

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, August 12, 2009, at 11:00 A.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, County Engineer Jaggard, County Clerk Tyler, Resource Conservation Director Robbie, Public Health Coordinator Gogats, Human Resources Director Hornickel, Superintendent of Roads Somes, Supervising Administrative Analyst Stewart, and Assistant Public Information Officer O'Donnell.

4 APPROVAL OF THE MINUTES OF THE REGULAR BOARD MEETING OF JULY 8, AND JULY 22, 2009, AND THE CONFERENCE MINUTES OF JUNE 3, JUNE 10, JUNE 17 AND JUNE 24, 2009.

5 **PROCLAMATION** – DOG DAYS OF SUMMER – BURLINGTON COUNTY ANIMAL ALLIANCE.

Freeholder Reinhart read and presented a proclamation to Sue Cucolo, Burlington County Animal Alliance volunteer for her dedicated service to the Animal Shelter and recognition of the Dog Days of Summer, August 1 through August 31.

6 **PUBLIC HEARING** - 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.

The hour having arrived, Director Donnelly stated that this was the time and place for consideration of Bond Ordinance No. 425-09 and requested the Board Clerk to read said Ordinance by title only.

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

There being no comments, Director Donnelly closed the public hearing. It was moved by Mrs. Reinhart, seconded by Mr. Wujcik that Bond Ordinance No. 425-09 be finally passed.

On roll call: Ayes – Mr. Brown, Mrs. Reinhart, Mr. Wujcik, Mr. Haines and Director Donnelly. Opposed – None. Motion carried. Bond Ordinance No. 425-09 adopted on second reading and roll call.

7 **PUBLIC HEARING** - 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.

The hour having arrived, Director Donnelly stated that this was the time and place for consideration of Bond Ordinance No. 427-09 and requested the Board Clerk to read said Ordinance by title only.

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

There being no comments, Director Donnelly closed the public hearing. It was moved by Mr. Brown, seconded by Mr. Haines that Bond Ordinance No. 427-09 be finally passed.

On roll call: Ayes – Mr. Brown, Mrs. Reinhart, Mr. Wujcik, Mr. Haines and Director Donnelly. Opposed – None. Motion carried. Bond Ordinance No. 427-09 adopted on second reading and roll call.

8 **PUBLIC HEARING - 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.**

The hour having arrived, Director Donnelly stated that this was the time and place for consideration of Bond Ordinance No. 429-09 and requested the Board Clerk to read said Ordinance by title only.

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

There being no comments, Director Donnelly closed the public hearing. It was moved by Mr. Brown, seconded by Mrs. Reinhart that Bond Ordinance No. 429-09 be finally passed.

On roll call: Ayes – Mr. Brown, Mrs. Reinhart, Mr. Wujcik, Mr. Haines and Director Donnelly. Opposed – None. Motion carried. Bond Ordinance No. 429-09 adopted on second reading and roll call.

*** It was moved by Director Donnelly, seconded by Mr. Haines that the following thirty-two (32) items be approved by unanimous consent. Mrs. Reinhart opposed agenda items #6, #10, and #12 (Resolution Nos. 461, 465, and 467 respectively). Mr. Brown abstained from agenda items #10, #15, and #16 (Resolution Nos. 461, 470 and 471 respectively). Motion carried. Resolution Nos. 456 through 487 adopted.

9 **RESOLUTION NO. 456** 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 \$841,162 RECEIVED FROM THE STATE DEPARTMENT OF HEALTH AND SENIOR SERVICES AND APPROPRIATED UNDER THE CAPTION OF OFFICE ON AGING.

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 \$841,162.00 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 \$841,162.00 be hereby appropriated under the caption of:

Office on Aging; and

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

- 10 **RESOLUTION NO. 457** 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 \$3,051,700 RECEIVED FROM THE US DEPARTMENT OF ENERGY AND APPROPRIATED UNDER THE CAPTION OF PREPARATION OF AN ENERGY EFFIECIENCY AND CONSERVATION STRATEGY.

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 \$3,051,700.00 which item is now available as revenue from the United State Department of Energy, pursuant to the provisions of statute; and

SECTION II

BE IT FURTHER RESOLVED, that a like sum of \$3,051,700.00 be hereby appropriated under the caption of:

Preparation of an Energy Efficiency and Conservation Strategy; and

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

- 11 **RESOLUTION NO. 458** 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 \$12,396 RECEIVED FROM THE STATE DEPARTMENT OF LAW AND PUBLIC SAFETY AND APPROPRIATED UNDER THE CAPTION OF MEGAN'S LAW AND LOCAL LAW ENFORCEMENT ASSISTANCE.

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 \$12,396.00 which item is now available as revenue from the State of New Jersey, Department of Law and Public Safety, pursuant to the provisions of statute; and

SECTION II

BE IT FURTHER RESOLVED, that a like sum of \$12,396.00 be hereby appropriated under the caption of:

Megan's Law and Local Law Enforcement Assistance Program; and

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

- 12 **RESOLUTION NO. 459** 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 \$43,213 RECEIVED FROM THE STATE DEPARTMENT OF LAW AND PUBLIC SAFETY AND APPROPRIATED UNDER THE CAPTION OF MULTI-JURISDICTIONAL GANG, GUN AND NARCOTICS TASK FORCE.

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 \$43,213.00 which item is now available as revenue from the State of New Jersey, Department of Law and Public Safety, pursuant to the provisions of statute; and

SECTION II

BE IT FURTHER RESOLVED, that a like sum of \$43,213.00 be hereby appropriated under the caption of:

Multi-Jurisdictional Gang, Gun and Narcotics Task Force; and

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

- 13 **RESOLUTION NO. 460** by Director Donnelly, PAYMENT OF BILLS.

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 \$26,251,913.90 be and the same are hereby approved and passed by the Board, and that the Treasurer for the County of Burlington be and he is hereby authorized and directed to issue county checks in payment of same.

- 14 **RESOLUTION NO. 461** by Director Donnelly, BOND ORDINANCE NO. 461-09 OF THE COUNTY OF BURLINGTON, NEW JERSEY, PROVIDING FOR THE DESIGN, ACQUISITION, CONSTRUCTION AND EQUIPPING OF VARIOUS WASTEWATER STORAGE AND STORM WATER CAPITAL IMPROVEMENTS AT THE BURLINGTON COUNTY RESOURCE RECOVERY COMPLEX LOCATED IN THE TOWNSHIPS OF FLORENCE AND MANSFIELD, IN THE COUNTY, AS PART OF THE COUNTY'S SOLID WASTE PROGRAM; APPROPRIATING THE SUM OF \$6,250,000 THEREFOR, AUTHORIZING THE ISSUANCE OF UP TO \$6,250,000 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. Mrs. Reinhart opposed this agenda item. Mr. Brown abstained from this agenda item.

