

**SPECIAL MEETING SUSSEX COUNTY BOARD OF FREEHOLDERS  
FRIDAY, NOVEMBER 16, 2018  
3:00 PM  
FREEHOLDER MEETING ROOM  
ORDER OF BUSINESS**

**Item**

**1. CALL TO ORDER BY DIRECTOR Rose 3:00 PM**

**2. ROLL CALL:**

Present: Freeholders Graham, Lazzaro, Petillo, Rose and Yardley. Also present County Administrator Poff; County Counsel Kelly and Clerk to the Board Lyons.

**3. MOMENT OF SILENCE AND SALUTE TO THE FLAG – Led by Freeholder Director Rose**

**4. PUBLIC STATEMENT      Read into the record by Freeholder Director**

"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 June 13, 2018 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: Freeholder Petillo

Second: Freeholder Graham

Voice vote: All Members present voted in the affirmative.

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

**RESOLUTION RE: PROVIDING FOR AN EXECUTIVE (CLOSED) SESSION NOT OPEN TO THE PUBLIC  
555-2018                      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 or Acquisition of Real Property or the Investment of Public Funds:**

\_\_\_\_\_ (6) **Matters Relating to Public Safety and Property:**

\_\_\_\_\_ X (7) **Matters Relating to Litigation, Negotiations and the Attorney Client Privilege;**

- Update on various legal matters
- Potential Litigation Solar Project
- Pierce v. Integrity Roofing, Cochran House Condominium Association\
- IMO the Guardianship of SD alleged to be an incapacitated person
- Fire Code Enforcement contract
- Communications Center contract

\_\_\_\_\_ (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 take formal action after returning from Executive Session.

**MOTION** made at 3:10 PM to adopt the Executive Session Resolution and enter into Executive Session made by Freeholder Petillo; seconded by Freeholder Graham and passed unanimously.

**MOTION** made at 4:50 to adjourn from Executive Session and return to Regular Business by Freeholder Lazzaro; seconded by Freeholder Petillo and passed unanimously.

7. **PROCLAMATIONS/CERTIFICATES/PRESENTATIONS - NONE**

8. **PUBLIC HEARINGS – NONE**

9. **PUBLIC SESSION FROM THE FLOOR - Time is 4:52PM**

**Please Note: Everyone is asked to keep their comments to 5 minutes or less and only address issues regarding agenda items followed by a 3 minute response time from the Freeholder Board. Please state your name, and print your name and municipality on the sign in sheet.**

Motion to Open Public Session – Freeholder Graham  
Second: Freeholder Petillo  
Voice Vote: All Members present voted in the affirmative.

Mr. Roseff spoke on the outstanding OPRA he has with the County. He has been looking for a document for the past three years and he feels it is being withheld. Counsel Kelly said it is not being withheld; we continue to look for it. Mr. Roseff explained to the Board why it is important to get this document.

The document is the Solar Tax Equity Contract. This document came about 4 years ago when the Freeholders approved First Star to be part of the guaranteed Solar Program and the County provided this guarantee. This solar tax equity deal was a benefit given to the developer who then was permitted to sell off that benefit to First Star Development. First Star is related to the independent trustee of this program. So we have a related party dealing and we have a contract out there that nobody can find. In 2014, the deal went down and in 2015 we bailed out the developer. By doing the bailout this guaranteed tax equity deal would remain valuable. When we bailed the developer out we received a greater than \$1,000,000.00 dollar payment and in all of our documents we have called this a tax equity payment. So we have received in a transaction of more than \$1,000,0000 payment based on this contract that our attorney says we are still looking for which means we have an undocumented transaction. We can call it part of the solar bailout but he is calling it a sub section of the solar bailout, it is more than a \$1,000,000. It should be documented so not only do we have an undocumented transaction we had the CFO at the time come before us and said he fought to get that payment; we were not going to get any payment then we were going to get \$900,000 but eventually it came to over \$1,000,000. There have been a lot of interactions with various entities but we have no fundamental documentation. Being a guarantor of this program and hiring a lot of groups being party to this document and bailing them out, he thinks it is time that we get this document. He wanted to make the Board aware of this. For him this is insight into the solar deal that is missing. It isn't even listed in the Boxer report that became public. He hopes there is some knowledge of this in the more detailed report of what this represents because fundamentally what this represents is the taxpayers took a bath on this deal and somebody else is making money because we lost money.

Motion to Close Public Session: Freeholder Petillo  
Second: Freeholder Graham  
Voice Vote: All Members present voted in the affirmative.

10. **FREEHOLDERS' COMMENTS - NONE**

11. **APPROVAL OF CONSENT AGENDA – NONE**

12. **APPROVAL OF MINUTES – NONE**

13. **APPOINTMENT AND/OR RESIGNATIONS – NONE**

14. **RESOLUTIONS** - NONE
15. **AWARDS OF CONTRACT/CHANGE ORDER/BID** – NONE
16. **FINANCIAL** - NONE
17. **PERSONNEL** – NONE

18. **ADMINISTRATIVE REPORT**

No report

19. **COUNTY COUNSEL**

No report

20. **UNFINISHED BUSINESS** – NONE

21. **NEW BUSINESS** – NONE

22. **PUBLIC SESSION FROM THE FLOOR – Time is 4:59 PM**

**Please Note: Everyone is asked to keep their comments to 5 minutes or less and only address issues regarding agenda items followed by a 3 minute response time from the Freeholder Board. Please state your name, and print your name and municipality on the sign in sheet.**

Motion to Open the Public Session: Freeholder Lazzaro  
Second: Freeholder Petillo  
Voice Vote: All Members present voted in the affirmative.

John Snyder, Sandyston wanted to know if the County gives discounts to veterans for example if he goes to the Sussex County landfill would he get a discount? He thought the discount might be something Freeholders could look into. He wished the Board Happy Thanksgiving.

Motion to close the Public Session: Freeholder Lazzaro  
Second: Freeholder Graham  
Voice Vote: All Members present voted in the affirmative.

23. **REMINDERS**

November 19, 9:30 Agenda Meeting  
Nov. 28, 7:00 PM Regular Freeholder Meeting

24. **ADJOURNMENT**

Time is 5:01PM  
Motion to adjourn: Freeholder Petillo  
Second: Freeholder Graham  
Voice Vote: All Members voted in the affirmative.

Respectfully submitted,

Suzannah Givone  
Confidential Assistant