

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 Petillo
2. ROLL CALL – Freeholder Fantasia, Freeholder Fasano, Freeholder Hertzberg, Freeholder Petillo and Freeholder Yardley

Also present: County Administrator Greg Poff, County Counsel Kevin Kelly, Director of Health and Human Services Carol Novrit and Clerk to the Board Teri Lyons

Invited Guest is Andover Township Mayor Michael Lensak

3. MOMENT OF SILENCE AND SALUTE TO THE FLAG – Freeholder Petillo asked that we remember the precious lives lost during this pandemic.
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

Before approving the Agenda Freeholder Director Petillo acknowledged that today is National Nurses Day and this week we celebrate Teacher Appreciation Week. Especially during these difficult times, we greatly appreciate both Professions.

Motion to approve the Agenda: Fantasia
Second: Hertzberg
Discussion: None
Voice Vote: All voted in the affirmative.

6. PROCLAMATIONS/CERTIFICATES/PRESENTATIONS – None
7. PUBLIC HEARINGS- None
8. PUBLIC SESSION FROM THE FLOOR

Before we open the Public Session, we ask callers wanting to make a comment to first state your name and municipality. The Clerk will create a Roster and will call each in the order received.

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: Yardley
Second: Hertzberg
Discussion: None
Voice Vote: All voted in the affirmative.

Callers were identified, but after brief discussion it was determined they hold their questions after the Freeholder discussion pertaining to the Andover Subacute.

Motion to Close Public Session: Fasano
Second: Hertzberg
Discussion: None
Voice Vote: All present voted in the affirmative.

9. FREEHOLDERS' COMMENTS
Andover Subacute Facility

Freeholder Petillo reported on March 29th the Sussex County Division of Health was informed of the first confirmed COVID19 case at the Andover Subacute Rehabilitation Center. That sparked immediate concern

about the health and well-being of all the residents and staff at that facility. Family members began to call the County with disturbing stories about the lack of resources, deplorable conditions within the facility and the neglectful treatment of their loved ones.

Unanimous calls from employees echoed the same complaints and apprehension for residents and for themselves. The Subacute staff was on overload, exhausted and scared. March 29th the Sussex County Division of Health and Human Services sounded the alarm to the New Jersey State Department of Health and asked for an immediate response. The County has participated in numerous discussions with various groups and agencies and contacted the Governor's office requesting National Guard deployment. To date, the New Jersey State Department of Health brought in a survey team to the Subacute and the facility is presently being operating pursuant to the State's Directive Plan of Corrections. However, there have been no indications that the conditions within the facility have improved. The State's slow response and lack of communication is what prompted Freeholder Anthony Fasano's request that the Board of Chosen Freeholders take formal action. Today, we are considering asking Governor Murphy to activate the National Guard on behalf of our most vulnerable and precious residents in Andover. Within that facility, there are people who still need immediate assistance, questions that still need to be answered, and urgent actions that will need to be taken.

Freeholder Fasano wrote the following request to his Freeholder colleagues on April 29th, 2020 titled "Andover's Most Vulnerable Need Immediate Activation of the National Guard"

Freeholder Fasano read his request into the record. (Attached)

Freeholder Yardley followed with comments which referred to the County's 19 OPRA Requests to the State requesting the Subacute License and various reports. County Counsel Kelly interjected that none have been answered.

Freeholder Hertzberg commented that he has friends with family members in care at the Subacute. He is appalled by its Ownership and disappointed by State's lack luster response. Freeholder Hertzberg mentioned the formation of a County Task Force.

Freeholder Fantasia followed with various Subacute statistics as of April 30th and gave a detailed timeline of events relating to the Subacute and the actions that have gone on between the County, Local agencies and the State of New Jersey.

Andover Township Mayor Lensak offered brief comments regarding the timeline and the number of cases. Mayor Lensak feels this needs immediate attention and action and calling in the National Guard is very appropriate. He thanked the Freeholders for taking this on.

Freeholder Petillo said it is important to know that Governor Murphy has already dispatched the National Guard into the State's Veterans homes in Edison and Paramus. The National Guard has also been dispatched to assist at other Nursing Homes in other States in our Nation that has been affected with the Coronavirus. The Guardsmen and Guardswomen will assist the elderly care facilities through staff training, implementation of infectious disease control measures, sanitizing the facility, janitorial services, increasing testing, providing food and care to the residents and the list goes on.

