUTHORITY FOR A FIVE (5) YEAR TERM TO BE EFFECTIVE FEBRUARY 1, 2020 AND EXPIRE JANUARY 31, 2024
- B. RESOLUTION RE: 056-2020**
REAPPOINTMENTS OF FREEHOLDER HERTZBERG AS THE FREEHOLDER REPRESENTATIVE AND TOM DRABIC AS THE ALTERNATE REPRESENTATIVE TO THE NORTH JERSEY TRANSPORTATION PLANNING AUTHORITY, INC. FOR THE YEAR 2020
- C. RESOLUTION RE: 057-2020**
REAPPOINTMENTS OF JOEL SERVOSS AS THE SUSSEX COUNTY REPRESENTATIVE TO THE LAKE HOPATCONG COMMISSION AND THOMAS D. SELLARO AS THE SUSSEX COUNTY ALTERNATE REPRESENTATIVE TO THE LAKE HOPATCONG COMMISSION FOR TERMS COMMENCING IMMEDIATELY AND EXPIRING ON DECEMBER 31, 2021
- D. RESOLUTION RE: 058-2020**
REAPPOINTMENT OF DAWN FANTASIA AS A FREEHOLDER REPRESENTATIVE TO THE SUSSEX COUNTY ARTS & HERITAGE COUNCIL FOR THE YEAR 2019
- E. RESOLUTION RE: 059-2020**
REAPPOINTMENT OF GREG POFF AS THE SUSSEX COUNTY REPRESENTATIVE TO THE LAKE MUSCONETCONG REGIONAL PLANNING BOARD
- F. RESOLUTION RE: 060-2020**
APPOINTMENTS OF FREEHOLDER ANTHONY FASANO AS THE SUSSEX COUNTY REPRESENTATIVE AND FREEHOLDER PETILLO AS THE ALTERNATE TO THE MUSCONETCONG RIVER MANAGEMENT COUNCIL
- G. RESOLUTION RE: 061-2020**
APPOINTMENTS OF FREEHOLDER DIRECTOR SYLVIA PETILLO, ANTHONY FASANO AS A FREEHOLDER MEMBER AND HERB YARDLEY AS A FREEHOLDER ALTERNATE TO THE SUSSEX COUNTY PLANNING BOARD FOR THE YEAR 2020
- H. RESOLUTION RE: 062-2020**
APPOINTMENTS OF FREEHOLDER DIRECTOR SYLVIA PETILLO, FREEHOLDER FANTASIA AND FREEHOLDER FASANO OF THE SUSSEX COUNTY BOARD OF CHOSEN FREEHOLDERS AS MEMBERS TO THE BOARD OF SCHOOL ESTIMATE OF THE SUSSEX COUNTY COMMUNITY COLLEGE IN THE COUNTY OF SUSSEX FOR THE YEAR 2020
- I. RESOLUTION RE: 063-2020**
APPOINTMENTS OF FREEHOLDER DIRECTOR SYLVIA PETILLO, FREEHOLDER FASANO AND FREEHOLDER YARDLEY OF THE SUSSEX COUNTY BOARD OF CHOSEN FREEHOLDERS AS MEMBERS TO THE BOARD OF SCHOOL ESTIMATE OF THE TECHNICAL SCHOOL IN THE COUNTY OF SUSSEX FOR THE YEAR 2020
- J. RESOLUTION RE: 064-2020**
APPOINTMENTS OF FREEHOLDER DIRECTOR SYLVIA PETILLO AS A REPRESENTATIVE FOR NEW JERSEY ASSOCIATION OF COUNTIES FOR THE YEAR 2020, FREEHOLDER HERB YARDLEY AS THE ALTERNATE REPRESENTATIVE AND SUSSEX COUNTY ADMINISTRATOR, GREG POFF AS THE SECOND ALTERNATE REPRESENTATIVE
- K. RESOLUTION RE: 065-2020**
2020 BOARD OF CHOSEN FREEHOLDER MUNICIPAL LIAISONS
- L. RESOLUTION RE: 066-2020**
ACKNOWLEDGING THE COUNTY ADMINISTRATOR'S REAPPOINTMENTS OF NANCY HESLIN READING, ESQ. AND JOHN H. WESLEY TO THE SUSSEX COUNTY COMMUNITY COLLEGE SEARCH COMMITTEE

