

Regular Meeting  
Mount Holly, New Jersey

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, June 10, 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, Superintendent of Buildings and Grounds Doty, Sheriff Stanfield, Deputy County Clerk Hales, Library Director Sweet, Director of IT Behmke, Buttonwood Hospital Director Cullinan, 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 27, 2009 AND THE CONFERENCE MINUTES OF APRIL 15, AND APRIL 22, 2009.

It was moved by Mrs. Reinhart, seconded by Mr. Wujcik that the minutes of the regular board meeting of May 27, and the conference minutes of April 15, and April 22, 2009 be approved. Mr. Haines abstained from the minutes of April 22, 2009. Mr. Brown abstained from all minutes. Motion carried. Minutes approved.

5 **PUBLIC HEARING** - RESOLUTION NO. 276 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.

The hour having arrived, Director Donnelly stated that this was the time and place for consideration of Resolution No. 276 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.

William Love, Medford Township, opposed this resolution stating that it could impact the County's credit rating. There being no further comments, Director Donnelly closed the public hearing. It was moved by Mr. Wujcik, seconded by Mr. Haines that Resolution No. 276 be finally passed.

On roll call: Ayes – Mr. Brown, Mr. Wujcik, Mr. Haines and Director Donnelly. Opposed – Mrs. Reinhart. Motion carried. Resolution No. 276 adopted on second reading and roll call.

6 **RESOLUTION NO. 299** by Director Donnelly, YEAR 2009 BUDGET READ BY TITLE ONLY, moved for adoption by Director Donnelly, seconded by Mr. Wujcik.

WHEREAS, the Board of Chosen Freeholders of the County of Burlington, on May 13, 2009, introduced in writing and approved the annual budget of Burlington County; and

WHEREAS, two certified copies of the approved budget were transmitted to the Director of Local Government Services of the State of New Jersey; and

WHEREAS, the Board of Chosen Freeholders of Burlington County fixed June 10, 2009, in the Burlington County Office Building, for the holding of a public hearing on the aforesaid budget; and

WHEREAS, the aforesaid budget was advertised on May 28, 2009 in the approved newspaper; and

WHEREAS, the aforesaid budget was posted in a public place where public notices are customarily posted in the County Office Building; and

WHEREAS, copies of said budget were made available to each person requesting the same during said week and are available for distribution at this public meeting; now, therefore, be it

RESOLVED, that the aforesaid County Budget be read by its title only as provided for in N.J.S.A. 40A:4-8.

On roll call: Ayes – Mr. Donnelly, Mr. Haines and Mr. Wujcik. Opposed – Mr. Brown and Mrs. Reinhart. Resolution No. 299 adopted.

7 **PUBLIC HEARING – 2009 COUNTY BUDGET.**

The hour having arrived, Director Donnelly stated that this was the time and place for consideration of comments on the 2009 County Budget.

Director Donnelly then declared the public hearing open to all persons present and requested anyone desiring to speak regarding the budget to do so, but asked that comments be contained to three minutes.

The following members of the public addressed the Board concerning the Budget:

1. Barbara Rich – Moorestown Township
2. Anthony Tall`erico – CWA Local 1034
3. Howard Brown – Palmyra Borough
4. Richard Dow – Mt. Holly Township
5. William Love – Medford Township
6. Kent Pipes – Hainesport Township
7. Robert Smyth – Riverton Borough
8. MaryAnn O'Brien – Medford Township
9. Jose Sosa – Westampton Township
10. Bruce Garganio – Florence Township
11. Bonnie Philips – Edgewater Park Township
12. Dianne Stinney – Pemberton Township
13. Michael Rothmel – Mt. Holly Township
14. Mark Roselli – Bordentown Township

\*\*\* Freeholder Wujcik made motion to amend the 2009 County Budget and outlined the amendment to the proposed 2009 County Budget, Mr. Haines seconded that motion. On roll call: Ayes: Mr. Haines, Mr. Wujcik and Director Donnelly. Opposed – Mr. Brown and Mrs. Reinhart. Motion carried. Public Hearing on proposed amendment set for June 17, 2009 at 7:00 pm.

8 **RESOLUTION NO. 299a** by Director Donnelly, AMENDMENT OF THE 2009 COUNTY BUDGET, moved for adoption by Mr. Donnelly, seconded by Mr. Haines. On roll call: Ayes – Mr. Haines, Mr. Wujcik and Mr. Donnelly. Opposed – Mrs. Reinhart and Mr. Brown. Motion carried. Resolution No. 299a adopted.

WHEREAS, the county budget for the year 2009 was approved on the 13th day of May, 2009, and

WHEREAS, it is desired to amend said approved budget, and;

WHEREAS, the amendment will be published in the Burlington County Times on June 14, 2009, and;

WHEREAS, a public hearing will be held on June 17, 2009 at 7:00 o'clock p.m. for said amendment, now;

THEREFORE, BE IT RESOLVED by the Board of Chosen Freeholders of the County of Burlington that the following amendments to the approved budget for 2009 be made:



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 \$25,085,913.80 be and 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.

\*\*\* It was moved by Director Donnelly, seconded by Mr. Brown that agenda items 5 through 9 be approved by unanimous consent. Mrs. Reinhart opposed item no. 8. Motion carried. Resolution Nos. 302 through 306 adopted.

11 **RESOLUTION NO. 302** by Director Donnelly, AGREEMENT WITH PEMBERTON TOWNSHIP TO USE A PORTION OF PROPERTY OWNED BY THE COUNTY FOR THE KELLY MILLER CIRCUS TO BE HELD JUNE 11, 2009.

WHEREAS, the Burlington County Board of Chosen Freeholders (hereinafter the "Board") recognizes the need to provide residents of the County and its various townships with appropriate recreational opportunities for the benefit of all residents of the County; and

WHEREAS, Pemberton Township ("Township") has requested that Burlington County allow Pemberton Township to use a portion of property owned by Burlington County adjacent to the Township Office Building for the Kelly Miller Circus ("Event") to be held in Pemberton Township in June 11, 2009; and

WHEREAS, Burlington County has determined that Pemberton Township's request for this event should be allowed; and

WHEREAS, the Township would assume all responsibility for any and all fees, costs and liability associated with such event; and

WHEREAS, the Township has evidenced its desire to enter into such Agreement through passage of Resolution # 127-2009 on May 20, 2009; and

WHEREAS, the County and the Township are authorized by the "Interlocal Services Act" N.J.S. 40:8A-1 *et seq.* and N.J.S. 40A:11-10 to enter into any contract with joint provision of any service which any party to the agreement is authorized to render within its own jurisdiction; and

WHEREAS, the parties have agreed to participate as documented in the attached Shared Services Agreement between the County of Burlington and the Township establishing the respective rights and obligations of the parties regarding the Agreement; now, therefore, be it

RESOLVED by the Burlington County Board of Chosen Freeholders that:

1. The attached Shared Services Agreement between Burlington County and Pemberton Township to allow Pemberton Township use of a portion of property owned by Burlington County adjacent to the Township Office Building for an event to be held in June 11, 2009 is hereby approved.

2. The Burlington County Administrator is hereby authorized to sign, seal, execute and witness/attest the Agreement on behalf of the Board of Chosen Freeholders of the County of Burlington in accordance with the Rules of the Board.

3. The Burlington County Administrator is authorized to take any action necessary to implement the terms of the Shared Services Agreement.

4. The term of this Agreement shall be for a period of six (6) months commencing June 10, 2009 and terminating December 10, 2009.

12 **RESOLUTION NO. 303** by Director Donnelly, AGREEMENT WITH SPIEZLE GROUP IN AN AMOUNT NOT TO EXCEED \$5,850 FOR SERVICES RELATED TO THE PROJECT KNOWN AS "BUTTONWOOD HOSPITAL – FIRE SUPPRESSION SYSTEM".

WHEREAS, the Burlington County Board of Chosen Freeholders ("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, by Resolution No. 78 adopted February 25, 2009, the Board established an approved list of Qualified Architectural Firms through a fair and open process which includes Spiezle Group, Inc. as a firm qualified to perform various architectural services on behalf of the Board for the years 2009-2011; and

WHEREAS, the County Department of Administration has requested a proposal from Spiezle Group to provide architectural services for Phase I – initial assessment of the existing conditions of the fire suppression system at Buttonwood Hospital to ascertain code compliance and determine the scope of work necessary for Buttonwood to be code compliant with regard to fire suppression systems; and

WHEREAS, it has been recommended to the Board that the firm of Spiezle Group with an address of 120 Sanhican Drive, Trenton, NJ 08618, should be awarded this contract to prepare the needed architectural services; and

WHEREAS, Spiezle has offered to provide the needed architectural services described above which services constitute "professional services" as defined in the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq. (the "Law"); and

WHEREAS, the Board wishes to adopt a Resolution authorizing the Agreement with Spiezle under the fair and open process and as a professional service under N.J.S.A. 40A:11-5(1)(a)(i) for the needed architectural services in the amount of \$5,850.00; and

WHEREAS, funds are available for this purpose in the amount of \$5,850.00 in Account No. 60-7001-107682 as evidenced by the attached Certification of the Burlington County Chief Financial Officer; now, therefore, be it

RESOLVED by the Burlington County Board of Chosen Freeholders that the firm of Spiezle is retained provide architectural services for Phase I – initial assessment of the existing conditions of the fire suppression system at Buttonwood Hospital to ascertain code compliance and determine the scope of work necessary for Buttonwood to be code compliant with regard to fire suppression system; under the Board's fair and open process and as a professional service under N.J.S.A. 40A:11-5(1)(a)(i); and, be it

FURTHER RESOLVED that the attached Agreement with Spiezle is hereby approved and its execution in accordance with the Rules of the Board is authorized; 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).

13 **RESOLUTION NO. 304** by Director Donnelly, AUTHORIZATION TO RETROFIT TEN OF TWENTY-FOUR BUSES RECEIVED FROM NJ TRANSIT FOR USE IN THE TRANSPORTATION SYSTEM FOR THE PURPOSE OF MEETING THE SPECIFICATIONS REQUIRED FOR OMNIBUS TAGS FOR USE IN THE BURLINK SYSTEM.

