

1 A Regular Meeting of the Board of Chosen Freeholders of the County of Burlington was held in the Board Room, Burlington County Office Building, Mount Holly, New Jersey, on Wednesday, May 27, 2009, at 7:00 P.M. The meeting was opened with the flag salute and prayer by the Clerk.

The Public Announcement was read in compliance with the Sunshine Law.

2 ROLL CALL.

On roll call those answering to their names were: Freeholders Christopher J. Brown, Mary Anne Reinhart, William S. Haines, Jr., James K. Wujcik and Freeholder Director Joseph Donnelly.

3 OFFICIALS.

Officials in attendance were: County Solicitor Nelson, Treasurer Hannigan, Chief Financial Officer Brock, County Engineer Jaggard, Resource Conservation Director Robbie, Highway Supervisor Frank Some, Public Health Coordinator Gogats, Director of Public Safety Dreby, Coordinator of Community Development Trommelen, Supervising Administrative Analyst Stewart, and Public Information Officer Shrom and Assistant Public Information Officer O'Donnell.

4 APPROVAL OF THE MINUTES OF THE REGULAR BOARD MEETING OF MAY 13, 2009 AND THE CONFERENCE MINUTES OF APRIL 8, 2009.

It was moved by Mr. Wujcik, seconded by Mr. Haines that the minutes of the regular board meeting of May 13, and the conference minutes of April 8, 2009 be approved. Mr. Haines abstained from the minutes of April 1, and April 22, 2009. Mrs. Reinhart opposed the minutes of April 8, 2009. Mr. Brown abstained from all minutes. Motion carried. Minutes approved.

5 **PROCLAMATION – VIRTUA PARAMEDIC TEAM - SPECIAL RECOGNITION.**

Freeholder Wujcik congratulated and read a proclamation to Scott Kasper, in charge of the Virtua Medics and Dan Newman, a member of the Virtua Paramedic Team for winning a Bronze Metal at the National EMS Paramedic Competition in Baltimore. This was the first time the team had entered the competition. The team also included Kevin Hess and Bob Gardner.

6 **PRESENTATION – HISTORIC PRESERVATION AWARDS.**

Freeholder Haines introduced and presented the following Historic Preservation Awards:

- Adaptive Use/Rehabilitation - The Ruben Sparks Building – Robert Malloy
- Public Structure - Bass River State Park
- Planning and Education - Alice Smith
- Archival Records/Documents – Riverton Historical Society – Betty Hahle and John McCormick
- Preservation Leadership – Will Valentino
- Public History – Dennis Roberts
- Public History – Dennis Weaver (honorable mention)
- Achievement/Leadership – Donald D. Catts
- Achievement/Leadership – Clayton Sills (honorable mention)
- Education – William Scott, Stephen Bonora, Caren Spatzier, Lisa Wood And Richard Young
- New History – St. Mary's Choral Society
- New History – Burlington County Superior Court (honorable mention)

Freeholder Haines thanked all recipients for their efforts to make Burlington County a great place to live.

7 **PUBLIC HEARING - RESOLUTION NO. 236 INTRODUCED ON MAY 13, 2009 PURSUANT TO N.J.S.A. 40A: 4-45.15B PROVIDES THAT A COUNTY, WHEN AUTHORIZED BY RESOLUTION, APPROPRIATE THE DIFFERENCE BETWEEN THE AMOUNT OF ITS ACTUAL FINAL APPROPRIATION OR COUNTY TAX LEVY AND THE 3.5 PERCENTAGE RATE AS AN EXCEPTION TO IT FINAL APPROPRIATION OR COUNTY TAX LEVY IN EITHER OF THE NEXT TWO SUCCEEDING YEARS.**

The hour having arrived, Director Donnelly stated that this was the time and place for consideration of Resolution No. 236 and requested the Board Clerk to read the resolution by title only.

Director Donnelly then declared the public hearing on said Resolution open to all officials and persons present and requested anyone desiring to speak for or against the adoption of said Resolution to do so.

Director Donnelly called on the Chief Financial Officer to explain to the public the CAP law.

There being no comments, Director Donnelly closed the public hearing. It was moved by Mr. Wujcik, seconded by Mrs. Reinhart that Resolution No. 236 be finally passed.

On roll call: Ayes – Mr. Brown, Mr. Haines, Mrs. Reinhart, Mr. Wujcik, and Director Donnelly. Opposed – none. Motion carried. Resolution No. 236 adopted on second reading and roll call.

8 **RESOLUTION NO. 274** by Director Donnelly, TEMPORARY EMERGENCY APPROPRIATIONS; moved for adoption by Director Donnelly, seconded by Mr. Haines. Ayes – Mr. Brown, Mr. Haines, Mrs. Reinhart, Mr. Wujcik and Mr. Donnelly. Opposed – none. Motion carried. Resolution No. 274 adopted as follows:

WHEREAS, with the delay in the adoption of the 2009 County Budget, an emergent condition has arisen with respect to the operating expenses of various County Departments, and N.J.S.A.40A:4-20 provides for the creation of an emergency temporary appropriation for the purpose above mentioned, and

WHEREAS the total emergency temporary resolutions adopted in the year 2009 pursuant to the provisions of N.J.S.A. 40A:4-20 (chapter 96, P.L. 1951 as amended) including this resolution total \$ 59,042,598.00, and

NOW, THEREFORE, BE IT RESOLVED, (not less than two thirds of all members thereof affirmatively concurring) that in accordance with N.J.S.A. 40A:4-20.

1. An emergency temporary appropriation be and the same is hereby made for:

CURRENT FUND:

ADMINISTRATIVE & EXECUTIVE	S&W	7,998.00
	OE	6,476.00
DEPARTMENT OF FINANCE	S&W	94,450.00
	OE	5,915.00
LEGAL DEPARTMENT	S&W	74,020.00
	OE	20,930.00
ECONOMIC DEVELOPMENT	S&W	55,000.00
	OE	6,766.00
COUNTY ADJUSTER	S&W	11,430.00
CLERK OF THE BOARD	S&W	32,158.00
COUNTY ADMINISTRATOR	S&W	63,267.00
CENTRAL MAILING	OE	53,000.00
TELEPHONE	OE	39,584.00
FLEET OPERATIONS	OE	1,250.00
HUMAN RESOURCES	S&W	40,560.00
	OE	13,327.00
INFORMATION TECHNOLOGY	S&W	188,032.00
	OE	99,988.00
RESOURCE CONSERVATION		
LAND USE	S&W	18,627.00
PARKS	S&W	50,000.00
LAND USE	OE	2,110.00
PARKS	OE	28,028.00
COUNTY CLERK	S&W	150,000.00
	OE	26,592.00
PROSECUTOR'S OFFICE	S&W	790,394.00

	OE	33,870.00
BUILDING & GROUNDS	S&W	233,683.00
	OE	432,748.00
SOIL CONSERVATION		1,667.00
GROUP INSURANCE		2,000,000.00
LIABILITY INSURANCE		134,000.00
WORKERS COMPENSTATION		184,000.00
SURROGATE'S OFFICE	S&W	43,215.00
	OE	1,398.00
SHERIFF'S OFFICE	S&W	452,385.00
	OE	21,355.00
WEIGHTS & MEASURES	S&W	25,000.00
	OE	1,368.00
CONSUMER AFFAIRS	S&W	47,000.00
	OE	242.00
BOARD OF TAXATION	S&W	22,089.00
	OE	5,198.00
MEDICAL EXAMINER	S&W	44,017.00
	OE	16,367.00
BOARD OF ELECTIONS	S&W	33,540.00
	OE	63,280.00
SUPERINTENDENT OF ELECTIONS	S&W	57,452.00
	OE	12,942.00
PUBLIC SAFETY SERVICES	S&W	619,716.00
	OE	154,053.00
ROADS & BRIDGES	S&W	414,782.00
	OE	109,077.00
HIGHWAY LIGHTING		11,250.00
ENGINEERING DEPARTMENT	S&W	232,535.00
	OE	11,122.00
JAIL	S&W	1,608,930.00
	OE	481,387.00
JUVENILE DETENTION CENTER	S&W	161,388.00
	OE	26,118.00
HEALTH DEPARTMENT	S&W	247,154.00
	OE	120,322.00
HUMAN SERVICES	S&W	44,709.00
COMMUNITY TRANSPORTATION SHUTTLE (BURLINK)		47,084.
		00
BOARD OF SOCIAL SERVICES		624,858.00
BUTTONWOOD HOSPITAL	S&W	1,026,633.00
	OE	360,730.00
LUNACY EXAMS		3,750.00
MAINTENANCE OF PATIENTS IN OTHER THAN STATE INSTITUTIONS		6,667.00
MILITARY & VETERANS SERVICES	S&W	15,913.00
	OE	3,126.00
SUPERINTENDENT OF SCHOOLS	S&W	18,415.00
	OE	6,444.00
BURLINGTON COUNTY INSTITUTE OF TECHNOLOGY EXTENSION SERVICE		1,324,582.00
	S&W	18,000.00
	OE	4,433.00
BURLINGTON COUNTY COMMUNITY COLLEGE		1,003,334.00
BURLINGTON COUNTY SPECIAL SERVICES SCHOOL		400,000.00
SOCIAL SECURITY		529,258.00
SOLID WASTE UTILITY: SALARIES AND WAGES		105,000.00
OTHER EXPENSES		625,000.00
SOCIAL SECURITY SYSTEM		12,000.00
UNEMPLOYMENT COMPENSATION		500.00

2. That said emergency temporary appropriation will be provided for in the 2009 budget.

3. That two certified copy of this resolution be filed with the Director of Local Government Services

\*\*\* It was moved by Director Donnelly, seconded by Mr. Haines that the following (4) four items be approved by unanimous consent. All in favor. Motion carried. Resolution Nos. 275 through 278 adopted.