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 \$6,250,000. No down payment is required pursuant to *N.J.S.A. 40A:2-11(c)* of the Local Bond Law because of the existence of an anticipated State grant through the New Jersey Environmental Trust Fund. In the event there are insufficient State grant funds through the New Jersey Environmental Trust Fund for the improvements or purposes described in

Section 3(a) hereof, then no down payment is required pursuant to *N.J.S.A. 40A:2-11(c)* of the Local Bond Law, specifically *N.J.S.A. 40A:2-7(h)*, because the improvements or purposes are self-liquidating and the bonds or notes are deductible from gross debt.

Section 2. In order to finance the cost of the improvements or purposes and to meet the \$6,250,000 appropriation, negotiable bonds or notes of the County are hereby authorized to be issued in the principal amount of \$6,250,000 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 \$6,250,000 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 design, acquisition, construction and equipping of various wastewater storage and storm water capital improvements at the Burlington County Resource Recovery Complex ("Complex") located in the Townships of Florence and Mansfield, in the County including, but not limited to, a new clean-water detention basin, improvements to the Complex landfill leachate collection system, and wastewater storage tank, together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto, all as more fully described in the County's capital budget and in plans and specifications on file therefor in the County's Department of Resource Conservation.

(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(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 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 20 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 principal amount of bonds and notes provided for in this bond ordinance and included in the gross debt of the County, as defined in the Local Bond Law, shall be deducted and is hereby declared to be and to constitute a deduction from such gross debt pursuant to *N.J.S.A. 40A:2-44(c)*.

(d) An aggregate amount not exceeding \$1,470,775 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, construction and/or equipping of the improvements or 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 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 a 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 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 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.

- 15 **RESOLUTION NO. 462** by Director Donnelly, RESOLUTION TO SET THE PUBLIC HEARING FOR THE BOND ORDINANCE OF THE COUNTY OF BURLINGTON, NEW JERSEY, PROVIDING FOR THE DESIGN, ACQUISITION, CONSTRUCTION AND EQUIPPING OF VARIOUS WASTEWATER STORAGE AND STORM WATER CAPITAL IMPROVEMENTS AT THE BURLINGTON COUNTY RESOURCE RECOVERY COMPLEX.

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 THE DESIGN, ACQUISITION, CONSTRUCTION AND EQUIPPING OF VARIOUS WASTEWATER STORAGE AND STORM WATER CAPITAL IMPROVEMENTS AT THE BURLINGTON COUNTY RESOURCE RECOVERY COMPLEX LOCATED IN THE TOWNSHIPS OF FLORENCE AND MANSFIELD, IN THE COUNTY, AS PART OF THE COUNTY'S SOLID WASTE PROGRAM; APPROPRIATING THE SUM OF \$6,250,000 THEREFOR, AUTHORIZING THE ISSUANCE OF UP TO \$6,250,000 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 August 12, 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 26th day of August 2009 at 7:00 P.M., prevailing time or as soon as this matter can be reached at the regular meeting room of the Board of Chosen Freeholders in the Township of Mount Holly, New Jersey, and that at such time and place all persons interested be given an opportunity to be heard concerning the same, and that the County Administrator/Board Clerk be and he is hereby authorized and directed to publish said ordinance according to law with a notice of its introduction and passage on first reading in the Burlington County Times, a legal newspaper published in the County of Burlington.

- 16 **RESOLUTION NO. 463** by Director Donnelly, BOND ORDINANCE NO. 463-09 OF THE COUNTY OF BURLINGTON, NEW JERSEY, PROVIDING FOR CAPITAL IMPROVEMENTS AND RENOVATIONS TO AND ACQUISITION AND INSTALLATION OF CAPITAL EQUIPMENT FOR THE BURLINGTON COUNTY SPECIAL SERVICES SCHOOL DISTRICT FACILITIES, APPROPRIATING THE SUM OF \$1,250,000 THEREFOR, AUTHORIZING THE ISSUANCE OF \$1,250,000 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.

WHEREAS, the Board of Education of the Burlington County Special Services School District, by confirming Resolution adopted on February 25, 2009, has determined that it is necessary to raise the sum of \$1,250,000 (inclusive of costs permitted pursuant to N.J.S.A. 40A:2-20 expenses) for a capital improvement project consisting of facilities improvements and renovations, including acquisition of furnishings and equipment, for the Burlington County Special Services School District ("SSSD") campuses located in the

Townships of Lumberton and Westampton, New Jersey, in and by the County of Burlington, New Jersey ("County") as set forth in Section 3(a) below, and a copy of that Resolution was heretofore delivered to each member of the Board of School Estimates of the SSSD; and

WHEREAS, the Board of School Estimates of the SSSD has, by Resolution duly adopted on August 12, 2009, determined that the capital improvement project consisting of facilities improvements and renovations, including acquisition of furnishings and equipment, for the SSSD campuses located in the Townships of Lumberton and Westampton, New Jersey, in and by the County as set forth in Section 3(a) below, is necessary for school purposes and did duly fix and determine the amount necessary to be raised by the County for said capital improvement project to be \$1,250,000 (inclusive of costs permitted pursuant to *N.J.S.A. 40A:2-20* expenses) and certificates of said determination were duly prepared and heretofore delivered to each of the Board of Education of the SSSD and the Board of Chosen Freeholders of the County ("Board of Chosen Freeholders"); and

WHEREAS, in the opinion of the Board of Chosen Freeholders it is necessary and desirable that the aforementioned improvements be undertaken and costs therefor be financed 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 MEMBERS THEREOF AFFIRMATIVELY CONCURRING) 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 the sum of \$1,250,000. No down payment is required pursuant to *N.J.S.A. 18A:46-42*.

Section 2. In order to finance the cost of the improvements or purposes and to meet the \$1,250,000 appropriation, negotiable bonds or notes of the County are hereby authorized to be issued in the principal amount of \$1,250,000 pursuant to the Local Bond Law, *N.J.S.A. 40A:2-1 et seq.* ("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 \$1,250,000 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 is a capital improvement project consisting of facilities improvements and renovations, including acquisition of furnishings and equipment, for the SSSD campuses located in the Townships of Lumberton and Westampton, New Jersey, and including all materials, equipment, services and work necessary therefor or incidental thereto, all as more fully described in the capital budget of the County and/or the SSSD, as amended, and in plans and specifications therefor on file in the offices of the Board of Education of the SSSD.