WHEREAS, NJ TRANSIT has obtained grant funds pursuant to Section 5309 of the Federal Transit Act, as amended, to purchase motor vehicles to be used in the Burlington County Transportation System; and

WHEREAS, on December 30, 2008, the Burlington County Board of Chosen Freeholders adopted Resolution 995, thereby approving the execution of a lease agreement with NJ Transit for twenty-four (24) paratransit vehicles; and

WHEREAS, it has become necessary to use ten (10) of the said vehicles in the BURLINK system, such use requiring retrofitting of the vehicles to meet omnibus standards; and

WHEREAS, the cost of the retrofit will be taken from the FY 08 and FY 09 grant monies earmarked for Burlington County, said cost to be \$6,884 per vehicle plus an administrative cost of 50% for a total of \$7,572.40 per vehicle with a total cost of \$75,724.00 for the ten (10) vehicles; and

WHEREAS, NJ Transit estimates that the time from the date of decision to retrofit to the date of delivery of all of the vehicles will be between 6 and 9 weeks, with vehicles being delivered as they are retrofitted; and

WHEREAS, NJ Transit has confirmed that the retrofitted vehicles will be fully warranted as new vehicles; now, therefore, be it

RESOLVED by the Board of Chosen Freeholders of the County of Burlington that authorization is hereby provided to the Burlington County Administrator to confirm to NJ Transit that ten (10) of the twenty-four (24) vehicles are to be retrofitted for the purpose of meeting omnibus standards.

- 14 **RESOLUTION NO. 305** by Director Donnelly, COUNTY SOLICITOR'S OFFICE AUTHORIZED TO PROCEED WITH AN ACQUISITION OF A ROADWAY IMPROVEMENT EASEMENT FOR BLOCK 215, LOT 31 LOCATED IN MOUNT LAUREL TOWNSHIP IN THE AMOUNT OF \$4,886 FOR THE RECONSTRUCTION OF THE INTERSECTION OF MARNE HIGHWAY AND HARTFORD ROAD FOR THE ENGINEERING DEPARTMENT. Mrs. Reinhart opposed this resolution.

WHEREAS, there exists a need for the County of Burlington to acquire a roadway improvement easement for the proposed reconstruction of the intersection of Marne Highway (CR537) and Hartford Road, Mount Laurel 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 215, Lot 31 in Mount Laurel Township, Burlington County and is owned by Richard and Elizabeth Kelly who has agreed to sell an easement needed for roadway purposes on this property for the amount of \$4,886.00; and

WHEREAS, funds are available in Account No. 60-7001-107082 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. 306** by Director Donnelly, CHANGE ORDER NO. 2 WITH TRAP ROCK INDUSTRIES, INC. IN THE AMOUNT OF \$220,000 FOR THE 2008 STATE FUNDED OVERLAY CONTRACT FOR THE ENGINEERING DEPARTMENT.

WHEREAS, Change Order No. 1 dated November 14, 2008 was approved by the Board of Chosen Freeholders by Resolution No. 862 dated November 26, 2008 for the increase in Asphalt Price Adjustment to the project known as 2008 State Funded Overlay Program under contract to Trap Rock Industries, Inc. and the original contract amount of \$5,708,846.11 was increased by \$180,000.00 to the amended contract amount of \$5,888,846.11; and

WHEREAS, the attached Change Order No. 2 involves the increase in Asphalt Price Adjustment, increase in Traffic Directors, additional construction projects (Pemberton Bypass, CR 545 Bridge Pavement, Willow Grove Road and B.C.I.T. Driveway) resulting in a \$220,000.00 increase to the amended contract amount of \$5,888,846.11 for a total amount of \$6,108,846.11; and

WHEREAS, funds are available for this purpose in Account No. 60-7001-106882 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 said Change Order No. 2 dated May 28, 2009 be and the same is hereby approved.

- 16 **RESOLUTION NO. 301** by Director Donnelly, RESOLUTION TO APPROVE, RATIFY AND CONFIRM THE SALE OF \$27,943,000 BOND ANTICIPATION NOTES, SERIES 2009A TO WACHOVIA BANK, NATIONAL ASSOCIATION, moved for adoption by Mr. Donnelly, seconded by Mr. Brown. All in favor. Motion carried. Resolution No. 301 adopted.

WHEREAS a report has been received from Amy J. Hannigan, Treasurer, dated May 29, 2009 which is attached and made a part of this resolution, advising the Board that in accordance with its Bond Ordinances as amended and supplemented (Local Bond Law”); and (ii) Bond Ordinance 363-92; 718-92, as amended and supplemented by 669-96; 184-96; 576-96, as amended and supplemented by 202-97, 231-98, 345-99, 37-01, 569-01 and 401-05; 343-00; 125-02, as amended and supplemented by 142-06; 243-03; 80-04, as amended and supplemented by 816-04; 81-04; 144-06; 313-06; 315-06; 317-06, as amended and supplemented by 131-07; 125-07; 127-07; 903-07; 905-07; 907-07; 21-08; 65-08; 147-08; and 647-08, each duly and finally adopted by the County, the said Treasurer did sell and deliver Bond Anticipation Notes to:

Wachovia Bank, National Association in the principal amount of \$27,943,000.00  
at 1.5%

now, therefore, be it

RESOLVED, by the Board of Chosen Freeholders of the County of Burlington that the action of the said Treasurer regarding the issuance and sale of said notes be in all things, approved, ratified, and confirmed.

- \*\*\* It was moved by Director Donnelly, seconded by Mrs. Reinhart that the following sixteen (16) items be approved by unanimous consent. All in favor. Motion carried. Resolution Nos. 308 through 323 adopted.

- 17 **RESOLUTION NO. 308** by Director Donnelly, APPROVAL OF PLANS AND SPECIFICATIONS AND AUTHORIZATION TO ADVERTISE FOR BIDS FOR THE 2009 STATE FUNDED OVERLAY PROGRAM FOR THE ENGINEERING DEPARTMENT.

RESOLVED by the Board of Chosen Freeholders of the County of Burlington, that the plans and specifications are hereby approved for “2009 STATE FUNDED OVERLAY PROGRAM” (CEG-09-0035)

Major items being:

- |     |  |         |      |       |      |
|-----|--|---------|------|-------|------|
| 1.  | Excavation, Unclassified   | 500     | C.Y. |       |      |
| 2.  | H.M.A. Milling, 3” or less   | 423,200 |      | S.Y.  |      |
| 3.  | H.M.A. Milling, More than 3” to 6”   | 1,000   |      | S.Y.  |      |
| 4.  | H.M.A. 12.5 M64 Base Course  | 500     |      | tons  |      |
| 5.  | H.M.A. 9.5 M64 Surface Course  | 55,000  |      | tons  |      |
| 6.  | H.M.A. 9.5 M64 Leveling Course   | 200     |      | tons  |      |
| 7.  | Open Graded 9.5 MM Friction Course   | 100     |      | tons  |      |
| 8.  | Drainage Pipes<br>(8” P.C.P.P., 12” P.C.P.P., 6” D.I.P., 8” D.I.P., 12” D.I.P.)                        | 423     |      | L.F.  |      |
| 9.  | Bicycle Safe Grate   | 355     |      | units |      |
| 10. | Reset Castings and Valve Boxes   | 255     |      | units |      |
| 11. | 6” x 8” x 18” Class ‘B’ Concrete Curb  | 1,300   |      | L.F.  |      |
| 12. | Spreading Dense Graded Aggregate along pavement  |         |      | 500   | tons |
| 13. | Topsoil, Seeding, Fertilizing, and Mulching  | 3,500   |      | S.Y.  |      |
| 14. | Traffic Stripes, Thermoplastic (Approximate)   | 426,000 |      | L.F.  |      |
| 15. | Miscellaneous Electrical Items (loop detector, junction boxes,<br>loop detector cable, conduits, etc.) |         |      |       |      |

RESOLVED that the Freeholder Director is hereby authorized to sign the title sheet of the plans for said project. There is a non-refundable charge of \$100.00 for each set of plans and specifications. All bidders must be prequalified in Work Classification 3A or 5, and in the proper dollar amount with N.J.D.O.T.; and be it

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

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

- 18 **RESOLUTION NO. 309** by Director Donnelly, AMENDMENT TO HOME INVESTMENT PARTNERSHIPS PROGRAM LOAN TO BCCAP TO EXTEND THE TIME FOR THE PROJECT WORK AND PROVIDE FOR THE USE OF UNDISBURSED LOAN FUNDS.

WHEREAS, by Resolution no. 1074, adopted on December 13, 2006, the Board of Chosen Freeholders of the County of Burlington (“Board”) authorized an \$80,000 loan through the County’s HOME Investment Partnerships Program to Burlington County Community Action Program (“BCCAP”) for the creation of one residential unit on Risdon Street in Mount Holly (the “Project”); and

WHEREAS, pursuant to said authorization, BCCAP received \$60,000.00 of the loan amount for its acquisition of the Project property; and

WHEREAS, BCCAP has failed to comply with the deadline for completing the Project (constructing and selling the dwelling) and the Housing and Community Development Office (the “CD Office”) has recommended that the deadline for completing construction of the Project be extended to December 31, 2009, and for selling the Project dwelling to an eligible buyer to June 30, 2010; and

WHEREAS, the Board has reviewed and approved the CD Office’s recommendation; now, therefore, the Board

RESOLVES as follows:

1. The loan documents shall be amended, as needed, to (a) extend the time periods for Commencement of Project work and completion of construction to December 31, 2009; (b) extend the period for sale of the Project dwelling to June 30, 2010, and (c) allow for use of the \$20,000 balance of loan funds for soft costs.
2. The County Solicitor, CD Office, County Administrator and County Treasurer are authorized to take such actions as may be necessary and appropriate to conclude this matter.

