

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, July 22, 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 Director Joseph Donnelly.

3 OFFICIALS.

Officials in attendance were: County Solicitor Nelson, Treasurer Hannigan, Chief Financial Officer, County Engineer Jaggard, Resource Conservation Director Robbie, Public Health Coordinator Gogats, Human Resources Director Hornickel, Superintendent of Roads Some, Supervising Administrative Analyst Stewart, and Assistant Public Information Officer O'Donnell.

4 APPROVAL OF THE MINUTES OF THE SPECIAL BOARD MEETING OF JUNE 17, THE REGULAR BOARD MEETING OF JUNE 24, AND THE SPECIAL BOARD MEETING OF JULY 1, 2009, AND THE CONFERENCE MINUTES OF MAY 13, MAY 20, AND MAY 27, 2009.

5 PUBLIC COMMENTS ON AGENDA ITEMS.

1) Judy Shaw, addressed the Board regarding the Master Gardner program, and thanked Loretta O'Donnell for the press releases. Director Donnelly thanked Ms. Shaw.

*** It was moved by Director Donnelly, seconded by Mr. Brown that the following fourteen (14) items be approved by unanimous consent. Motion carried. Resolution Nos. 414 through 427 adopted.

6 **RESOLUTION NO. 414** by Director Donnelly, PAYMENT OF BILLS AND APPROVAL OF MONTHLY REPORT OF REVENUES AND EXPENDITURES.

RESOLVED, by the Board of Chosen Freeholders of the County of Burlington, that the bills presented at this meeting as per the detailed list, amounting to \$22,887,290.78 be it the same are hereby approved and passed by the Board, and that the Treasurer for the County of Burlington be and he is hereby authorized and directed to issue county checks in payment of same.

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

7 **RESOLUTION NO. 415** by Director Donnelly, DIRECTOR OF THE DIVISION OF LOCAL GOVERNMENT SERVICES REQUESTED TO APPROVE AN ITEM OF REVENUE IN THE 2009 COUNTY BUDGET IN THE AMOUNT OF \$2,699,596 RECEIVED FROM THE STATE DEPARTMENT OF LABOR AND APPROPRIATED UNDER THE CAPTION OF WORKFORCE INVESTMENT ACT.

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special items of revenue in the budget of any County when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of any item of appropriation of equal amount; now, therefore be it

SECTION I

RESOLVED, that the Board of Chosen Freeholders of the County of Burlington hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the County Budget for the year 2009, in the sum of \$2,699,596.00 which item is now available as revenue from the State of New Jersey, Department of Labor, pursuant to the provisions of statute; and

SECTION II

BE IT FURTHER RESOLVED, that a like sum of \$2,699,596.00 is hereby appropriated under the caption of:

Workforce Investment Act; and

FURTHER RESOLVED that the appropriate certification be filed with Division of Local Government Services.

- 8 **RESOLUTION NO. 416** by Director Donnelly, DIRECTOR OF THE DIVISION OF LOCAL GOVERNMENT SERVICES REQUESTED TO APPROVE AN ITEM OF REVENUE IN THE 2009 COUNTY BUDGET IN THE AMOUNT OF \$67,200 RECEIVED FROM THE STATE DEPARTMENT OF HEALTH AND SENIOR SERVICES AND APPROPRIATED UNDER THE CAPTION OF PARTNERSHIP FOR HEALTHY ADOLESCENTS.

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special items of revenue in the budget of any County when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of any item of appropriation of equal amount; now, therefore be it

SECTION I

RESOLVED, that the Board of Chosen Freeholders of the County of Burlington hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the County Budget for the year 2009, in the sum of \$67,200.00 which item is now available as revenue from the State of New Jersey, Department of Health and Senior Services, pursuant to the provisions of statute; and

SECTION II

BE IT FURTHER RESOLVED, that a like sum of \$67,200.00 is hereby appropriated under the caption of:

Community Partnership for Healthy Adolescents; and

FURTHER RESOLVED that the appropriate certification be filed with Division of Local Government Services.

- 9 **RESOLUTION NO. 417** by Director Donnelly, DIRECTOR OF THE DIVISION OF LOCAL GOVERNMENT SERVICES REQUESTED TO APPROVE AN ITEM OF REVENUE IN THE 2009 COUNTY BUDGET IN THE AMOUNT OF \$3,000 RECEIVED FROM THE STATE DEPARTMENT OF HEALTH AND SENIOR SERVICES AND APPROPRIATED UNDER THE CAPTION OF AGING FARMERS MARKET.

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special items of revenue in the budget of any County when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of any item of appropriation of equal amount; now, therefore be it

SECTION I

RESOLVED, that the Board of Chosen Freeholders of the County of Burlington hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the County Budget for the year 2009, in the sum of \$3,000.00 which item is now available as revenue from the State of New Jersey, Department of Health and Senior Services, pursuant to the provisions of statute; and

SECTION II

BE IT FURTHER RESOLVED, that a like sum of \$3,000.00 is hereby appropriated under the caption of:

Aging Farmers Market; and

FURTHER RESOLVED that the appropriate certification be filed with Division of Local Government Services.

10 **RESOLUTION NO. 418** by Director Donnelly, DIRECTOR OF THE DIVISION OF LOCAL GOVERNMENT SERVICES REQUESTED TO APPROVE AN ITEM OF REVENUE IN THE 2009 COUNTY BUDGET IN THE AMOUNT OF \$117,354 RECEIVED FROM THE STATE DEPARTMENT OF HEALTH AND SENIOR SERVICES AND APPROPRIATED UNDER THE CAPTION OF HIV COUNSELING AND TESTING.

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special items of revenue in the budget of any County when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of any item of appropriation of equal amount; now, therefore be it

SECTION I

RESOLVED, that the Board of Chosen Freeholders of the County of Burlington hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the County Budget for the year 2009, in the sum of \$117,354.00 which item is now available as revenue from the State of New Jersey, Department of Health and Senior Services, pursuant to the provisions of statute; and

SECTION II

BE IT FURTHER RESOLVED, that a like sum of \$117,354.00 is hereby appropriated under the caption of:

HIV Counseling and Testing; and

FURTHER RESOLVED that the appropriate certification be filed with Division of Local Government Services.

11 **RESOLUTION NO. 419** by Director Donnelly, DIRECTOR OF THE DIVISION OF LOCAL GOVERNMENT SERVICES REQUESTED TO APPROVE AN ITEM OF REVENUE IN THE 2009 COUNTY BUDGET IN THE AMOUNT OF \$40,000 RECEIVED FROM NEW JERSEY TRANSIT AND APPROPRIATED UNDER THE CAPTION OF JOB ACCESS AND REVERSE COMMUTE.

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special items of revenue in the budget of any County when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of any item of appropriation of equal amount; now, therefore be it

SECTION I

RESOLVED, that the Board of Chosen Freeholders of the County of Burlington hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the County Budget for the year 2009, in the sum of \$40,000.00 which item is now available as revenue from the New Jersey Transit, pursuant to the provisions of statute; and

SECTION II

BE IT FURTHER RESOLVED, that a like sum of \$40,000.00 be hereby appropriated under the caption of:

Job Access Reverse Commute; and

FURTHER RESOLVED that the appropriate certification be filed with Division of Local Government Services.

- 12 **RESOLUTION NO. 420** by Director Donnelly, DIRECTOR OF THE DIVISION OF LOCAL GOVERNMENT SERVICES REQUESTED TO APPROVE AN ITEM OF REVENUE IN THE 2009 COUNTY BUDGET IN THE AMOUNT OF \$4,000 RECEIVED FROM THE STATE DEPARTMENT OF HEALTH AND SENIOR SERVICES AND APPROPRIATED UNDER THE CAPTION OF BIOTERRORISM GRANT.

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special items of revenue in the budget of any County when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of any item of appropriation of equal amount; now, therefore be it

SECTION I

RESOLVED, that the Board of Chosen Freeholders of the County of Burlington hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the County Budget for the year 2009, in the sum of \$4,000.00 which item is now available as revenue from the State of New Jersey, Department of Health and Senior Services, pursuant to the provisions of statute; and

SECTION II

BE IT FURTHER RESOLVED, that a like sum of \$4,000.00 is hereby appropriated under the caption of:

Bioterrorism Grant; and

FURTHER RESOLVED that the appropriate certification be filed with Division of Local Government Services.

- 13 **RESOLUTION NO. 421** by Director Donnelly, DIRECTOR OF THE DIVISION OF LOCAL GOVERNMENT SERVICES REQUESTED TO APPROVE AN ITEM OF REVENUE IN THE 2009 COUNTY BUDGET IN THE AMOUNT OF \$129,962.22 RECEIVED FROM THE STATE DEPARTMENT ENVIRONMENTAL PROTECTION AND APPROPRIATED UNDER THE CAPTION OF CLEAN COMMUNITIES GRANT.

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special items of revenue in the budget of any County when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of any item of appropriation of equal amount; now, therefore be it

SECTION I

RESOLVED, that the Board of Chosen Freeholders of the County of Burlington hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the County Budget for the year 2009, in the sum of \$129,962.22 which item is now available as revenue from the State of New Jersey, Department of Environmental Protection, pursuant to the provisions of statute; and

SECTION II

BE IT FURTHER RESOLVED, that a like sum of \$129,962.22 is hereby appropriated under the caption of:

Clean Communities Grant; and

FURTHER RESOLVED that the appropriate certification be filed with Division of Local Government Services.

- 14 **RESOLUTION NO. 422** by Director Donnelly, DIRECTOR OF THE DIVISION OF LOCAL GOVERNMENT SERVICES REQUESTED TO APPROVE AN ITEM OF REVENUE IN THE 2009 COUNTY BUDGET IN THE AMOUNT OF \$200,000 RECEIVED FROM THE STATE DEPARTMENT OF ENVIRONMENTAL PROTECTION AND APPROPRIATED UNDER THE CAPTION OF WASTEWATER MANAGEMENT PLAN.

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special items of revenue in the budget of any County when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of any item of appropriation of equal amount; now, therefore be it

SECTION I

RESOLVED, that the Board of Chosen Freeholders of the County of Burlington hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the County Budget for the year 2009, in the sum of \$200,000.00 which item is now available as revenue from the State of New Jersey, Department of Environmental Protection, pursuant to the provisions of statute; and

SECTION II

BE IT FURTHER RESOLVED, that a like sum of \$200,000.00 is hereby appropriated under the caption of:

Wastewater Management Plan; and

FURTHER RESOLVED that the appropriate certification be filed with Division of Local Government Services.

- 15 **RESOLUTION NO. 423** by Director Donnelly, DIRECTOR OF THE DIVISION OF LOCAL GOVERNMENT SERVICES REQUESTED TO APPROVE AN ITEM OF REVENUE IN THE 2009 COUNTY BUDGET IN THE AMOUNT OF \$5,000 RECEIVED FROM THE NATIONAL ASSOCIATION OF COUNTY AND CITY HEALTH OFFICIALS AND APPROPRIATED UNDER THE CAPTION OF MEDICAL RESERVE CORP.

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special items of revenue in the budget of any County when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of any item of appropriation of equal amount; now, therefore be it

SECTION I

RESOLVED, that the Board of Chosen Freeholders of the County of Burlington hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the County Budget for the year 2009, in the sum of \$5,000.00 which item is now available as revenue from the National Association of County and City Health Officials, pursuant to the provisions of statute; and

SECTION II

BE IT FURTHER RESOLVED, that a like sum of \$5,000.00 be appropriated under the caption of:

Medical Reserve Corps; and

FURTHER RESOLVED that two certified copies be forwarded to the Division of Local Government Services.

- 16 **RESOLUTION NO. 424** by Director Donnelly, DIRECTOR OF THE DIVISION OF LOCAL GOVERNMENT SERVICES REQUESTED TO APPROVE AN ITEM OF REVENUE IN THE 2009 COUNTY BUDGET IN THE AMOUNT OF \$7,000 RECEIVED FROM THE DELAWARE REGIONAL PLANNING COMMISSION AND APPROPRIATED UNDER THE CAPTION OF DELAWARE REGIONAL PLANNING COMMISSION – GIS.

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special items of revenue in the budget of any County when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of any item of appropriation of equal amount; now, therefore be it

SECTION I

RESOLVED, that the Board of Chosen Freeholders of the County of Burlington hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the County Budget for the year 2009, in the sum of \$7,000.00 which item is now available as revenue from the Delaware Valley Regional Planning Commission, pursuant to the provisions of statute; and

SECTION II

BE IT FURTHER RESOLVED, that a like sum of \$7,000.00 be appropriated under the caption of:

Delaware Valley Regional Planning Commission – GIS; and

FURTHER RESOLVED that two certified copies be forwarded to the Division of Local Government Services.