9 **RESOLUTION NO. 275** by Director Donnelly, PAYMENT OF BILLS AND APPROVAL OF MONTHLY REPORT OF REVENUES AND EXPENDITURES.

RESOLVED, by the Board of Chosen Freeholders of the County of Burlington, that the bills presented at this meeting as per the detailed list, amounting to \$13,433,232.95 be it the same are hereby approved and passed by the Board, and that the Treasurer for the County of Burlington be and he is hereby authorized and directed to issue county checks in payment of same.

FURTHER RESOLVED, that the Board accepts the Treasurer's monthly report on county revenues and expenditures.

10 **RESOLUTION NO. 276** by Director Donnelly, RESOLUTION AUTHORIZING THE GUARANTY BY THE COUNTY OF BURLINGTON, NEW JERSEY OF BONDS OF THE BURLINGTON COUNTY BRIDGE COMMISSION IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$23,000,000 FOR THE PURPOSE OF FINANCING VARIOUS CAPITAL IMPROVEMENTS FOR CERTAIN PARTICIPATING MUNICIPALITIES FOR THE COMMISSION'S FINANCING OF THE 2009 POOLED GOVERNMENTAL LOAN PROGRAM, APPROVING SAID PROGRAM OF THE COMMISSION AND CONSENTING TO THE ISSUANCE OF BONDS TO FINANCE SAID PROGRAM.

ORDINANCE OF THE BOARD OF CHOSEN FREEHOLDERS OF THE COUNTY OF BURLINGTON, NEW JERSEY AUTHORIZING THE GUARANTY BY THE COUNTY OF THE PAYMENT OF THE PRINCIPAL OF AND INTEREST ON THE COUNTY-GUARANTEED POOLED LOAN REVENUE BONDS (GOVERNMENTAL LOAN PROGRAM), SERIES 2009 TO BE ISSUED BY THE BURLINGTON COUNTY BRIDGE COMMISSION IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$23,000,000 FOR THE PURPOSE OF PROVIDING ADDITIONAL SECURITY FOR THE PAYMENT OF SAID BONDS; APPROVING THE COMMISSION'S FINANCING OF THE 2009 GOVERNMENTAL LOAN PROGRAM, CONSENTING TO THE ISSUANCE OF THE BONDS TO FINANCE SAID PROGRAM AND DETERMINING CERTAIN OTHER MATTERS IN CONNECTION THEREWITH

#### **BACKGROUND**

**WHEREAS**, the Burlington County Bridge Commission ("Commission") has been duly created by resolution of the Board of Chosen Freeholders ("Board") of the County of Burlington, New Jersey ("County"), duly adopted October 22, 1948, as a public body corporate and politic of the State of New Jersey ("State") pursuant to and in accordance with the Self-Liquidating Bridges Act, constituting Chapter 17 of the Pamphlet Laws of 1934 of the State, and the acts amendatory thereof and supplemental thereto (*N.J.S.A. 27:19-26 et seq.*) ("Act"); and

**WHEREAS**, the Commission is authorized, pursuant to the Act, to make loans to any governmental unit for the design, acquisition, construction, improvement, equipping and furnishing of any project (as defined in the Act); and

**WHEREAS**, the Commission has determined to undertake a project consisting of the financing of loans to certain governmental units within the County (collectively, the "Participants") for the purposes of financing general improvements of the Participants and refinancing certain outstanding bond anticipation notes of the Participants that were issued to finance general improvements of the Participants (collectively, the "2009 Governmental Loan Program"); and

**WHEREAS**, the Commission proposes to finance the costs of the 2009 Governmental Loan Program through the issuance of its County-Guaranteed Pooled Loan Revenue Bonds (Governmental Loan Program), Series 2009, in the aggregate principal amount not to exceed \$23,000,000 ("2009 Bonds"), which 2009 Bonds will be payable from loan payments to be received from the Participants pursuant to and in accordance with the terms and conditions set forth in the bond purchase agreements between the Commission and each of the Participants; and

**WHEREAS**, to induce the prospective purchasers of the 2009 Bonds to purchase the same and provide additional security to the holders thereof, the County desires, in accordance with Section 3 of the Act, *N.J.S.A. 27:19-31*, to unconditionally and irrevocably guaranty the punctual payment of the principal of and interest on the 2009 Bonds ("2009 County Guaranty") as further described herein.

**WHEREAS**, the County, as an inducement to provide the 2009 County Guaranty, requires that the Commission enter into a Guaranty Reimbursement Agreement with the County ("2009 Guaranty Reimbursement Agreement"); and

**WHEREAS**, the County has previously adopted Resolution No. 131 on April 28, 1993 ("1993 County Guaranty") providing for the guaranty by the County of bonds of the Commission in an aggregate principal amount not-to-exceed \$33,000,000 for the purpose of financing the bridge projects described in the 1993 County Guaranty; and

**WHEREAS**, in connection with the 1993 County Guaranty, the County and the Commission executed the Reimbursement Security Agreement dated as of June 1, 1993 ("1993 County Guaranty Agreement") to set forth the additional terms and conditions of the 1993 County Guaranty; and

**WHEREAS**, the County now desires to (i) authorize the 2009 County Guaranty for the 2009 Bonds, (ii) approve the 2009 Governmental Loan Program in accordance with the provisions of Section 3 of the Act, and (iii) consent to the issuance of the 2009 Bonds for the purpose of financing the 2009 Governmental Loan Program in accordance with Section 3.02 of the 1993 County Guaranty Agreement.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF CHOSEN FREEHOLDERS OF THE COUNTY OF BURLINGTON, NEW JERSEY (NOT LESS THAN TWO-THIRDS OF ALL THE MEMBERS THEREOF AFFIRMATIVELY CONCURRING), AS FOLLOWS:

**Section 1.** This Ordinance shall be adopted by the Board of the County in the manner provided for the adoption of a bond ordinance as provided in the Local Bond Law, constituting Chapter 169 of the Pamphlet Laws of 1960 of the State, and the acts amendatory thereof and supplemental thereto, *N.J.S.A. 40A:2-1 et seq.* ("Local Bond Law").

**Section 2.** Pursuant to and in accordance with the terms of the Act, specifically Section 3 thereof, *N.J.S.A. 27:19-31*, the County is hereby authorized to and hereby shall unconditionally and irrevocably guaranty the punctual payment when due of the principal of and interest on the 2009 Bonds in an aggregate principal amount not exceeding \$23,000,000 to be issued for the purpose of undertaking and financing the 2009 Governmental Loan Program as further described in the preamble hereof, such 2009 Bonds to be dated, to be in such form, to mature, to bear such rate or rates of interest and to be otherwise as provided or established in the resolution or resolutions of the Commission authorizing the issuance of the 2009 Bonds and consistent with the provisions of the Act. The term "2009 Bonds" shall include all 2009 Bonds issued for or with respect to the 2009 Governmental Loan Program or any bonds issued to refund the 2009 Bonds originally issued for the 2009 Governmental Loan Program; provided, however, the total principal amount of 2009 Bonds outstanding and entitled to the benefits of this Ordinance shall not exceed \$23,000,000. Any 2009 Bonds which are no longer considered outstanding under the resolution of the Commission authorizing the issuance of the 2009 Bonds shall not be considered outstanding for the purpose of this Ordinance.

**Section 3.** Upon endorsement of the 2009 Bonds referred to in Section 4 below, the County shall be unconditionally and irrevocably obligated to pay, when due, the principal of and interest on the 2009 Bonds in the same manner and to the same extent as in the case of bonds issued by the County and, accordingly, the County shall be unconditionally and irrevocably obligated to levy *ad valorem* taxes upon all taxable real property within the County for the payment thereof without limitation as to rate or amount to the extent payment of the 2009 Bonds is not otherwise provided.

**Section 4.** The Freeholder-Director and Deputy Freeholder-Director of the Board are each hereby severally authorized and directed to execute on each of the 2009 Bonds, by manual or facsimile signature, language evidencing such 2009 County Guaranty by the County of the punctual payment of the principal of and interest thereon. The 2009 County Guaranty shall be in substantially the following form:

**"GUARANTY OF THE COUNTY OF BURLINGTON, NEW JERSEY**

The payment of the principal of and interest in each year on the within bond according to its terms is hereby fully and unconditionally guaranteed by the County of Burlington, New Jersey for as long as this bond is outstanding under the resolution of the Commission authorizing the issuance of this bond.