- 19 **RESOLUTION NO. 310** by Director Donnelly, LOAN AND MORTGAGE APPROVED FOR TWO PROPERTY OWNERS FOR A HOME IMPROVEMENT LOAN IN THE AMOUNTS OF \$17,423 AND \$20,000 PURSUANT TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (“HUD”) BLOCK GRANT 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 (“HUD”) Block Grant #B-08-UC-34-0001, which the Board uses to make loans to eligible County property owners for the purpose of repairing dwellings to improve their habitability and satisfy housing code requirements; and

WHEREAS, the County’s Community Development Office (“CD Office”) has recommended that home improvement loans, as described below, be made because the homeowner-applicants satisfy the criteria established for this program and housing code violations of each owner’s 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>
J. Gilmartin	35-14-20LS	\$19,825.00	\$175.00
M. Shapiro	35-03-22GS	\$17,423.00	\$175.00

WHEREAS, each owner has executed a certification pursuant to N.J.S.A. 19:44A-20.8 and P.L. 2005, Chapter 271, reporting that they did not make any reportable contributions to a political or candidate committee or political contributions, expenditures or other things of value to any political party or political committee in the previous year; and

WHEREAS, the amounts reported as “Rehab Cost” are available in account no. 31-0705-051285 to fund the housing rehabilitation costs portion of these loans, as evidenced by the certifications of Burlington County’s Chief Financial Officer filed herewith, with the balance of the loan amounts being a cost separately incurred by the CD Office for which the owner is responsible; now, therefore, the Board

RESOLVES, as follows:

1. The above-described loans (the sum of the "Rehab Cost" and the "Title Costs") are approved, funds for which are to be drawn from federal Community Development Program moneys.
2. These loans are being authorized as not made through a "fair and open process" as defined at N.J.S.A.19:44A-20.7, although they are being made in accordance with the requirements for program funding and through application of standard criteria and procedures, which the Board deems as fair and open.
3. The CD Office and County Solicitor are authorized to prepare and record loan, mortgage and other appropriate documents to make these loans and protect the County's interest in being repaid.
4. The CD Office and County Treasurer are authorized to send interim payments for completed work to the contractors and owners on (a) the CD Office's determination that conditions of the contract between the owner and contractor have been satisfied and (b) receipt of forms and documents required for the processing of payments.
5. On satisfaction of the conditions of each loan the County Administrator and County Solicitor are authorized to prepare, execute and record appropriate documents to cancel documents filed of record.

20 **RESOLUTION NO. 311** by Director Donnelly, LOAN AND MORTGAGE APPROVED WITH THREE FIRST TIME HOMEBUYERS IN THE AMOUNT OF \$9,000 EACH 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 applications for assistance made by the below-named first-time homebuyers as eligible for closing costs and down payment assistance in the reported amounts; and

<u>Applicants</u>	<u>File no.</u>	<u>Loan Amount</u>
J & A Monastero	FTB9-26-23GS	\$9,000.00
R & M Marzano	FTB9-25-06GS	\$9,000.00
E. M. Kelley	FTB9-27-30GS	\$9,000.00

WHEREAS, funds in the reported amount are available in account no. 42-0709-051200 to make the above-described loans, as evidenced by the certifications 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 cases.
2. Funds for each 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.

21 **RESOLUTION NO. 312** by Director Donnelly, AGREEMENT WITH VIRTUA HEALTH, INC. FOR AN ESTIMATED AMOUNT OF \$79,200 FOR THE CONTRACT ENTITLED "DRUG & ALCOHOL SERVICES FOR THE COUNTY OF BURLINGTON HUMAN RESOURCES 2009-2011".

WHEREAS, the County of Burlington's Human Resource Department has a need for Drug & Alcohol Services; and

WHEREAS, the Local Public Contracts Law at N.J.S.A. 40A:11-4.1 et seq. provides for the solicitation of competitive proposals for such services; and

WHEREAS, the solicitation of competitive proposals was authorized by Resolution #216 on April 22, 2009 for "DRUG & ALCOHOL SERVICES FOR THE COUNTY OF BURLINGTON HUMAN RESOURCES 2009-2011" (RFP-09-0061); and

WHEREAS, two (2) competitive proposals were received; and

WHEREAS, an evaluation team, assembled to review and recommend the most advantageous proposals, submitted a report with their findings with a recommendation to the County Administrator for the selection of Drug & Alcohol Services for the County of Burlington Human Resources; and

WHEREAS, the County Administrator has submitted to the Board of Chosen Freeholders a recommendation to award one (1) contract as described hereafter, said recommendation being attached to this Resolution; and

WHEREAS, the County Administrator concurs with the report and recommends that a contract be awarded to Virtua Health, Inc., 401 Rt. 73, 50 Lake Ctr. Drive, Marlton, New Jersey, 08053, for the period of July 1, 2009 through June 30, 2011, for an estimated amount of \$79,720.00; and

WHEREAS, funds for the period of July 1, 2009 through December 31, 2009 are available for this purpose in Account No. 10-0020-032209 as evidenced by the attached Certification of the Burlington County Chief Financial Official; and

WHEREAS, funds are anticipated to be available for the period January 1, 2010 through June 30, 2011 in the fiscal years 2010 and 2011 temporary and permanent budgets; and

WHEREAS, the certification of the availability of funds, for the above named contract, will be issued at that time by the Burlington County Chief Financial Officer; now, therefore be it

RESOLVED by the Burlington County Board of Chosen Freeholders that a contract for "DRUG & ALCOHOL SERVICES FOR THE COUNTY OF BURLINGTON HUMAN RESOURCES 2009-2011" (RFP-09-0061) for the County of Burlington Human Resources Department is hereby awarded to the above proposer; and be it

FURTHER RESOLVED that the Burlington County Purchasing Agent shall publish a notice in the official newspaper of the Board of Chosen Freeholders summarizing the award of contract, which shall include, but not be limited to, the nature, duration and amount of the contract, the name of the vendor and a statement that this Resolution and the contract is on file and available for public inspection in the Division of Purchase Office of the County of Burlington.

- 22 **RESOLUTION NO. 313** by Director Donnelly, AGREEMENT WITH BURLINGTON COUNTY COLLEGE IN THE AMOUNT OF \$52,605 TO OVERSEE THE SERVICING OF THE SUMMER YOUTH EMPLOYMENT AND TRAINING PROGRAM PURSUANT TO THE AMERICAN RECOVERY AND RE-INVESTMENT ACT ADMINISTERED THROUGH THE WIB.

WHEREAS, the State of New Jersey, Department of Labor and Workforce Development, has awarded American Recovery and Reinvestment Act funds to Burlington County for use in the County Workforce Investment Board ("WIB") area to operate a summer program for at-risk, disengaged youth; and

WHEREAS, the WIB was established pursuant to Governor Whitman's Executive Order No. 36, issued on May 12, 1995, for the purposes described therein; and

WHEREAS, the Uniform Shared Services and Consolidation Act, codified at N.J.S.A. 40A:65-1 through 65-35, authorizes agreements between public entities for the joint provision of services and the Local Public Contracts Law authorizes agreements with public entities without the need for solicitation of competitive bids; and

WHEREAS, the Board and WIB believe that Burlington County College ("BCC") is best qualified to oversee the servicing of the Summer Youth Employment and Training Program; and

WHEREAS, the Board has determined to allocate \$52,605.00 to Burlington County College ("BCC") and this amount is available in account no. 13-0677-076809 for an agreement by which the BCC would provide these services, as evidenced by the

certification of the County's Chief Financial Officer filed herewith; now, therefore, the Board

RESOLVES, that an agreement with the Workforce Investment Board and the Burlington County College, as described above, is approved and its execution in accordance with the Rules of the Board is authorized.

- 23 **RESOLUTION NO. 314** by Director Donnelly, AGREEMENT WITH BURLINGTON COUNTY BOARD OF SOCIAL SERVICES IN THE AMOUNT OF \$54,870 TO OVERSEE THE SERVICING OF THE SUMMER YOUTH EMPLOYMENT AND TRAINING PROGRAM PURSUANT TO THE AMERICAN RECOVERY AND RE-INVESTMENT ACT ADMINISTERED THROUGH THE WIB.

WHEREAS, the State of New Jersey, Department of Labor and Workforce Development, has awarded American Recovery and Reinvestment Act funds to Burlington County for use in the County Workforce Investment Board ("WIB") area to operate a summer program for at-risk, disengaged youth; and

WHEREAS, the WIB was established pursuant to Governor Whitman's Executive Order No. 36, issued on May 12, 1995, for the purposes described therein; and

WHEREAS, the Uniform Shared Services and Consolidation Act, codified at N.J.S.A. 40A:65-1 through 65-35, authorizes agreements between public entities for the joint provision of services and the Local Public Contracts Law authorizes agreements with public entities without the need for solicitation of competitive bids; and

WHEREAS, the Board and WIB believe that the Burlington County Board of Social Services ("BSS") is best qualified to oversee the servicing of the Summer Youth Employment and Training Program; and

WHEREAS, the Board has determined to allocate \$54,870.00 to BSS for this purpose; and

WHEREAS, \$13,717.50 is available in account no. 13-0677-075609 and \$41,152.50 is available in account no. 13-0677-076809 (total of \$ 54,870.00) for an agreement, by which the BSS would provide these services, as evidenced by the certification of the County's Chief Financial Officer filed herewith; now, therefore, the Board

RESOLVES, that an agreement with the Workforce Investment Board and the Burlington County Board of Social Services, as described above, is approved and its execution in accordance with the Rules of the Board is authorized.

- 24 **RESOLUTION NO. 315** by Director Donnelly, AUTHORIZATION OF AN AUCTION OF SURPLUS PROPERTY THROUGH THE USE OF AN ONLINE AUCTION SERVICE WITH GOVDEALS, INC.

WHEREAS, The Board of Chosen Freeholders of the County of Burlington, State of New Jersey, desires to dispose of surplus property no longer needed for Public use on an Online Auction Website; and

WHEREAS, the Department of Community Affairs of the State of New Jersey permits the sale of surplus property no longer needed for public use through the use of online auction services, pursuant to the Local Unit Electronic Technology Pilot Program and Study Act, P.L. 2001, c.30.; and

WHEREAS, Burlington County received approval on July 11, 2007 from the Department of Community Affairs to participate in the E-Procurement Pilot Program and to contract with GovDeals, Incorporated for that purpose; and

WHEREAS, the Board of Chosen Freeholders of the County of Burlington awarded a contract with GovDeals, Inc., 5913 Carmichael Place, Montgomery, AL, 36117 to provide the on-line auction service as per resolution #600 dated August 8, 2007; and

WHEREAS, said surplus property will be sold at public sale to the highest bidder in accordance with N.J.S.A. 40A:11-36 through this contracted government on-line auction service; and

WHEREAS, the surplus property to be auctioned is listed on Schedule A, attached to this resolution; now, therefore, be it

RESOLVED by the Board of Chosen Freeholders of the County of Burlington as follows:

1. The Chief Financial Officer is hereby authorized and directed to proceed with the on-line auction of surplus property, as listed on the attached sheet.
2. All proceeds from the sale of said surplus property shall be deposited with the Chief Financial Officer.
3. Notice of the date, time and place of the online auction together with a description of the surplus property to be sold shall be published in an official newspaper not less than 7 days prior to the sale.

- 25 **RESOLUTION NO. 316** by Director Donnelly, AUTHORIZATION TO ADVERTISE FOR BIDS FOR WORKFORCE INVESTMENT ACT – YOUTH OPPORTUNITIES SYSTEM 2009-2011 FOR THE WORKFORCE INVESTMENT BOARD.