- 17 **RESOLUTION NO. 425** by Director Donnelly, BOND ORDINANCE NO. 425 - 09 OF THE COUNTY OF BURLINGTON, NEW JERSEY, PROVIDING FOR THE ACQUISITION AND INSTALLATION OF COMPUTER EQUIPMENT FOR VARIOUS COUNTY OFFICES AND DEPARTMENTS IN THE COUNTY OF BURLINGTON, NEW JERSEY, APPROPRIATING THE SUM OF \$750,000 THEREFOR, AUTHORIZING THE ISSUANCE OF UP TO \$714,000 IN GENERAL OBLIGATION BONDS OR BOND ANTICIPATION NOTES OF THE COUNTY TO FINANCE THE SAME, MAKING CERTAIN DETERMINATIONS AND COVENANTS, AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING.

BOND ORDINANCE OF THE COUNTY OF BURLINGTON, NEW JERSEY, PROVIDING FOR THE ACQUISITION AND INSTALLATION OF COMPUTER EQUIPMENT FOR VARIOUS COUNTY OFFICES AND DEPARTMENTS IN THE COUNTY OF BURLINGTON, NEW JERSEY, APPROPRIATING THE SUM OF \$750,000 THEREFOR, AUTHORIZING THE ISSUANCE OF UP TO \$714,000 IN GENERAL OBLIGATION BONDS OR BOND ANTICIPATION NOTES OF THE COUNTY TO FINANCE THE SAME, MAKING CERTAIN DETERMINATIONS AND COVENANTS, AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING.

BE IT ORDAINED by the Board of Chosen Freeholders of the County of Burlington, New Jersey (not less than two-thirds of all members thereof affirmatively concurring) pursuant to the provisions of the Local Bond Law, constituting Chapter 169 of the Laws of 1960 of the State of New Jersey (N.J.S.A. 40A:2-1 et seq.), as amended and supplemented ("Local Bond Law"), as follows:

Section 1. The improvements or purposes described in Section 3(a) of this bond ordinance are hereby authorized to be undertaken by the County of Burlington, New Jersey ("County") as general improvements. For the improvements or purposes described in Section 3(a) hereof, there is hereby appropriated the sum of \$750,000, including the sum of \$36,000 as the down payment pursuant to the Local Bond Law. The down payment has been made available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the cost of the improvements or purposes and to meet the \$750,000 appropriation, negotiable bonds or notes of the County are hereby authorized to be issued in the principal amount of \$714,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes of the County are hereby authorized to be issued in a principal amount not exceeding \$714,000 pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvements hereby authorized and the purposes for which the bonds or notes are to be issued are for the acquisition and installation of computer equipment for various County Offices and Departments in the County, including all materials, equipment, services and work necessary therefor or incidental thereto, all as more fully described in the County's capital budget, as amended, and in plans and specifications therefor on file in the applicable County departments.

(b) The estimated maximum amount of bonds or notes to be issued for the improvements or purposes is as stated in Section 2 hereof.

(c) The estimated cost of the improvements or purposes is equal to the amount of the appropriation herein made therefor.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the County Treasurer; provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the County Treasurer. The County Treasurer shall determine all matters in connection with notes issued pursuant to this bond ordinance, and the County Treasurer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. 40A:2-8.1(a). The County Treasurer is hereby authorized to sell part or all of the notes from time to time, at not less than par and accrued interest, at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their date to the date of delivery thereof. The County Treasurer is directed to report in writing to the Board of Chosen Freeholders at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The capital budget or temporary capital budget (as applicable) of the County is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. In the event of any such inconsistency and amendment, the resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget or amended temporary capital budget (as applicable) and capital program as approved by the Director of the Division of Local Government Services is on file with the Clerk of the Board of Chosen Freeholders and is available for public inspection.

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

(a) The improvements or purposes described in Section 3(a) of this bond ordinance are not a current expense. They are improvements or purposes the County may lawfully undertake as a general improvement, and no part of the costs thereof have been or shall be specially assessed on property specially benefited thereby.

(b) The period of usefulness of the improvements or purposes, within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 5 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk of the Board of Chosen Freeholders and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the County, as defined in the Local Bond Law, is increased by the authorization of the bonds and notes provided for in this bond ordinance by \$714,000 and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$25,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated costs indicated herein for the improvements or purposes.

(e) The County reasonably expects to commence the acquisition and installation of the equipment for the purposes described in Section 3(a) hereof, and to advance all or a portion of the costs in respect thereof, prior to the issuance of bonds or notes hereunder. To the extent such costs are advanced, the County further reasonably expects to reimburse such expenditures from the proceeds of the bonds or notes authorized by this bond ordinance, in an aggregate amount not to exceed the amount of bonds or notes authorized in Section 2 hereof.

Section 7. Any funds from time to time received by the County on account of any grant in aid of financing the improvements or purposes described in Section 3(a) of this bond ordinance or from any other source shall be applied either to direct payment of the cost of the improvements or purposes or to payment of the obligations of the County authorized to be issued pursuant to this bond ordinance. The amount of obligations authorized hereunder shall be reduced to the extent that such funds are so used.

Section 8. The full faith and credit of the County is hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the County, and the County shall be obligated to levy ad valorem taxes upon all the taxable property within the County for the payment of the obligations and the interest thereon without limitation as to rate or amount.

Section 9. After passage upon first reading of this bond ordinance, the Clerk of the Board of Chosen Freeholders is hereby directed to publish a summary of the bond ordinance, together with the attached notice entitled: "NOTICE OF PENDING BOND ORDINANCE AND SUMMARY" (with appropriate completions, insertions and corrections), at least once in a newspaper qualified under N.J.S.A. 40A:2-19, at least seven (7) days prior to the date set for public hearing and further consideration for final passage (which date shall be at least ten (10) days after introduction and first reading). The Clerk of the Board of Chosen Freeholders is further directed to comply with all provisions of N.J.S.A. 40A:2-17(b) regarding postings, publications and the provision of copies of this bond ordinance.

Section 10. After final adoption of this bond ordinance by the Board of Chosen Freeholders, the Clerk of the Board of Chosen Freeholders is hereby directed to publish the summary of this bond ordinance, as fully adopted, together with the attached notice entitled: "BOND ORDINANCE STATEMENTS AND SUMMARY" (with appropriate completions, insertions and corrections), at least once in a newspaper qualified under N.J.S.A. 40A:2-19.

Section 11. The County hereby covenants as follows:

(a) it shall take all actions necessary to ensure that the interest paid on the bonds or bond anticipation notes authorized by the bond ordinance is exempt from the gross income of the owners thereof for federal income taxation purposes, and will not become a specific item of tax preference pursuant to Section 57(a)(5) of the Internal Revenue Code of 1986, as amended ("Code"), and the regulations ("Regulations") promulgated thereunder;

(b) it will not make any use of the proceeds of the bonds or bond anticipation notes or do or suffer any other action that would cause the bonds or bond anticipation notes to be "arbitrage bonds" as such term is defined in Section 148(a) of the Code and the Regulations promulgated thereunder;

(c) it shall calculate or cause to be calculated and pay, when due, the rebatable arbitrage with respect to the "gross proceeds" (as such term is used in Section 148(f) of the Code) of the bonds or bond anticipation notes;

(d) it shall timely file with the Ogden, Utah Service Center of the Internal Revenue Service, such information report or reports as may be required by Sections 148(f) and 149(e) of the Code; and

(e) it shall take no action that would cause the bonds or bond anticipation notes to be "federally guaranteed" within the meaning of Section 149(b) of the Code.

Section 12. The Board of Chosen Freeholders hereby covenants on behalf of the County to take any action necessary or refrain from taking such action in order to preserve the tax-exempt status of the bonds and bond anticipation notes authorized hereunder as is or may be required under the Code and the Regulations promulgated thereunder, including compliance with the Code with regard to the use, expenditure, investment, timely reporting and rebate of investment earnings as may be required thereunder.

Section 13. To the extent that any previous ordinance or resolution is inconsistent herewith or contradictory hereto, said ordinance or resolution is hereby repealed or amended to the extent necessary to make it consistent herewith.

Section 14. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by Section 10 hereof and the Local Bond Law.

18 **RESOLUTION NO. 426** by Director Donnelly, RESOLUTION TO SET THE PUBLIC HEARING FOR BOND ORDINANCE OF THE COUNTY OF BURLINGTON, NEW JERSEY, PROVIDING FOR THE ACQUISITION AND INSTALLATION OF COMPUTER EQUIPMENT FOR VARIOUS COUNTY OFFICES AND DEPARTMENTS IN THE COUNTY OF BURLINGTON, NEW JERSEY, APPROPRIATING THE SUM OF \$750,000

THEREFOR, AUTHORIZING THE ISSUANCE OF UP TO \$714,000 IN GENERAL OBLIGATION BONDS OR BOND ANTICIPATION NOTES OF THE COUNTY TO FINANCE THE SAME, MAKING CERTAIN DETERMINATIONS AND COVENANTS, AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING.

Ordinance entitled, "Bond Ordinance of the County of Burlington, New Jersey, Providing for the Acquisition and Installation of Computer Equipment for Various County Offices and Departments in the County of Burlington, New Jersey, Appropriating the Sum of \$750,000 Therefor, Authorizing the Issuance of up to \$714,000 in General Obligation Bonds or Bond Anticipation Notes of the County to Finance The Same, Making Certain Determinations and Covenants, and Authorizing Certain Related Actions in Connection with the Foregoing" was introduced on July 22, 2009, and having been read by title only by the County Administrator/Board Clerk, does now pass on first reading, and that said Ordinance be further considered for final passage at the meeting of the said Board to be held on the 12th day of August 2009 at 11:00 a.m, prevailing time or as soon as this matter can be reached at the regular meeting room of the Board of Chosen Freeholders in the Township of Mount Holly, New Jersey, and that at such time and place all persons interested be given an opportunity to be heard concerning the same, and that the County Administrator/Board Clerk be and he is hereby authorized and directed to publish said ordinance according to law with a notice of its introduction and passage on first reading in the Burlington County Times, a legal newspaper published in the County of Burlington.

- 19 **RESOLUTION NO. 427** by Director Donnelly, BOND ORDINANCE NO. 427 - 09 OF THE COUNTY OF BURLINGTON, NEW JERSEY, AUTHORIZING THE ACQUISITION OF VARIOUS PIECES OF CAPITAL EQUIPMENT, FURNISHINGS AND VEHICLES IN AND FOR THE BURLINGTON COUNTY COLLEGE, AND APPROPRIATING \$3,906,100 THEREFOR, AND PROVIDING FOR THE ISSUANCE OF \$3,906,100 IN BONDS OR NOTES OF THE COUNTY TO FINANCE THE SAME.

BOND ORDINANCE OF THE COUNTY OF BURLINGTON, NEW JERSEY, AUTHORIZING THE ACQUISITION OF VARIOUS PIECES OF CAPITAL EQUIPMENT, FURNISHINGS AND VEHICLES IN AND FOR THE BURLINGTON COUNTY COLLEGE, AND APPROPRIATING \$3,906,100 THEREFOR, AND PROVIDING FOR THE ISSUANCE OF \$3,906,100 IN BONDS OR NOTES OF THE COUNTY TO FINANCE THE SAME.

RECITALS

WHEREAS, the Board of Trustees of the Burlington County College ("County College"), by Resolution duly adopted on May 12, 2009, has determined that it is necessary to raise the sum of \$3,906,100 for the acquisition of various pieces of capital equipment, furnishings and vehicles in and for the County College; and

WHEREAS, the Burlington County Board of School Estimate has, by Resolution duly adopted on May 13, 2009, determined that the acquisition of various pieces of capital equipment, furnishings and vehicles in and for the County College, in and by the County of Burlington, New Jersey ("County") as set forth in Section 3(a) below, was necessary for school purposes and did duly fix and determine the amount necessary to be reserved by the County for such projects to be \$3,906,100 and a certificate of that determination was duly prepared and heretofore delivered to the Chancellor of the Burlington County College, the Board of Trustees of the Burlington County College, and the Board of Chosen Freeholders of the County of Burlington, New Jersey; and

WHEREAS, in the opinion of the Board of Chosen Freeholders of the County of Burlington, New Jersey, it is necessary and desirable that the aforementioned purposes be undertaken and the costs thereof be financed in the amount determined by the Burlington County College Board of School Estimate and refinanced in the manner hereinafter provided; now therefore

BE IT ORDAINED BY THE BOARD OF CHOSEN FREEHOLDERS OF THE COUNTY OF BURLINGTON, NEW JERSEY (NOT LESS THAN TWO-THIRDS OF ALL OF THE MEMBERS THEREOF AFFIRMATIVELY CONCURRING) PURSUANT TO THE LOCAL BOND LAW, CONSTITUTING CHAPTER 169 OF THE LAWS OF 1960 OF THE STATE OF NEW JERSEY (N.J.S.A. 40A:2-1 ET SEQ.), AS AMENDED AND SUPPLEMENTED ("LOCAL BOND LAW"), AS FOLLOWS:

Section 1. The improvements or purposes described in Section 3(a) of this bond ordinance are hereby authorized to be undertaken by the County as general improvements. For the improvements or purposes described in Section 3(a) hereof,

there is hereby appropriated, on behalf of the County College, the sum of \$3,906,100. No down payment is required pursuant to N.J.S.A. 18A:64A-19(2)(b).