**IN WITNESS WHEREOF**, the County of Burlington, New Jersey has caused this Guaranty to be executed by the manual or facsimile signature of its [Deputy] Freeholder-Director.

**COUNTY OF BURLINGTON, NEW JERSEY**

By: \_\_\_\_\_  
[Deputy] Freeholder-Director

Notwithstanding the foregoing, the authorization of the Freeholder-Director and Deputy Freeholder-Director of the Board is hereby conditioned upon execution and delivery by the Commission to the County of the 2009 Guaranty Reimbursement Agreement.

**Section 5.** It is hereby found, determined and declared by the Board of the County that:

(a) This Ordinance may be adopted notwithstanding any statutory debt or other limitations including, particularly, any limitation or requirement under or pursuant to the Local Bond Law, but the aggregate principal amount of the 2009 Bonds outstanding at any time which shall be entitled to the benefits of the 2009 County Guaranty pursuant to this Ordinance, being an amount not to exceed \$23,000,000, shall, after their issuance, be included in the gross debt of the County for the purpose of determining the indebtedness of the County under or pursuant to the Local Bond Law.

(b) The principal amount of 2009 Bonds entitled to the benefits of this 2009 County Guaranty and included in the gross debt of the County shall be deducted and is hereby declared to be and to constitute a deduction from such gross debt under and for all the purposes of the Local Bond Law: (i) from and after the time of issuance of the 2009 Bonds until the end of the third fiscal year beginning next after such time of issuance; and (ii) in any annual debt statement filed pursuant to the Local Bond Law as of the end of said fiscal year or any subsequent fiscal year if the revenues or other receipts or moneys of the Commission in such year relative to the 2009 Governmental Loan Program are sufficient to pay its expenses of operation and maintenance in such year and all amounts payable in such year on account of the principal of and interest on all such guaranteed 2009 Bonds issued to finance the costs of the 2009 Governmental Loan Program.

**Section 6.** The following matters are hereby determined, declared, recited and stated:

(a) The maximum principal amount of 2009 Bonds which are hereby and hereunder guaranteed as to the punctual payment of the principal thereof and interest thereon is, and the maximum estimated cost of the 2009 Governmental Loan Program to be financed in accordance with the transaction contemplated hereby is, \$23,000,000.

(b) The purpose described in this Ordinance is not a current expense of the County and no part of the cost thereof has been or shall be assessed on property specially benefited thereby.

(c) A supplemental debt statement of the County has been duly made and filed in the office of the Clerk of the Board, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State, and such debt statement shows that while the gross debt of the County, as defined in the Local Bond Law, is increased by this Ordinance by \$23,000,000, in accordance with the provisions of the Act, the net debt of the County is not increased, and the obligation of the County authorized by or incurred pursuant to the terms of this Ordinance is permitted by an exception to the debt limitations of the Local Bond Law, which exception is contained in the Act.

**Section 7.** To secure the reimbursement and other payment obligations of the Commission and the Participants to the County, and to establish the County's remedies upon the occurrence of an event of default, the 2009 Guaranty Reimbursement Agreement substantially in the form which is hereby simultaneously approved by the

Board with the adoption of this Ordinance and available for public inspection in the office of the Clerk of the Board of the County and in the office of the Executive Director of the Commission, and the Freeholder-Director or Deputy Freeholder-Director of the Board of the County is hereby authorized and directed to execute and deliver the 2009 Guaranty Reimbursement Agreement on behalf of the County and Clerk and Deputy Clerk of the Board of the County are each hereby authorized and directed to attest and affix the seal of the County to the 2009 Guaranty Reimbursement Agreement, with such changes therein as counsel for the County may advise and said officer executing the same may approve, such approval to be evidenced by such officer's execution thereof.

**Section 8.** The County hereby approves the 2009 Governmental Loan Program and the loans to the Participants pursuant to the terms of the Act and hereby consents to the issuance of the 2009 Bonds to finance the 2009 Governmental Loan Program.

**Section 9.** All ordinances and resolutions, or parts thereof, inconsistent herewith are hereby rescinded and repealed to the extent of any such inconsistency.

**Section 10.** This Ordinance shall take effect at the time and in the manner provided by the Local Bond Law.

**Statement to be Published With Ordinance After Introduction.**

Public notice is hereby given that the foregoing Ordinance was introduced and passed on first reading at the meeting of the Board of Chosen Freeholders ("Board") of the County of Burlington, New Jersey ("County") held on May 27, 2009. Further notice is given that said Ordinance will be considered for final passage and adoption, after a public hearing thereon, at a meeting of the Board of the County to be held at the County Offices, 49 Rancocas Road, Mount Holly, New Jersey, on June 10, 2009 at 7:00 o'clock p.m. During the week prior to and up to and including the date of said meeting, copies of said Ordinance will be made available at the Clerk of the Board's Office in the County Offices for members of the general public who request the same.

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**AUGUSTUS M. MOSCA, Clerk of the Board  
of Chosen Freeholders of the County  
of Burlington, New Jersey**

**Statement to be Published With Ordinance After Final Adoption.**

**STATEMENT**

The Ordinance published herewith has been finally adopted on June 10, 2009 and the twenty (20) day period of limitation within which a suit, action or proceeding questioning the validity of such Ordinance can be commenced, as provided in the Local Bond Law, has begun to run from the date of the first publication of this statement.

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**AUGUSTUS M. MOSCA, Clerk of the Board of  
Chosen Freeholders of the County of Burlington,  
New Jersey**

11 **RESOLUTION NO. 277** by Director Donnelly, RESOLUTION TO SET THE PUBLIC HEARING FOR THE GUARANTY BY THE COUNTY OF BURLINGTON, NEW JERSEY OF BONDS OF THE BURLINGTON COUNTY BRIDGE COMMISSION FOR WEDNESDAY, JUNE 10, 2009 AT 7:00 PM.

RESOLVED, by the Board of Chosen Freeholders of the County of Burlington, that the Ordinance entitled, "ORDINANCE OF THE BOARD OF CHOSEN FREEHOLDERS OF THE COUNTY OF BURLINGTON, NEW JERSEY AUTHORIZING THE GUARANTY BY THE COUNTY OF THE PAYMENT OF THE PRINCIPAL OF AND INTEREST ON THE COUNTY-GUARANTEED POOLED LOAN REVENUE BONDS (GOVERNMENTAL LOAN PROGRAM), SERIES 2009 TO BE ISSUED BY THE BURLINGTON COUNTY BRIDGE COMMISSION IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$23,000,000 FOR THE PURPOSE OF PROVIDING ADDITIONAL SECURITY FOR THE PAYMENT OF SAID BONDS; APPROVING THE COMMISSION'S FINANCING OF THE 2009 GOVERNMENTAL LOAN PROGRAM, CONSENTING TO THE ISSUANCE OF THE BONDS TO FINANCE SAID PROGRAM, AND DETERMINING CERTAIN OTHER MATTERS IN CONNECTION THEREWITH" was introduced on May 27, 2009, and having been read by title only by the County Administrator/Board Clerk, does now pass

on first reading, and that said Ordinance be further considered for final passage at the meeting of the said Board to be held on the 10<sup>th</sup> day of June 2008 at 7:00 P.M., prevailing time or as soon as this matter can be reached at the regular meeting room of the Board of Chosen Freeholders in the Township of Mount Holly, New Jersey, and that at such time and place all persons interested be given an opportunity to be heard concerning the same, and that the County Administrator/Board Clerk be and he is hereby authorized and directed to publish said ordinance according to law with a notice of its introduction and passage on first reading in the Burlington County Times, a legal newspaper published in the County of Burlington.

12 **RESOLUTION NO. 278** by Director Donnelly, RESOLUTION AUTHORIZING AWARD OF CONTRACTS FOR THE PURCHASING DEPARTMENT.

WHEREAS, the Board of Chosen Freeholders of the County of Burlington has authorized the solicitation of bids for certain contracts; and

WHEREAS, the County Purchasing Agent has publicly advertised for bids for said contracts and has received, opened and reviewed said bids with the appropriate Burlington County representatives; now, therefore be it

RESOLVED by the Board of Chosen Freeholders of the County of Burlington that the following recommendations of the Burlington County Purchasing Agent are hereby approved and that the proper County Officials are hereby authorized to take all necessary actions to effectuate the rejections in accordance with the Rules of the Board.

1. Bids were received on April 14, 2009 as authorized per Resolution #133 adopted on March 11, 2009 for the solicitation entitled "VEHICLE, TRUCK FOR BURLINGTON COUNTY WEIGHTS AND MEASURES", (CPU-09-0036). The Purchasing Agent recommends this solicitation be rejected, as the County was unable to award a contract prior to the manufacturer's cut off date. It is further recommended to re-advertise and receive this solicitation, for a second time, at a later date.