WHEREAS, WORKFORCE INVESTMENT ACT-YOUTH OPPORTUNITIES SYSTEM 2009-2011 (RFP-09-0077) is to be contracted using competitive contracting; and

WHEREAS, N.J.S.A. 40A: 11-4.1 provides that competitive contracting may be used lieu of public bidding for the procurement of specialized goods and services the price of which exceeds the bid threshold of \$29,000; and

WHEREAS, WORKFORCE INVESTMENT ACT-YOUTH OPPORTUNITIES SYSTEM 2009-2011 is one of the specialized goods and/or services which may be procured through the use of the competitive contracting process as the operation, management or administration of social service programs, N.J.S.A. 40A:11-4.1 (b)(2); and

WHEREAS, the Board of Chosen Freeholders of the County of Burlington finds that the use of the competitive contracting process for the procurement of WORKFORCE INVESTMENT ACT- YOUTH OPPORTUNITIES SYSTEM 2009-2011 will be beneficial to the citizens of this County; now, therefore, be it

RESOLVED by the Board of Chosen Freeholders of the County of Burlington that the use of the competitive contracting process for the purchase of WORKFORCE INVESTMENT ACT- YOUTH OPPORTUNITIES SYSTEM 2009-2011 is hereby authorized; and, be it

RESOLVED that the County Administrator is authorized and directed to have published in the official newspaper a notice of availability of request for proposal documentation, as prepared by the Division of Purchase and submitted to and approved by the County Solicitor; and, be it

RESOLVED that a pre-proposal conference will be held for all proposers in the Freeholder's Board Room, on Thursday, July 2, 2009 at 10:00 a.m.; and, be it

FURTHER RESOLVED that the submissions of proposals for WORKFORCE INVESTMENT ACT-YOUTH OPPORTUNITIES SYSTEM 2009-2011 (RFP-09-0077), will be publicly received in the Freeholder's Board Room on Tuesday, July 21, 2009 at 10:30 a.m. local prevailing time.

- 26 **RESOLUTION NO. 317** by Director Donnelly, AUTHORIZATION TO ADVERTISE FOR BIDS FOR INLETS AND MANHOLES – FRAMES AND GRATES 2009-2011 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:

INLETS AND MANHOLES - FRAMES AND GRATES 2009 - 2011  
(4-BUCCP-09056)

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,

FURTHER RESOLVED that said bids will be publicly received in the Freeholder's Board Room on Tuesday, July 14, 2009 at 10:30 a.m. local prevailing time.

27 **RESOLUTION NO. 318** by Director Donnelly, AUTHORIZATION TO ADVERTISE FOR BIDS FOR SAND, FILL MATERIAL AND PRE-MIX MIXTURE 2009-2011 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:

SAND, FILL MATERIAL AND PRE-MIX MIXTURE 2009 – 2011  
(4-BUCCP-09055)

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,

FURTHER RESOLVED that said bids will be publicly received in the Freeholder’s Board Room on Tuesday, July 14, 2009 at 10:30 a.m. local prevailing time.

28 **RESOLUTION NO. 319** by Director Donnelly, AUTHORIZATION TO ADVERTISE FOR BIDS FOR BITUMINOUS CONCRETE, HOT MIXTURES AND BITUMINOUS CONCRETE PATCH 2009-2011 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:

BITUMINOUS CONCRETE, HOT MIXTURES AND BITUMINOUS  
CONCRETE PATCH 2009 - 2011  
(4-BUCCP-09057)

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

FURTHER RESOLVED that said bids will be publicly received in the Freeholder’s Board Room on Tuesday, July 14, 2009 at 10:30 a.m. local prevailing time.

29 **RESOLUTION NO. 320** by Director Donnelly, AUTHORIZATION TO ADVERTISE FOR BIDS FOR FIRE AND SMOKE ALARM SYSTEMS MAINTENANCE FOR VARIOUS COUNTY FACILITIES.

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

“FIRE AND SMOKE ALARM SYSTEMS MAINTENANCE”  
(CPU-09-0051)

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,

FURTHER RESOLVED that said bids will be publicly received in the Freeholder’s Board Room on Tuesday, July 14, 2009 at 10:30 a.m. local prevailing time.

30 **RESOLUTION NO. 321** 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; and

WHEREAS, all required certifications of the availability of funds for the award of contracts were approved, at the time or on an as needed basis, by the Chief Financial Officer; now, therefore be it

RESOLVED by the Board of Chosen Freeholders of the County of Burlington that award of the contracts listed below are hereby approved and that the proper County Officials are hereby authorized, in accordance with the Rules of the Board, to accept the bid proposals and execute said contracts after all of the requirements of the bid specifications are met by the bidders, including, but not limited to, the submission of the required performance bond, insurance certificate and evidence of affirmative action compliance; and be it

FURTHER 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.

Bids were received on May 5, 2009 as authorized per Resolution # 181 adopted on April 8, 2009 for the solicitation entitled "TOPSOIL FOR BURLINGTON COUNTY HIGHWAY DEPARTMENT", (CPU-09-0029).

Thomas E. Corbett Associates, LLC.  
144 W. Broadway  
Salem, NJ 08079

ESTIMATED TOTAL AMOUNT OF AWARD.....\$ 335,000.00  
(NOTE: For Years One (1) & Two (2))

Bids were received on May 19, 2009 as authorized per Resolution #218 adopted on April 22, 2009 for the solicitation entitled "FORKLIFT TRUCK FOR BURLINGTON COUNTY HIGHWAY DEPARTMENT", (CPU-09-0050).

Cherry Valley Tractor Sales  
35 Route 70 West  
Marlton, NJ 08053

One (1) 2009, New Forklift Truck or Equal, as per specification

TOTAL LUMP SUM BID .....\$ 22,465.00

Bids were received on May 12, 2009 as authorized per Resolution #182 adopted on April 8, 2009 for the solicitation entitled "VEHICLES, PICK-UP TRUCKS FOR BURLINGTON COUNTY BUILDINGS AND GROUNDS DEPARTMENT", (CPU-09-0047).

DFFLM, LLC  
t/a Ditschman/Flemington Ford  
215 Route 202  
PO Box 1007  
Flemington, NJ 08822

Two (2) 2009 or Newer Ford F150 XL  
Supercrew 4x2 Pick-UP Trucks or Equal,  
as per specification

TOTAL LUMP SUM BID .....\$ 47,200.00

Bids were received on May 12, 2009 as authorized per Resolution #192 adopted on April 8, 2009 for the solicitation entitled "WALL GUARD SYSTEM FOR BUTTONWOOD HOSPITAL", (CPU-09-0053). The Purchasing Agent recommends this solicitation be rejected, as the sole bidder included additional terms and conditions resulting in material deviations and to revise the specifications. It is further recommended to re- advertise and receive this solicitation, for a second time, at a later date.

31 **RESOLUTION NO. 322** by Director Donnelly, AUTHORIZATION TO EXECUTE AN ADMINISTRATIVE CONSENT ORDER WITH THE STATE DEPARTMENT OF ENVIRONMENTAL PROTECTION FOR THE DEPARTMENT OF RESOURCE CONSERVATION/DIVISION OF SOLID WASTE.

WHEREAS, the Burlington County Board of Chosen Freeholders (the "Board") owns the Burlington County Resource Recovery Complex (the "Complex"), which is subject to a number of permits issued by the New Jersey Department of Environmental Protection

("DEP"), including an Air Pollution Control Operating Permit (the "Permit") that imposes conditions and requirements for all sources of emissions produced at the Complex; and

WHEREAS, the DEP has alleged that, on June 7, 2007, the Board violated conditions of the Permit as set forth in Administrative Order PEA070002-45949 issued on August 17, 2007; and

WHEREAS, the Board filed an appeal of Administrative Order PEA070002-45459, on September 12, 2007, which appeal has not yet been scheduled for administrative hearing; and

WHEREAS, the Board and the DEP have agreed to enter into Administrative Consent Order EA ID #NEA090001-45949 ("ACO") to resolve the 2007 alleged violations in lieu of the County prosecuting appeals to which it is entitled; and

WHEREAS, the DEP has agreed to accept \$2,250.00 in settlement of the 2007 alleged violations, which amount is half of the penalty amount it could assess, and \$2,250.00 is available in Account No. 75-0722-041509, as evidenced by the certification of the Burlington County Chief Financial Officer filed herewith; now, therefore, the Board

RESOLVES as follows:

1. The Board authorizes execution of Administrative Consent Order EA ID# NEA090001-45949 with the DEP that is approved by the County Solicitor and County Administrator, which Agreement shall dispose of the alleged 2007 Permit violations.
2. The Board also authorizes dismissal of its appeal of Administrative Order PEA070002-45459 as part of the execution of the ACO.
3. The County Treasurer, County Administrator, Chief Financial Officer and County Solicitor are authorized to take such actions and sign such documents as are necessary and appropriate in order to conclude these matters.

32 **RESOLUTION NO. 323** by Director Donnelly, AGREEMENT WITH SCS ENGINEERING FOR IN AN AMOUNT NOT TO EXCEED \$130,000 FOR LANDFILL GAS MANAGEMENT, OPERATIONS, MAINTENANCE AND ENGINEERING SERVICES FOR THE DEPARTMENT OF RESOURCE CONSERVATION/DIVISION OF SOLID WASTE.