Section 2. In order to finance the cost of the improvements or purposes and to meet the \$3,906,100 appropriation, negotiable bonds or notes of the County are hereby authorized to be issued in the principal amount of \$3,906,100 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes of the County are hereby authorized to be issued in a principal amount not exceeding \$3,906,100 pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvements hereby authorized or the purposes for which the bonds or notes are to be issued are for the acquisition of various pieces of capital equipment, furnishings and vehicles in and for the County College, including all materials, equipment, services and work necessary therefor or incidental thereto, all as more fully described in the County College's capital budget, as amended, and in plans and specifications therefor on file in the County College offices.

(b) The estimated maximum amount of bonds or notes to be issued for the improvements or purposes is as stated in Section 2 hereof.

(c) The estimated cost of the improvements or purposes is equal to the amount of the appropriation herein made therefor.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the County Treasurer; provided that no note shall mature later than one (1) year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the County Treasurer. The County Treasurer shall determine all matters in connection with notes issued pursuant to this bond ordinance, and the County Treasurer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. 40A:2-8.1(a). The County Treasurer is hereby authorized to sell part or all of the notes from time to time, at not less than par and accrued interest, at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The County Treasurer is directed to report, in writing, to the Board of Chosen Freeholders at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The capital budget or temporary capital budget (as applicable) of the County and/or the County College is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. In the event of any such inconsistency and amendment, the resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget or amended temporary capital budget (as applicable) and capital program as approved by the Director of the Division of Local Government Services is on file with the Clerk of the Board of Chosen Freeholders and is available for public inspection.

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

(a) The improvements or purposes described in Section 3(a) of this bond ordinance are not a current expense. They are improvements or purposes the County may lawfully undertake as a general improvement, and no part of the costs thereof have been or shall be specially assessed on property specially benefited thereby.

(b) The period of usefulness of the improvements or purposes, within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 10.48 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk of the Board of Chosen Freeholders and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the County, as defined in the Local Bond Law, is increased by the authorization of the bonds and notes provided for in this bond ordinance by \$3,906,100 and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$50,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated costs indicated herein for the improvements or purposes.

(e) The County reasonably expects to commence the acquisition and/or construction of the improvements or the purposes described in Section 3(a) hereof, and to advance all or a portion of the costs in respect thereof, prior to the issuance of bonds or notes hereunder. To the extent such costs are advanced, the County further reasonably expects to reimburse such expenditures from the proceeds of the bonds or notes authorized by this bond ordinance, in an aggregate amount not to exceed the amount of bonds or notes authorized in Section 2 hereof.

Section 7. Any funds from time to time received by the County and/or the County College on account of any grant in aid of financing the improvements or purposes described in Section 3(a) of this bond ordinance or from any other source shall be applied either to direct payment of the cost of the improvements or to payment of the obligations of the County authorized to be issued pursuant to this bond ordinance. The amount of obligations authorized hereunder shall be reduced to the extent that such funds are so used.

Section 8. The full faith and credit of the County is hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the County, and the County shall be obligated to levy ad valorem taxes upon all the taxable property within the County for the payment of the obligations and the interest thereon without limitation as to rate or amount.

Section 9. After passage upon first reading of this bond ordinance, the Clerk of the Board of Chosen Freeholders is hereby directed to publish a summary of the bond ordinance, together with the attached notice entitled: "NOTICE OF PENDING BOND ORDINANCE AND SUMMARY" (with appropriate completions, insertions and corrections), at least once in a newspaper qualified under N.J.S.A. 40A:2-19, at least seven (7) days prior to the date set for public hearing and further consideration for final passage (which date shall be at least ten (10) days after introduction and first reading). The Clerk of the Board of Chosen Freeholders is further directed to comply with all provisions of N.J.S.A. 40A:2-17(b) regarding postings, publications and the provision of copies of this bond ordinance.

Section 10. After final adoption of this bond ordinance by the Board of Chosen Freeholders, the Clerk of the Board of Chosen Freeholders is hereby directed to publish the summary of this bond ordinance, as fully adopted, together with the attached notice entitled: "BOND ORDINANCE STATEMENTS AND SUMMARY" (with appropriate completions, insertions and corrections), at least once in a newspaper qualified under N.J.S.A. 40A:2-19.

Section 11. The County hereby covenants as follows:

(a) it shall take or cause the County College to take all actions necessary to ensure that the interest paid on the bonds or bond anticipation notes authorized by this bond ordinance is exempt from the gross income of the owners thereof for federal income taxation purposes, and will not become a specific item of tax preference pursuant to Section 57(a)(5) of the Internal Revenue Code of 1986, as amended ("Code"), and the regulations ("Regulations") promulgated thereunder;

(b) it will not make nor cause the County College to make any use of the proceeds of the bonds or bond anticipation notes or do or suffer or cause to be done or suffered any other action that would cause the bonds or bond anticipation notes to be "arbitrage bonds" as such term is defined in Section 148(a) of the Code and the Regulations promulgated thereunder;

(c) it shall calculate and pay or cause to be calculated and paid, when due, the rebatable arbitrage with respect to the "gross proceeds" (as such term is used in Section 148(f) of the Code) of the bonds or bond anticipation notes;

(d) it shall timely file or cause to be timely filed with the Ogden, Utah Service Center of the Internal Revenue Service, such information report or reports as may be required by Sections 148(f) and 149(e) of the Code; and

(e) it shall take no action nor cause the County College to take any action that would cause the bonds or bond anticipation notes to be "federally guaranteed" within the meaning of Section 149(b) of the Code.

Section 12. The Board of Chosen Freeholders hereby covenants on behalf of the County to take any action necessary or refrain from taking such action in order to preserve the tax-exempt status of the bonds and bond anticipation notes authorized hereunder as is or may be required under the Code and the Regulations promulgated thereunder, including compliance with the Code with regard to the use, expenditure, investment, timely reporting and rebate of investment earnings as may be required thereunder.

Section 13. To the extent that any previous ordinance or resolution is inconsistent herewith or contradictory hereto, said ordinance or resolution is hereby repealed or amended to the extent necessary to make it consistent herewith.

Section 14. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by Section 10 hereof and the Local Bond Law.

*** It was moved by Director Donnelly, seconded by Mr. Haines that the following eighteen (18) items be approved by unanimous consent. Mr. Brown abstained from agenda items 19 (Res. #432), 20 (Res. #433), 21 (Res. #434) and 22 (Res. #435). Motion carried. Resolution Nos. 428 through 445 adopted.

20 **RESOLUTION NO. 428** by Director Donnelly, RESOLUTION TO SET THE PUBLIC HEARING FOR BOND ORDINANCE OF THE COUNTY OF BURLINGTON, NEW JERSEY, AUTHORIZING THE ACQUISITION OF VARIOUS PIECES OF CAPITAL EQUIPMENT, FURNISHINGS AND VEHICLES IN AND FOR THE BURLINGTON COUNTY COLLEGE, AND APPROPRIATING \$3,906,100 THEREFOR, AND PROVIDING FOR THE ISSUANCE OF \$3,906,100 IN BONDS OR NOTES OF THE COUNTY TO FINANCE THE SAME.

RESOLVED, by the Board of Chosen Freeholders of the County of Burlington, that the Ordinance entitled, "Bond Ordinance of the County of Burlington, New Jersey, Authorizing The Acquisition of Various Pieces of Capital Equipment, Furnishings and Vehicles In and For the Burlington County College, and Appropriating \$3,906,100 Therefor, and Providing for the Issuance of \$3,906,100 in Bonds or Notes of the County To Finance The Same", was introduced on July 22, 2009, and having been read by title only by the County Administrator/Board Clerk, does now pass on first reading, and that said Ordinance be further considered for final passage at the meeting of the said Board to be held on the 12th day of August 2009 at 11:00 A.M., prevailing time or as soon as this matter can be reached at the regular meeting room of the Board of Chosen Freeholders in the Township of Mount Holly, New Jersey, and that at such time and place all persons interested be given an opportunity to be heard concerning the same, and that the County Administrator/Board Clerk be and he is hereby authorized and directed to publish said ordinance according to law with a notice of its introduction and passage on first reading in the Burlington County Times, a legal newspaper published in the County of Burlington.

21 **RESOLUTION NO. 429** by Director Donnelly, BOND ORDINANCE NO. 429- 09 OF THE COUNTY OF BURLINGTON, NEW JERSEY, PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS AND RENOVATIONS AT THE BURLINGTON COUNTY COLLEGE CAMPUSES IN MOUNT HOLLY, MOUNT LAUREL AND PEMBERTON, NEW JERSEY, INCLUDING, BUT NOT LIMITED TO, PHASE II IMPROVEMENTS AT THE CULINARY ARTS CENTER, AND APPROPRIATING \$5,773,000 THEREFOR, AND PROVIDING FOR THE ISSUANCE OF \$5,773,000 IN BONDS OR NOTES OF THE COUNTY TO FINANCE THE SAME.

BOND ORDINANCE OF THE COUNTY OF BURLINGTON, NEW JERSEY, PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS AND RENOVATIONS AT THE BURLINGTON COUNTY COLLEGE CAMPUSES IN MOUNT HOLLY, MOUNT LAUREL AND PEMBERTON, NEW JERSEY, INCLUDING, BUT NOT LIMITED TO, PHASE II IMPROVEMENTS AT THE CULINARY ARTS CENTER, AND APPROPRIATING \$5,773,000 THEREFOR, AND PROVIDING FOR THE ISSUANCE OF \$5,773,000 IN BONDS OR NOTES OF THE COUNTY TO FINANCE THE SAME.

RECITALS

WHEREAS, the Board of Trustees of the Burlington County College ("County College"), by Resolution duly adopted on May 12, 2009 has determined that it is necessary to raise

the sum of \$5,773,000 for the construction of various capital improvements and renovations at the Burlington County College Campuses in the Townships of Mount Holly, Mount Laurel and Pemberton, New Jersey, including, but not limited to, Phase II improvements at the Culinary Arts Center at the Burlington County College Campus in the Township of Mount Holly, New Jersey (collectively, the "County College Project"); and

WHEREAS, the Burlington County Board of School Estimate has, by Resolution duly adopted on May 13, 2009, determined that the construction of the County College Project, in and by the County of Burlington, New Jersey ("County") as set forth in Section 3(a) below, was necessary for school purposes and did duly fix and determine the amount necessary to be reserved by the County for such projects to be \$5,773,000 and a certificate of that determination was duly prepared and heretofore delivered to the Chancellor of the Burlington County College, the Board of Trustees of the Burlington County College, and the Board of Chosen Freeholders of the County of Burlington, New Jersey; and

WHEREAS, in the opinion of the Board of Chosen Freeholders of the County of Burlington, New Jersey, it is necessary and desirable that the aforementioned purposes be undertaken and the costs thereof be financed in the amount determined by the Burlington County College Board of School Estimate and refinanced in the manner hereinafter provided; now therefore

BE IT ORDAINED BY THE BOARD OF CHOSEN FREEHOLDERS OF THE COUNTY OF BURLINGTON, NEW JERSEY (NOT LESS THAN TWO-THIRDS OF ALL OF THE MEMBERS THEREOF AFFIRMATIVELY CONCURRING) PURSUANT TO THE LOCAL BOND LAW, CONSTITUTING CHAPTER 169 OF THE LAWS OF 1960 OF THE STATE OF NEW JERSEY (N.J.S.A. 40A:2-1 ET SEQ.), AS AMENDED AND SUPPLEMENTED ("LOCAL BOND LAW"), AS FOLLOWS:

Section 1. The improvements or purposes described in Section 3(a) of this bond ordinance are hereby authorized to be undertaken by the County as general improvements. For the improvements or purposes described in Section 3(a) hereof, there is hereby appropriated, on behalf of the County College, the sum of \$5,773,000. No down payment is required pursuant to N.J.S.A. 18A:64A-19(2)(b).