(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 and/or the SSSD 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 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 \$1,250,000 and the obligations authorized herein will not be subject to the debt limitations prescribed by the Local Bond Law in accordance with the provisions of *N.J.S.A. 18A:46-42*.

(d) An aggregate amount not exceeding \$125,000 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 and/or the Board of Education of the SSSD reasonably expects to commence the construction, renovations, acquisitions and improvements or 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 and/or the Board of Education of the SSSD 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 Board of Education of the SSSD on account of any grant in aid of financing the cost of 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 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 finally 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, or shall cause the SSSD 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, or shall cause the SSSD not to make, any use of the proceeds of the bonds or bond anticipation notes or do or suffer, or shall cause the SSSD not to 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 and pay, or shall cause the SSSD to calculate 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, or shall cause the SSSD not 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, or shall cause the SSSD to take 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 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 first publication thereof after final adoption, as provided by Section 10 hereof and the Local Bond Law.

17 **RESOLUTION NO. 464** by Director Donnelly, RESOLUTION TO SET THE PUBLIC HEARING FOR THE BOND ORDINANCE OF THE COUNTY OF BURLINGTON, NEW JERSEY, PROVIDING FOR CAPITAL IMPROVEMENTS AND RENOVATIONS TO AND ACQUISITION AND INSTALLATION OF CAPITAL EQUIPMENT FOR THE BURLINGTON COUNTY SPECIAL SERVICES SCHOOL DISTRICT FACILITIES.

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 Capital Improvements and Renovations and Acquisition and Installation of Capital Equipment for the Burlington County Special Services School District Facilities, Appropriating the Sum of \$1,250,000 therefor, Authorizing the Issuance of \$1,250,000 in General Obligation 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 August 12, 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 26th day of August 2009 at 7:00 P.M., prevailing time or as soon as this matter can be reached at the regular meeting room of the Board of Chosen Freeholders in the Township of Mount Holly, New Jersey, and that at such time

and place all persons interested be given an opportunity to be heard concerning the same, and that the County Administrator/Board Clerk be and he is hereby authorized and directed to publish said ordinance according to law with a notice of its introduction and passage on first reading in the Burlington County Times, a legal newspaper published in the County of Burlington.

- 18 **RESOLUTION NO. 465** by Director Donnelly, RESOLUTION OF THE BOARD OF CHOSEN FREEHOLDERS OF THE COUNTY OF BURLINGTON, NEW JERSEY AUTHORIZING AND APPROVING THE ISSUANCE AND SALE OF UP TO \$19,600,000 AGGREGATE PRINCIPAL AMOUNT OF PROJECT NOTES (SOLID WASTE PROJECT), SERIES 2009 OF THE BURLINGTON COUNTY BRIDGE COMMISSION; AUTHORIZING THE EXECUTION AND DELIVERY OF A LEASE AND AGREEMENT BY AND BETWEEN THE COUNTY AND THE COMMISSION PROVIDING FOR THE REFINANCING OF THE COMMISSION'S PROJECT NOTES (SOLID WASTE PROJECT), SERIES 2008 AND THE FINANCING OF ADDITIONAL SOLID WASTE PROJECT COSTS; AND DETERMINING CERTAIN OTHER MATTERS IN CONNECTION THEREWITH. Mrs. Reinhart opposed this agenda item.

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 of New Jersey 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, the Commission has previously determined to undertake a project consisting of (i) the design, excavation, construction and equipping of additional landfill cells and other related infrastructure improvements including, but not limited to, storm water management swales and basins, leachate collection systems and landfill gas extraction wells as part of Phase 5 of Landfill No. 2 at the Burlington County Resource Recovery Complex ("County Landfill Project"); and (ii) the acquisition of vehicles and various pieces of capital equipment and the leasing thereof to the County ("County/OTC Recycling Project" and together with the County Landfill Project, the "Solid Waste Project"), on behalf of and for the benefit of the Occupational Training Center of Burlington County, Inc., a not-for-profit corporation of the State designated as a sheltered workshop by the State Division on Vocational Rehabilitation Services whose purpose is to train and employ the physically, mentally and socially handicapped and economically disadvantaged; and

WHEREAS, pursuant to the Local Bond Law, constituting Chapter 169 of the Laws of 1960 of the State of New Jersey, as amended and supplemented ("Local Bond Law"), the Board of Chosen Freeholders ("Board") of the County has, pursuant to Ordinance No. 440-08 of the County entitled "AN ORDINANCE OF THE BOARD OF CHOSEN FREEHOLDERS OF THE COUNTY OF BURLINGTON, NEW JERSEY AUTHORIZING AND APPROVING THE ENTERING INTO, EXECUTION AND DELIVERY OF AN IMPROVEMENTS LEASE AGREEMENT BY AND BETWEEN THE COUNTY AND THE BURLINGTON COUNTY BRIDGE COMMISSION PROVIDING FOR THE FINANCING OF THE COSTS OF DESIGN, EXCAVATION, CONSTRUCTION AND EQUIPPING OF ADDITIONAL LANDFILL CELLS AND OTHER RELATED INFRASTRUCTURE IMPROVEMENTS AS PART OF PHASE 5 OF LANDFILL NO. 2 AT THE BURLINGTON COUNTY RESOURCE RECOVERY COMPLEX, BY THE COUNTY OF BURLINGTON, NEW JERSEY, AND APPROPRIATING \$29,000,000 THEREFOR, AND AUTHORIZING OTHER NECESSARY ACTION IN CONNECTION WITH SAID FINANCING" ("Improvements Lease Ordinance"), duly and finally adopted on July 23, 2008 and published in accordance with the requirements of the Local Bond Law, authorized the execution and delivery of an improvements lease agreement for the County Landfill Project ("Landfill Project Lease Agreement") with the Commission and appropriated \$29,000,000 for the costs of the County Landfill Project of which \$3,384,400 was financed with a portion of the proceeds of the Series 2008 Notes (as hereinafter defined); and

WHEREAS, pursuant to the Local Bond Law, the Board of Chosen Freeholders ("Board") of the County has, pursuant to Ordinance No. 442-08 of the County entitled "AN ORDINANCE OF THE BOARD OF CHOSEN FREEHOLDERS OF THE COUNTY OF BURLINGTON, NEW JERSEY AUTHORIZING AND APPROVING THE 2008 CAPITAL