WHEREAS, by Resolution No. 411, adopted on May 10, 2006, and pursuant to a fair and open procurement process under the "competitive contracting" procedure provided in the Local Public Contracts Law, the Burlington County Board of Chosen Freeholders ("Board") authorized a two-year professional services contract with SCS Engineers ("SCS") to provide Landfill Gas Management, Operations, Maintenance and Engineering Services, which agreement provided for a maximum amount payable of \$31,000 for the period June 1, 2006 to May 31, 2007, and provided the Board with the right to renew the contract for up to three one-year terms; and

WHEREAS, pursuant to Resolution no. 451, adopted on June 12, 2007, the Board approved a First Amendment to the Agreement, which increased the amount payable for SCS's services to \$93,934.64 for the period through December 31, 2007; and

WHEREAS, pursuant to Resolution No. 399, adopted on June 11, 2008, the Board approved a Second Amendment to the Agreement, which increased the total contract amount to \$204,758.16 and extended the term of the Agreement for a third year (June 1, 2008, to May 31, 2009) for an amount not exceeding \$130,000; and

WHEREAS, SCS has indicated its willingness to continue to provide services needed by the Board, as described in its letter dated May 6, 2009, and the Director of the Department of Resource Conservation has recommended that the Agreement be renewed for another one-year term, for the period June 1, 2009, to May 31, 2010, for an amount not to exceed \$130,000 for the full one-year term and not to exceed \$75,833.34 for the period June 1, 2009, to December 31, 2009; and

WHEREAS, \$18,958.59 is currently available in Account No. 75-0722-040309, as evidenced by the certification of Burlington County's Chief Financial Officer filed herewith, to fund a portion of the cost of services; and

WHEREAS, the balance of funds needed for the services to be provided in 2009 (\$56,874.75) is expected to be available on adoption of the 2009 budget and the balance

of funding needed for the 2010 portion of the contract is expected to be available in the 2010 budget; now, therefore, the Board

RESOLVES as follows:

1. The above-described Third Amendment to the contract with SCS Engineers is approved and its execution, in accordance with the Rules of the Board, is authorized.
2. Authorization of this amendment beyond the funds certified as available today is subject to the appropriation and availability of additional funds, as described above.
3. On the availability of additional funds for this contract the Chief Financial Officer shall transmit a certification of funds availability to the County Administrator and county Solicitor.
4. Notice of this action shall be publicized.

\*\*\* It was moved by Director Donnelly, seconded by Mr. Haines that the following items be approved by unanimous consent. On roll call: Ayes: Mr. Haines, Mr. Wujcik and Mr. Donnelly. Opposed – Mr. Brown and Mrs. Reinhart. Two-thirds majority as required by Statute N.J.S.A. 40A:11-5 (3) not received. Motion failed. **Resolution No. 324 defeated.**

33 **RESOLUTION NO. 324** by Director Donnelly, AGREEMENT WITH THOMAS F. CORBETT ASSOCIATES, LLC IN THE AMOUNT OF \$3,240,000 FOR A CONTRACT ENTITLED "LANDFILL NO. 2, PHASE 5 WOODBURY CLAY PRE-EXCAVATION" FOR THE DEPARTMENT OF RESOURCE CONSERVATION/DIVISION OF SOLID WASTE.

WHEREAS, by Resolution no. 783 adopted on October 22, 2008, the Burlington County Board of Chosen Freeholders ("Board") authorized a solicitation for bids for a contract for services described in "Landfill #2, Phase 5 Woodbury Clay Pre-excavation, Burlington County, New Jersey" (Contract CPU-08-0117); and

WHEREAS, bids were received for the solicitation on December 16, 2008, and, on December 30, 2008, pursuant to the recommendation of the Project Engineer, Richard A. Alaimo Engineering Company, the Board rejected all bids because bid prices exceeded the engineer's estimate for the work and authorized the re-release of the solicitation as Contract CPU-08-0117A; and

WHEREAS, bids were received for the second time on January 27, 2009, and on February 11, 2009, the Board again rejected all bids on the recommendation of the Project Engineer because bid prices exceeded the Engineer's estimate; and

WHEREAS, the Local Public Contracts Law authorizes the Board to negotiate the terms of a contract and award a contract without competitive bidding if it has rejected bids on two occasions because bids were determined to be unreasonable as to price; and

WHEREAS, on January 27, 2009, the Board notified all bidders of its intention to negotiate the terms of the contract and it subsequently afforded each bidder an opportunity to offer its best price proposal to perform the work as set forth in the specifications on which the competitive bids were based; and

WHEREAS, Thomas F. Corbett Associates, LLC has offered to provide the services required by and in accordance with Contract CPU-08-0117A for \$3,240,000.00, which price is lower than the lowest responsible bid submitted on January 27, 2009, and lower than all other price proposals received in the negotiation process; and

WHEREAS, the Project Engineer has reviewed the proposal submitted by Thomas F. Corbett Associates, LLC and recommended that a contract be awarded to Corbett; and

WHEREAS, \$3,240,000.00 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 Board considered the matter on May 13, 2009, but the two-third majority required by N.J.S.A. 40:11-5(3) to approve the contract was not achieved; and

WHEREAS, the Board has reviewed the matter again and has determined to approve the Project Engineer's recommendation; now, therefore, the Board

RESOLVES, as follows:

- 1. A contract with Thomas F. Corbett Associates for "Landfill #2, Phase 5 Woodbury Clay Pre-excavation, Burlington County; New Jersey" (CPU-08-0117A) for \$3,240,000.00 is approved.
- 2. Execution of the contract in accordance with the Rules of the Board is authorized.

\*\*\* It was moved by Director Donnelly, seconded by Mrs. Reinhart that the following three (3) items be approved by unanimous consent. All in favor. Motion carried. Resolution Nos. 325 through 327 adopted.

34 **RESOLUTION NO. 325** by Director Donnelly, AUTHORIZATION TO ISSUE INTERMUNICIPAL SLUDGE MANAGEMENT AGREEMENTS WITH CERTAIN MUNICIPALITIES FOR THE DEPARTMENT OF RESOURCE CONSERVATION/DIVISION OF SOLID WASTE.

WHEREAS, in accordance with Burlington County's Solid Waste Management Plan (the "Plan") the Burlington County Board of Chosen Freeholders ("Board") constructed a co-composting facility (the "Facility") to provide a long-term, reliable and environmentally sound means of sludge disposal; and

WHEREAS, the Board's current contracts with sludge generators, by which they agree to direct dewatered sludge to the Facility, will expire on June 30, 2009, and the Board wishes to enter into new contracts with sludge generators for a five-year term commencing July 1, 2009; now, therefore, the Board

RESOLVES that agreements approved by the County Administrator and County Solicitor with public entities that are capable of complying with the terms and conditions for the Facility's acceptance of dewatered sludge and the other terms and conditions of the County's agreements are authorized, which agreements shall be executed in accordance with the Rules of the Board.

35 **RESOLUTION NO. 326** by Director Donnelly, POSITIONS CREATED AND ABOLISHED IN VARIOUS DEPARTMENTS.

RESOLVED, BY THE Board of Chosen Freeholders of the County of Burlington that the following positions be created and abolished effective immediately:

	RANGE	HOURS
HEALTH:		
Create:		
03165 1 Senior Account Clerk	08	35
Abolish: 1 Assistant Administrative Analyst		
HIGHWAY:		
Create:		
02001 1 Heavy Equipment Operator	17	40
Abolish: 1 Equipment Operator		
PUBLIC SAFETY SERVICES:		
Create:		
01296 2 Public Safety Telecommunicator	20	40
Abolish: 2 Public Safety Telecommunicator Trainee		
SHERIFF:		
Create:		
01268 1 Clerk Typist	04	35
Abolish: 1 Clerk		

and be it,

RESOLVED, that a certified copy of this resolution be forwarded to the New Jersey Department of Personnel.

36 **RESOLUTION NO. 327** by Director Donnelly, PERSONNEL ACTIONS AS SUBMITTED TO AND APPROVED BY THE STATE DEPARTMENT OF PERSONNEL.

RESOLVED, by the Board of Chosen Freeholders of the County of Burlington that the personnel actions as listed below, which have been submitted to and approved by the New Jersey Department of Personnel are hereby acknowledged; and, be it

FURTHER RESOLVED, that the appropriate County Officials are authorized and directed to take the necessary steps to implement the same.

Janice J. Wolford, Clinic Attendant, Health Department. Commenced duties on 2/23/09 at \$29,234 per annum. Permanent appointment from open competitive certification.

Michelle L. Phillips, Clinic Attendant, Health Department. Commenced duties on 2/23/09 at \$31,009 per annum. Permanent appointment from open competitive certification.

Ginger M. Nielsen, Clinic Attendant, Health Department. Commenced duties on 2/23/09 at \$31,009 per annum. Permanent appointment from open competitive certification.

Wayne J. Comegno, Deputy County Emergency Management Coordinator, Public Safety. Commenced duties on 3/3/09 at \$46,925 per annum. Permanent appointment from promotional certification.

Kamesh Prasad, Boiler Operator/Maintenance Repairer, Buttonwood Hospital. Commenced duties on 2/23/09 at \$32,936 per annum. Permanent appointment from open competitive certification.

Eileen E. Evans, Clinic Attendant, Health Department. Commenced duties on 2/23/09 at \$29,234 per annum. Permanent appointment from open competitive certification.

Perry A. Wright, Site Manager Nutrition Project, Office on Aging. Commenced duties on 2/17/09 at \$14.30 per hour. Temporary appointment six months or less.

Lisa E. Bonner, Clinic Attendant Bi-lingual Spanish/English, Health Department. Commenced duties on 11/17/08 at \$28,852 per annum. Permanent appointment from open competitive certification.

Russell F. Clay, Deputy Supervisor of Weights and Measures, Weights and Measures. Commenced duties on 6/30/08 at \$41,352 per annum. Provisional appointment pending promotional examination.

Ronald Y. Dresslove, Deputy Supervisor of Weights and Measures, Weights and Measures. Commenced duties on 6/30/08 at \$49,131 per annum. Provisional appointment pending promotional examination.

Anthony Correa, Maintenance Repairer, Buildings and Grounds. Commenced duties on 2/18/09 at \$34,094 per annum. Permanent appointment from promotional certification.

Diane McDevitt, Assistant Public Information Officer, Health Department. Commenced duties on 3/17/09 at \$51,239 per annum. Permanent appointment from promotional certification.

Linda Pressey, Recreation Therapy Aide, Buttonwood Hospital. Commenced duties on 3/9/09 at \$29,234 per annum. Permanent appointment from open competitive certification.

Michael S. Jones, Senior Research Assistant, Health Department. Commenced duties on 3/24/09 at \$59,022 per annum. Permanent appointment from promotional certification.

Tami Granata, Secretarial Assistant, Treasurer's Office. Commenced duties on 6/29/08 at \$33,400 per annum. Individual transfer.

Glenn F. Tighe, Assistant Director of Information Technology, Information Technology. Commenced duties on 11/3/08 at \$104,122 per annum. Provisional appointment pending promotional examination.

Holly L. Cucuzella, Director of Health Education, Health Department. Commenced duties on 6/30/08 at \$57,097 per annum. Provisional appointment pending promotional examination.

Nicholas R. Ptaszewski, County Correction Sergeant, County Jail. Commenced duties on 4/5/09 at \$64,010 per annum. Permanent appointment from promotional certification.