The states that activated the National Guard to long term care facilities early have been successful in containing the COVID-19 virus and saving lives. As you can see, our request to the Governor is not something out of the ordinary. Freeholder Petillo concluded by reading the Board's letter into the record. (Attached]

Motion to approve letter: Freeholder Hertzberg

Second: Freeholder Yardley

Discussion- None

Roll Call:

Freeholder Fantasia Yes

Freeholder Fasano Yes

Freeholder Hertzberg Yes

Freeholder Petillo Yes

Freeholder Yardley Yes

9. APPROVAL OF CONSENT AGENDA – None

10. APPROVAL OF MINUTES- None

11. APPOINTMENTS AND/OR RESIGNATIONS- None

12. RESOLUTIONS- None

13. AWARDS OF CONTRACT/CHANGE ORDERS/BID- None

14. FINANCIAL- None

15. PERSONNEL-None

16. ADMINISTRATIVE REPORT:

Mr. Poff was pleased to report the County will open a COVID-19 drive-through testing center for Sussex County residents only, located at Sussex County Community College starting Monday, May 11 weather permitting. Beginning May 7th there will be open registration through the County's website. He listed

further details relevant to what is needed to get the test. Mr. Poff also mentioned that Morris County testing site will continue to accept Sussex County residents. He concluded by thanking: Division of Health, Medical Reserve Corp, Carol Novrit, Jim MacDonald, Sheriff Strada and OEM and Thor Carlson for all their work and effort to make this testing site reality.

Freeholders each made brief comments regarding the Testing Site.

Freeholder Fasano stated this is wonderful news and it would not have been possible if it weren't for all the hard work from all the people Mr. Poff mentioned in his report.

Freeholder Yardley said it will be a wonderful event and is looking forward to it's opening. He thanked all involved with making this possible.

Freeholder Hertzberg shared background information as to why Sussex County was not able to get a stand up testing site as quickly as the other counties. Now that the testing site in Morris County has slowed down Atlantic Health Systems was able to reallocate funds back to Sussex County allowing us to have our own testing center up and running. Freeholder Hertzberg thanked the efforts of Mr. Poff, OEM and all the health department employees.

Freeholder Fantasia echoed everyone's sentiments. Recently she spoke on WSUS Radio to informing the listeners about Test Site logistics.

Freeholder Petillo mentioned that collaborating with a Health Provider was very difficult and thanked Mr. Poff for his perseverance with Atlantic Health Care. It took a lot of effort from everyone involved.

17. COUNTY COUNSEL REPORT – None

19. UNFINISHED BUSINESS- None

20. NEW BUSINESS – Freeholder Yardley read into the record his May 5th letter to Governor Murphy. (Attached)

Freeholder added brief comments.

Freeholder Fasano thanked everyone again for joining them on this phone conference call and with the Andover Nursing Home being the focus for this emergency meeting and in sharing with our frustration. He appreciates everyone's support with this necessary task.

Freeholder Hertzberg said that he has heard callers saying this is political. It is not political but it is indicative of government bureaucracies and processes put in place which proved to be inefficient and not working. This entire situation has been frustrating and we want to get to the bottom of it so we can fix it. That is what the people deserve and he thanked all involved working for a solution in this matter.

Freeholder Fantasia thanked the Mayor of Andover and their Governing Body for their outstanding job with how they have handled the Andover Rehabilitation situation.

Mayor Lensak stated he thanked the opportunity to join this call. This is about saving people who do not have a voice and we are obligated to do this for them.

21. PUBLIC SESSION FROM THE FLOOR

Before we open the Public Session, we ask callers wanting to make a comment to first state your name and municipality. The Clerk will create a Roster and will call each in the order received.

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

Motion to Open Public Session: Fantasia

Second: Fasano

Discussion: None

Voice Vote: All voted in the affirmative.

Matt Cable, Fredon Township wanted to know what specific date was the first call from whistleblowers at Andover Subacute or from family members to local county officials and who took that first call? The other question was on what date did local officials first reach out to state officials?

Freeholder Fantasia referred to the County Division of Health Timeline Report. The answer to the second question is March 29th. We have information from a son of a patient contacting public health nursing on April 9th. Freeholder Petillo added that March 29th was the day that the County was notified of the first positive COVID case in building II.

Freeholder Fasano interjected specifically March 29th is when the Sussex County Division of Health reported to the New Jersey Department of Health of an outbreak or cluster of the virus within the facility. March 29th is the key marker.

Freeholder Fantasia interjected that she found on April 5th the daughter of an employee at the facility contacted her. In turn she reported that to Carol Novrit who then reached out to the State.

Teresa Brady, Frankford Township thanked the Freeholders and the Mayor of Andover. She wanted to know if the facility is closed to all new patients and what is the status with the lack of staffing and the cleanliness of the facilities.

Freeholder Petillo responded that no new patients being admitted. We don't know about details within facility because nothing is coming to us from the State. We are only finding out through phone calls from family members and staff.

Freeholder Petillo read what the New Jersey Commissioner of Health reported on April 20th. It indicates State surveyors have been out to 21 LTC facilities in the State to inspect and assess their compliance with state and federal regulations and guidelines. On April 16th the Commissioner's statement referenced a report from her surveyors that state said the staffing was appropriate. The Commissioner's report also included the owner saying his staffing was solid. The Commissioner's report also includes infection control, staffing, availability of PPE and implementation of an outbreak response plan. It also stated that the Andover facility is required to hire a consulting administrator, a consulting nurse and infection control professional. It does not mention anything about hiring staff.