2. Bids were received on May 12, 2009 as authorized per Resolution #141 adopted on March 25, 2009 for the solicitation entitled "PROPOSED ALTERATIONS TO 50 RANCOCAS ROAD, MOUNT HOLLY, NEW JERSEY, 08060", (CPU-09-0041). The Purchasing Agent recommends this solicitation be rejected for revision of specifications. It is further recommended to re-advertise and receive this solicitation, for a second time, at a later date.

3. Bids were received on May 12, 2009 as authorized per Resolution # 142 adopted on March 25, 2009 for the solicitation entitled "MASONRY RESTORATION BUILDING NO. 1 AND 2, BUTTWOOD HOSPITAL, NEW LISBON, NEW JERSEY", (CPU-09-0032). The Purchasing Agent recommends this solicitation be rejected for revision of specifications. It is further recommended to re-advertise and receive this solicitation, for a second time, at a later date.

13 **RESOLUTION NO. 279** by Director Donnelly, COUNTY SOLICITOR'S OFFICE AUTHORIZED TO PROCEED WITH ACQUISITION OR CONDEMNATION OF BLOCK 32, LOT 5.02, FOR COUNTY BRIDGE D4.81 ON CRISPIN ROAD LOCATED IN LUMBERTON TOWNSHIP IN THE AMOUNT OF \$7,867.00 FOR THE ENGINEERING DEPARTMENT; moved for adoption by Director Donnelly, seconded by Mr. Brown. Ayes Mr. Brown and Mr. Donnelly. Abstained – Mr. Haines and Mr. Wujcik. Opposed – Mrs. Reinhart. Motion carried. Resolution No. 279 adopted as follows:

WHEREAS, it is necessary for the Burlington County Board of Chosen Freeholders to acquire a certain property for the reconstruction of County Bridge D4.81, Crispin Road, Lumberton Township, Burlington County at the following location:

1. Block 32, Lot 5.02  
Lumberton Township  
Owned by Thomas & M. Elizabeth Sweeney  
Amount: \$7,867.00

WHEREAS, the County and the owners of the property needed have been unable to negotiate a settlement for the County's purchase of the subject easement to this point; and

WHEREAS, in the event of the inability of the County to negotiate for the acquisition of this easement with the property owners, the County Solicitor's office wishes for approval

to either settle with the property owner or to commence eminent domain proceedings per the authorization of N.J.S. 27:16-1, et seq. and N.J.S. 27:16-2, et seq.; and

WHEREAS, the County of Burlington may require the use and possession of said easement in advance of the completion of final judgment and/or condemnation proceedings, and N.J.S. 27:16-48 authorizes the taking of lands and making compensation therefore; and

WHEREAS, if necessary, the County of Burlington must institute proceedings in the Superior Court of New Jersey for the appointment of three commissioners to fix the compensation to be paid for the taking of this land and premises; and

WHEREAS, the fair market value of just compensation has been determined for the needed property and for this taking of this property by an appraiser hired by the County for this purpose who has certified that the amount of compensation is as follows:

- 1. Block 32, Lot 5.02  
Lumberton Township  
Owned by Thomas & M. Elizabeth Sweeney  
Amount: \$7,867.00

WHEREAS, the Burlington County Chief Financial Officer is requested to certify that funds in the amount as stated being the fair market value of this property to be taken, will be available for the acquisition or condemnation of said easement before any action is taken on the part of the Legal Department, and said funds will be charged to Account No. 60-7001-108582; now, therefore, be it

RESOLVED by the Board of Chosen Freeholders of the County of Burlington that, effective immediately, the County Solicitor's Office is hereby authorized to either acquire by agreement or institute condemnation proceedings, pursuant to law and at the proper time designated by the Solicitor's Office, by filing a Declaration of Taking and securing an Order of the Superior Court of New Jersey for depositing with the Clerk of the Superior Court Trust Fund the amount as just compensation for the acquisition of the needed property located at:

- 1. Block 32, Lot 5.02  
Lumberton Township  
Owned by Thomas & M. Elizabeth Sweeney  
Amount: \$7,867.00

and more accurately described in the attached Schedule "A-1"; and, be it

FURTHER RESOLVED that the Freeholder Director, County Administrator, County Engineer or any other County official be authorized to execute any document to complete such filing for commencement of eminent domain proceedings or in the alternative settle these matters for the amount stated; and, be it

FURTHER RESOLVED that the County Chief Financial Officer shall issue a check to the Legal Department, when required, in the amount aforesaid, payable to either the respective property owner in the event that the parties are able to settle these matters or alternately to the "Clerk, Superior Court of New Jersey"; and, be it

FURTHER RESOLVED that these actions be taken in accordance with the Rules of the Board.

\*\*\* It was moved by Director Donnelly, seconded by Mr. Wujcik that the following (5) five items be approved by unanimous consent. All in favor. Resolution Nos. 280 through 284 adopted.

14 **RESOLUTION NO. 280** by Director Donnelly, COUNTY SOLICITOR'S OFFICE AUTHORIZED TO PROCEED WITH THE ACQUISITION OF A ROADWAY IMPROVEMENT EASEMENT FOR BLOCK 1900, LOT 3 FOR THE REALIGNMENT OF CREEK ROAD AND COOPERTOWN ROAD LOCATED IN DELANCO TOWNSHIP IN THE AMOUNT OF \$12,000.00 FOR THE ENGINEERING DEPARTMENT.

WHEREAS, there exists a need for the County of Burlington to acquire a roadway improvement easement for the proposed realignment of Creek Road (CR625) and Coopertown Road (CR624), Delanco Township, Burlington County; and

WHEREAS, the Board is authorized to acquire the right to enter upon existing easement area for roadway improvement purposes and acquire easements for roadway improvement purposes per the authority of N.J.S. 27:16-16 and 27:16-2; and

WHEREAS, the property which is required is Block 1900, Lot 3 in Delanco Township, Burlington County and is owned by Zbigniew Nowak and Teresa Nowak who has agreed to sell an easement needed for roadway purposes on this property for the amount of \$12,000.00; and

WHEREAS, funds are available in Account No. 60-7001-111282 as evidenced by the attached Certification of the Burlington County Chief Financial Officer; now, therefore, be it

RESOLVED by the Board of Chosen Freeholders of the County of Burlington that the purchase of the above property easement is hereby approved; and be it

FURTHER RESOLVED that the County Solicitor's Office and the County Treasurer's Office are authorized to complete any documents needed for this transaction; and, be it

FURTHER RESOLVED that the Director of the Board and the County Administrator are authorized to execute any documents needed for this transaction; and, be it

FURTHER RESOLVED that this transaction shall be completed in accordance with the Rules of the Board.

15 **RESOLUTION NO. 281** by Director Donnelly, CONTRACT ACCEPTANCE DATE OF MAY 11, 2009 FOR THE 2007 STATE FUNDED OVERLAY PROGRAM WITH TRAP ROCK INDUSTRIES, INC. FOR THE ENGINEERING DEPARTMENT.

WHEREAS, Trap Rock Industries, Inc., whose address is P.O. Box 419, Kingston, NJ 08528, has a contract with the Burlington County Board of Chosen Freeholders for the 2007 State Funded Overlay Program (CEG-07-0023), in accordance with the plans and specifications prepared by the Burlington County Engineer's Office; and

WHEREAS, the project has been completed; and

WHEREAS, both parties to the project are desirous of establishing the date of completion for the project under the contract; now, therefore, be it

RESOLVED that the contract acceptance date of the whole project shall be recognized as May 11, 2009; and, be it

FURTHER RESOLVED that this acceptance of this work in no way limits or alters the terms and conditions of this contract for construction including rights of retainage and warranties, implied or expressed and/or any other pertinent items to such contract.

16 **RESOLUTION NO. 282** by Director Donnelly, LOAN AND MORTGAGE APPROVED WITH ONE FIRST TIME HOMEBUYER FOR THE TOTAL AMOUNT OF \$9,000 PURSUANT TO THE HOME INVESTMENT PARTNERSHIP PROGRAM ADMINISTERED THROUGH THE OFFICE OF COMMUNITY DEVELOPMENT.

WHEREAS, the Burlington County Board of Chosen Freeholders ("Board") has received funds from the U.S. Department of Housing and Urban Development pursuant to Home Investment Partnerships Program grant no. M-07-UC-34-0212; and

WHEREAS, the County's Community Development Program staff have reviewed and approved an application for assistance made by the below-named first-time homebuyers as eligible for closing costs and down payment assistance in the reported amount; and

<u>Applicants</u>	<u>File no.</u>	<u>Loan Amount</u>
T & K Gaither	FTB9-22-24GS	\$9,000.00

WHEREAS, \$9,000.00 is available in account no. 42-0709-051200 to make the above-described loan, as evidenced by the certification of Burlington County's chief financial officer filed herewith; now, therefore, the Board

RESOLVES as follows:

1. The County's Community Development Office and County Solicitor are authorized to prepare and record, as appropriate, loan, mortgage and other documents for the above-described case.

2. Funds for the loan are to be drawn from federal Community Development Program moneys and disbursement is to be made in accordance with County procedures.