BUDGET OF THE OCCUPATIONAL TRAINING CENTER OF BURLINGTON COUNTY, INC. AND THE ENTERING INTO, EXECUTION AND DELIVERY OF AN EQUIPMENT LEASE AGREEMENT BY AND BETWEEN THE COUNTY, ON BEHALF OF AND FOR THE BENEFIT OF THE OCCUPATIONAL TRAINING CENTER OF BURLINGTON COUNTY, INC., AND THE BURLINGTON COUNTY BRIDGE COMMISSION PROVIDING FOR THE FINANCING OF THE COSTS OF ACQUISITION OF VEHICLES AND VARIOUS PIECES OF CAPITAL EQUIPMENT FOR USE BY THE OCCUPATIONAL TRAINING CENTER'S RECYCLING FACILITY OPERATIONS IN CONNECTION WITH THE COUNTY-WIDE RECYCLING PROGRAM, AND APPROPRIATING \$3,502,500 THEREFOR; FURTHER AUTHORIZING THE EXECUTION AND DELIVERY OF A GROUND LEASE AGREEMENT AND AN OPERATIONS AGREEMENT TO BE EXECUTED BY THE COUNTY AND THE OCCUPATIONAL TRAINING CENTER OF BURLINGTON COUNTY, INC. IN CONNECTION WITH THE FINANCING THEREOF; FURTHER AUTHORIZING THE EXECUTION AND DELIVERY OF AN ASSIGNMENT OF GROUND LEASE AGREEMENT OR A SUBLEASE AGREEMENT TO BE EXECUTED BY THE COUNTY AND THE BURLINGTON COUNTY BRIDGE COMMISSION; AND AUTHORIZING OTHER NECESSARY ACTION IN CONNECTION WITH SAID FINANCING" ("Recycling Equipment Lease Ordinance" and together with the Improvements Lease Ordinance, the "Lease Ordinances"), duly and finally adopted on July 23, 2008 and published in accordance with the requirements of the Local Bond Law, authorized the execution and delivery of an equipment lease agreement for the County/OTC Recycling Project ("Recycling Project Lease Agreement" and together with the Landfill Project Lease Agreement, the "Lease Agreements") with the Commission and appropriated \$3,502,500 for the costs of the County/OTC Recycling Project of which \$3,502,500 was financed with a portion of the proceeds of the Series 2008 Notes (as hereinafter defined); and

WHEREAS, on August 13, 2008, the Local Finance Board in the Division of Local Government Services, New Jersey Department of Community Affairs issued positive findings with respect to the proposed issuance by the Commission of Project Notes, in one or more series from time to time, in a not-to-exceed principal amount of \$32,502,500 to provide temporary financing for the Solid Waste Project and to issue the Series 2008 Notes in the amount of \$18,000,000; and

WHEREAS, on November 25, 2008, the Commission issued its Project Notes (Solid Waste Project), Series 2008 in the aggregate principal amount of \$6,900,000 ("Series 2008 Notes") to temporarily finance the initial portion of the costs of the County Landfill Project (in the amount of \$3,391,000) and all of the costs of the County/OTC Recycling Project (in the amount of \$3,509,000); and

WHEREAS, the Series 2008 Notes mature on November 24, 2009; and

WHEREAS, the Commission has determined to issue its Project Notes (Solid Waste Project), Series 2009 ("Series 2009 Notes") to (i) current refund the Series 2008 Notes, currently outstanding in the aggregate principal amount of \$6,900,000, on or about September 15, 2009; and (ii) finance approximately \$12,500,00 of additional costs associated with the County Landfill Project; and

WHEREAS, to effectuate the financing plan described in the above-mentioned paragraph, it is necessary for the County to adopt this resolution and to authorize and approve the execution and delivery of a First Amendment to Landfill Project Lease Agreement and a First Amendment to Recycling Project Lease Agreement (collectively, the "First Amendments to Lease Agreements") with the Commission in connection therewith and to appropriate an additional \$12,500,000 for the payment of the costs of the next phase of the County Landfill Project plus costs of issuance of the Series 2009 Notes (collectively, the "2009 Project"); and NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF CHOSEN FREEHOLDERS OF THE COUNTY OF BURLINGTON, NEW JERSEY, AS FOLLOWS:

Section 1. The County hereby authorizes and approves the issuance by the Commission of the Series 2009 Notes in a total principal amount up to \$19,600,000.

Section 2. The full faith and credit of the County are irrevocably pledged to the punctual payment of the principal of and interest on the Series 2009 Notes and, to the extent payment is not otherwise provided, the County shall be obligated to levy ad valorem taxes upon all taxable real property within the County without limitation as to rate or amount for the payment thereof.

Section 3. The First Amendments to Lease Agreements for the 2009 Project are hereby authorized to be executed and delivered on behalf of the County by the

Freeholder Director, Deputy Freeholder Director, County Administrator or County Treasurer, in substantially the respective forms on file in the offices of the County, with such changes as the Freeholder Director, Deputy Freeholder Director, County Administrator or County Treasurer in their respective sole discretion, after consultation with Bond Counsel and any advisors to the County and after further consultation with the Commission and its representatives, agents, bond counsel and advisors, shall determine, such determination to be conclusively evidenced by the execution of the First Amendments to Lease Agreements for the 2009 Project by an authorized officer as determined hereunder. The Clerk and Deputy Clerk of the Board of the County are each hereby severally authorized to attest to the execution of the First Amendments to Lease Agreements for the 2009 Project by an authorized officer of the County as determined hereunder and to affix the corporate seal of the County to such documents.

Section 4. All actions heretofore taken and documents prepared or executed by or on behalf of the County by the Freeholder Director, Deputy Freeholder Director, County Administrator, County Treasurer, Clerk or Deputy Clerk of the Board of the County, other County officials or by the County's professional advisors in connection with the issuance and sale by the Commission of the Series 2009 Notes or the 2009 Project are hereby ratified, confirmed, approved and adopted.

Section 5. The Freeholder Director, Deputy Freeholder Director, County Administrator, County Treasurer, Clerk or Deputy Clerk of the Board of the County are each hereby authorized to determine all matters and execute all documents and instruments in connection with the Series 2009 Notes or the 2009 Project not determined or otherwise directed to be executed by the Lease Ordinances or by this or any subsequent resolution, and the signature of the Freeholder Director, Deputy Freeholder Director, County Administrator, County Treasurer, Clerk or Deputy Clerk of the Board of the County on such documents or instruments shall be conclusive as to such determinations.