Nicholas M. Biacco, Assistant Storekeeper, Office on Aging. Commenced duties on 3/23/09 at \$33,360 per annum. Provisional appointment pending promotional examination.

Anastasia M. Dorofachuk, Senior Clerk Typist, Extension Services. Commenced duties on 2/18/09 at \$31,309 per annum. Permanent appointment from promotional certification.

Christopher M. Shaefer, Animal Attendant, Health Department. Commenced duties on 3/8/09 at \$28,647 per annum. Permanent part-time to permanent full-time.

Terry L. Folsom, Animal Attendant, Health Department. Commenced duties on 3/8/09 at \$28,814 per annum. Permanent part-time to permanent full-time.

Patricia M. Cauley, County Correction Sergeant, County Jail. Commenced duties on 4/5/09 at \$64,010 per annum. Permanent appointment from promotional certification.

Linval O. Jones, County Correction Sergeant, County Jail. Commenced duties on 4/5/09 at \$64,010 per annum. Permanent appointment from promotional certification.

Denise J. Davis, County Correction Lieutenant, County Jail. Commenced duties on 4/5/09 at \$71,691 per annum. Permanent appointment from promotional certification.

Ogochukwu C. Greene, Hospital Attendant, Buttonwood Hospital. Commenced duties on 4/20/09 at \$29,234 per annum. Permanent appointment to non-competitive division position.

Raymond T. Tucci, Maintenance Repairer, Resource Conservation. Commenced duties on 4/28/09 at \$37,795 per annum. Permanent appointment from promotional certification.

Robert A. Clemens, Jr., Maintenance Repairer, Resource Conservation. Commenced duties on 4/28/09 at \$32,944 per annum. Permanent appointment from promotional certification.

Sonya Bulluck, Senior Clerk Typist, Veterans Services. Commenced duties on 4/21/09 at \$29,676 per annum. Permanent appointment from promotional certification.

William M. Weisgarber, Program Manager Disease Prevention Control, Health Department. Commenced duties on 5/11/09 at \$73,921 per annum. Permanent appointment from open competitive certification.

Dana Loehr, Student Assistant, Buttonwood Hospital. Commenced duties on 3/9/09 at \$9.00 per hour. Unclassified appointment.

Charity Lusenie, Hospital Attendant, Buttonwood Hospital. Commenced duties on 1/26/09 at \$29,234 per annum. Permanent appointment to non-competitive division position.

James M. Juniak, Residential Service Worker, Buttonwood Hospital. Commenced duties on 1/26/09 at \$26,151 per annum. Permanent appointment to non-competitive division position.

Leinaala M. Johnson, Hospital Attendant, Buttonwood Hospital. Commenced duties on 1/26/09 at \$14.00 per hour. Permanent appointment to non-competitive division position.

Alita M. Dixon, Head Nurse, Buttonwood Hospital. Commenced duties on 1/26/09 at \$32.00 per hour. Provisional appointment pending open competitive examination.

Yolanda D. Barbot, Hospital Attendant, Buttonwood Hospital. Commenced duties on 1/26/09 at \$29,234 per annum. Permanent appointment to non-competitive division position.

Terry B. Goodwin, Practical Nurse, Buttonwood Hospital. Commenced duties on 1/11/09 at \$21.00 per hour. Permanent appointment to non-competitive division position.

Kevin M. Smith, Student Assistant, Buttonwood Hospital. Commenced duties on 1/21/09 at \$9.00 per hour. Unclassified position.

Jennifer L. Burboraw, Administrative Supervisor of Nursing, Buttonwood Hospital. Commenced duties on 1/26/09 at \$38.25 per hour. Temporary appointment six months or less.

Gretchen M. Haines, Institutional Attendant, Buttonwood Hospital. Commenced duties on 2/20/09 at \$14.02 per hour. Permanent appointment to non-competitive division position.

Elaine Mendoza, Senior Hospital Attendant, Buttonwood Hospital. Commenced duties on 2/22/09 at \$33,009 per annum. Permanent appointment to non-competitive division position.

Susan Quick, Head Nurse, Buttonwood Hospital. Commenced duties on 2/23/09 at \$33.31 per hour. Provisional appointment pending open competitive examination.

\*\*\* It was moved by Mr. Haines, seconded by Mrs. Reinhart that the following eight (8) items be approved by unanimous consent. Mr. Brown opposed item no. 31 and abstained from agenda items 32, 33, and 34. Motion carried. Resolution Nos. 328 through 334 adopted.

37 **RESOLUTION NO. 328** by Mr. Haines, AGREEMENT WITH CAMP DRESSER AND MCKEE IN AN AMOUNT NOT TO EXCEED \$30,000 TO DEVELOP A MODEL DATABASE FOR TRACKING INDIVIDUAL SUBSURFACE SEWAGE DISPOSAL SYSTEMS FOR THE DEPARTMENT OF RESOURCE CONSERVATION. Mr. Brown opposed this item.

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, by Resolution No. 996 adopted by the Board on December 30, 2008 an approved list established Qualified Engineering Firms through a fair and open process which includes Camp Dresser McKee (CDM), as a contractor qualified to perform various engineering services on behalf of the Board during 2009; and

Whereas on February 28, 2007 the Burlington County Board of Chosen Freeholders passed resolution # 154 authorizing execution of a grant from the State of New Jersey in the amount of \$144,584 to fund development of an Onsite Wastewater Management plan near the North Branch Rancocas Creek;

Whereas the Scope of Work lists a number of tasks including development of a model database for tracking individual subsurface sewage disposal (septic) systems and their maintenance to assist partner municipalities with implementing an onsite wastewater management program;

Whereas, a Request for Proposals for this project was issued and responses were reviewed and evaluated by a team including staff from the Department of Resource Conservation, the Department of Information Technology and the New Jersey Department of Environmental Protection;

Whereas, it is recommended that the firm of CDM be awarded a contract to provide the requested services; and

Whereas, those services will be contracted for a 4 ½ -month period, payment not to exceed \$30,000;

WHEREAS, there are sufficient monies in the account 14-5749-033607 to fund the agreement described above as evidence by the attached certification of Burlington County's Chief Financial Officer; now therefore be it

RESOLVED, that an agreement as described above has been approved as to form and content by the Burlington County Board of Chosen Freeholders and the same is hereby approved and their execution authorized in accordance with the Rules of the Board; and be it

- 38 **RESOLUTION NO. 329** by Mr. Haines, PRELIMINARY APPROVAL OF THE ROLAND ARISTONE TRUST II FARM LOCATED IN SHAMONG TOWNSHIP, AUTHORIZATION FOR APPRAISAL AND AUTHORIZATION TO SUBMIT APPLICATION TO THE STATE AGRICULTURE DEVELOPMENT COMMITTEE TO SECURE COST-SHARING GRANTS PURSUANT TO THE COUNTY'S FARMLAND PRESERVATION PROGRAM. Mr. Brown abstained from this item.

WHEREAS, the Burlington County Board of Chosen Freeholders supports the preservation of farmland within Burlington County through the purchase of land for the purpose of restricting its use to agriculture and through the purchase of development rights to farms by which the property owner agrees to retain land for agricultural use and production and to refrain from development for nonagricultural purposes; and

WHEREAS, on May 14, 2009, the County Agriculture Development Board (CADB) reviewed and approved one application to the County's farmland preservation program; and

WHEREAS, the application is from the Roland Aristone Trust II (Shamong Twp. – Block 23, Lot 10.09 / Block 22, Lot 13 / Block 19, Lot 37 Totaling approximately 156 acres); and

WHEREAS, the Board is interested in securing monies from the State Agriculture Development Committee (the "SADC") or other Federal agencies in order to fund a portion of the costs to preserve this farm; now, therefore, be it

RESOLVED, on this day, by the Burlington County Board of Chosen Freeholders, that the farm described above is hereby granted preliminary approval for processing for the County farmland preservation program, subject to additional review by the CADB with respect to specific conditions of approval in accordance with CADB and County policies; and be it

FURTHER RESOLVED, that the County Department of Resource Conservation, County Treasurer and County Administrator are hereby authorized to submit an application to the State Agriculture Development Committee and any other appropriate State agency to secure cost-sharing grants for purchases on this property.

- 39 **RESOLUTION NO. 330** by Mr. Haines, AGREEMENT WITH DEPEW-MARTIN REAL ESTATE APPRAISER IN THE AMOUNT OF \$4,000 FOR THE APPRAISAL OF THE ARISTONE FARM LOCATED IN SHAMONG TOWNSHIP PURSUANT TO THE COUNTY'S FARMLAND PRESERVATION PROGRAM. Mr. Brown abstained from this item.

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. 1008 on December 14, 2005 which establishes the procedures for obtaining said qualifications and/or proposals; and

WHEREAS, the Department of Resource Conservation (DRC) has a significant recurring need for appraisal services in connection with the County Farmland Preservation Program; and

WHEREAS, by Resolution No. 855 on November 26, 2008, the Board established an approved list of Qualified Appraisers through a fair and open process which includes Depew / Martin Real Estate Appraisers as a contractor qualified to perform real estate appraisal services on behalf of the Board during 2009; and

WHEREAS, the Board recognizes the need to retain the services of qualified, licensed appraisal firms for the purpose of preparing appraisals for either a fee simple or easement purchase; and

WHEREAS, by resolution being adopted this same date, the Burlington County Board of Chosen Freeholders approved the Aristone Farm (Block 23, Lot 10.09 / Block 22, Lot 13 / Block 19, Lot 37, Shamong Township) for the County farmland preservation program on certain conditions and also authorized the making of an application to the State Agriculture Development Committee ("SADC") for a grant to partially fund the purchase of an easement on this farm if the owner accepts the County's offer; and

WHEREAS, the Board needs two appraisals of the market value for each farm; and

WHEREAS, the above-mentioned consultant has offered to provide the Board with appraisal services for the subject property in conjunction with all applicable statutes and regulations and in accordance with all pertinent SADC and USPAP standards with the needed appraisal services as follows:

Aristone Farm - \$4,000

WHEREAS, appraisal services are "professional" in nature, as defined in N.J.S.A. 40A:11-2(6) of the Local Public Contracts Law (the "Law"), and, under N.J.S.A. 40A:11-5, are not subject to the requirement that the Board solicit competitive bids therefore; and

WHEREAS, there are sufficient monies in account no. 44-5007-100855 to fund the agreement described above, as evidenced by the attached certifications of Burlington County's Chief Financial Officer filed herewith; now, therefore, be it

RESOLVED, on this day, by the Burlington County Board of Chosen Freeholders, that agreements as described above that have been approved as to form and content by the Burlington County Solicitor and County Administrator, be and the same are hereby approved and their execution in accordance with the Rules of the Board is authorized; and, be it

FURTHER RESOLVED that this contracts be 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.