3. Upon satisfaction of the conditions of the loan and mortgage the County Administrator and County Solicitor are authorized to prepare, sign and record documents to remove the County's claims and interests of record.

17 **RESOLUTION NO. 283** by Director Donnelly, LOAN AND MORTGAGE APPROVED FOR ONE PROPERTY OWNER FOR A HOME IMPROVEMENT LOAN IN THE AMOUNT OF \$16,128 EACH PURSUANT TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT ("HUD") BLOCK GRANT ADMINISTERED THROUGH THE OFFICE OF COMMUNITY DEVELOPMENT.

WHEREAS, the Board of Chosen Freeholders of the County of Burlington ("Board") has received funds from the U.S. Department of Housing and Urban Development ("HUD") Block Grant #B-08-UC-34-0001; and

WHEREAS, the County's Housing and Community Development office ("CD Office") has recommended that a HUD housing rehabilitation loan be made to the property owner named below on the CD Office's findings that the owner qualifies for the program and that housing code violations observed on inspection of the property can be ameliorated with a loan from the County; and

<u>Owner</u>	<u>Case no.</u>	<u>Rehab Cost</u>	<u>Title Costs</u>
N. Transue	35-22-38LS	\$15,953.00	\$175.00

WHEREAS, \$15,953.00 is available in account no. 31-0705-051285 to make a loan in the above-reported rehab cost amount, as evidenced by the certification of the County's Chief Financial Officer filed herewith; now, therefore, the Board

RESOLVES as follows:

1. The CD Office and County Solicitor are authorized to prepare loan, mortgage and other appropriate documents, with the loan amount to include the County's title costs, and record the executed mortgage for this case.

2. Funds for the loans are to be drawn from federal Community Development Program moneys.

3. The County Treasurer is authorized to send interim payments for completed work to the contractor and loan recipient on receipt of appropriate evidence that all the conditions of the contract between the loan applicant and housing contractor have been satisfactorily met and compliance with County payment requirements.

4. On satisfaction of the conditions of the loan and mortgage the County Administrator and County Solicitor are authorized to prepare, sign and record appropriate documents to cancel the mortgage.

18 **RESOLUTION NO. 284** by Director Donnelly, SUBSTANTIAL AMENDMENT TO THE CONSOLIDATED PLAN 2008 FOR THE BURLINGTON COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT FUNDING THROUGH THE AMERICAN RECOVERY AND REINVESTMENT ACT IN THE AMOUNT OF \$433,624 ADMINISTERED THROUGH THE OFFICE OF COMMUNITY DEVELOPMENT.

WHEREAS, the Board of Chosen Freeholders of the County of Burlington (the "Board") has received funds from the U.S. Department of Housing and Urban Development ("HUD") Community Development Block Grant Program for FY 2008 (the "Grant"), which Grant is to be utilized in accordance with a Consolidated Plan and 2008 Action Plan; and

WHEREAS, HUD has allocated an additional \$433,624.00 to the Board for Community Development Block Grant Program projects, which funds are made available through the American Recovery and Reinvestment Act of 2009; and

WHEREAS, the Board needs to submit a Substantial Amendment to the Consolidated Plan's 2008 Action Plan (the "Amendment") to HUD in order to be eligible to receive these funds; and

WHEREAS, the Board has reviewed and approved a proposed Amendment; now, therefore, the Board

RESOLVES, that the County Administrator and Community Development Program Office, and such other appropriate County officials and employees are authorized and directed to complete, sign and transmit the Amendment to HUD and to execute such related documents as may be necessary and appropriate.

- 19 **RESOLUTION NO. 285** by Director Donnelly, AUTHORIZATION TO FUND SMALL BUSINESS LOAN IN THE AMOUNT OF \$128,600 FOR DR. COHEN, MARCHOVER LLC AND SON LIGHT PEDIATRICS ADMINISTERED THROUGH THE DEPARTMENT OF ECONOMIC DEVELOPMENT AND REGIONAL PLANNING, moved for adoption by Director Donnelly, seconded by Mr. Brown. Ayes – Mr. Donnelly, Mr. Brown and Mr. Haines. Opposed – Mrs. Reinhart and Mr. Wujcik. Motion carried. Resolution No. 285 adopted as follows:

WHEREAS, by resolution no. 179, adopted on April 8, 2009, the Burlington County Board of Chosen Freeholders ("Board") authorized the County Department of Economic Development and Regional Planning to issue a commitment for a small business loan in the amount of \$128,600.00 to Dr. Odette Cohen, Marchover LLC and Son Light Pediatrics ("Applicants") to pay down an existing mortgage on business real property located in Willingboro, New Jersey, and owned by the Marchover LLC; and

WHEREAS, the Applicants have accepted the County's offer; and

WHEREAS, this loan may be subject to P.L. 2005, C. 271 and N.J.S.A. 19:44A-20.8 because it is not being made through an open, competitive solicitation and County payment to the Applicants will exceed \$17,500,000: and

WHEREAS, Applicants have completed and submitted to the County Business Entity Disclosure Certifications pursuant to N.J.S.A. 19:44A-20.8, certifying that they did not make any reportable contributions to a political or candidate committee in the previous year and certifying that they will not make such reportable contributions; and

WHEREAS, the Applicants have also submitted Certifications Concerning Political Contributions pursuant to P.L. 2005, Chapter 271, reporting that they made no political contributions, expenditures or other things of value to any political party or political committee during the preceding one-year period; and

WHEREAS, \$128,600.00 is available in Account No. 49-5702-000155 to make this loan, as evidenced by the Certification of the County's Chief Financial Officer filed herewith; now, therefore, the Board

RESOLVES as follows:

1. The loan described above is approved and authorized for funding.
2. Upon satisfaction of the conditions of the loan and mortgage the County Administrator and County Solicitor are authorized to prepare, sign and record documents to remove the County's claims and interests of record.

- 20 **Agenda Item 13** by Director Donnelly, AUTHORIZATION TO PURCHASE SERVICES FOR THE MAILING OF SAMPLE BALLOTS FOR THE ANNUAL SCHOOL ELECTION FROM REDMOND BCMS IN AN AMOUNT NOT TO EXCEED \$19,115.00 FOR THE COUNTY CLERK'S OFFICE. Motion was made by Director Donnelly, seconded by Mr. Brown to table this agenda item. All in favor. Motion carried. **Agenda item no. 13 was tabled.**

\*\*\* It was moved by Director Donnelly, seconded by Mr. Brown that the following (3) three items be approved by unanimous consent. All in favor. Motion carried. Resolution Nos. 286 through 288 adopted.

- 21 **RESOLUTION NO. 286** by Director Donnelly, AUTHORIZATION TO ADVERTISE FOR BIDS FOR PIPE, DUCTILE IRON FOR THE HIGHWAY DEPARTMENT.

RESOLVED by the Board of Chosen Freeholders of the County of Burlington, that the specifications are hereby approved for the following solicitation:

PIPE, DUCTILE IRON  
(4-BUCCP-09045)

And, be it;

RESOLVED that the County Administrator is authorized and directed to advertise for bids on the above proposal, as submitted to and approved by the County Solicitor; and, be it

FURTHER RESOLVED that said bids will be publicly received in the Freeholder’s Board Room on Tuesday, July 7, 2009 at 10:30 a.m. local prevailing time.

22 **RESOLUTION NO. 287** by Director Donnelly, AUTHORIZATION TO ADVERTISE FOR BIDS FOR PLUMBING REPAIR SERVICES FOR VARIOUS DEPARTMENTS.

RESOLVED by the Board of Chosen Freeholders of the County of Burlington, that the specifications are hereby approved for the following solicitation:

PLUMBING REPAIR SERVICES  
(CPU-09-0046)

And, be it;

RESOLVED that the County Administrator is authorized and directed to advertise for bids on the above proposal, as submitted to and approved by the County Solicitor; and, be it

RESOLVED that a pre-bid conference will be held for all prospective bidders in Conference Room “B”, on Thursday, June 18, 2009 at 1:30 p.m. Immediately following the pre-bid conference, a site visit will be held; now, therefore be it

FURTHER RESOLVED that said bids will be publicly received in the Freeholder’s Board Room on Tuesday, July 7, 2009 at 10:30 a.m. local prevailing time.

23 **RESOLUTION NO. 288** by Director Donnelly, AMENDMENT TO THE SECTION 125 CAFETERIA/VOLUNTARY BENEFITS PLAN FOR THE DEPARTMENT OF HUMAN RESOURCES.