MOTION to adopt said Appointments A-L made by Freeholder Hertzberg
Seconded by Freeholder Fantasia
(Roll Call Vote)

Freeholder Fantasia	Yes
Freeholder Fasano	Yes
Freeholder Hertzberg	Yes
Freeholder Petillo	Yes
Freeholder Yardley	Yes

13. **RESOLUTIONS**

A. RESOLUTION RE: 067-2020

APPROVING PARTICIPATION WITH THE STATE OF NEW JERSEY IN A STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE PROGRAM ADMINISTERED BY THE DEPARTMENT OF LAW AND PUBLIC SAFETY: FY 2017 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT PROGRAM, UNDER THE SUBAWARD NO. JAG 1-19TF-17, FOR THE PERIOD OF JULY 1, 2018, THROUGH JUNE 30, 2019, IN THE AMOUNT OF \$47,234.00

B. RESOLUTION RE: This was pulled earlier in the meeting

AUTHORIZING THE COUNTY OF SUSSEX TO ENTER INTO AN AGREEMENT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR A PERMANENT LICENSE TO MAINTAIN, REHABILITATE, RECONSTRUCT AND PERFORM MAINTENANCE ACTIVITIES FOR BRIDGE C-18 ON PROPERTY WITHIN THE "LACKAWANNA CUTOFF" IN ACCORDANCE WITH THE PROVISIONS OF N.J.S.A. 40A:65-1 ET SEQ.

C. RESOLUTION RE: 068-2020

A RESOLUTION IN SUPPORT OF THE SUSSEX COUNTY BOARD OF CHOSEN FREEHOLDERS SUPPORTING THE LAKE HOPATCONG COMMISSION

MOTION to adopt said Resolution A – C made by Freeholder Hertzberg
Seconded by Freeholder Fantasia
(Roll Call vote)

Freeholder Fantasia	Yes
Freeholder Fasano	Yes
Freeholder Hertzberg	Yes
Freeholder Petillo	Yes
Freeholder Yardley	Yes

14. **AWARDS OF CONTRACT/CHANGE ORDERS/BID- None**

15. **FINANCIAL**

A. RESOLUTION RE: 069-2020

PAYMENT OF BILLS LIST
January 22, 2020

MOTION to approve Bill List made by Freeholder Hertzberg
Seconded by Freeholder Yardley
(Roll call vote)

Freeholder Fantasia	Yes
Freeholder Fasano	Yes
Freeholder Hertzberg	Yes
Freeholder Petillo	Yes
Freeholder Yardley	Yes

B. RESOLUTION RE: 070-2020

CANCELLATION OF OUTSTANDING CHECKS

MOTION to adopt said Resolution made by Freeholder Yardley
Seconded by Freeholder Hertzberg
(Roll call vote)

Freeholder Fantasia	Yes
Freeholder Fasano	Yes
Freeholder Hertzberg	Yes
Freeholder Petillo	Yes
Freeholder Yardley	Yes

C. RESOLUTION RE: 071-2020

TEMPORARY CAPITAL BUDGET FOR 2020

MOTION to adopt said Resolution made by Freeholder Fasano
Seconded by Freeholder Fantasia
(Roll call vote)

Freeholder Fantasia	Yes
Freeholder Fasano	Yes
Freeholder Hertzberg	Yes
Freeholder Petillo	Yes
Freeholder Yardley	Yes

16. **PERSONNEL**

RESOLUTION RE: 072-2020
AUTHORIZING PERSONNEL AGENDA OF January 22, 2020

MOTION to adopt the Personnel Agenda made by Freeholder Hertzberg

Seconded by Freeholder Fantasia

(Roll Call vote)

Freeholder Fantasia	Yes
Freeholder Fasano	Yes
Freeholder Hertzberg	Yes
Freeholder Petillo	Yes
Freeholder Yardley	Abstain

17. **ADMINISTRATIVE REPORT**

Mr. Poff reported on the upcoming Operating and Capital Budget Schedules. This Friday he along with Freeholder Director Petillo and Freeholder Yardley will attend NJAC's Reorganization Meeting in Trenton.