40 **RESOLUTION NO. 331** by Mr. Haines, AGREEMENT WITH LEGORE & JONES APPRAISAL SERVICES IN THE AMOUNT OF \$4,000 FOR APPRAISAL SERVICES FOR THE ARISTONE FARM LOCATED IN SHAMONG TOWNSHIP PURSUANT TO THE COUNTY'S FARMLAND PRESERVATION PROGRAM. Mr. Brown abstained from this item.

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. 1008 on December 14, 2005 which establishes the procedures for obtaining said qualifications and/or proposals; and

WHEREAS, the Department of Resource Conservation (DRC) has a significant recurring need for appraisal services in connection with the County Farmland Preservation Program; and

WHEREAS, by Resolution No. 855 on November 26, 2008, the Board established an approved list of Qualified Appraisers through a fair and open process which includes Legore & Jones Appraisals Services as a contractor qualified to perform real estate appraisal services on behalf of the Board during 2009; and

WHEREAS, the Board recognizes the need to retain the services of qualified, licensed appraisal firms for the purpose of preparing appraisals for either a fee simple or easement purchase; and

WHEREAS, by resolution being adopted this same date, the Burlington County Board of Chosen Freeholders approved the Aristone Farm (Block 23, Lot 10.09 / Block 22, Lot 13 / Block 19, Lot 37, Shamong Township) for the County farmland preservation program on certain conditions and also authorized the making of an application to the State Agriculture Development Committee ("SADC") for a grant to partially fund the purchase of an easement on this farm if the owner accepts the County's offer; and

WHEREAS, the Board needs two appraisals of the market value for each farm; and

WHEREAS, the above-mentioned consultant has offered to provide the Board with appraisal services for the subject property in conjunction with all applicable statutes and regulations and in accordance with all pertinent SADC and USPAP standards with the needed appraisal services as follows:

Aristone Farm - \$4,000

WHEREAS, appraisal services are "professional" in nature, as defined in N.J.S.A. 40A:11-2(6) of the Local Public Contracts Law (the "Law"), and, under N.J.S.A. 40A:11-5, are not subject to the requirement that the Board solicit competitive bids therefore; and

WHEREAS, there are sufficient monies in account no. 44-5007-100855 to fund the agreement described above, as evidenced by the attached certifications of Burlington County's Chief Financial Officer filed herewith; now, therefore, be it

RESOLVED, on this day, by the Burlington County Board of Chosen Freeholders, that agreements as described above that have been approved as to form and content by the Burlington County Solicitor and County Administrator, be and the same are hereby approved and their execution in accordance with the Rules of the Board is authorized; and, be it

FURTHER RESOLVED that this contracts be 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.

41 **RESOLUTION NO. 332** by Mr. Haines, AGREEMENT WITH REMINGTON AND VERNICK ENGINEERING IN THE AMOUNT OF \$48,750 FOR DEMOLITION OF COUNTY OWNED PROPERTIES PURSUANT TO THE COUNTY'S OPEN SPACE PRESERVATION PROGRAM. Mr. Brown opposed this item.

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 various municipalities, including, but not limited to: Mount Laurel Township, Eastampton Township, Pemberton Borough, and Southampton 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. 996 adopted December 30, 2008 established an approved list of Qualified Surveying/Engineering Firms through a fair and open process which includes Remington and Vernick Engineers ("R&V"), as a contractor qualified to perform various engineering and environmental services on behalf of the Board from 2009-2011; and

WHEREAS, R&V has offered to provide the services needed by the Board for a charge of \$48,750.00, which services constitute "professional services" as defined in N.J.S.A. 40A:11-2(6), the Local Public Contracts Law; and

WHEREAS, there are sufficient monies in account no. 44-5007-101255 to fund an 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 contracts 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.

- 42 **RESOLUTION NO. 333** by Mr. Haines, FIRST AMENDMENT TO AGREEMENT WITH T & M ASSOCIATES IN THE AMOUNT OF \$4,900 FOR ADDITIONAL WORK NEEDED AT LONG BRIDGE PARK PURSUANT TO THE COUNTY'S OPEN SPACE PRESERVATION PROGRAM. Mr. Brown opposed this item.

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 has expressed an interest in developing additional improvements at Long Bridge Park in Hainesport Township; and

WHEREAS, the Board needs a qualified engineering team to prepare final design plans, permit applications and construction documents for this project; and

WHEREAS, by Resolution No. 996 adopted by the Board on December 30, 2008 an approved list established Qualified Engineering Firms through a fair and open process which includes T&M Associates ("T&M"), as a contractor qualified to perform various engineering services on behalf of the Board from 2009-2011; and

WHEREAS, by Resolution No. 237 adopted on April 9, 2008 T&M was awarded a contract to provide the services needed by the Board for a charge of \$44,925.00, which services constitute "professional services" as defined in N.J.S.A. 40A:11-2(6), the Local Public Contracts Law; and

WHEREAS, additional work is necessary to sample, report, and inspect said structures and appurtenant improvements at the subject property; and

WHEREAS, T&M has provided a proposal to provide these additional services for the amount of \$4,900.00 bringing their contract total amount to \$49,825.00; 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 First Amendment to contract with T&M is hereby approved in the amount of \$4,900.00, bringing the total contract amount to \$49,825.00.
2. This First 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 First Amendment to contract to T&M 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 First Amendment needed for this work.

43 **RESOLUTION NO. 334** by Mr. Haines, AGREEMENT WITH GEORGE J. DONOVAN, AIA IN THE AMOUNT OF \$9,180 TO DESIGN THE REPLACEMENT OF CEDAR ROOFS ON THE ROWAN HOUSE LOCATED IN WESTAMPTON TOWNSHIP FOR THE DEPARTMENT OF RESOURCE CONSERVATION/DIVISION OF PARKS. Mr. Brown opposed this item.

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 wishes to replace the cedar shake roofs on and acquire exterior elevations and as-built floor plans for the Rowan house in Westampton, New Jersey; and

WHEREAS, the Board needs construction documents, a project manual and specifications, bidding administration and construction administration for the roof replacement project which will be incorporated and joined with the cedar roof replacement project at Historic Smithville Park which will be administered by George J. Donovan, AIA and Associates and was approved by Res # 160 on 3/25/2009; and

WHEREAS, by Resolution No. 78 on February 25, 2009 established an approved list of Qualified Architects through a fair and open process which includes George J. Donovan AIA & Associates as a contractor qualified to perform architectural services on behalf of the Board during 2009 through 2011; and

WHEREAS, George J. Donovan AIA & Associates has offered to provide the services needed by the Board for a charge of \$9,180.00 which services constitute "professional services" as defined in N.J.S.A. 40A:11-2(6), the Local Public Contracts Law; and

WHEREAS, there are sufficient monies in account no. 44-5007-101255 to fund an 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 contracts 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 Mrs. Reinhart, seconded by Mr. Wujcik that the following three (3) items be approved by unanimous consent. All in favor. Motion carried. Resolutions No. 335 through 337 adopted.

44 **RESOLUTION NO. 335** by Mrs. Reinhart, AGREEMENT WITH THE JUVENILE JUSTICE COMMISSION FOR BUTTONWOOD HOSPITAL TO PREPARE MEALS FOR THE BURLINGTON DAY PROGRAM EFFECTIVE JULY 1, 2009 THROUGH JUNE 30, 2011.

WHEREAS, the State of New Jersey, Juvenile Justice Commission ("Commission") administers the Burlington Day Program, which offers high-risk juvenile probationers of Burlington County counseling, academic education, vocational training and recreation/athletics; and

WHEREAS, the Commission provides meals for the participants of this program; and

WHEREAS, the Burlington Day Program operates out of a building on the grounds of Buttonwood Hospital of Burlington County ("Buttonwood") and Buttonwood has the available facility and personnel to prepare the meals required by the Commission; and

WHEREAS, the Commission's proposed payment of \$3.50 for each bag lunch and meal and \$2.50 for each half gallon of milk and \$0.50 for four ounces of orange juice is sufficient to cover Buttonwood's costs; now, therefore, be it

RESOLVED, by the Board of Chosen Freeholders of the County of Burlington, that an agreement approved as to form and content by the County Administrator and County Solicitor for the above-described purpose and for the period July 1, 2009, through June 30, 2011, is approved and its execution in accordance with the Rules of the Board is authorized.

45 **RESOLUTION NO. 336** by Mrs. Reinhart, APPROVAL TO SUBMIT THE STATE'S FISCAL YEAR 2010 CANCER COALITION PLAN GRANT RENEWAL IN THE AMOUNT OF \$65,000 AND AUTHORIZATION TO ENTER INTO AN AGREEMENT WITH THE STATE DEPARTMENT OF HEALTH AND SENIOR SERVICES ADMINISTERED THROUGH THE HEALTH DEPARTMENT.

WHEREAS, the Office of Cancer Control and Prevention within the State Department of Health and Senior Services ("State") has announced that funding is available for the implementation of the State's Comprehensive Cancer Control and Prevention Plan for the period July 1, 2009, through June 30, 2010; and

WHEREAS, the Burlington County Board of Chosen Freeholders (the "Board") has approved the recommendation of the County's Public Health Coordinator that it apply for \$65,000.00 in grant funding for the purpose of supporting various breast, lung and prostate cancer program initiatives and salary support for the County's Comprehensive Cancer Control Plan Coordinator; now, therefore, the Board

RESOLVES as follows:

1. The filing of the above-described Application is authorized and approved;
2. Acceptance of the above-described grant funds is authorized and approved.
3. Execution, in accordance with the Rules of the Board, of a grant agreement with the State that has been approved by the County Solicitor and County Administrator, is authorized and approved.

46 **RESOLUTION NO. 337** by Mrs. Reinhart, AGREEMENT WITH ROSSI PSYCHOLOGICAL GROUP PA TO PROVIDE SERVICES TO THE LONG TERM CARE DIVISION OF BUTTONWOOD HOSPITAL FOR THE TERM JUNE 1, 2009 THROUGH MAY 31, 2010 AT NO COST TO THE COUNTY.