WHEREAS, since October 1, 1996, the Burlington County Board of Chosen Freeholders (the “Board”) has been the sponsor of a cafeteria plan for full time County employees under Section 125 of the Internal Revenue Code (hereafter the “Plan”) which encompasses flexible spending accounts and various, voluntary insurance choices; and

WHEREAS, American Fidelity Assurance Company actively manages the Plan on behalf of the Board subject to oversight by the Department of Human Resources; and

WHEREAS, there exists a need from time to time to amend the terms of the Plan to makes changes to the named providers, to change the terms of the Plan or for other lawful purposes; and

WHEREAS, the Board has decided to amend the Plan to update the providers authorized to offer voluntary benefit choices pursuant to the Plan and to shorten the Plan year to enable the Plan to coincide with the calendar year and customary times that the County makes changes to employees’ co-payment structures for the Burlington County Health Benefits Plan; now, therefore, be it

RESOLVED, that the Section 125 Cafeteria Plan is amended as stated herein and as exhibited in the attached, amended Section 125 Flexible Benefit Plan Adoption Agreement retroactive to April 1, 2009 and in accordance with the approval granted by the Board at its March 18, 2009 conference meeting; and, be it

FURTHER RESOLVED, that the proper County Officials are authorized to execute the amended Plan document subject to review and approval by the County Solicitor’s Office; and, be it

FURTHER RESOLVED, that the Department of Human Resources shall post a copy of the Plan on the County’s intranet site – the BurlCo Portal – for all eligible participants to electronically retrieve.

- 24 **RESOLUTION NO. 289** by Director Donnelly, CHANGE ORDER NOS. 6 AND 7 WITH WE CARE ORGANICS, LLC IN THE AMOUNT OF \$148,349.60 FOR THE CAPITAL IMPROVEMENTS AT THE CO-COMPOSTING FACILITY FOR THE DEPARTMENT OF RESOURCE CONSERVATION/DIVISION OF SOLID WASTE, moved for adoption by Director Donnelly, seconded by Mr. Wujcik. Ayes – Mr. Donnelly, Mr. Haines and Mr. Wujcik. Opposed – Mr. Brown and Mrs. Reinhart. Motion carried. Resolution No. 289 adopted as follows:

WHEREAS, by Resolution no. 571, adopted on August 13, 2008, the Burlington County Board of Chosen Freeholders (“Board”) awarded a contract to WeCare Organics, LLC of Jordan, New York for capital improvements at the Co-composting Facility at the Burlington County Resource Recovery Complex, pursuant to an alternate procurement process as allowed under the Local Public Contracts Law; and

WHEREAS, Resolution 2008-571 reports a maximum amount payable of \$3,825,360.00 but the contract signed by WeCare and the Board states a maximum amount payable of \$3,820,310.00, which discrepancy the Board wishes to correct; and

WHEREAS, the Change Orders described below decreased the contract amount by \$21,642.60, resulting in a revised contract amount of \$3,798,667.40; and

<u>Change Order</u>	<u>Resolution no.</u>	<u>Date of approval</u>
1, 2, 3	949	December 10, 2008
4, 5	12	January 14, 2009

WHEREAS, Project Engineer Camp Dresser & McKee has recommended that the Board approve changes to WeCare’s contract, as detailed in Change Order Number 6 dated March 25, 2009, and Change Order Number 7 dated April 15, 2009, which change orders increase the amount of work to be performed by WeCare and increase the contract amount by \$148,349.60; and

WHEREAS, \$148,349.60 is available in account no. 75-5701-000155 to fund the increase in the contract cost, as evidenced by the certification of the County’s Chief Financial Officer filed herewith; and

WHEREAS, the net change in contract amount represented by Change Orders One through Seven is an increase in the original contract amount of \$126,707.00, which sum represents an overall increase of 3.32 percent in the original contract amount, resulting in a new contract amount of \$3,947,017.00; and

WHEREAS, the Board has reviewed and approved the Project Engineer’s recommendations; now, therefore, the Board

RESOLVES, as follows:

1. Resolution no. 2008-571 is corrected to reflect that the maximum contract amount when the contract was made and executed by WeCare and the Board, was \$3,820,310.00.
2. Change Order Numbers 6 and 7 to the Board’s contract with WeCare Organics, LLC are approved and their execution in accordance with the Rules of the Board is authorized.

- 25 **RESOLUTION NO. 290** by Director Donnelly, CHANGE ORDER NO. 12 WITH C. ABBONIZIO CONTRACTORS, INC. IN THE AMOUNT OF \$493,444.28 FOR ADDITIONAL WORK REQUIRED FOR THE CONSTRUCTION OF LANDFILL 2, PHASE IV FOR THE DEPARTMENT OF RESOURCE CONSERVATION/DIVISION OF SOLID WASTE; moved for adoption by Director Donnelly, seconded by Mr. Wujcik. Ayes – Mr. Donnelly, Mr. Haines and Mr. Wujcik. Opposed – Mr. Brown and Mrs. Reinhart. Motion carried. Resolution No. 290 adopted as follows:

WHEREAS, on October 24, 2007, and pursuant to a bid solicitation authorized by Resolution no. 732, adopted on September 12, 2007, the Burlington County Board of Chosen Freeholders awarded a contract to C. Abbonizio Contractors, Inc. of Deptford, New Jersey (“Abbonizio”) for the construction of Landfill No. 2, Phase 4, at the Burlington County Resource Recovery Complex for a total amount payable of \$7,801,300.00; and

WHEREAS, the Change Orders described below resulted in a net decrease in the contract amount of \$683,046.43, resulting in a revised contract amount of \$7,118,253.57; and

<u>Change Order</u>	<u>Resolution no.</u>	<u>Date of approval</u>
1-3	210	March 26, 2008
4	572	August 13, 2008
5, 6	711	September 24, 2008
7, 8, 9, 10, 11	782	October 22, 2008

WHEREAS, Project Engineer Richard A. Alaimo Engineering Company has recommended that the Board approve changes to Abbonizio's contract, as detailed in Change Order Number 12 dated March 31, 2009, which increases the amount of work to be performed by Abbonizio and increases the contract amount by \$493,444.28; and

WHEREAS, \$493,444.28 is available in account no. 77-7003-050282, as evidenced by the certification of the County's chief financial officer filed herewith; and

WHEREAS, the net change in contract amount represented by Change Order Numbers One through Twelve is a reduction in the original contract amount by \$189,602.15, which sum represents an overall decrease of 2.43 percent in the original contract amount, resulting in a new contract amount of \$7,611,697.85; and

WHEREAS, the Board has reviewed and approved the Project Engineer's recommendation; now, therefore, the Board

RESOLVES, that Change Order Number 12 to the Board's contract with C. Abbonizio Contractors, Inc. is approved and its execution in accordance with the Rules of the Board is authorized.

\*\*\* It was moved by Mr. Brown, seconded by Mr. Wujcik that the following item be approved by unanimous consent. All in favor. Motion carried. Resolution No. 291 adopted.

26 **RESOLUTION NO. 291** by Mr. Brown, APPROVAL TO SUBMIT APPLICATION TO THE STATE DEPARTMENT OF LAW AND PUBLIC SAFETY, DIVISION OF CRIMINAL JUSTICE FOR THE BODY ARMOR REPLACEMENT GRANT IN THE AMOUNT OF \$4,942.71 PURSUANT TO N.J.S.A. 52:17B-4.4 FOR THE PROSECUTOR'S OFFICE.

WHEREAS, the Attorney General of the State of New Jersey has delegated to the Director of the Division of Criminal Justice, Department of Law and Public Safety, the responsibility to implement funding for the purchase of replacement body armor under the Body Armor Replacement Fund Act, pursuant to N.J.S.A. 52:17B-4.4; and

WHEREAS, the Burlington County Prosecutor's Office wishes to apply for funding under said Act; and

WHEREAS, the Board of Chosen Freeholders of the County of Burlington has reviewed the application for grant funding and finds approval thereof to be in the best interests of the County; now, therefore, be it

RESOLVED, by the Board of Chosen Freeholders of the County of Burlington ("Board"), that:

1. As a matter of public policy the Board wishes to participate to the fullest extent possible with the Department of Law and Public Safety, Division of Criminal Justice; and
2. The New Jersey Legislature has allocated funds dedicated for the purpose of providing grants to state, county and local law enforcement agencies, for the purchase of replacement body armor; and
3. The Division of Criminal Justice shall be responsible for reviewing all applications and making recommendations to the New Jersey Attorney General for selection of sub-grant award recipients; and
4. The Division of Criminal Justice is authorized to initiate allocations to each sub-grantee; and be it
5. The County of Burlington on behalf of the Burlington County Prosecutor's Office is authorized to receive said funds and shall administer the funds it receives from the Office of the Attorney General in accordance with the terms of the proposed Grant Program; and

6. The Burlington County Administrator and the Burlington County Prosecutor shall be authorized to execute any and all documents, agreements or forms that are required in order to receive and to utilize funds under the Grant Program.

7. The Burlington County Treasurer is hereby directed to administer the funds it receives from the Office of the Attorney General as permitted by the terms of the grant program; and, be it

FURTHER RESOLVED, that the attached application is approved and authorization is hereby provided for the Applications to be executed, sealed and witnessed or attested in accordance with the Rules of the Board.