Section 2. In order to finance the cost of the improvements or purposes and to meet the \$5,773,000 appropriation, negotiable bonds or notes of the County are hereby authorized to be issued in the principal amount of \$5,773,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes of the County are hereby authorized to be issued in a principal amount not exceeding \$5,773,000 pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvements hereby authorized or the purposes for which the bonds or notes are to be issued are for the construction of various capital improvements and renovations at the Burlington County College Campuses in the Townships of Mount Holly, Mount Laurel and Pemberton, New Jersey, including, but not limited to, Phase II improvements at the Culinary Arts Center at the Burlington County College Campus in the Township of Mount Holly, New Jersey, including all materials, equipment, services and work necessary therefor or incidental thereto, all as more fully described in the County College's capital budget, as amended, and in plans and specifications therefor on file in the County College offices.

(b) The estimated maximum amount of bonds or notes to be issued for the improvements or purposes is as stated in Section 2 hereof.

(c) The estimated cost of the improvements or purposes is equal to the amount of the appropriation herein made therefor.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the County Treasurer; provided that no note shall mature later than one (1) year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the County Treasurer. The County Treasurer shall determine all matters in connection with notes issued pursuant to this bond ordinance, and the County Treasurer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. 40A:2-8.1(a). The County Treasurer is hereby authorized to sell part or all of the notes from time to time, at not less than par and accrued interest, at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The County Treasurer is directed to report, in writing, to the

Board of Chosen Freeholders at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The capital budget or temporary capital budget (as applicable) of the County and/or the County College is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. In the event of any such inconsistency and amendment, the resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget or amended temporary capital budget (as applicable) and capital program as approved by the Director of the Division of Local Government Services is on file with the Clerk of the Board of Chosen Freeholders and is available for public inspection.

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

(a) The improvements or purposes described in Section 3(a) of this bond ordinance are not a current expense. They are improvements or purposes the County may lawfully undertake as a general improvement, and no part of the costs thereof have been or shall be specially assessed on property specially benefited thereby.

(b) The period of usefulness of the improvements or purposes, within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 23.46 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk of the Board of Chosen Freeholders and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the County, as defined in the Local Bond Law, is increased by the authorization of the bonds and notes provided for in this bond ordinance by \$5,773,000 and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$500,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated costs indicated herein for the improvements or purposes.

(e) The County reasonably expects to commence the construction for the purposes described in Section 3(a) hereof, and to advance all or a portion of the costs in respect thereof, prior to the issuance of bonds or notes hereunder. To the extent such costs are advanced, the County further reasonably expects to reimburse such expenditures from the proceeds of the bonds or notes authorized by this bond ordinance, in an aggregate amount not to exceed the amount of bonds or notes authorized in Section 2 hereof.

Section 7. Any funds from time to time received by the County and/or the County College on account of any grant in aid of financing the improvements or purposes described in Section 3(a) of this bond ordinance or from any other source shall be applied either to direct payment of the cost of the improvements or to payment of the obligations of the County authorized to be issued pursuant to this bond ordinance. The amount of obligations authorized hereunder shall be reduced to the extent that such funds are so used.

Section 8. The full faith and credit of the County is hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the County, and the County shall be obligated to levy ad valorem taxes upon all the taxable property within the County for the payment of the obligations and the interest thereon without limitation as to rate or amount.

Section 9. After passage upon first reading of this bond ordinance, the Clerk of the Board of Chosen Freeholders is hereby directed to publish a summary of the bond ordinance, together with the attached notice entitled: "NOTICE OF PENDING BOND ORDINANCE AND SUMMARY" (with appropriate completions, insertions and corrections), at least once in a newspaper qualified under N.J.S.A. 40A:2-19, at least seven (7) days prior to the date set for public hearing and further consideration for final passage (which date shall be at least ten (10) days after introduction and first reading). The Clerk of the Board of Chosen Freeholders is further directed to comply with all

provisions of N.J.S.A. 40A:2-17(b) regarding postings, publications and the provision of copies of this bond ordinance.

Section 10. After final adoption of this bond ordinance by the Board of Chosen Freeholders, the Clerk of the Board of Chosen Freeholders is hereby directed to publish the summary of this bond ordinance, as fully adopted, together with the attached notice entitled: "BOND ORDINANCE STATEMENTS AND SUMMARY" (with appropriate completions, insertions and corrections), at least once in a newspaper qualified under N.J.S.A. 40A:2-19.

Section 11. The County hereby covenants as follows:

(a) it shall take or cause the County College to take all actions necessary to ensure that the interest paid on the bonds or bond anticipation notes authorized by this bond ordinance is exempt from the gross income of the owners thereof for federal income taxation purposes, and will not become a specific item of tax preference pursuant to Section 57(a)(5) of the Internal Revenue Code of 1986, as amended ("Code"), and the regulations ("Regulations") promulgated thereunder;

(b) it will not make nor cause the County College to make any use of the proceeds of the bonds or bond anticipation notes or do or suffer or cause to be done or suffered any other action that would cause the bonds or bond anticipation notes to be "arbitrage bonds" as such term is defined in Section 148(a) of the Code and the Regulations promulgated thereunder;

(c) it shall calculate and pay or cause to be calculated and paid, when due, the rebatable arbitrage with respect to the "gross proceeds" (as such term is used in Section 148(f) of the Code) of the bonds or bond anticipation notes;

(d) it shall timely file or cause to be timely filed with the Ogden, Utah Service Center of the Internal Revenue Service, such information report or reports as may be required by Sections 148(f) and 149(e) of the Code; and

(e) it shall take no action nor cause the County College to take any action that would cause the bonds or bond anticipation notes to be "federally guaranteed" within the meaning of Section 149(b) of the Code.

Section 12. The Board of Chosen Freeholders hereby covenants on behalf of the County to take any action necessary or refrain from taking such action in order to preserve the tax-exempt status of the bonds and bond anticipation notes authorized hereunder as is or may be required under the Code and the Regulations promulgated thereunder, including compliance with the Code with regard to the use, expenditure, investment, timely reporting and rebate of investment earnings as may be required thereunder.

Section 13. To the extent that any previous ordinance or resolution is inconsistent herewith or contradictory hereto, said ordinance or resolution is hereby repealed or amended to the extent necessary to make it consistent herewith.

Section 14. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by Section 10 hereof and the Local Bond Law.

22 **RESOLUTION NO. 430** by Director Donnelly, RESOLUTION TO SET THE PUBLIC HEARING FOR BOND ORDINANCE OF THE COUNTY OF BURLINGTON, NEW JERSEY, PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS AND RENOVATIONS AT THE BURLINGTON COUNTY COLLEGE CAMPUSES IN MOUNT HOLLY, MOUNT LAUREL AND PEMBERTON, NEW JERSEY, INCLUDING, BUT NOT LIMITED TO, PHASE II IMPROVEMENTS AT THE CULINARY ARTS CENTER, AND APPROPRIATING \$5,773,000 THEREFOR, AND PROVIDING FOR THE ISSUANCE OF \$5,773,000 IN BONDS OR NOTES OF THE COUNTY TO FINANCE THE SAME.

RESOLVED, by the Board of Chosen Freeholders of the County of Burlington, that the Ordinance entitled, "Bond Ordinance of the County of Burlington, New Jersey, Providing for Various Capital Improvements and Renovations at the Burlington County College Campuses in Mount Holly, Mount Laurel and Pemberton, New Jersey, Including, But Not Limited To, Phase II Improvements At the Culinary Arts Center, and Appropriating \$5,733,000 Therefor, and Providing For The Issuance of \$5,733,000 in Bonds or Notes of the County to Finance The Same", was introduced on July 22, 2009, and having been read by title only by the County Administrator/Board Clerk, does now pass on first

reading, and that said Ordinance be further considered for final passage at the meeting of the said Board to be held on the 12th day of August 2009 at 11:00 A.M., prevailing time or as soon as this matter can be reached at the regular meeting room of the Board of Chosen Freeholders in the Township of Mount Holly, New Jersey, and that at such time and place all persons interested be given an opportunity to be heard concerning the same, and that the County Administrator/Board Clerk be and he is hereby authorized and directed to publish said ordinance according to law with a notice of its introduction and passage on first reading in the Burlington County Times, a legal newspaper published in the County of Burlington.

- 23 **RESOLUTION NO. 431** by Director Donnelly, RESOLUTION OF THE BOARD OF CHOSEN FREEHOLDERS OF THE COUNTY OF BURLINGTON, NEW JERSEY AUTHORIZING AND APPROVING THE ENTERING INTO, EXECUTION AND DELIVERY OF AN AMENDMENT TO THE LEASE AND AGREEMENT, DATED AS OF NOVEMBER 25, 2008, BY AND BETWEEN THE COUNTY AND THE BURLINGTON COUNTY BRIDGE COMMISSION IN CONNECTION WITH THE COMMISSION'S PROJECT NOTES (SOLID WASTE PROJECT), SERIES 2008.

RESOLUTION OF THE BOARD OF CHOSEN FREEHOLDERS OF THE COUNTY OF BURLINGTON, NEW JERSEY AUTHORIZING AND APPROVING THE ENTERING INTO, EXECUTION AND DELIVERY OF AN AMENDMENT TO THE LEASE AND AGREEMENT, DATED AS OF NOVEMBER 25, 2008, BY AND BETWEEN THE COUNTY AND THE BURLINGTON COUNTY BRIDGE COMMISSION IN CONNECTION WITH THE COMMISSION'S PROJECT NOTES (SOLID WASTE PROJECT), SERIES 2008.

WHEREAS, the Burlington County Bridge Commission ("Commission") has been duly created by resolution of the Board of Chosen Freeholders of the County of Burlington, New Jersey ("County"), duly adopted October 22, 1948, as a public body corporate and politic of the State of New Jersey ("State") pursuant to the Self-Liquidating Bridges Act, constituting Chapter 17 of the Pamphlet Laws of 1934 of the State and the acts amendatory thereof and supplemental thereto ("Act"); and

WHEREAS, pursuant to the terms of the Act, the Commission is authorized to provide within the County public facilities for use by the State, the County or any municipality in the County, or any subdivisions, departments, agencies or instrumentalities of any of the foregoing, for any of their respective governmental purposes; and

WHEREAS, pursuant to the Act and a resolution of the Commission entitled, "Resolution of the Burlington County Bridge Commission Authorizing the Issuance of Project Notes (Solid Waste Project)" adopted on August 18, 2008, as amended and restated on October 21, 2008 (as the same may be further amended, supplemented and restated from time to time, the "Note Resolution"), the Commission issued its \$6,900,000 aggregate principal amount of Project Notes (Solid Waste Project), Series 2008 ("Series 2008 Notes") on November 25, 2008; and

WHEREAS, a portion of the proceeds of the Series 2008 Notes, in the principal amount of \$3,384,400, were used to temporarily finance an initial portion of the approximately \$29,000,000 estimated costs associated with the design, excavation, construction and equipping by the County of four new landfill cells and related infrastructure improvements at the Burlington County Resource Recovery Complex located in the Townships of Florence and Mansfield, New Jersey ("Landfill Project"), which Landfill Project was leased by the Commission to the County pursuant to the terms of an Improvement Lease and Agreement, dated as of November 25, 2008 ("Improvement Lease Agreement"); and

WHEREAS, the Improvement Lease Agreement provides, among other things, for the County to make Rental Payments to the Commission in an amount equal to the debt service to be paid by the Commission with respect to the Series 2008 Notes issued on behalf of the County to finance the Landfill Project; and

WHEREAS, the County has determined to make changes in the descriptions of the Improvements (as defined in the Note Resolution) and of the Landfill Project (as described in Exhibit A to the Improvement Lease Agreement to be financed pursuant to the terms of the Improvement Lease Agreement to additionally authorize the acquisition by the County of one or more landfill compactors ("Landfill Project Equipment") and the Commission and the County desire to amend the Improvement Lease Agreement to reflect the County's changes in the descriptions of the Improvements and of the Landfill Project to reflect the acquisition of the Landfill Project Equipment, pursuant to a First Amendment to the Improvement Lease Agreement ("First Amendment"); and

WHEREAS, the County now desires to approve the First Amendment and to authorize the entering into, execution and delivery of the First Amendment.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF CHOSEN FREEHOLDERS OF THE COUNTY OF BURLINGTON, NEW JERSEY (NOT LESS THAN A MAJORITY OF THE FULL MEMBERSHIP THEREOF AFFIRMATIVELY CONCURRING), AS FOLLOWS:

Section 1. The Board of Chosen Freeholders of the County hereby approves the changes in the descriptions of the Improvements and of the Landfill Project as described in Exhibit A to the Improvement Lease Agreement to additionally reflect the acquisition of the Landfill Project Equipment, all as set forth in the First Amendment and the First Amendment, as drafted by Commission Bond Counsel and reviewed and approved as to form and substance by County Bond Counsel, is hereby approved.