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, by Resolution No, 191 adopted on April 8, 2009, the Burlington County Board of Chosen Freeholders (“the Board”) authorized Buttonwood Hospital of Burlington County to advertise a Request for Qualifications (RFQ) seeking qualified psychologists for the performance of clinical services in the position of licensed psychologist for the term of June 1, 2009 through May 31, 2010; and

WHEREAS, Ross Psychological Group, P.A., has offered to provide the needed services which constitute “professional services” as defined in N.J.S.A. 40A:11-2(6), the Local Public Contract Law; and

WHEREAS, Buttonwood Hospital of Burlington County received only one response which was from Bart Rossi, Ph.D., President of Rossi Psychological Group, P.A. with offices at 62 East Main Street, Somerville, NJ 08876; and

WHEREAS, a designated review committee within Buttonwood Hospital has reviewed and evaluated the submission received in response to the RFQ and has found Rossi Psychological Group, P.A. properly meets all requirements of the RFQ and is duly qualified; and

WHEREAS, the designated review committee negotiated and reached a tentative agreement as to terms with Rossi Psychological Group, P.A consistent and in accordance with the RFQ; and

WHEREAS, the designated review committee has submitted its written report to the Burlington County Board of Chosen Freeholders recommending that Rossi Psychological Group, P.A. be awarded a contract to perform the designated clinical services in the position of licensed Psychologist; and

WHEREAS, the Board and said professional services organization have come to agreement by which the provider will render its services on the terms and conditions specified in the proposed agreement, which agreement will be effective for the term June 1, 2009 through May 31, 2010 and may be summarized as follows:

<u>Provider</u>	<u>Services</u>	<u>Amount Not to Exceed</u>
Rossi Psychological Group, P.A.	Psychological Services	Non-Financial

now, therefore, be it

RESOLVED, by the Burlington County Board of Chosen Freeholders, that the attached agreement for professional services with Rossi Psychological Group, P.A. for the term June 1, 2009 through May 31, 2010 with Rossi Psychological Group, P.A. is hereby approved and authorization is hereby provided for the agreement to be executed, sealed and witnesses or attested to in accordance with the Rules of the Board; 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 notice 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. Wujcik, seconded by Mrs. Reinhart that the following item be approved by unanimous consent. All in favor. Motion carried. Resolution No. 338 adopted.

47 **RESOLUTION NO. 338** by Mr. Wujcik, AGREEMENT WITH THE JOINT BASE MCGUIRE-FT. DIX-LAKEHURST FOR MUTUAL AID FOR EMERGENCY MANAGEMENT, FIRE PROTECTION, HAZARDOUS MATERIAL INCIDENT RESPONSE, COMMAND CONTROL AND COMMUNICATIONS, CHEMICAL

BIOLOGICAL RADIOLOGICAL NUCLEAR AND EMERGENCY MEDICAL SERVICES ADMINISTERED THROUGH THE DEPARTMENT OF PUBLIC SAFETY SERVICES.

WHEREAS, the Burlington County Board of Chosen Freeholders (hereinafter the "Board") supports the mission of the Joint Base McGuire-Dix-Lakehurst (hereinafter "M-D-L"); and

WHEREAS, during emergency events there is a need to share resources to provide for the protection of life and property from fire, hazardous materials incident, Chemical/Biological/Radiological/Nuclear incident, medical emergencies, and in firefighting; and

WHEREAS, pursuant to the authorization of 42 U.S.C. 1856(2) the Board desires to establish a "Mutual Aid and Assistance Agreement" between M-D-L and the Burlington County Department of Public Safety Services for the purposes of Emergency Management, Fire Protection, Hazardous Material incident response, Command Control and Communications, Chemical Biological Radiological Nuclear (hereinafter "CBRN"), and Emergency Medical Services; and

WHEREAS, the Board and M-D-L have agreed to the attached Mutual Aid and Assistance Agreement to provide for the above services; now, therefore, be it

RESOLVED, by the Burlington County Board of Chosen Freeholders that the attached Mutual Aid and Assistance Agreement with the Joint Base McGuire-Dix-Lakehurst is hereby approved; and, be it

FURTHER RESOLVED, that the attached Agreement shall be executed and sealed in accordance with the Rules of the Board; and, be it

FURTHER RESOLVED, that the County Administrator, County Treasurer, County Solicitor are authorized to take any action necessary to complete the Mutual Aid and Assistance Agreement in accordance with the Rules of the Board.

\*\*\* It was moved by Director Donnelly, seconded by Mr. Haines to approve agenda item no. 10. On roll call: Ayes – Mr. Haines, Mr. Wujcik, and Mr. Donnelly. Opposed – Mr. Brown and Mrs. Reinhart. Motion carried. Resolution No. 307 adopted.

48 **RESOLUTION NO. 307** by Director Donnelly, AGREEMENT WITH TODD AND BLACK IN AN AMOUNT NOT TO EXCEED \$7,600 TO PERFORM APPRAISALS OF VARIOUS PROPERTIES LOCATED IN SPRINGFIELD TOWNSHIP FOR THE ENGINEERING DEPARTMENT.

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, by Resolution No. 853 adopted November 26, 2008 the Board established an approved list of Qualified Appraisal Firms through a fair and open process which includes Todd & Black as a contractor qualified to perform appraisal services on behalf of the Board during 2009; and

WHEREAS, the Board of Chosen Freeholders of Burlington County recognizes the need to retain the services of a qualified, licensed professional firm for the purpose of providing an easement appraisal of:

1. Block 503, Lot 10.01, Springfield Township, Burlington County  
Parcel #1  
Owner: Bauma LP
2. Block 503, Lot 15, Springfield Township, Burlington County  
Parcel #2  
Owner: J. Brook Webster
3. Block 503, Lot 16.01, Springfield Township, Burlington County

- Parcel #3  
 Owner: Stephen Shinn & Judith Brannin
4. Block 701, Lot 5, Springfield Township, Burlington County  
 Parcel #4  
 Owner: Lydia M. & Samuel Jacoby

; and

WHEREAS, Todd & Black has offered to provide the needed services which constitute "professional services" as defined in N.J.S.A. 40A:11-2(6), the Local Public Contracts Law; and

WHEREAS, Todd & Black has agreed to perform these necessary services, as shown in the attached proposal dated May 28, 2009 for an amount not to exceed \$7,600.00; and

WHEREAS, funds are available for this purpose in Account No. 60-7001-107082, 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 attached Agreement for professional services with Todd & Black is hereby approved and authorization is hereby provided for the agreement to be executed, sealed and witnessed or attested to in accordance with the Rules of the Board; 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 notice 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.

49 NOMINATION AND ELECTION OF KATHLEEN BURGESS AND ANN MARIE EMMONS, ESQ. TO THE BURLINGTON COUNTY SPECIAL SERVICES SCHOOL BOARD OF EDUCATION FOR THREE YEAR TERMS TO EXPIRE JUNE 30, 2012.

Director Donnelly made motion to open the nominations for the Burlington County Special Services School Board of Education, seconded by Mr. Brown.

Mr. Brown placed in nomination the names of Kathleen Burgess and Ann Marie Emmons, Esq. for the Burlington County Special Services School Board of Education for three year terms to expire on June 30, 2012. There being no further nominations, Director Donnelly closed the nominations and asked the Board Clerk to call roll for the nomination to the Board of Education:

Mr. Brown – Kathleen Burgess and Ann Marie Emmons, Esq.  
 Mr. Haines – Kathleen Burgess and Ann Marie Emmons, Esq.  
 Mrs. Reinhart – Kathleen Burgess and Ann Marie Emmons, Esq.  
 Mr. Wujcik – Kathleen Burgess and Ann Marie Emmons, Esq.  
 Director Donnelly – Kathleen Burgess and Ann Marie Emmons, Esq.

The vote being unanimous, Director Donnelly declared Kathleen Burgess and Ann Marie Emmons, Esq. nominated to the Burlington County Special Services School District Board of Education for three year terms to expire on June 30, 2012, and Director Donnelly thanked them for their service.

50 PUBLIC COMMENTS.

- 1) Heidi Winzinger, addressed the Board in support of the Open Space Tax.
- 2) Cindy Roberts, addressed the Board in support of the Open Space Tax.
- 3) Michael Catania, addressed the Board in support of the Open Space Tax.
- 4) Mike Rothmel, addressed the Board in support of the Open Space Tax.
- 5) Tom Naughton, addressed the Board in support of the Open Space Tax.
- 6) Agnes Naughton, addressed the Board in support of the Open Space Tax.
- 7) Margaret O'Gouyan, addressed the Board in support of the Open Space Tax.
- 8) Bob Tallon, addressed the Board in support of the Open Space Tax.
- 9) Jerry Savitch, addressed the Board in support of the Open Space Tax.
- 10) Carl Montgomery, addressed the Board in support of the Open Space Tax.

- 11) Pete Rubel, thanked the Board for re-marking and re-aligning an intersection on Mt. Laurel Road.
- 12) Janet Curran, addressed the Board in support of the Open Space Tax.
- 13) Charles Rohr, addressed the Board in support of the Open Space Tax.
- 14) Richard Dow, addressed the Board concerning, traffic, homeless shelters, and zoning.
- 15) Kathy Homes, addressed the Board concerning layoffs and the affect on County services.

51 COMMENTS BY FREEHOLDERS

- 1) Freeholder Brown expressed his disappointment regarding the budget process. Mr. Brown asked the County Administrator to provide him with specific information that he requested. Mr. Brown expressed his disappointment with the way the budget was handled and the information he requested is critical to the budget.
- 2) Freeholder Reinhart stated that all contributed to the delay of the budget. She also stated that there is much frustration in the budget and that it was disheartening to cut \$166,191 from Mental Health from the budget. Mrs. Reinhart read the mission statement from the budget manual and stated that the Freeholders need to go back to the table with all pertinent information.
- 3) Freeholder Wujcik stated that he learned about the additional escrow from refunding of bonds just recently and that it was not intentional to withhold the information from Mr. Brown. Mr. Wujcik further stated that he agreed that this is a painful process.
- 4) Freeholder Haines stated there is an opportunity for more discussion next week on the budget. Mr. Haines further stated that he made his position clear some weeks ago and that the Board needed to reach an agreement on the budget. Mr. Haines declared this is the worst budget in his fifteen years as a Freeholder. Mr. Haines thanked all that came out in support of the Open Space Tax.
- 5) Director Donnelly stated the budget process started 28 days ago and thanked the Board and staff for all their hard work and that we are in an extraordinarily hard economic time but believes that the Board is much closer to finality on the budget.

52 ADJOURNMENT.

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

Respectfully submitted,

Augustus M. Mosca  
County Administrator/Board Clerk