Section 6. All other resolutions, or parts thereof, inconsistent herewith are hereby rescinded and repealed to the extent of any such inconsistency.

Section 7. This resolution shall take effect immediately upon adoption this 12th day of August, 2009.

- 19 **RESOLUTION NO. 466** by Director Donnelly, RESOLUTION OF THE BOARD OF CHOSEN FREEHOLDERS OF THE COUNTY OF BURLINGTON, NEW JERSEY AUTHORIZING THE SUBMISSION OF AN APPLICATION TO THE NEW JERSEY LOCAL FINANCE BOARD PURSUANT TO *N.J.S.A. 58:11B-9(a)* AND *N.J.S.A. 40A:2-26(e)*.

WHEREAS, the County of Burlington, New Jersey ("County") desires to make application to the New Jersey Local Finance Board for its approval of the County's participation in the 2009 New Jersey Environmental Infrastructure Trust Financing Program for wastewater storage and storm water improvements at the Burlington County Resource Recovery Complex pursuant to: (i) *N.J.S.A. 58:11B-9(a)*, and (ii) *N.J.S.A. 40A:2-26(e)*; and

WHEREAS, the County believes:

- (a) it is in the public interest to accomplish such purpose;
- (b) said purpose or improvements are for the health, welfare, convenience or betterment of the inhabitants of the County;
- (c) the amounts to be expended for said purpose or improvements are not unreasonable or exorbitant; and
- (d) the proposal is an efficient and feasible means of providing services for the needs of the inhabitants of the County and will not create an undue financial burden to be placed upon the County.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF CHOSEN FREEHOLDERS OF THE COUNTY OF BURLINGTON, NEW JERSEY, AS FOLLOWS:

Section 1. The application to the New Jersey Local Finance Board is hereby approved, and the County's Bond Counsel, County Solicitor and County Financial Advisor, along with other representatives of the County, are hereby authorized to prepare such application and to represent the County in matters pertaining thereto.

Section 2. The Clerk or Deputy Clerk of the Board of Chosen Freeholders is hereby directed to prepare and file a copy of this resolution with the New Jersey Local Finance Board as part of such application.

Section 3. The New Jersey Local Finance Board is hereby respectfully requested to consider such application and to record its findings, recommendations and/or approvals as provided by the applicable New Jersey law.

Recorded Vote

AYE NO ABSTAIN ABSENT

Brown
Reinhart
Haines
Wujcik
Donnelly

The foregoing is a true copy of a resolution adopted by the Board of Chosen Freeholders of the County of Burlington, New Jersey on August 12, 2009.

20 **RESOLUTION NO. 467** by Director Donnelly, RESOLUTION OF THE BOARD OF CHOSEN FREEHOLDERS OF THE COUNTY OF BURLINGTON, NEW JERSEY EXPRESSING ITS INTENTION TO REIMBURSE ITSELF FOR CERTAIN PROJECT COSTS PAID BY THE COUNTY WITH RESPECT TO THE FINANCING OF VARIOUS CAPITAL IMPROVEMENTS AND ACQUISITION OF EQUIPMENT AT THE BURLINGTON COUNTY RESOURCE RECOVERY COMPLEX LOCATED IN THE TOWNSHIPS OF FLORENCE AND MANSFIELD, IN THE COUNTY AS PART OF THE COUNTY'S SOLID WASTE PROGRAM FROM THE PROCEEDS OF DEBT OBLIGATIONS IN CONNECTION WITH ITS PARTICIPATION IN THE 2009 NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST FINANCING PROGRAM. Mrs. Reinhart opposed this agenda item.

WHEREAS, the Burlington County Resource Recovery Complex ("Complex"), located in the Townships of Florence and Mansfield, in the County of Burlington ("County"), New Jersey is the site of all solid waste processing and disposal activities undertaken by the County pursuant to directives of the New Jersey Solid Waste Management Act; and

WHEREAS, the existing Complex disposal and resource recovery facilities include a co-composting facility ("Co-Composting Facility"), located on a portion of the Complex located in Florence Township, which is currently permitted to compost a variety of organic materials, including sewage sludge from regional wastewater treatment plants, select organic food waste, clean wood waste, small quantities of low grade paper, and yard waste; and

WHEREAS, the compost is processed and cured within a process building and cured compost is stored outside on paved storage areas; and

WHEREAS, the Co-Composting Facility storm water system, including roof drains, catch basins, sewers and swales, directs runoff to an on-site detention basin which was designed to slowly release collected runoff to the Assiscunk Creek; and

WHEREAS, the New Jersey Department of Environmental Protection ("NJDEP") has previously directed the County to plug the outfall to the Assiscunk Creek due to concerns that storm water is contacting source material, resulting in water quality impairment; and

WHEREAS, as a result of the outfall from the detention pond plugged and no discharge allowed from the detention pond pursuant to standing NJDEP directive, the County currently pumps storm water out of the detention basin and transports it to either the active Complex landfill for discharge and collection by the Complex landfill leachate collection system or to an offsite wastewater treatment facility in northern New Jersey; and

WHEREAS, in order to reduce the pumping, hauling and disposal costs and improve storm water management by reducing the amount of contaminated storm water runoff from the Co-Composting Facility, the County will separate storm water runoff from the Co-Composting Facility into separate clean and contaminated water detention basins through the design, permitting and construction of a new clean-water detention basin and modifications to the existing storm water collection system; and

WHEREAS, wastewater generated at the Complex from the sanitary landfill operations, domestic sources, a potable water treatment facility, and from composting operations is presently collected on site and pumped to two (2) existing 200,000 gallon above ground steel wastewater storage tanks where it is stored until transported for treatment to the Passaic Valley Sewerage Commissioners' Wastewater Treatment Plant located in Newark, New Jersey; and

WHEREAS, the presently available on-site wastewater storage capacity for the Complex is inadequate to effectively manage wastewater peak flows during periods of wet weather and that under peak flow conditions the Complex staff are required to increase off-site disposal trucking rates to unacceptable levels while redirecting flows to Landfill No. 2 which impedes the County's ability to sustain normal operations at the site; and

WHEREAS, the County has determined to design, permit, acquire and install an additional one million gallon wastewater storage tank at the leachate treatment plant; and WHEREAS, the County has previously submitted the wastewater storage and storm water improvements plan at the Complex ("Project") for New Jersey Environmental Infrastructure Financing Program loan approval (Project No. S340818-04); and