27 **RESOLUTION NO. 292** by Mr. Haines, SECOND AMENDMENT WITH REGAN YOUNG ENGLAND BUTERA IN THE AMOUNT OF \$57,491 FOR STRUCTURAL IMPROVEMENTS TO THE WARDEN'S HOUSE FOR ADDITIONAL ARCHITECTURAL AND ARCHAEOLOGICAL SERVICES NECESSARY FOR COMPLETION OF WORK FOR THE DEPARTMENT OF RESOURCE CONSERVATION; moved for adoption by Mr. Haines, seconded by Mr. Wujcik. Ayes – Mr. Haines, Mrs. Reinhart and Mr. Wujcik. Opposed – Mr. Donnelly and Mr. Brown. Motion carried. Resolution No. 292 adopted as follows:

WHEREAS, the Burlington County Board of Chosen Freeholders ("the Board") places the public trust above all else and remains steadfast in its commitment to the highest ethical standards in the conduct of its business on behalf of the taxpayers of Burlington County; and

WHEREAS, in furtherance of those standards the Board adopted Resolution No. 553 on July 28, 2004 which instituted a competitive quality based, fair and open process for soliciting qualifications and/or proposals for professional services contracts; and

WHEREAS, the Board adopted Resolution No. 17 on January 12, 2005 which establishes the procedures for obtaining said qualifications and/or proposals; and

WHEREAS, the Board required the services of an architect to evaluate the condition of the property known as the "Warden's House", a historically significant structure connected to the Historic Prison Museum; and

WHEREAS, by Resolution No. 895 dated October 24, 2007, Regan Young England Butera was authorized to provide the services needed by the Board for a charge of \$11,800 which services constitute "professional services" as defined in N.J.S.A. 40A:11-2(6), the Local Public Contracts Law; and

WHEREAS, by Resolution No. 625 dated August 27, 2008, a first amendment to the contact with Regan Young England Butera was authorized to provide for architectural design services for an additional cost of \$97,409 plus reimbursables, per its proposal of July 20, 2008; and

WHEREAS, additional architectural and archaeological work is necessary to complete the services authorized by the first amendment and Regan Young England Butera has offered to provide such services at a cost of \$57,491; and

WHEREAS, by Resolution No. 78 adopted on February 25, 2009 the Board established an approved list of Qualified Architectural Firms through a fair and open process which list includes Regan Young England Butera as a firm qualified to perform architectural services on behalf of the Board for the period 2009; and

WHEREAS, there are sufficient monies in account no. 44-5007-101255 to fund an amendment to the agreement with this firm for the above-stated amount, as evidenced by the certification of Burlington County's Chief Financial Officer filed herewith; now, therefore, be it,

RESOLVED, by the Burlington County Board of Chosen Freeholders, that the second contract amendment described above, approved as to form and substance by the County administrator and County Solicitor, be and the same is hereby approved and its execution in accordance with the Rules of the Board is authorized; and, be it

FURTHER RESOLVED, that this contract is awarded pursuant to a fair and open process and as a professional service in accordance with N.J.S.A. 40A:11-5(1)(a) of the Local Public Contracts Law; and, be it

FURTHER RESOLVED, that a copy of this action shall be printed once in the Burlington County Times within ten (10) days of its passage as required by N.J.S.A. 40A:11-5(1)(a) (i) of the Local Public Contracts Law.

\*\*\* It was moved by Mr. Haines, seconded by Mr. Wujcik that the following item be approved by unanimous consent. All in favor. Motion carried. Resolution No. 293 adopted.

28 **RESOLUTION NO. 293** by Mr. Haines, AUTHORIZATION TO ADVERTISE FOR BIDS FOR LONG BRIDGE PARK SITE IMPROVEMENTS PROJECT, PHASE II FOR THE DEPARTMENT OF RESOURCE CONSERVATION.

RESOLVED by the Board of Chosen Freeholders of the County of Burlington, that the plans and specifications prepared and submitted by T&M Associates are hereby approved for the following solicitation:

“LONG BRIDGE PARK SITE IMPROVEMENTS PROJECT PHASE II  
HAINESPORT TOWNSHIP, NEW JERSEY”  
(CPU-09-0054)

And, be it;

RESOLVED that the County Administrator is authorized and directed to advertise for bids on the above solicitation, as submitted to and approved by the County Solicitor; and, be it,

RESOLVED that the Freeholder Director is hereby authorized to sign the title sheet of the plans for said project. Plans and specification charge is \$50.00 per set, which is non-refundable; and, be it

RESOLVED that a Pre-Bid Conference will be held for all prospective bidders in the Freeholder’s Board Room on Thursday, June 18, 2009 at 11:00 a.m. local prevailing time; and be it

RESOLVED that Site Visits will be held for all prospective bidders, by appointment only; now, therefore be it

FURTHER RESOLVED that said bids will be publicly received in the Freeholder’s Board Room on Tuesday, July 7, 2009 at 10:30 a.m. local prevailing time.

\*\*\* It was moved by Mr. Haines, seconded by Mr. Wujcik, that the following item be approved by unanimous consent. All in favor. Motion carried. Resolution No. 294 adopted.

29 **RESOLUTION NO. 294** by Mr. Haines, AUTHORIZATION TO ADVERTISE FOR BIDS FOR RANCOCAS POINTE TRAIL, MOUNT LAUREL TOWNSHIP FOR THE DEPARTMENT OF RESOURCE CONSERVATION.

RESOLVED by the Board of Chosen Freeholders of the County of Burlington, that the plans and specifications prepared and submitted by Lord, Worrell & Richter, Inc., are hereby approved for the following solicitation:

“RANCOCAS POINTE TRAIL, MOUNT LAUREL, NEW JERSEY”  
(CPU-09-0062)

And, be it;

RESOLVED that the County Administrator is authorized and directed to advertise for bids on the above solicitation, as submitted to and approved by the County Solicitor; and, be it,

RESOLVED that the Freeholder Director is hereby authorized to sign the title sheet of the plans for said project. Plans and specification charge is \$50.00 per set, which is non-refundable; and, be it

RESOLVED that a Pre-Bid Conference will be held for all prospective bidders in the Freeholder’s Board Room on Thursday, June 18, 2009 at 10:00 a.m. local prevailing time; and be it

RESOLVED that Site Visits will be held for all prospective bidders, by appointment only; now, therefore be it

FURTHER RESOLVED that said bids will be publicly received in the Freeholder's Board Room on Tuesday, July 7, 2009 at 10:30 a.m. local prevailing time.

- 30 **RESOLUTION NO. 295** by Mr. Haines, AMENDMENT TO AGREEMENT WITH BROOKSIDE ENVIRONMENTAL, INC. FOR AN ESTIMATED AMOUNT OF \$85,574 FOR ADDITIONAL WORK NECESSARY TO REMEDIATE, SAMPLE, REPORT AND MONITOR PROPERTIES PURSUANT TO NJDEP REQUIREMENTS FOR THE DEPARTMENT OF RESOURCE CONSERVATION/OPEN SPACE; moved for adoption by Mr. Haines, seconded by Mr. Wujcik. Ayes – Mr. Donnelly, Mr. Haines and Mr. Wujcik. Opposed – Mr. Brown and Mrs. Reinhart. Motion carried. Resolution No. 295 adopted as follows:

WHEREAS, the Burlington County Board of Chosen Freeholders ("the Board") places the public trust above all else and remains steadfast in its commitment to the highest ethical standards in the conduct of its business on behalf of the taxpayers of Burlington County; and

WHEREAS, in furtherance of those standards the Board adopted Resolution No. 553 on July 28, 2004 which instituted a competitive quality based, fair and open process for soliciting qualifications and/or proposals for professional services contracts; and

WHEREAS, the Board adopted Resolution No. 17 on January 12, 2005 which establishes the procedures for obtaining said qualifications and/or proposals; and

WHEREAS, the Burlington County Board of Chosen Freeholders has acquired properties in Eastampton Township, Pemberton Borough, Mansfield Township, Delanco Township and Springfield Township for open space and outdoor recreation purposes; and

WHEREAS, the Board has evaluated the existing structures on these properties and cannot use them in conjunction with the County's park and open space plans and requires engineering and environmental services to prepare plans and specifications for the proper demolition of said structures and appurtenant improvements; and

WHEREAS, by Resolution No. 1007 adopted December 12, 2007 established an approved list of Qualified Surveying/Engineering Firms through a fair and open process which includes Brookside Environmental Consulting, LLC (Brookside), as a contractor qualified to perform various engineering services on behalf of the Board during 2008; and

WHEREAS, by Resolution No. 782 adopted on September 26, 2007 Brookside was awarded a contract to provide the services needed by the Board for a charge of \$24,880.00, which services constitute "professional services" as defined in N.J.S.A. 40A:11-2(6), the Local Public Contracts Law; and

WHEREAS, by Resolution No. 93 adopted on February 13, 2008, the Board did authorize a First Amendment to the contract Brookside for additional services associated with the subject property; and,

WHEREAS, by Resolution No. 757 adopted on October 8, 2008, the Board did authorize a Second Amendment to the contract Brookside for additional services associated with the subject property; and,

WHEREAS, additional work is necessary to remediate, sample, report, and monitor properties pursuant to NJDEP requirements at the subject properties; and

WHEREAS, Brookside has provided a proposal to provide these additional services for the amount of \$85,574.00 bringing their contract total amount to \$275,235.50; and,

WHEREAS, funds for the additional work are available in Account No. 44-5007-101255 as certified by the attached Certification of the Burlington County Chief Financial Officer; and

WHEREAS, this work continues to be a professional service under N.J.S.A. 40A:11-5 (1) (a)(i) et. seq. whereby bidding is not necessary for an award of this additional work; now, therefore, be it

RESOLVED by the Board of Chosen Freeholders of the County of Burlington that:

1. This Third Amendment to contract with Brookside is hereby approved in the amount of \$85,574.00, bringing the total contract amount to \$275,235.50.