18. **COUNTY COUNSEL REPORT- None**

19. **UNFINISHED BUSINESS- None**

20. **NEW BUSINESS**

Consideration of 2nd Amendment Resolution – This matter was addressed earlier in the meeting.

21. **PUBLIC SESSION FROM THE FLOOR**

Everyone is asked to keep their comments to 3 minutes. Please state your name and print name and municipality on sign in sheet.

MOTION to open the floor for public comment made by Freeholder Hertzberg

Seconded by Freeholder Fasano

(Voice vote)- All members voted in the affirmative. Time was 8:35PM

Mr. Gettler spoke on Farmland Preservation in Sussex County.

Zoe Heath, Vernon- Earlier a member mentioned something that hit close to home and that it was just as easy to commit suicide with water or a rope as it is with a gun. She tried to commit suicide at age 15 and if she had access to a gun she would not be here. She asked the Board to consider this when drafting the Resolution.

Jim Baldini thanked the Board for having the discussion for the 2nd Amendment.

Neil Kenny, Green Township agrees there is an issue with suicide but he feels there is a difference between the rights under the 2nd Amendment. He brought up the topic of service dogs. There seems to be a lot of ambiguity with this as well. He looks forward to discussing this further at future meetings.

MOTION to close the floor for public comment and return to regular business made by Freeholder Hertzberg

Seconded by Freeholder Fasano

(Voice vote)- All members present voted in the affirmative. The time was 8:50 PM.

22. **REMINDERS**

Please return to www.sussex.nj.us for meeting schedules.

23. **EXECUTIVE SESSION – (Closed Session)**

RESOLUTION RE: PROVIDING FOR AN EXECUTIVE (CLOSED) SESSION NOT OPEN TO THE PUBLIC IN ACCORDANCE WITH THE PROVISIONS OF N.J.S.A. 10:4-12 ET SEQ.

WHEREAS, the subject matter(s) about to be discussed may be excluded from the public portion of the meeting by Resolution of the Board of Chosen Freeholders as an exception to the "Open Public Meetings Act" pursuant to N.J.S.A. 10:4-12 (b); and

WHEREAS, it appears necessary for the Board of Chosen Freeholders to discuss such matter(s) in Executive Session.

NOW, THEREFORE, BE IT RESOLVED that the Board of Chosen Freeholders of the County of Sussex, in accordance with the provisions of N.J.S.A. 10:4-12(b) and N.J.S.A. 10:4-13 that the Board at this time enter into an Executive Session from which the public shall be excluded; and

BE IT FURTHER RESOLVED, that the general nature of the subject(s) to be discussed relate to the following item(s) authorized by N.J.S.A. 10:4-12(b) as designated below:

- _____ (1) **Matters Required by Law to be Confidential:**
- _____ (2) **Matters Where the Release of Information Would Impair the Right to Receive Funds:**
- _____ (3) **Matters Involving Individual Privacy:**
- _____ (4) **Matters Relating to Collective Bargaining Agreements:**
- _____ (5) **Matters Relating to the Purchase, Lease of Acquisition of Real Property or the Investment of Public Funds:**
- _____ (6) **Matters Relating to Public Safety and Property:**
- _____ (7) **Matters Relating to Litigation, Negotiations and the Attorney Client Privilege;**

Legal Services with Special Council

- _____ (8) **Matters Relating to the Employment Relationship:**
- _____ (9) **Matters Relating to the Potential Imposition of a Penalty:**

BE IT FURTHER RESOLVED that the deliberations conducted in closed session may be disclosed to the public upon the determination of the Sussex County Board of Chosen Freeholders or provided by law that the public interest will no longer be served by such confidentiality; and

BE IT FURTHER RESOLVED that upon completion of the business, for which the Board has entered into the Executive Session, the Board shall reconvene and resume its meeting open to the public.

BE IT FURTHER RESOLVED that the Board expects not to take formal action therefore we will adjourn the meeting from Executive Session.

MOTION to adopt the Executive Session Resolution and enter into Executive Session made by Freeholder Hertzberg
Seconded by Freeholder Fasano
(Voice vote)- All members present voted in the affirmative
Time is 8:55PM

24. **ADJOURNMENT – 9:50PM - Vote was taken at the conclusion of Executive Session.**

DATED: January 22, 2020

Respectively submitted,

Teresa Lyons, Clerk