WHEREAS, the County was advised by the New Jersey Department of Environmental Protection-Division of Water Quality, Municipal Finance and Construction Element, Bureau of Program Development and Technical Services that the Project satisfied the requirements for New Jersey Environmental Infrastructure Financing Program loan approval and received authorization to construct the Project; and

WHEREAS, the County intends to finance the costs of the Project including, but not limited to, costs of preparation, design, planning, permitting, environmental testing and remediation, acquisition, construction and installation of the Project including, without limitation, costs and expenditures to certain of its consultants, architects, engineers, attorneys and others for services rendered in connection with the Project ("Project Costs") with debt obligations of the County ("Project Debt Obligations"); and

WHEREAS, the County has paid for certain of the Project Costs prior to the issuance of the Project Debt Obligations using temporarily available funds in the Solid Waste Utility Fund in anticipation of reimbursing such expenditures from the proceeds of the Project Debt Obligations hereafter issued by the County in the aggregate principal amount of up to \$6,250,000; and

WHEREAS, the County reasonably anticipates that obligations, the interest on which is excluded from gross income under Section 103 of the Internal Revenue Code of 1986, as amended ("Code"), will be issued by the New Jersey Environmental Infrastructure Trust ("Issuer") to finance the Project on a long-term basis by making a loan to the County with the proceeds of the Issuer's obligations ("Project Bonds"); and

WHEREAS, the County desires to preserve its right to treat an allocation of proceeds of the Project Debt Obligations to the reimbursement of Project Costs paid prior to the issuance of the Project Debt Obligations as an expenditure for such Project Costs to be reimbursed for purposes of Sections 103 and 141 through 150, inclusive, of the Code.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF CHOSEN FREEHOLDERS OF THE COUNTY OF BURLINGTON, NEW JERSEY, AS FOLLOWS:

Section 1. The County reasonably expects to reimburse its expenditure of Project Costs paid prior to the issuance of the Project Debt Obligations with proceeds of its Project Debt Obligations.

Section 2. This Resolution is intended to be and hereby is a declaration of the County's official intent to reimburse the expenditure of Project Costs paid prior to the issuance of the Project Debt Obligations with the proceeds of a borrowing to be incurred by the County in accordance with Treasury Regulations §150-2.

Section 3. The maximum principal amount of the Project Debt Obligations expected to be issued to finance the Project is \$6,250,000.

Section 4. The Project Costs to be reimbursed with the proceeds of the Project Debt Obligations will be "capital expenditures" in accordance with the meaning of Section 150 of the Code.

Section 5. No reimbursement allocation will employ an "abusive arbitrage device" under Treasury Regulation §1.148-10 to avoid the arbitrage restrictions or to avoid the

restrictions under Section 142 through 147, inclusive, of the Code. The proceeds of the Project Bonds used to reimburse the County for the Project Costs, or funds corresponding to such amounts, will not be used in a manner that results in the creation of "replacement proceeds", including "sinking funds", "pledged funds" or funds subject to a "negative pledge" (as such terms are defined in Treasury Regulation §1.148-1), of the Project Debt Obligations or another issue of debt obligations of the County, other than amounts deposited into a "bona fide debt service fund" (as defined in Treasury Regulation §1.148-1).

Section 6. All reimbursement allocations will occur not later than eighteen (18) months after the later of (i) the date the expenditure from a source other than the Project Debt Obligations is paid, or (ii) the date the Project is "placed in service" (within the meaning of Treasury Regulation §1.150-2) or abandoned, but in no event more than three (3) years after the expenditure is paid.

Section 7. This Resolution is to be retained by the County and made publicly available for inspection at the offices of the County from the date hereof through the date of issuance of the Project Debt Obligations.

Section 8. The County authorizes and directs the County Treasurer to designate the "original expenditures" in a written "reimbursement allocation" (within the meaning of Treasury Regulation §1.150-2(c)(2)) that evidences the County's use of proceeds to reimburse an original expenditure on the date of issue of the Project Debt Obligations.

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

Section 10. This Resolution shall take effect immediately upon adoption this 12th day of August, 2009.

Recorded Vote

<u>AYE</u>	<u>NO</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Brown			
Haines	Reinhart		
Wujcik			
Donnelly			

The foregoing is a true copy of a resolution adopted by the Board of Chosen Freeholders of the County of Burlington, New Jersey on August 12, 2009.

21 **RESOLUTION NO. 468** by Director Donnelly, ACCEPTANCE OF THE 2009 ANNUAL CONTRIBUTION FROM THE DELAWARE VALLEY REGIONAL PLANNING COMMISSION IN THE AMOUNT OF \$70,977 FOR REGIONAL COMPREHENSIVE PLANNING, AIRPORT SYSTEMS PLANNING AND TRI-COUNTY WATER QUALITY MANAGEMENT.

WHEREAS, the Board of Chosen Freeholders of the County of Burlington (hereinafter "Board"), as one of the counties in the Delaware Valley Urban Area, wishes to avail itself of services associated with regional planning, regional transportation planning, initiating and developing surveys of regional plans and associated work; and

WHEREAS, the Delaware Valley Regional Planning Commission (hereafter "DVRPC"), a body politic and corporate of the States of New Jersey and Pennsylvania and created by act of the 2nd legislature through PL 1966, CH. 149, engages in activities and projects include regional comprehensive planning, airport systems planning and tri-county water quality management; and

WHEREAS, DVRPC is in need of funding and has indicated its willingness to enter into an intergovernmental agreement with the Board in which the DVRPC shall commit itself to contribute to the DVRPC the total sum of \$70,977.00 for that purpose; and

WHEREAS, the Board has sufficient funds in Account #10-0702-032709 and #10-0012-034309 to make this agreement, 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 an intergovernmental agreement be entered into between the Board and the DVRPC which details the activities that DVRPC will perform in consideration for which the Board agrees

to contribute a total of \$70,977.00 to the DVRPC for fiscal year 2009 so that the DVRPC may continue activities; and be it

FURTHER RESOLVED, that this agreement shall be executed and attested to by the County Administrator/Board Clerk in accordance with the Rules of the Board.

- 22 **RESOLUTION NO. 469** by Director Donnelly, AUTHORIZATION TO SELL A 1993 FORD TRACTOR MOWER WITH BOOM ATTACHMENT TO THE BURLINGTON TOWNSHIP DEPARTMENT OF PUBLIC WORKS FOR THE AMOUNT OF \$100.