- 2. This Third Amendment is awarded without competitive bidding as a professional service in accordance with N.J.S.A. 40a:11-5(1)(a) of the Local Public Contracts Law.
- 3. Notice of this Third Amendment to contract to Brookside shall be published in accordance with requirements of the Law.
- 4. All terms and conditions of the original agreement between the parties remain in full force and effect.
- 5. The County Administrator and the Director of the Board be authorized to execute the Third Amendment needed for this work.

\*\*\* It was moved by Mrs. Reinhart, seconded by Mr. Brown that the following (3) three items be approved by unanimous consent. All in favor. Motion carried. Resolution Nos. 296 through 298 adopted.

31 **RESOLUTION NO. 296** by Mrs. Reinhart, APPROVAL FOR LETTER OF AGREEMENT WITH THE NEW JERSEY GOVERNOR’S COUNCIL ON ALCOHOLISM AND DRUG ABUSE IN THE AMOUNT OF \$489,879 FOR DRUG ENFORCEMENT DEMAND REDUCTION FOR MUNICIPAL ALLIANCE ALCOHOL AND DRUG PREVENTION PLANS ADMINISTERED THROUGH THE HEALTH/HUMAN SERVICES DEPARTMENT.

WHEREAS, by Resolution no. 956, adopted on December 10, 2008, the Burlington County Board of Chosen Freeholders (“Board”) approved submission of a 2009 Burlington County Municipal Alliance Plan for the Prevention of Substance Abuse (the “Plan”) to the Governor’s Council on Alcoholism and Drug Abuse (the “Council”); and

WHEREAS, the Council has offered to make \$489,879.00 in Drug Enforcement Demand Reduction (“DEDR”) funds available to Burlington County for implementation and coordination of the Plan; and

WHEREAS, \$3,757.00 of this amount is to be used for a countywide substance abuse prevention program and \$73,482.00 is to be used for coordination of the Plan; and

WHEREAS, the County’s proposed 2009 budget includes \$939.25 as a match for the \$3,757.00 prevention program funds; and

WHEREAS, the Board is required to sign a Letter of Agreement with the Council as a condition to receiving the DEDR funds and the Board remains interested in securing these funds; now, therefore, the Board

RESOLVES, that the attached Letter of Agreement with the Governor’s Council on Alcoholism and Drug Abuse is approved and its execution in accordance with the Rules of the Board is authorized.

32 **RESOLUTION NO. 297** by Mrs. Reinhart, FIRST AMENDMENT TO AGREEMENT WITH Q.C. LABORATORIES, INC. FOR AN EXTENTION OF ONE YEAR THROUGH JUNE 30, 2010 IN THE AMOUNT OF \$55,000 FOR CONTRACT ENTITLED “LABORARY SERVICES –WATER TESTING FOR BURLINGTON COUNTY HEALTH DEPARTMENT”.

WHEREAS, after open public bidding, a contract entitled “LABORATORY SERVICES – WATER TESTING FOR BURLINGTON COUNTY HEALTH DEPARTMENT 2007-2009” (RFP-07-0031) was awarded to Q.C, Laboratories, Incorporated, 1205 Industrial Boulevard, Post Office Box 514, Southampton, PA 18966-0514 (hereafter Q.C. ) by the Board of Chosen Freeholders of the County of Burlington (hereafter Board), on June 12, 2007 per resolution #415 to provide Water Testing Services for the contract term July 1, 2007 – June 30, 2009, for an estimated amount of One Hundred Ten Thousand Dollars and 00/100 (\$110,000.00); and

WHEREAS, the above referenced contract can be extended in accordance with N.J.S.A. 40A:11-15 and provisions of the contract; and

WHEREAS, the Board of Chosen Freeholders of the County of Burlington and Q.C. Laboratories, Inc. have agreed to extended the term of the contract for one (1) year, July 1, 2009 through June 30, 2010, for an estimated amount of Fifty-Five Thousand Dollars and 00/100 (\$55,000.00); and

WHEREAS, a First Amendment to the contract is required to increase the term and the contract amount, for this one (1) year extension, for an estimated amount of Fifty-Five Thousand Dollars and 00/100 (\$55,000.00); and

WHEREAS, funds will be certified on an as needed basis for the 2009 portion of this amendment by the Burlington County Chief Financial Officer; and

WHEREAS, funds are anticipated to be available for the 2010 portion of the amendment in the 2010 temporary and permanent budgets; now, therefore be it

RESOLVED by the Board of Chosen Freeholders of the County of Burlington that the attached First Amendment to Contract titled "LABORATORY SERVICES – WATER TESTING FOR THE BURLINGTON COUNTY HEALTH DEPARTMENT 2007-2009" (RFP-07-0031), extending the contract for a period of one (1) year, July 1, 2009 through June 30, 2010 and increasing the contract for an estimated amount of Fifty-Five Thousand Dollars and 00/100 (\$55,000.00), for this one (1) year extension, is hereby approved and authorization is provided in this First Amendment to Contract to be executed, sealed and attested in accordance with the Rules of the Board.

33 **RESOLUTION NO. 298** by Mrs. Reinhart, AUTHORIZATION TO ADVERTISE FOR BIDS FOR ENCLOSURE CANOPIES FOR HOSPITAL BEDS FOR BUTTONWOOD HOSPITAL.

WHEREAS, the attached specification for the Enclosure Canopies for Hospital Beds is specialized and proprietary in nature, as the products listed are made or marketed by Vivax Medical Corporation and Posey Company, having the exclusive rights to make these products; and be it

RESOLVED by the Board of Chosen Freeholders of the County of Burlington, that the specifications are hereby approved for the following solicitation:

"ENCLOSURE CANOPIES FOR HOSPITAL BEDS-  
BUTTONWOOD HOSPITAL"  
(CPU-09-0052)

And, be it;

RESOLVED that the County Administrator is authorized and directed to advertise for bids on the above proposal, as submitted to and approved by the County Solicitor; and, be it

FURTHER RESOLVED that said bids will be publicly received in the Freeholder's Board Room on Tuesday, June 23, 2009 at 10:30 a.m. local prevailing time.

34 PUBLIC COMMENTS.

1) Elizabeth Kelly, Hainesport Township was present to address the Board concerning the Marne Highway Project and wanted to thank the Freeholders publically for coming to an agreement.

2) Peter Ruble, Hainesport Township was present to address the Board concerning Hainesport-Mt. Laurel and Creek Roads intersection and the possibility of having a 4 way stop.

3) Pete Bar, Moorestown Township was present to address the Board concerning the County Parks system and the 4 cent dedicated tax and he stated he would hate to see the maintenance of the parks suffer.

4) Richard Dow, Mt. Holly Township was present to address the Board concerning municipal budgets; the County providing the Youth Recreation Program for the municipalities, utilizing Sheriff's Officers for municipal schools, the installation of speed bumps on High Street in Mt. Holly, applauded Freeholder Brown for wanting to decrease open space tax and applauded Director Donnelly for his efforts to decrease the County tax rate.

5) Linda Lovendusky, Springfield Township was present to address the Board concerning the County Parks system and maintenance of the grounds.

6) Walt Trommelen, Moorestown Township was present to address the Board stating he was proud to live in Burlington County and stated open space programs are great, they maintain balance and was in support of leaving the tax as is.

7) Barbara Rich, Moorestown Township was present to address the Board commending the County for the Open Space/Parks program and the County has set the example for other organizations.

35 COMMENTS BY FREEHOLDERS

1) Freeholder Brown stated his budget would call for a 1.5 cent reduction in County Open Space program. Mr. Brown further stated that it is difficult to come up with direct tax savings and to find relief for County residents. He commented that the Bridge

Commission meets once per month and receives health benefits and should utilize in-house engineering jobs and questioned the accountability of the organization.

2) Freeholder Haines appreciated everyone who spoke on behalf of the trust fund. Parks and recreation limits traffic impact on highways. Mr. Haines stated that saving land saves taxes. Mr. Haines stated that not maintaining and preserving land now is short sighted.

3) Director Donnelly stated with regard to Mr. Brown's proposal to shift funding for Highway and Engineering to the Bridge Commission is just a tax shift, transferring accountability from one entity to another. Director Donnelly stated that the Freeholder Board has accountability to the tax payers.

36 ADJOURNMENT.

It was moved by Mr. Wujcik, seconded by Mrs. Reinhart, that the meeting be adjourned. All in favor. Motion carried.

Respectfully submitted,

Augustus M. Mosca  
County Administrator/Board Clerk