Section 2. The Freeholder-Director and the Deputy Director of the Board of Chosen Freeholders, County Administrator, County Treasurer or any designee thereof (each an "Authorized Official") are each hereby severally authorized to enter into, execute and deliver, in the name of the County and on its behalf, the First Amendment and the Clerk and Deputy Clerk of the Board of Chosen Freeholders are each hereby authorized to attest to the validity of such signatures. The execution of the First Amendment by any Authorized Official shall conclusively evidence the County's approval of the terms thereof and no further action therefor shall be required.

Section 3. The Authorized Officials and the Clerk and Deputy Clerk of the Board of Chosen Freeholders are each hereby severally authorized and directed to take all such action as may be necessary to effect the entering into, execution and delivery of the First Amendment including, but not limited to, execution and delivery, for and on behalf of the County, of any and all agreements, instruments, opinions, affidavits, certificates, documents and other papers, and to do and to perform or cause to be done any and all acts as they may deem necessary or desirable in order to implement the entering into, execution and delivery of the First Amendment and all matters related thereto.

Section 4. Subject to the provisions of the Local Public Contracts Law and the rules of the Board of Chosen Freeholders of the County, the County Treasurer is hereby authorized to enter into all contracts for the acquisition of the Landfill Project Equipment and all appropriations heretofore or hereafter made in connection therewith are hereby authorized, approved, ratified and confirmed.

Section 5. The Clerk of the Board of Chosen Freeholders shall forward a certified copy of this resolution to the Commission and to the County Administrator and, upon execution by the Authorized Officials, shall forward an executed copy of the First Amendment to the County Administrator and the Commission.

Section 6. All actions heretofore taken and documents prepared or executed by or on behalf of the County by the Freeholder-Director, Deputy Director, County Administrator, County Treasurer, Clerk and Deputy Clerk of the Board of Chosen Freeholders, other County officials or by the County's professional advisors in connection with the Landfill Project description, as amended, the First Amendment, and matters related thereto are hereby authorized, approved, ratified and confirmed.

Section 7. All ordinances and resolutions, or parts thereof, inconsistent herewith are hereby rescinded and repealed to the extent of any such inconsistency.

Section 8. This resolution shall take effect immediately upon its adoption on this 22nd day of July, 2009.

24 **RESOLUTION NO. 432** by Director Donnelly, AGREEMENT WITH RIVERTON BOROUGH IN THE AMOUNT OF \$45,000 FOR COMMUNITY DEVELOPMENT BLOCK GRANT FUNDING FOR ARCHITECTURAL BARRIER REMOVAL AT RIVERTON SCHOOL AND REQUEST TO AMEND THE 2008 ANNUAL PLAN TO HUD PURSUANT TO THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM ADMINISTERED THROUGH THE OFFICE OF COMMUNITY DEVELOPMENT. Mr. Brown abstained from this agenda item.

WHEREAS, by Resolution no. 319, adopted on April 25, 2007, the Board of Chosen Freeholders of the County of Burlington ("Board") determined to accept a grant in the amount of \$1,651,407.00 from the U.S. Department of Housing and Urban Development ("HUD") pursuant to the Community Development Block Grant Program (the "Program"), which grant is reflect in Grant Agreement B-08-UC-34-0001; and

WHEREAS, the Borough of Riverton has applied to the County to obtain funding from the Program for the purpose of architectural barrier removal at Riverton School (the "Project"); and

WHEREAS, the Board has reviewed and approved the recommendation of the County's Community Development Office that the Board approve Riverton's application as consistent with Program funding eligibility criteria; and

WHEREAS, Program funds are available for the Project; now, therefore, the Board

RESOLVES, as follows

1. The Community Development Office is authorized to submit an amendment to the 2008 Annual Plan to HUD to include the Project.

2. The Community Development Office and County Solicitor are authorized to prepare such documents as are appropriate to secure Riverton's agreement to use the Program funds in accordance with Program requirements.

3. Funds for a grant for the Project shall be drawn from the Federal Community Development Block Grant Program monies.

25 **RESOLUTION NO. 433** by Director Donnelly, AMENDMENT TO LOAN COMMITMENT FOR FAMILY SERVICES FOR PERMANENT FINANCING FROM NJ HOUSING AND MORTGAGE FINANCE AGENCY FOR THE PURPOSE OF REFINANCING FAMILY SERVICES PRIOR LOAN PURSUANT TO THE HOME INVESTMENT PARTNERSHIP PROGRAM ADMINISTERED THROUGH THE OFFICE OF COMMUNITY DEVELOPMENT. Mr. Brown abstained from this agenda item.

WHEREAS, by Resolution no. 319, adopted on April 25, 2007, the Board of Chosen Freeholders of the County of Burlington ("Board") determined to accept a grant in the amount of \$1,651,407.00 from the U.S. Department of Housing and Urban Development ("HUD") pursuant to the Community Development Block Grant Program (the "Program"), which grant is reflect in Grant Agreement B-08-UC-34-0001; and

WHEREAS, the Borough of Riverton has applied to the County to obtain funding from the Program for the purpose of architectural barrier removal at Riverton School (the "Project"); and

WHEREAS, the Board has reviewed and approved the recommendation of the County's Community Development Office that the Board approve Riverton's application as consistent with Program funding eligibility criteria; and

WHEREAS, Program funds are available for the Project; now, therefore, the Board

RESOLVES, as follows

1. The Community Development Office is authorized to submit an amendment to the 2008 Annual Plan to HUD to include the Project.

2. The Community Development Office and County Solicitor are authorized to prepare such documents as are appropriate to secure Riverton's agreement to use the Program funds in accordance with Program requirements.

3. Funds for a grant for the Project shall be drawn from the Federal Community Development Block Grant Program monies.

26 **RESOLUTION NO. 434** by Director Donnelly, AMENDMENT TO LOAN COMMITMENT FOR FAMILY SERVICES FOR AN EXTENSION OF TIME THROUGH AUGUST 9, 2009 TO FUND THE ACQUISITION AND CONSTRUCTION OF ONE NEW AFFORDABLE GROUP RESIDENCE FOR DISABLED ADULTS LOCATED ON BARN ROAD IN EVESHAM TOWNSHIP PURSUANT TO THE HOME INVESTMENT PARTNERSHIP PROGRAM ADMINISTERED THROUGH THE OFFICE OF COMMUNITY DEVELOPMENT. Mr. Brown abstained from this agenda item.

WHEREAS, by Resolution no. 615, adopted August 8, 2007, the Board of Chosen Freeholders of the County of Burlington ("Board") approved a loan of \$60,000 to Family Service of Burlington County ("F/S") for a project to fund the acquisition and construction

of one new affordable group residence for disabled adults located on Barn Road in Evesham Township (the "Loan Commitment"); and

WHEREAS, F/S accepted the Loan Commitment, which provided for an expiration date of November 25, 2007, which date was extended to June 9, 2009, by Resolution no. 108, adopted on March 11, 2009; and

WHEREAS, F/S has requested a second extension of the Board's commitment to August 9, 2009, and the Board has reviewed and approved the request; now, therefore, the Board

RESOLVES, that the above described Loan Commitment is extended to August 9, 2009.

27 **RESOLUTION NO. 435** by Director Donnelly, LOAN AND MORTGAGE APPROVED WITH TWO FIRST TIME HOMEBUYERS IN THE AMOUNT OF \$9,000 EACH PURSUANT TO THE HOME INVESTMENT PARTNERSHIP PROGRAM ADMINISTERED THROUGH THE OFFICE OF COMMUNITY DEVELOPMENT. Mr. Brown abstained from this agenda item.

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>
T. A. Collins	FTB9-34-38GS	\$9,000.00
E. A. Mateo-Jimenez	FTB10-01-06GS	\$9,000.00

WHEREAS, there are sufficient monies 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.

28 **RESOLUTION NO. 436** by Director Donnelly, AGREEMENTS WITH VARIOUS MUNICIPALITIES FOR SNOW REMOVAL FOR 2009-2012.

WHEREAS, Burlington County has previously determined that it is in the best interest of the County to cooperate with the various governmental entities within the County regarding provision of mutual services for snow removal, salting and sanding of State, County and Municipal roads; and

WHEREAS, the County and the various governmental entities within the County wish to cooperate in furthering their mutual ability to provide such snow removal, salting, and sanding services beneficial to the County of Burlington, to each governmental entity and ultimately to all residents within the County of Burlington; and

WHEREAS, a number of governmental entities within the County of Burlington wish to cooperate with the County of Burlington regarding snow removal, salting and sanding of State, County and Municipal roads; and

WHEREAS, the County wishes to memorialize provisions for the provision of services for snow removal, salting and sanding of State, County and other governmental roads with the respective participating government entities within Burlington County for the period October 1, 2009 to September 30, 2012; and

WHEREAS, N.J.S.A. 40A:65-1, et seq. authorizes the County to enter into Shared Services agreements for joint provisions of any service for which any party to the Shared Services agreement is authorized to enter within its own jurisdictional limit; and

WHEREAS, in order to memorialize respective agreements with the various governmental entities who wish to enter into such agreements, the County is required to enter into a Shared Services Agreement (hereinafter referred to as "Agreement") with each participating municipality which Agreement shall define the responsibilities and duties between the County and the respective municipal entities; now, therefore, be it

WHEREAS, the Burlington County Board of Chosen Freeholders and the municipalities within Burlington County are authorized by the Shared Services Act, N.J.S.A. 40A:65-1, et seq., to enter into contracts for the provision of any service which any party to the agreement is authorized to render within its own jurisdiction; and

RESOLVED by the Burlington County Board of Chosen Freeholders that a Shared Services Agreement between the County and the various governmental entities within the County of Burlington setting forth the terms and conditions of the agreements between the County and the various governmental entities relating to snow removal, salting and sanding of applicable State, County and Municipal roads be hereby approved subject to approval as to final form by the Burlington County Solicitor; and, be it

FURTHER RESOLVED, that the Shared Services Agreements are authorized pursuant to the Shared Services Act, N.J.S. 40A:65-1, et seq.; and, be it

FURTHER RESOLVED, that such Shared Services Agreements shall be filed and available for public inspection for thirty (30) days after adoption of this Resolution in the offices of the Burlington County Administrator per the requirements of N.J.S. 40A:65-5(b).

FURTHER RESOLVED, that the Burlington County Administrator is hereby authorized to sign, seal, execute and deliver the subject Agreement(s) between the County and the various governmental entities in accordance with the Rules of the Board.

FURTHER RESOLVED, that per the requirements of N.J.S. 40A:65-5(b), copies of the proposed contract are available for public inspection between the hours of 9:00 A.M. to 5:00 P.M. in Room 123 in the Burlington County Office Building, 49 Rancocas Road, Mount Holly, New Jersey 08060.

29 **RESOLUTION NO. 437** by Director Donnelly, CONTRIBUTION TO THE CROSS COUNTY CONNECTION TRANSPORTATION MANAGEMENT ASSOCIATION FOR THE YEAR 2009 FROM THE ENGINEERING DEPARTMENT.

WHEREAS, the Cross County Connection Transportation Management Association (CCCTMA) was established in 1989 to help alleviate traffic congestion along Routes 73, 38 and 70 and has expanded coverage to include Routes 130, 206 and all of Burlington County; and

WHEREAS, the programs of the CCCTMA provide incentives which encourage the economic development of the County and improve the safety and welfare of all residents through the reduction of traffic congestion; and

WHEREAS, the CCCTMA has been a partner with Burlington County in the establishment and operation of the Burlink Shuttle; and

WHEREAS, the CCCTMA has requested support from and the approval of the Board of Chosen Freeholders of the County of Burlington every year since 1989; and

WHEREAS, the CCCTMA is partially supported by grants from the New Jersey Department of Transportation and New Jersey Transit and obtains yearly contributions from Camden County, the Delaware River Port Authority, various municipal governments, employers, and developers and is now seeking a contribution from Burlington County; and

WHEREAS, funds in the amount of \$10,000.00 are currently available in Account No. 10-0312-036309 to be used as the County's 2009 contribution to the CCCTMA 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 a contribution of \$10,000.00 is hereby approved to support the CCCTMA for 2009; and be it

FURTHER RESOLVED that the County Administrator and Chief Financial Officer are hereby authorized to take any and all actions necessary to effect said contribution.

30 **RESOLUTION NO. 438** by Director Donnelly, AGREEMENT WITH DELANCO TOWNSHIP FOR THE INSTALLATION OF SIDEWALKS ALONG THE PROPOSED RELOCATED CREEK AND COOPERTOWN ROADS FOR THE ENGINEERING DEPARTMENT.