WHEREAS, pursuant to N.J.S.A. 40A:12-13(b)(1), the Board of Chosen Freeholders of the County of Burlington (hereinafter "County") is authorized to make available to other units of local government equipment that is no longer needed by the County in a manner which is not inconsistent with the laws of the State of New Jersey and of the United States; and

WHEREAS, the Burlington Township, through the Burlington Township Department of Public Works and Utilities (hereinafter "Township"), with offices located at 851 Old York Road, Burlington Township, 08016 has requested that the County sell and convey to the Township a 1993 Ford Tractor with boom mower attachment, specifically identified with Serial No: BD37237 (hereinafter "equipment"); and

WHEREAS, the Township has offered and the County will accept, the sum of One Hundred Dollars (\$100.00) in payment to acquire this equipment; now, therefore, be it

RESOLVED, by the Board of Chosen Freeholders of the County of Burlington, that upon receipt of the referenced sum, the equipment shall be transferred to Burlington Township; and, be it

FURTHER RESOLVED, such equipment is being sold in "as is" condition, with no warranties, expressed or implied, as to the condition, operation, maintenance or mechanics of such equipment.

- 23 **RESOLUTION NO. 470** by Director Donnelly, LOAN AND MORTGAGE APPROVED WITH ONE FIRST TIME HOMEBUYER IN THE AMOUNT OF \$9,000 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 an application for assistance made by the below-named first-time homebuyer as eligible for closing costs and down payment assistance in the reported amount; and

<u>Applicant</u>	<u>File no.</u>	<u>Loan Amount</u>
Maricel Patino	FTHB10-03-17GS	\$9,000.00

WHEREAS, there are sufficient monies in account no. 42-0709-051200 to make the above-described loan, as evidenced by the certifications of the County's chief financial officer filed herewith; now, therefore, the Board

RESOLVES as follows:

1. The County's Community Development Office and County Solicitor are authorized to prepare and record, as appropriate, loan, mortgage and other documents for the above-described case.
2. Funds for the loan are to be drawn from federal Community Development Program moneys and disbursement is to be made in accordance with County procedures.
3. Upon satisfaction of the conditions of the loan and mortgage the County Administrator and County Solicitor are authorized to prepare, sign and record documents to remove the County's claims and interests of record.

- 24 **RESOLUTION NO. 471** by Director Donnelly, LOAN AND MORTGAGE APPROVED FOR ONE PROPERTY OWNER FOR A HOME IMPROVEMENT LOAN IN

THE AMOUNT OF \$13,910 PURSUANT TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (“HUD”) BLOCK GRANT 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 (“HUD”) Block Grant #B-08-UC-34-0001, which the Board uses to make loans to eligible County property owners for the purpose of repairing dwellings to improve their habitability and satisfy housing code requirements; and

WHEREAS, the County’s Community Development Office (“CD Office”) has recommended that a home improvement loan, as described below, be made because the homeowner-applicant satisfies the criteria established for this program and housing code violations of the owner’s property can be ameliorated with a loan from the County; and

<u>Owner</u>	<u>Case no.</u>	<u>Rehab Cost</u>	<u>Title Costs</u>
J. Ahearn	35-55-12LS	\$13,735.00	\$175.00

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

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

RESOLVES, as follows:

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

25 **RESOLUTION NO. 472** by Director Donnelly, APPROVAL OF A GRANT FOR 1 APPLICANT ELIGIBLE FOR UP TO \$5,000 FOR THE EMERGENCY HEATER REPLACEMENT PROGRAM PURSUANT TO THE US DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT BLOCK GRANT PROGRAM ADMINISTERED THROUGH THE OFFICE OF COMMUNITY DEVELOPMENT.

WHEREAS, the Board of Chosen Freeholders of the County of Burlington (“Board”) has received funds from the U.S. Department of Housing and Urban Development through Block Grant #B09-UC-34-0001, funds from which are used to make grants to eligible Burlington County homeowners to replace inefficient and/or inoperable home heating systems; and

WHEREAS, the County’s Community Development Office (“CD Office”) has recommended that a Heater Replacement Program grant be made to the following because they satisfy the County’s eligibility criteria; and

<u>Homeowner</u>	<u>Case no.</u>	<u>Grant Amount</u>
R. & M. Barden	HRP05-03-13LH	\$2,400.00

WHEREAS, the amount reported above is available in account no. 31-0701-052008 to make this grant, as evidenced by the certification of the County's Chief Financial Officer filed herewith; now, therefore, the Board

RESOLVES, as follows:

1. The above-described grant is approved.
2. Funds to make the grant shall be drawn from federal Community Development Program moneys.
3. The grant is authorized to be disbursed on (a) the CD Office's receipt and approval of notification that all conditions of the contract between the grant applicant and the heating contractor have been satisfied and (b) County requirements for the processing of payments have been completed.

26 **RESOLUTION NO. 473** by Director Donnelly, LOAN AND MORTGAGE FORGIVEN IN THE AMOUNT OF \$28,265 FOR EXCHANGE OF AN ADDITIONAL 10 YEAR AFFORDABILITY RESTRICTION FOR ALLY'S RIVERTON ROAD, CINNAMINSON PROPERTY PURSUANT TO THE HOME INVESTMENT PARTNERSHIP PROGRAM ADMINISTERED THROUGH THE OFFICE OF COMMUNITY DEVELOPMENT.

WHEREAS, pursuant to resolutions 1998-365 and 1999-215, adopted on May 27, 1998, and April 14, 1999, respectively, the Board of Chosen Freeholders of the County of Burlington ("Board") made HOME Investment Partnerships Program deferred, no interest loans of \$25,750.00 and \$2,525.00 to Alternative Living for Later Years, Inc. ("ALLY") for the purpose of improving property on Riverton Road in Cinnaminson (the "Property") to provide low-income housing; and

WHEREAS, at the time the loans were made the Board reported its willingness to forgive repayment of the ten-year-term loans on ALLY's agreement to extend the term of the use restriction on the Property to low-income housing for an additional period of affordability equal to the first; and

WHEREAS, ALLY has asked that the Board forgive repayment of these loans on its agreement to extend the period of the affordability restriction on the Property to July 14, 2019, and the Board has reviewed and approved the recommendation of the County's Housing and Community Development Office that ALLY's request be granted; now, therefore, the Board

RESOLVES as follows:

1. The above-described loans shall be forgiven on ALLY's execution of such documents as the County Solicitor and Community Development Office prepare for the purpose of extending the term of the affordability restriction on the Property to July 14, 2019.
2. On execution of the above-described documents the County Solicitor and Community Development Office are authorized to released the Property from the mortgage and release ALLY from the requirement of repaying the loans, conditioned on compliance with the requirements of the affordability restriction to July 14, 2019.