Ms. Brady asked has any of this has been done?

Freeholder Petillo responded that we do not know. The State is giving us no information. We have submitted OPRA Requests.

Freeholder Hertzberg recommended the formation of a task force with law enforcement capability to conduct an investigation.

David Dewitt, Hampton Township first thanked the Freeholders for advocating for the nursing home residents. Next he commented that the drive up testing site will not serve those who are unable to drive. If we miss them we will not have as an effective testing program as we should have. Mr. Dewitt was informed there are local private testing facilities for all income levels.

Linda Giani, Andover Township questioned why this meeting was scheduled in the middle of day. Freeholder Petillo answered because the Staff would be available.

Ms. Giani suggested before the conclusion of each Public Session to ask again if there are callers wanting to speak. Freeholder Petillo thanked her for this suggestion. Ms Giani indicated that she is glad to see that the Freeholders are stepping up to the plate because at the last meeting they were mostly putting blame on the State. Final inquiry was how long it would take to get test results on average.

Mr. Poff stated the testing lab indicates 4 to 5 days. However this lab is deployed throughout the state and test results usually come back between 24 to 48 hours.

Ellen Klein, Ocean Township thanked the Freeholders for all that they are doing. What she heard today regarding the Subacute was very disturbing and upsetting. She too has written to the Governor's office and feels this facility has had carte blanc in resident care resulting in risk for our loved ones. Ms. Klein appreciates the Board's efforts for asking that the National Guard be deployed,

Freeholder Hertzberg spoke of Long Term Care Facility immunity in the State, but one thing the Governor and State cannot do is give immunity to federal prosecution.

Almire Osmonovic, Borough of Hamburg felt today's agenda was empty. Why has it taken Sussex County so long to ask for help from the National Guard and what duties do you need from them. Also, would the National Guard be deployed at the Homestead facility?

Freeholder Fantasia referred to the timeline regarding the Governor putting in the request for the National Guard and the delay and the duties that the Guard could perform at the Subacute.

Freeholder Petillo interjected as a governmental agency we also have to follow state regulations. Our first approach was to work through the system and when we realized the system was broken, we had to change our approach. Freeholder read from her letter noting the County's request for assistance. (See attached)

Freeholder Hertzberg feels Mr. Osmonovic's question was an unfair.

Discussion ensued.

Kristy Levin, Hardyston Township supports the proposal for the National Guard and thinks a Task Force is another good idea. However, family members should be consulted for they would be beneficial to the Task Force. In conclusion, Ms. Levin stated that we need to put ourselves in people shoes that have family members at the Andover facility and show compassion. The County should also be proactive with the other nursing homes in the area.

Freeholder Petillo said one of the reasons things are changing specifically in the other facilities is because the Governor is going into these facilities and they will be testing all. This is what needed to be done at Andover. She spoke on compassion and feels that this Board and the Administrator and the Health department are some of most compassionate people she has worked with. She said you are hearing our frustration because things are not getting done the way they should so that is why we as the Board are writing the letter to the Governor.

Karen Matzner, City of Hoboken has a loved one at the Andover Subacute. This is not a political issue and is in support of the National Guard deployment.

Katie Rontoni, Hampton Township she wanted to know why no one from OEM was not on this conference call. Will the timeline that was provided be provided publicly?

Freeholder Petillo stated County Administrator Poff is on the line and he works directly with Public Health Nursing and OEM.

Freeholder Fantasia thinks the timeline can be public, but that would be contingent upon an OPRA Request.

Christine Dunbar, Sparta Township said her daughter who works in the ICU at Newton Memorial Hospital has not been issued a N95 mask and is required to keep reusing her single use masks. Does the Andover Subacute have N95 masks?

Freeholder Petillo said she will call the hospital President at Newton Medical tomorrow and inform Ms. Dunbar of his response.

Abby Gross, Morris County.....had to leave conference but was replaced by another family member Barbara Kasha, Farmington, CT. Ms. Kasha thanked the Freeholders for allowing the public to participate. This call has been a real eye opener. Ms. Kasha can hear the Board's compassion and dedication, but her biggest frustration has been the lack of communication from the subacute regarding patients to their family members. If there was any influence the Freeholders could have to improve communications, it would be greatly appreciated.

Carlos Luisa, Byram Township thanked the Freeholder Board in particular in getting a testing center at the college.

Motion to Close Public Session: Hertzberg
Second: Fasano
Discussion: None
Voice Vote: All Members voted in the affirmative.

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)

Freeholder Petillo thanked everyone for calling. We understand these things are extremely emotional. We will continue to give you the information as we continue to get the information.

24. ADJOURNMENT Time is 4:15 PM

Motion to adjourn: Fasano
Second: Hertzberg
Voice Vote: All Members voted in the affirmative.

DATED: May 6, 2020

Respectively submitted,

Teri Lyons
Clerk