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 cost saving measures for the benefit of all residents of the County; and

WHEREAS, Burlington County ("County"), has been requested by Delanco Township ("Township") to install sidewalks along the proposed Relocated Creek and Coopertown Roads to allow for implementation of cost saving measures; and

WHEREAS, the Burlington County Engineer has determined that installing these improvements will be of benefit to all County residents and of no detriment to Burlington County; and

WHEREAS, the Township, after installation of these improvements, will assume all responsibility for ownership and liability with such improvements; and

WHEREAS, the Township shall assume responsibility for jurisdiction of newly created "Creek Road Stub" after completion of the Relocated Creek and Coopertown Road intersection project; and

WHEREAS, the Township shall evidence its desire to enter into a Shared Service Agreement through passage of an appropriate resolution/ordinance document, such approval and implementation of this Agreement is contingent upon receipt of such Township Resolution/Ordinance; and

WHEREAS, the County and the Township are authorized by the "Shared Services Act" N.J.S. 40A: 65-4 et seq. 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 referenced 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 Delanco Township is hereby authorized.
2. Township shall assume responsibility for jurisdiction of newly created "Creek Road Stub" after completion of the Relocated Creek and Coopertown Road intersection project.
3. 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.
4. The Burlington County Engineer and Administrative staff are authorized to take any action necessary to implement the terms of the Shared Services Agreement.
5. This Agreement shall be available for inspection for a period of thirty (30) days after passing in the office of the Burlington County Administrator, County Office Building, Room 123 between 8:30AM and 4:30PM.

31 **RESOLUTION NO. 439** by Director Donnelly, APPROVAL OF AMENDMENT OF THE BURLINGTON COUNTY DISTRICT SOLID WASTE MANAGEMENT PLAN AS REQUIRED BY THE STATE DEPARTMENT OF ENVIRONMENTAL PROTECTION.

WHEREAS, by Resolution no. 489, adopted on July 23, 2008, the Burlington County Board of Chosen Freeholders approved an update to the County's District Solid Waste Management Plan ("Plan"); and

WHEREAS, the February 2, 2009, certification to the Plan by the New Jersey Department of Environmental Protection ("DEP") identified certain deficiencies in it, which could be addressed through an Administrative Action pursuant to N.J.A.C. 7:26-6.11; and

WHEREAS, the Plan has been amended to address the deficiencies identified by the DEP; now, therefore, the Board

RESOLVES as follows:

1. The Amended Burlington County District Solid Waste Management Plan Update is approved and adopted.
2. A copy of this resolution and the Amended District Plan in its final form shall be forwarded to the Commissioner of the Department of Environmental Protection.

32 **RESOLUTION NO. 440** by Director Donnelly, AUTHORIZATION TO WRITE OFF CERTAIN OUTSTANDING COMMERCIAL DEBT IN THE AMOUNT OF \$39,336.03 FOR THE DEPARTMENT OF RESOURCE CONSERVATION/DIVISION OF SOLID WASTE.

WHEREAS, the Burlington County Department of Resource Conservation, Office of Solid Waste, operates the Resource Recovery Complex (the "Complex"), which provides a variety of waste disposal services; and

WHEREAS, the Board has reviewed and approved the recommendation of staff that outstanding debts pertaining to Complex services provided between April 1994 and December 2007 be written off as uncollectible, which debts include those listed below; and

<u>Customer</u>	<u>Unpaid Amt.</u>	<u>Customer</u>	<u>Unpaid Amt.</u>
Advanced Waste Systems Inc.	\$ 5,535.51	FJA Improvement	\$ 109.84
Alexander, Park	117.16	Alexanders Pallet Inc.	1,544.73
Alsbaugh, Samuel D.	33.92	All Seasons Lawn Service	190.05
Argentina Transport	1,615.92	Anchor Construction	15.19
Bob's Painting & Home Maintenance	13.12	AVI Transport Resources	1,128.00
Carroll, James P. Jr.	14.21	Burns Services Waste Removal	6,982.20
S. Council's Janitorial	1,622.56	Carroll Industries Inc.	1,630.24
Dillard, Chuck	25.00	Covenant Disposal	1,607.67
East Coast Carting Inc.	230.63	Dispose All Waste Svcs.	351.46
Harkins, Anne/George	16.96	Foster, Cynthia/Warren	29.29
Henry's Paving	38.03	Hetty Sanitation	749.60
MJF Construction	12.60	Interstate Pallet	102.87
H. McRae and Sons	5,902.32	Magnum Dumpsters Inc.	173.98
Quality Baths and Home Renovation	77.97	Oak Craft	64.58
Ramos Heating	870.82	Nemo Properties	447.36
Schipani Disposal Service	1,281.34	Rain Control Roofing Co.	104.43
Shinko, Michael	30.19	RW Branch Landscaping	385.00
Sunrise Disposal	3,154.67	Silver Spur Waste	1,746.17
VonRonne, Paul R.	58.04	Scirica Construction	294.23
		Shred ET	439.17
		Township Sanitation	435.60
		Wood Guys	153.40

WHEREAS, legal claims made by the Board against Central Jersey Waste and Recycling and with Garden State Removal have previously been resolved with the Board's approval, on October 30, 2008, and July 18, 2007, respectively; now, therefore, the Board

RESOLVES as follows:

1. Write off of the above-listed debts by the Burlington County Treasurer and Solid Waste Office is authorized and approved.
2. Write off of amounts that Complex records show as owed by Central Jersey Waste and Recycling and Garden State Removal, which amounts were encompassed within settlements previously approved by the Board is authorized and approved.

3. The Solid Waste Office is authorized to notify the New Jersey Department of Environmental Protection, Registration and Enforcement Division, of the write off of debts of solid waste haulers and solid waste facility operators.

33 **RESOLUTION NO. 441** by Director Donnelly, AUTHORIZATION TO ADVERTISE FOR BIDS FOR WASTEWATER TRANSPORTATION FOR THE RESOURCE RECOVERY COMPLEX.

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

WASTEWATER TRANSPORTATION – BURLINGTON COUNTY
RESOURCE RECOVERY COMPLEX
(CPU-09-0076)

And, be it;

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

RESOLVED that site visits will be held by appointment only; and, be it,

FURTHER RESOLVED that said bids will be publicly received in the Freeholder’s Board Room on Tuesday, September 1, 2009 at 10:30 a.m. local prevailing time.

34 **RESOLUTION NO. 442** by Director Donnelly, FIRST AMENDMENT TO AGREEMENT WITH OTC IN THE AMOUNT OF \$5,417,845.84 FOR THE 2009 OTC RECYCLING PROGRAM OPERATIONS FOR THE DEPARTMENT OF RESOURCE CONSERVATION/DIVISION OF SOLID WASTE.

WHEREAS, pursuant to Resolution No. 1022, adopted on December 30, 2008, the Burlington County Board of Chosen Freeholders (“Board”) entered into an agreement with the Occupational Training Center of Burlington County (“OTC”), for operation of Burlington County’s 2009 regional recycling program (the “Program”); and

WHEREAS, the Board has encumbered \$1,987,871.16 to date to fund this contract (although Resolution No. 2008-1022 contemplated an encumbrance of \$2,016,389.00) and the Board wishes to increase the maximum amount payable to OTC for its operation of the Program by a First Amendment to OTC’s contract; and

WHEREAS, this agreement is exempt from public bidding requirements by N.J.S.A. 40A:11-5(1)(n) and (s) and was not authorized as a “Fair and Open” contract, as defined in P.L. 2005, C.271 and N.J.S.A. 19:44A-20.8; and

WHEREAS, funds are available in the accounts reported below to increase the maximum amount payable to OTC for the cost of Program services by \$5,417,845.84, as evidenced by the Certification of Burlington County’s Chief Financial Officer filed herewith; now, therefore, the Board

<u>Account No.</u>	<u>Amount</u>
75-5710-041908	\$ 22,000.00
14-5766-033607	1,400.00
14-5747-033508	19,299.00
75-0716-040408	370,315.00
75-0717-040408	4,330,185.00
75-0712-040408	487,286.00
75-0718-040408	187,360.84

Total	\$5,417,845.84

RESOLVES as follows:

1. The above-described First Amendment to the agreement with OTC, increasing the amount payable by \$5,417,845.84, to establish a new maximum amount payable of \$7,405,717.00, that is approved as to form and substance by the County Administrator and the County Solicitor, is approved and its execution in accordance with the Rules of the Board is authorized.

2. This Amendment is not being made pursuant to a "Fair and Open process", as described in P. L. 2005, C. 271, and N.J.S.A. 19:44A-20.8.

3. Notice of this action shall be published in accordance with the requirements of the Local Public Contracts Law.

35 **RESOLUTION NO. 443** by Director Donnelly, APPROVAL TO SUBMIT PART II FFY 2008/09 JOB ACCESS AND REVERSE COMMUTE AND NEW FREEDOM APPLICATION JARC ROUND 10/11 TO NJ TRANSIT AND AUTHORIZATION TO EXECUTE THE JOBS ACCESS AND REVERSE COMMUTE PROGRAM AGREEMENT ADMINISTERED THROUGH THE TRANSPORTATION OFFICE.

WHEREAS, the Federal Transportation Administration, an operating administration of the United States Department of Transportation, for Federal transportation assistance authorized by Section 5316 of the Transportation Equity Act for the 21st Century (SAFETEA-LU), has made funding available for the 2008 and 2009 Job Access and Reverse Commute Grant Program (Round 10/11); and

WHEREAS, NJ TRANSIT will pass through funding received through the Job Access and Reverse Commute Grant Program; and

WHEREAS, the grant or cooperative agreement for Federal financial assistance will impose certain obligations upon the NJ TRANSIT, which will, in turn, be imposed upon all Subrecipients (County of Burlington); and

WHEREAS, the Subrecipient (County of Burlington) will provide a match through local funds equal to or greater than amount awarded to the Subrecipient through NJ TRANSIT by the FTA; and

WHEREAS, the Subrecipient (County of Burlington) has or will provide all annual certifications and assurances for the project to NJ TRANSIT, as required by the Federal Transit Administration's policies governing pass through agreements; and

WHEREAS, the Transportation Coordination Steering Committee, consisting of representatives of workforce development staff, local human service agencies, transportation providers, planning officials and other local stakeholders has prioritized transportation options in the current JARC (Mt. Holly, Willingboro, Beverly/Edgewater Park, and Riverside) area; and

WHEREAS, the Board of Chosen Freeholders of the County of Burlington authorized the submittal of Part One of the of the 2008/09 Job Access and Reverse Commute (Round 10/11) Grant application through the adoption of Resolution Number 104 on March 11, 2009;

WHEREAS, the Board of Chosen Freeholders of the County of Burlington has reviewed the accompanying application for Part Two of the 2008/09 Job Access and Reverse Commute (Round 10/11) Grant and finds it to be in the best interest of the citizens of Burlington County; now, therefore, be it

RESOLVED by the Board of Chosen Freeholders of the County of Burlington that the County Administrator is authorized to submit the attached Part Two Application to New Jersey Transit to be considered for funding under the Federal Transportation Administration's Jobs Access and Reverse Commute Grant Program; and, be it

FURTHER RESOLVED that, following award, the proper County Officials are hereby authorized to execute the Jobs Access and Reverse Commute Grant Program Agreement with NJ TRANSIT in accordance with the Rules of the Board.

36 **RESOLUTION NO. 444** by Director Donnelly, APPROVAL TO SUBMIT FTA SECTION 5311 GRANT APPLICATION AND EXECUTION OF AGREEMENT WITH THE US DEPARTMENT OF TRANSPORTATION FOR THE TOTAL AMOUNT OF \$527,636.25 PURSUANT TO THE FEDERAL TRANSPORTATION ACT ADMINISTERED THROUGH THE TRANSPORTATION OFFICE.

WHEREAS, the United States ("U.S.") Department of Transportation, through the Secretary of Transportation is authorized to make grants for a mass transportation program of projects in other than urbanized areas under Section 5311 of the Federal Transit Act, as amended; and

WHEREAS, the grant for financial assistance will impose certain obligations upon the Burlington County Board of Chosen Freeholders, including the provision of the local share of the project costs in the programs; and

WHEREAS, the operating and non-operating federal share (Section 5311) of this Grant is \$305,109.00, State of New Jersey share (through NJ Transit) is \$111,263.62 and local share (through the Burlington County Board of Chosen Freeholders) is \$111,263.63 for the fiscal year July 1, 2009 ending June 30, 2010; and

WHEREAS, it is required by the U.S. Department of Transportation in accordance with the provisions of Title VI of the Civil Rights Act of 1964, that in connection with the filing of an application and agreement for assistance under the Federal Transit Act, as amended, the Recipient gives an assurance that it will comply with Title VI and Equal Employment Opportunity ("EEO") requirements of the Civil Rights Act of 1964 and the U.S. Department of Transportation requirements thereunder; and

WHEREAS, the recipient is required to adhere to the requirements as specified in the U.S. Department of Transportation's Minority Business Enterprise (MBE) regulation set forth in 49 C.F.R. Part 23, Subpart D.; and

WHEREAS, the Burlington County Board of Chosen Freeholders wishes to comply with these requirements to obtain this grant from the United States Department of Transportation; now, therefore, be it

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

1. The Burlington County Freeholder Director and/or County Administrator is authorized to execute and file an application and agreement on behalf of Burlington County with the U.S. Department of Transportation to aid in the financing of administration, capital and/or operating assistance projects pursuant to Section 5311 of the Federal Transit Act, as amended;

2. The Freeholder Director and/or County Administrator is authorized to execute and file with such application, agreement, and assurance or any other document required by the U.S. Department of Transportation effectuating the purpose of Title VI and EEO requirements of the Civil Rights Act of 1964;

3. The Freeholder Director and/or County Administrator is authorized to set forth and execute affirmative minority business policies pursuant to 47 C.F.R. Part 23, Subpart D.

