

1. Notice And Meeting Materials

Documents:

[5-6-2020 SPECIAL MEETING NOTICE \(PDF\).PDF](#)
[5-6-2020 FREEHOLDER MEETING AGENDA \(PDF\).PDF](#)
[5-6-2020 FREEHOLDER COMMENTS- ANTHONY FASANO \(PDF\).PDF](#)
[5-6-2020 YARDLEY MAY 5 2020 LETTER TO GOVERNOR \(PDF\).PDF](#)
[5-6-2020 NATIONAL GUARD REQUEST \(PDF\).PDF](#)



SUSSEX COUNTY BOARD OF CHOSEN FREEHOLDERS
Sussex County Administrative Center
One Spring Street
Newton, New Jersey 07860
PRESS RELEASE

County of Sussex

Posted May 1, 2020

**BOARD OF CHOSEN FREEHOLDERS
SUSSEX COUNTY, NEW JERSEY
SPECIAL MEETING NOTICE**

NOTICE IS HEREBY GIVEN in accordance with the Open Public Meetings Act, the Board of Chosen Freeholders will hold a Special Meeting on Wednesday, May 6, 2020 at 2:00 PM. Meeting topic is Andover Subacute. This meeting will be conducted remotely via phone conference. The public can call 973 – 310-7191 to listen and make comment. Action may be taken at this meeting.

Teresa Lyons, Clerk
Board of Chosen Freeholders
Sussex County, New Jersey

Due to public health issues arising from the coronavirus situation, the Sussex County Board of Chosen Freeholders will conduct this meeting remotely via a telephone conference call. County residents are invited to listen and will have an opportunity to make comments by calling 973-310-7191.

SPECIAL SUSSEX COUNTY FREEHOLDER MEETING
May 6, 2020 AT 2:00 PM
FREEHOLDER MEETING ROOM

1. CALL TO ORDER BY DIRECTOR
2. ROLL CALL
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 May 1, 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

Motion to approve the Agenda:

Second:

Voice Vote:

6. PROCLAMATIONS/CERTIFICATES/PRESENTATIONS – None
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 municipality.

Motion to Open Public Session

Second

Voice Vote:

Motion to Close Public Session

Second

Voice Vote

9. FREEHOLDERS' COMMENTS
Andover Subacute Facility

10. APPROVAL OF CONSENT AGENDA - None
11. APPROVAL OF MINUTES- None
12. APPOINTMENTS AND/OR RESIGNATIONS- None
13. RESOLUTIONS- None
14. AWARDS OF CONTRACT/CHANGE ORDERS/BID- None
15. FINANCIAL- None
16. PERSONNEL-None
17. ADMINISTRATIVE REPORT
18. COUNTY COUNSEL REPORT
19. UNFINISHED BUSINESS
20. NEW BUSINESS
21. PUBLIC SESSION FROM THE FLOOR

Everyone is asked to keep their comments to 3 minutes. Please state your name and municipality.

Motion to Open Public Session

Second

Voice Vote:

Motion to Close Public Session

Second

Voice Vote

22. REMINDERS-None

23. EXECUTIVE SESSION: None

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;
- _____ (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 to/not to take formal action after returning from Executive Session except to adjourn the regular meeting.

MOTION to adopt the Executive Session Resolution and enter into Executive Session
(Voice vote)

MOTION to adjourn from Executive Session and return to Regular Business
(Voice vote)

24. ADJOURNMENT

Motion to adjourn:
Second:
Voice Vote:

"Freeholder Comments: May 6th, 2020

Thank you Director Petillo and thank you to all who have joined us today. As the director stated, this special meeting has been called because of the ongoing health crisis at Andover Subacute and Rehabilitation Center and the need for Sussex County's highest governing body to urgently and formally ask The Governor of the State of New Jersey to provide a more substantial response to effectively combat it immediately. After I was given another frustrating briefing last week by The Sussex County Division of Health regarding The Andover Facility, I wrote the following request to my Freeholder colleagues on April 29th, 2020 titled "Andover's Most Vulnerable Need Immediate Activation of the National Guard". I will now read that statement into the record.

READ STATEMENT INTO RECORD

This is still a serious matter that still lacks a serious state response to resolve it. And that is why we are here. We are currently reporting the Andover facility to have 169 residents and 55 staff members that are confirmed positive for COVID-19. A total of 110 residents have sadly passed away at this facility since April 2nd, with 68 of those deaths being confirmed to be COVID-19 related. I was encouraged to learn over the weekend that The State Commissioner of Health said she would be asking for The National Guard to help in Long-Term Care Facilities throughout the state. However it is clear that the Andover Facility needs more than just bolstering and Sussex County has been urgently expressing that to the state for too long. Yesterday, Sussex County again reported to state officials the reports of bedding not being washed and residents not being regularly changed from their clothing. Not all residents in this facility can speak for themselves. We too often have heard from families of these residents and staff in this facility and enough is enough. I stand with my freeholder colleagues to request the formal assistance of the National Guard to provide relief for Andover's most vulnerable who urgently need it.

Thank you Freeholder Director Petillo for allowing me to have the floor,. and thank you to my Freeholder colleagues for your time, work and consideration of this urgent request. Thank you."