4. The Freeholder Director and/or County Administrator is authorized to furnish such additional information as the U.S. Department of Transportation may require in connection with the application and agreement.

5. The Freeholder Director and/or the County Administrator is authorized to execute grant agreements on behalf of County of Burlington for aid in the financing of the administration, capital and/or operating assistance program of projects.

6. The Burlington County Board of Chosen Freeholders hereby authorizes the amount of \$111,263.63 to be obligated as the local share required under the provisions of the grant application and agreement.

37 **RESOLUTION NO. 445** 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

Bids were received on June 30, 2009, for the second time, as authorized per Resolution #321 adopted June 10, 2009 for the solicitation entitled "WALL GUARD SYSTEM FOR BUTTONWOOD HOSPITAL" (CPU-09-0053A).

Modernfold/Styles, Inc.
1128 South Cornell Avenue
Cherry Hill, NJ 08002

TOTAL LUMP SUM BID \$ 32,597.45

Bids were received on June 16, 2009, for the second time, as authorized per Resolution #238 adopted May 13, 2009 for the solicitation entitled "PURCHASE OF DRUMS-HAZARDOUS WASTE 2009-2011" (CPU-09-0017A).

William J. Jones & Son, Inc,
238 Liberty Street
Camden, NJ 08104-1030

Category A: Drums

ESTIMATED TOTAL AMOUNT OF AWARD \$ 74,816.00
(NOTE: For Years One (1) and Two (2))

Bids were received on July 22, 2008 as authorized per Resolution #384 adopted June 11, 2008 for the solicitation entitled "ELECTRICAL REPAIR SERVICE" (CPU-08-0056).

YEAR TWO

AC Scott Electric Co., Inc.
606 New York Avenue
Trenton, NJ 08638

ESTIMATED TOTAL AMOUNT OF AWARD \$159,800.00
(NOTE: Year Three (3) is optional)

Bids were received on July 29, 2008, as authorized per Resolution # 431 adopted on June 25, 2009 for the solicitation entitled "MATTRESS, THERAPEUTIC RENTAL CONTRACT FOR BUTTONWOOD HOSPITAL" (CPU-08-0087).

YEAR TWO

Huntleigh Healthcare
40 Christopher Way
Eatontown, NJ 07724-3327

Alternating Mattress Replacement System (Trinova)
Daily Rental Price \$ 40.00/each

Alternating Seat Cushion System (Aura Logic)
Daily Rental Price \$ 11.83/each

Dual Therapy Mattress Replacement System (Auto Logic)
Daily Rental Price \$ 19.00/each
(NOTE: Year Three (3) is optional)

Bids were received on July 24, 2007 as authorized per Resolution #462 adopted June 27, 2007 for the solicitation entitled "KITCHEN EQUIPMENT MAINTENANCE AND REPAIR" (CPU-07-0059).

YEAR THREE

Able Mechanical, Inc.
94 Railroad Avenue
Belford, NJ 07718

Item 1 – Hourly Rate (Normal Work Hours)
Journeyman \$ 88.00/hr.

Apprentice	\$ 64.00/hr.	
Item 2 – Hourly Rate (Weekend Hours)		
Journeyman	\$132.00/hr.	
Apprentice	\$ 96.00/hr.	
Item 3 – Hourly Rate (Overtime Hours)		
Journeyman	\$132.00/hr.	
Apprentice	\$ 96.00/hr.	
Item 4 – Hourly Rate (Holiday Hours)		
Journeyman	\$176.00/hr.	
Apprentice	\$128.00/hr.	
Item 5 – Base Bid		
225 Normal Hrs. x 88.00/hr. rate (1A)		\$19,800.00
50 O.T. Hrs. X \$132.00/hr. rate (3A)		\$ 6,600.00
25 Holiday Hrs. x \$176.00/hr. rate (4A)		<u>\$ 4,400.00</u>
ESTIMATED TOTAL AMOUNT OF AWARD		<u>\$30,800.00</u>
Item 6 – Markup Percentage for Parts, Equipment & Rental		
Parts	30%	
Equipment	30%	
Rental Equipment	30%	

*** It was moved by Mr. Brown, seconded by Mrs. Reinhart that the following item be approved by unanimous consent. All in favor. Motion carried. Resolution No. 446 adopted.

38 **RESOLUTION NO. 446** by Mr. Brown, APPROVAL TO SUBMIT APPLICATION TO THE STATE DIVISION OF CRIMINAL JUSTICE FOR THE EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT FOR A SIX MONTH PERIOD IN THE AMOUNT OF \$43,213 FOR THE MULTI-JURISDICTIONAL GANG, GUN AND NARCOTICS TASK FORCES FOR THE PROSECUTOR'S OFFICE.

WHEREAS, the Attorney General of the State of New Jersey has been designated by the Governor to implement the Edward Byrne Memorial State and Local Law Enforcement Assistance Formula Grant Program for state and local assistance funded by the Anti-Drug Abuse Act of 1986, Pub. L. 99-570, Subtitle K, as part of the Omnibus Crime Control and Safe Streets Act of 1968 42 U.S.C. 3711 et seq., as amended; and

WHEREAS, the Board of Chosen Freeholders of the County of Burlington wishes to apply for funding for a project under the subtitle "Multi-Jurisdictional County Gang, Gun, and Narcotics Task Forces" for the time period of January 1, 2009 through June 30, 2009; and

WHEREAS, said project is a joint effort between the State of New Jersey, through the Department of Law and Public Safety and the Board of Chosen Freeholders of the County of Burlington for the purpose described therein the application; now, therefore, be it

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

As a matter of public policy, Burlington County wishes to participate to the fullest extent possible with the Department of Law and Public Safety; and

1. The attached Application is hereby approved and authorized and authorization is hereby provided for the Application to be executed, sealed and witnessed or attested in accordance with the Rules of the Board; and
2. The Attorney General shall receive funds on behalf of the applicant in the amount of \$ 86,426; and
3. The Division of Criminal Justice shall be responsible for the receipt, review and approval of said application; and
4. The Division of Criminal Justice shall authorize the disbursement of funds to the applicant upon grant approval; and, be it

FURTHER RESOLVED, that the Freeholder Director, County Administrator and any other appropriate County Officers be authorized to execute any documents in order to accomplish the purposes of this funding.

*** It was moved by Mr. Haines, seconded by Mr. Brown that the following four (4) items be approved by unanimous consent. Mrs. Reinhart opposed agenda item no. 35 (Res. #448). Motion carried. Resolution Nos. 447 through 450 adopted.

39 **RESOLUTION NO. 447** by Mr. Haines, AMENDMENT TO GRANT AGREEMENT WITH THE NJ HISTORIC TRUST TO EXTEND THE PERK PERIOD TO JUNE 20, 2010 AND THE CONTRACT AGREEMENT TO DECEMBER 31, 2010 FOR THE DEPARTMENT OF RESOURCE CONSERVATION/DIVISION OF PARKS.

WHEREAS, by Resolution No. 69 adopted on January 23, 2002, the Burlington County Board of Chosen Freeholders (the "Board") authorized the filing of an application with the New Jersey Historic Trust (the "Trust") for a Capital Level II Grant in the amount of \$750,000 for renovations of certain structures owned by the Board located within the Smithville Historic District; and

WHEREAS, the Trust awarded a grant to the Board for the purpose and in the amount requested in the application and by Resolution No. 678 dated September 3, 2003, the Board authorized execution of a grant agreement with the Trust; and

WHEREAS, the original grant included restoration of 8 & 9 Park Avenue as part of the approved project; and

WHEREAS, the restoration of 8 & 9 Park Avenue was delayed to allow completion of the Streetscape to take priority; and

WHEREAS, the Streetscape has been completed and the full amount of the grant cannot be reimbursed until 8 & 9 Park Avenue are completed; and

WHEREAS, the work period for the grant was extended to September 30, 2008 and must be extended to allow time for completion of the restoration of 8 & 9 Park Avenue; and

WHEREAS, by letter dated May 20, 2009, the Board requested an extension to the time allowed for completion of work and by letter dated June 18, 2009, the Trust agreed to such extension; now, therefore, be it

RESOLVED, that the attached Grant Amendment/Modification Agreement for Grant Agreement Number: 2002.2037 between the Burlington County Board of Chosen Freeholders and the New Jersey Historic Trust is hereby approved and the appropriate County officials are authorized to execute said document.

40 **RESOLUTION NO. 448** by Mr. Haines, FINAL APPROVAL OF A GRANT TO THE STATE AGRICULTURE DEVELOPMENT COMMITTEE (SADC) FOR THE PRESERVATION OF THE WILLIAM FLEMMER'S SONS, INC. FARM LOCATED IN NORTH HANOVER TOWNSHIP IN THE AMOUNT OF \$262,457 AND AUTHORIZATION TO EXECUTE A GRANT AGREEMENT AND DEED RESTRICTIONS WITH THE SADC PURSUANT TO THE COUNTY'S FARMLAND PRESERVATION PROGRAM. Mrs. Reinhart opposed this agenda item.

WHEREAS, the Burlington County Board of Chosen Freeholders is authorized to acquire land and interests in land for the purpose of preserving it for agricultural use; and

WHEREAS, Burlington County has received a request from the NJ State Agriculture Development Committee (SADC) to partner in the easement acquisition of North Hanover Block 100, Lot 1.01 comprising approximately 118 acres, owned by Wm Flemer's Sons Inc (aka the "Thread Farm"); and

WHEREAS, this farm is one of several large properties in Burlington, Monmouth and Mercer Counties currently operated by Princeton Nurseries; and

WHEREAS, Princeton Nurseries announced that it will be ceasing operations; and

WHEREAS, due to magnitude of this project the SADC has made a request to Burlington County for a cost share for the total costs of the farmland easement; and

WHEREAS, the SADC would be the primary holder of this farmland easement with the County's interests vested in a formal grant agreement; and

WHEREAS, this property qualifies as a "Priority Farm" on the County's Acquisition Targeting List (ATL) according to the Burlington County Comprehensive Farmland Preservation Plan (adopted on 12/31/08); and

WHEREAS, on January 8, 2009 the CADB issued a motion recommending the County's financial support for the acquisition of this easement; and

WHEREAS, the SADC has conducted appraisals of the property in accordance with farmland preservation guidelines; and

WHEREAS, the SADC has made an offer to the landowners to purchase an easement on the farm on the basis of the appraisal reports conducted; and

WHEREAS, the SADC has represented to the CADB that the landowners have committed to an acceptance of this offer; and

WHEREAS, the SADC has requested a formal financial commitment from the Burlington County Board of Chosen Freeholders of \$2,224 per acre for an estimated total contribution of \$262,456.54; and

WHEREAS, Monmouth and Mercer Counties are being asked to make similar financial commitments to support the SADC's efforts to preserve the land operated by Princeton Nurseries in partnership with the NJ Green Acres Program; and

WHEREAS, after the County's financial commitment is secured, the SADC will enter into contract with the landowners and be responsible for coordinating survey of the easement and coordinating settlement; and

WHEREAS, for the reasons stated herein it is in the best interest of the County of Burlington to partner with the SADC in the acquisition of this farmland preservation easement; and

WHEREAS, currently there are sufficient monies available in account no. 44-5007-100855 to provide the \$262,457 needed to make this purchase, as evidenced by the certifications of Burlington County's Chief Financial Officer filed herewith; now, therefore, be it

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

1. The above-described farmland is given final approval for purchase.
2. The form of agreement and any amendments thereto as may be determined to be necessary for the purchase of the farmland, approved as to form and content by the 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 upon the filing of a certification of availability of funds in the above-stated amount with the County Solicitor and County Administrator.
3. The Freeholder Director, County Administrator and County Treasurer are authorized to execute grant agreements and such other documents as may be required for this purchase, on the approval thereof by the County Treasurer and Farmland Preservation Program Administrator.
4. The Freeholder Director, County Treasurer, County Administrator and County Solicitor are hereby authorized to take such further actions and sign such documents including but not limited to conveyance documents and Installment Purchase Agreement documentation, as may be needed to conclude this purchase.

41 **RESOLUTION NO. 449** by Mr. Haines, AUTHORIZATION TO SELL THE RIGHT-OF-ENTRY PLUS THE EASEMENTS ALONG THE KINKORA RAILS TO TRAILS PROJECT TO THE TURNPIKE AUTHORITY IN THE AMOUNT OF \$2,500 PLUS COSTS INCURRED BY THE COUNTY FOR THE PROPERTY TRANSFER PURSUANT TO THE COUNTY'S OPEN SPACE PRESERVATION PROGRAM.

WHEREAS, the Burlington County Board of Chosen Freeholders (the "County") and the New Jersey Turnpike Authority (the "Authority") have agreed upon a sale of permanent and temporary easements totaling approximately 0.2 acres on a portion of Block 800.04, Lot 1, Mansfield Township to facilitate the proposed New Jersey Turnpike expansion project; and

WHEREAS, said easements and associated rights-of-entry would be sold to the Authority for \$2,500 plus costs incurred by Burlington County pursuant to the property transfer process; and,

WHEREAS, said easement conveyance would not negatively impact the goals of the County's Parks and Open Space Master Plan or the proposed public recreational trail connection along the former Kinkora Railroad right-of-way; and,

WHEREAS, the portion of County-owned property to be conveyed to the Authority is undeveloped and not essential for County purposes; and,

WHEREAS, the County and Authority desire to enter into an Agreement to define more clearly the responsibilities and obligation of the County and the Authority in completing this sale of property; and,

WHEREAS, the County and Authority will execute the Agreement and complete the property transfer process, pursuant to N.J.S.A. 40A:12 et.seq; now, therefore, be it

RESOLVED by the Burlington County Board of Chosen Freeholders that an Agreement between the County and the Authority setting forth the terms and conditions of the sale of easements totaling approximately 0.2 acres of a portion of Block 800.04, Lot 1, Mansfield Township and responsibilities of all the parties with regards to said land exchange, including issuance of Rights of Entry, be hereby approved subject to approval as to final form by the Burlington County Solicitor; and, be it

FURTHER RESOLVED that the County Administrator is hereby authorized to sign, seal, execute and deliver the subject Agreements between the County and the Authority in accordance with the Rules of the Board.

42 **RESOLUTION NO. 450** by Mr. Haines, AGREEMENT WITH KLEINFELDER IN THE AMOUNT OF \$16,500 TO CONDUCT HAZARDOUS MATERIALS INVESTIGATIONS FOR 5 HISTORIC PROPERTIES FOR THE DEPARTMENT OF RESOURCE CONSERVATION.

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 owns historic properties in Eastampton Township, Westampton Township and Mount Holly Township for which it plans to undertake major renovation work; and

WHEREAS, the Board must evaluate these existing structures to determine if hazardous materials are present prior to the start of the renovation work; 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 Kleinfelder as a contractor qualified to perform various engineering and environmental services on behalf of the Board from 2009-2011; and

WHEREAS, in response to a Request for Proposals issued on June 5, 2009, Kleinfelder has offered to provide the services needed by the Board for a charge of \$16,500.00, 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 contract described above, approved as to form and substance by the County administrator and

County Solicitor, be and the same is hereby approved and its execution in accordance with the Rules of the Board is authorized; and, be it

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

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

*** It was moved by Mr. Haines, seconded by Mrs. Reinhart that the following three (3) items be approved by unanimous consent. All in favor. Motion carried. Resolution Nos. 451 through 453 adopted.

43 **RESOLUTION NO. 451** by Mr. Haines, AUTHORIZATION TO ADVERTISE AND ISSUE A REQUEST FOR PROPOSAL FOR SENIOR PHYSICAL FITNESS PROGRAM FOR THE OFFICE ON AGING.

WHEREAS, SENIOR PHYSICAL FITNESS PROGRAM – OFFICE ON AGING – 2010 (RFP-09-0081) is to be contracted using competitive contracting; and

WHEREAS, N.J.S.A. 40A:11-4.1 provides that competitive contracting may be used in 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, SENIOR PHYSICAL FITNESS PROGRAM – OFFICE ON AGING – 2010 is one of the specialized goods and/or services which may be procured through the use of the competitive contracting process as the operation of a social service program, 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 Social Services 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 Senior Physical Fitness Services 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, August 13, 2009 at 10:30 a.m.; and be it

FURTHER RESOLVED that the submissions of proposals for SENIOR PHYSICAL FITNESS PROGRAM – OFFICE ON AGING – 2010 (RFP-09-0081), will be publicly received in the Freeholder's Board Room on Tuesday, September 1, 2009 at 10:30 a.m. local prevailing time.

44 **RESOLUTION NO. 452** by Mr. Haines, AUTHORIZATION TO ADVERTISE AND ISSUE A REQUEST FOR PROPOSAL FOR TITLE III HOMECARE SERVICES FOR THE OFFICE ON AGING.

WHEREAS, TITLE III HOMECARE SERVICES – OFFICE ON AGING – 2010 (RFP-09-0080) is to be contracted using competitive contracting; and

WHEREAS, N.J.S.A. 40A:11-4.1 provides that competitive contracting may be used in 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, TITLE III HOMECARE SERVICES – OFFICE ON AGING – 2010 is one of the specialized goods and/or services which may be procured through the use of the competitive contracting process as the operation of a social service program, 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 Social Services 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 Homecare Services 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, August 13, 2009 at 10:00 a.m.; and be it

FURTHER RESOLVED that the submissions of proposals will be publicly received in the Freeholder's Board Room on Tuesday, September 1, 2009 at 10:30 a.m. local prevailing time.

45 **RESOLUTION NO. 453** by Mr. Haines, AGREEMENT WITH THE TENDER, INC. IN THE AMOUNT OF \$87,814 FOR THE CONTRACT ENTITLED "TITLE IIIIE RESPITE DAY CARE SERVICES" FOR THE OFFICE ON AGING.

WHEREAS, the County of Burlington's Office On Aging has a need for social service agencies to perform RESPITE DAY CARE SERVICES for the elderly of Burlington County; 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 #262 on May 13, 2009 for TITLE IIIIE RESPITE DAY CARE SERVICES - OFFICE ON AGING – 2010 (RFP-09-0042); and,

WHEREAS, ONE (1) competitive proposal was received; and,

WHEREAS, an evaluation team, assembled to review and recommends the most advantageous proposal, submitted a report with their findings and with a recommendation to the County Administrator for the selection of Social Service Agencies; 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 contract "TITLE IIIIE RESPITE DAY CARE SERVICES – OFFICE ON AGING -2010" (RFP-09-0042), be awarded to The Tender, Inc., dba Tendercare, 16 E. Main Street, Moorestown, NJ 08057, for an amount of \$87,814.00, contract period January 1, 2010 through December 31, 2010; and,

WHEREAS, funds are anticipated to be available for this purpose in the fiscal year 2010, temporary and permanent budget; and,

WHEREAS, this competitive proposal is further subject to the certification of funds by the Burlington County Chief Financial Officer; now, therefore, be it

RESOLVED by the Board of Chosen Freeholders of the County of Burlington, that contract entitled "TITLE IIIIE RESPITE DAY CARE SERVICES - OFFICE ON AGING – 2010" (RFP-09-0042), for the County of Burlington Office On Aging is hereby awarded to the above proposer in the amount listed above; 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 are on file and available for public inspection in the Division of Purchase Office of the County of Burlington.

*** It was moved by Mrs. Reinhart, seconded by Mr. Brown that the following item be approved by unanimous consent. All in favor. Motion carried. Resolution No. 454 adopted.

46 **RESOLUTION NO. 454** by Mrs. Reinhart, AMENDMENT TO AGREEMENTS WITH DR. DAVID ZELNICK AND ACE OF SPAYS FOR A TOTAL AMOUNT NOT TO EXCEED \$10,000 TO PROVIDE SPAY/NEUTER SURGERIES ON PETS OF LOW-INCOME COUNTY RESIDENTS WITH THE PORTION OF A GRANT FROM PETSMAST CHARITIES ADMINISTERED THROUGH THE HEALTH DEPARTMENT.

WHEREAS, Dr. David Zelnick and Ace of Spays, LLC, provide spay and neuter surgical services to the Burlington County Animal Shelter pursuant to contracts that were awarded through a "Fair and Open" process, as defined in P.L. 2005, C.271 and N.J.S.A. 19:44A-20.8; and

WHEREAS, the Burlington County Board of Chosen Freeholders ("Board") has authorized the use of a portion of a \$10,000.00 grant from PetsMart Charities for the spay or neuter of pets of Burlington County residents; and

WHEREAS, Dr. Zelnick and Ace of Spays have indicated their willingness to provide these surgical services on the pets brought to the Shelter pursuant to this program; now, therefore, the Board

RESOLVES as follows:

1. Amendments to the above-described contracts are authorized.
2. The total amount of increase in the two contracts shall not exceed \$10,000.00. The amount payable to each shall be determined in accordance with the terms of the contracts.

*** 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. 455 adopted.

47 **RESOLUTION NO. 455** by Mr. Wujcik, TRANSFER OF OWNERSHIP OF COMMUNITY EMERGENCY RESPONSE TEAM (CERT) TRAILERS TO THE MOUNT LAUREL OFFICE OF EMERGENCY MANAGEMENT AND THE WILLINGBORO OFFICE OF EMERGENCY MANAGEMENT FOR USE CONSISTENT WITH THE INTENT OF THE NJ STATE CITIZEN CORP COUNCIL FOR THE DEPARTMENT OF PUBLIC SAFETY SERVICES.

WHEREAS, the County of Burlington has been the recipient of two Community Emergency Response Team trailers by the New Jersey Office of Emergency Management and the State of New Jersey Citizen Corp Council; and

WHEREAS, the County of Burlington Office of Emergency Management acting as the Burlington County Citizen Corp Council was mandated by the New Jersey State Citizen Corp Council to provide these trailers and equipment to the best location for deployment and use; and

WHEREAS, the Burlington County Citizen Corp Council issued the trailers to the Mount Laurel Office of Emergency Management CERT Team, Serial Number 48BTE12105A077601 and the Willingboro Office of Emergency Management CERT Team, Serial Number 48BTE12116A079679; and

WHEREAS, the County of Burlington Division of Emergency Management has determined that the trailers should be turned over to the CERT Teams so that they can maintain and make improvements to the trailers until such time as they can no longer operate them; and

WHEREAS, such transfers are authorized under the authority of N.J.S. 40A:12-21.1, et seq.; now, therefore, be it

RESOLVED by the Board of Chosen Freeholders of the County of Burlington that the transfer of ownership of the trailers to the Mount Laurel Office of Emergency Management CERT Team, Serial Number 48BTE12105A077601 and the Willingboro Office of Emergency Management CERT Team, Serial Number 48BTE12116A079679 for use consistent with the intent of the New Jersey State Citizen Corp Council and the Burlington County Citizen Corp Council is hereby approved; and, be it

FURTHER RESOLVED that the proper County officials are hereby authorized to complete the transfer of ownership as detailed herein.

48 APPOINTMENTS BY DIRECTOR TO THE WORKFORCE INVESTMENT BOARD.

Director Donnelly made the following appointment to the Workforce Investment Board, for a three year term to expire on June 1, 2012.

SHIRLEY BLACK

49 APPOINTMENTS BY DIRECTOR TO THE VETERANS ADVISORY COMMITTEE

Director Donnelly made the following appointments to the Veterans Advisory Committee for 2009:

MICHAEL PANARELLA AND REV. BARBARA DAVIS

APPOINTMENTS TO THE TRANSPORTATION ADVISORY COMMITTEE

Director Donnelly made the following appointments to the Transportation Advisory Committee for three year terms to expire on March 13, 2012:

JAMES HOWE – JOSEPH ZESSKI – GENE T. HOLLOWNICZKY –

48 QUESTIONS FROM THE PRESS

Carole Comegno, Courier Post, addressed the Board regarding agenda item no. 29 (Res. No. 442), first amendment to agreement with OTC, and agenda item no. 35 (Res. 448) the Flemmer Farm.

49 COMMENTS BY FREEHOLDERS.

- 1) Mr. Brown thanked the Deputy Clerk for adding initials to the agenda, and also thanked Mrs. Reinhart for her support of the Edward Byrne Memorial Justice Assistance Grant.
- 2) Mrs. Reinhart reminded everyone to go out to the Farm Fair.

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

Respectfully submitted,

Augustus M. Mosca
County Administrator/Board Clerk