SUSSEX COUNTY BOARD OF CHOSEN FREEHOLDERS

Sussex County Administrative Center
One Spring Street
Newton, New Jersey 07860
Tel. 973-579-0210
FAX 973-383-1124
EMAIL hjyardley@sussex.nj.us

Freeholder Herb Yardley

County of Sussex

Governor Phil Murphy

State House

PO Box 001

Trenton, New Jersey 08625

May 5, 2020

Dear Governor Murphy:

Sussex County is home to 140,000 New Jersey residents. On average 70% of our workforce commute from Sussex County to a place of employment outside the county. Most commute to and from the New York City area.

Our citizens are anxious to get back to work. However, we know the importance of doing this safely. As of today our county is one of four counties in the state that have not received any financial aid from the State or Federal Government to assist in the fight against the COVID-19 pandemic. On Sunday, the *New Jersey Herald* reported the county's death rate to be *twice* that of the State as a whole. Sussex County has more COVID-19 cases and deaths than 16 states in the country.

Having received no State or Federal financial support we find ourselves in a situation where we must use our county budget to pay for the kits to test our citizens for COVID-19. This was not anticipated when we drafted our budget. Sussex County has been determined to be in a "hot" region, which is why it is critical we receive the necessary financial support to help us get through the coming weeks and months. This will provide the County the flexibility to best address our most urgent needs.

It is imperative that we keep testing our residents. Therefore, we will be using our county budget to start providing tests to our residents for COVID-19 on Friday, May 8, 2020. In order to get our residents back to work it is crucial that we receive funding to continue to provide testing to ensure that we keep our residents safe, healthy, and to prevent a second wave of this deadly virus.

The State of New Jersey has received certain non-entitlement funding through the CDBG (more than \$4 million) and ESG (more than \$11 million) programs. It is our understanding that you can allocate these funds at your discretion throughout the State, particularly to help struggling Counties that did not directly receive relief.

After your recent meeting with President Trump, the state will be getting 550,000 testing kits and 750,000 swabs. This should increase the output to at least 20,000 tests a day in New Jersey. Will Sussex County be getting any of these tests for our residents? Or are we going to fund testing entirely through local property tax revenues?

It is my hope that you will fund the testing program you have expressed we all need in order to get our residents back to work while also keeping them safe and healthy.

Sincerely,

Herb Yardley, Freeholder

CC:

Senator Steve Oroho, Senate Budget Officer

Assemblyman Hal Wirths, Assembly Budget Officer



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Sussex County Administrative Center
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Freeholder Director Sylvia Petillo

County of Sussex

May 6, 2020

Office of the Governor
State of New Jersey
225 W State Street
PO BOX 001
Trenton, NJ 08625-0001

**Re: Andover Subacute and Rehabilitation
1 O'Brien Lane
Andover, NJ 07821
Long Term Care Facility - License No. 061902**

**Andover Subacute and Rehabilitation II
99 Mulford Road
Andover, NJ 07821
Long Term Care Facility - License No. 061901**

Dear Governor Murphy:

New Jersey is one of 18 states to deploy the National Guard to combat the coronavirus in our State's veterans' homes. We are pleased and supportive of Health Commissioner Persichilli's May 2, 2020 requests to the state and federal branches of the National Guard to extend this assistance to our State's nursing homes.

The Sussex County Board of Chosen Freeholders also requests the immediate deployment of the National Guard to provide emergent assistance at the above facilities in Andover Township in Sussex County as initially recommended to us by Freeholder Anthony J. Fasano on April 29, 2020. A copy of Freeholder Fasano's letter is attached. It provides complete details with respect to the County's efforts to address the devastating conditions at these facilities with the New Jersey Department of Health since March. Further delay in addressing these conditions is unconscionable.

Together, these facilities constitute the largest Long Term Care Facility (LTCF) in the State with a combined total of 702 beds. As of May 5, 2020, they have experienced 68 deaths including 2 staff members and 224 confirmed COVID-19 illnesses which includes 55 staff members. The facilities are presently operating pursuant to a New Jersey Department of Health directed plan of correction.

The National Guard is being used across the United States in long term care facilities to mitigate the spread of COVID-19. They have the capability to feed and care for residents, disinfect and deep clean nursing homes that have major outbreaks of the coronavirus, provide janitorial services, audit sanitation methods, implement infectious disease control measures, and provide testing and training to halt the spread of the virus. The National Guard's resources would support the personnel on the front lines and collaborate to develop proper protocols and procedures to follow.

The Freeholder Board requests the immediate activation of the National Guard in the Andover Long Term Care facility to prevent the devastating loss of life and spread of the corona virus. Our most vulnerable and precious residents are crying out to us for help . . . because we are their last hope! Governor Murphy, we urge you to deploy the National Guard on their behalf.

Thank you for your consideration.

Respectfully,



Sylvia Petillo
Freeholder Director



Dawn Fantasia
Freeholder Deputy Director



Anthony Fasano
Freeholder Member



Joshua L. Hertzberg
Freeholder Member



Herbert Yardley
Freeholder Member

cc: Commissioner Judith M. Persichilli
New Jersey Department of Health
P. O. Box 360
Trenton, NJ 08625-0360

The Honorable Mike Pence
The White House
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1600 Pennsylvania Avenue, N.W.
Washington, DC 20500

The Honorable Josh Gottheimer
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