27 **RESOLUTION NO. 474** by Director Donnelly, LOAN AND MORTGAGE APPROVED FOR ZURBRUGG PARTNERSHIP, LLC IN THE AMOUNT OF \$500,000 TO PARTIALLY FUND ACQUISITION AND REHABILITATION OF 11 NEW AFFORDABLE RENTAL UNITS FOR THE PROPOSED RENOVATION OF THE ZURBRUGG MANSION LOCATED IN DELANCO TOWNSHIP PURSUANT TO THE HOME INVESTMENT PARTNERSHIP PROGRAM ADMINISTERED THROUGH THE OFFICE OF COMMUNITY DEVELOPMENT.

WHEREAS, the Board of Chosen Freeholders of the County of Burlington ("Board") received funds from the U.S. Department of Housing and Urban Development pursuant to the HOME Investment Partnerships Program Grant Number M-08-DC-34-0212; and

WHEREAS, Zurbrugg Partnership, LLC ("Z/P") has submitted an application to the Board for a loan to partially fund the acquisition, rehabilitation, and soft costs of eleven new,

affordable rental units as part of a proposed renovation of the Zurbrugg Mansion in Delanco to create 25 age-restricted affordable rental housing units; and

WHEREAS, the Board has reviewed and approved the recommendation of the County's Community Development Office that the application be approved as consistent with criteria established for the HOME Program and that a loan be made as follows; and

- Amount: \$500,000.00
- Use: Acquisition, rehabilitation, and soft costs
- Loan Term and Affordability Term: 30 years, secured with an affordable housing deed restriction;
- Borrower payment responsibility: 20% of cash flow payable annually for term of the Loan

WHEREAS, this loan may be subject to P.L. 2005, c. 271 and N.J.S.A. 19.44A-20.8 because it is not being awarded through a public "fair and open" solicitation (but it is being awarded through application of eligibility and qualification review) and provides for County payment in excess of \$17,500.00; and

WHEREAS, the Board has received a Business Entity Disclosure Certification pursuant to N.J.S.A. 19:44A-20.8 in which Z/P certifies that it has not made reportable contributions to a political or candidate committee in the previous year and that it will not make such reportable contributions and a Certification Concerning Political Contributions pursuant to P.L. 2005, Chapter 271, reporting that it has made no political contributions, expenditures or other things of value to any political party or political committee; now, therefore, the Board

RESOLVES, as follows:

1. The above described loan is approved and authorized.
2. The County Solicitor and Supervisor of the County's Community Development Office are authorized to prepare documents for this loan and to protect the County's interests in this matter.
3. Funds for the loan shall be drawn from HOME Investment Partnerships program monies and disbursed in accordance with the loan documents.
4. Execution of the County's loan documents shall be in accordance with the Rules of the Board.
5. The Burlington County Solicitor, Treasurer, Chief Financial Officer, Administrator and Director of the Board are authorized to take any action and sign any document necessary to complete this transaction.

28 **RESOLUTION NO. 475** by Director Donnelly, AUTHORIZATION TO RELEASE CERTAIN PERFORMANCE AND MAINTENANCE GUARANTEES AS SUBMITTED TO AND APPROVED BY THE BURLINGTON COUNTY PLANNING BOARD AT ITS MEETING HELD JULY 28, 2009.

WHEREAS, the Burlington County Planning Board lawfully imposed the requirement that Planning Board applicants submit performance guarantees as a condition of approval to insure the satisfactory completion of improvements required by the Planning Board; and

WHEREAS, the Burlington County Planning Board lawfully imposed the requirement that certain Planning Board applicants submit maintenance guarantees as a condition to Planning Board approval to insure that improvements installed by said applicants remain in satisfactory condition for a period of one year; and

WHEREAS, the Burlington County Planning Board has determined that certain performance and maintenance guarantees are no longer required and may be released as more specifically set forth below; now, therefore, be it

RESOLVED by the Board of Chosen Freeholders of the County of Burlington that the following bond(s) be and hereby are released and maintenance bond(s), where appropriate, shall become effective on the date of the adoption of this Resolution:

<u>Performance</u>			<u>Plann.Bd.</u>
<u>Guarantee(s)</u>	<u>Developer/Site</u>	<u>Amount</u>	<u>File No.</u>
Bond #103886830	Church of the Assumption	\$234,078.00	S06-26-032

Diocese of Trenton
 Monmouth Road
 North Hanover Township

Bond #5023425	Historic Marlton Town Center White Pike, Inc. North Maple Avenue Evesham Township	\$25,785.00	S07-13-046
Bond #B98808-016533	Hidden Lakes Village, LLC aka Scamporino Salem Road Burlington Township	\$218,138.00	B06-06-044
Bond #104874489	WaWa Store #305 w/Gasoline Arney's Mount Road & Fort Dix Street Pemberton Township	\$208,128.00	S05-29-118

and, be it

FURTHER RESOLVED that the following performance guarantee(s) submitted by the below-named Planning Board applicant(s) be released conditioned upon the submission of a maintenance guarantee acceptable to the Planning Board Solicitor:

<u>Performance Guarantee(s)</u>	<u>Developer/Site</u>	<u>Amount</u>	<u>Plann.Bd. File No.</u>
IRLOC #147	Rancocas Friends Academy Rancocas ByPass & Centerton Road Westampton Township	\$95,591.00	S03-37-085
IRLOC #136192070440	Church of Jesus Christ Hartford Road Mt. Laurel Township	\$7,773.00	S06-24-057

and, be it

FURTHER RESOLVED by the Board of Chosen Freeholders of the County of Burlington that the performance guarantee(s) submitted by the below-named Planning Board applicant(s) be released as they have submitted acceptable maintenance guarantee(s):

<u>Performance Guarantee(s)</u>	<u>Developer/Site</u>	<u>Amount</u>	<u>Plann.Bd. File No.</u>
IRLOC #2008-10	Burns Landscape-Casey J. Burns Burlington-Jacksonville Road Springfield Township	\$14,149.00	S07-34-084

29 **RESOLUTION NO. 476** by Director Donnelly, ACCEPTANCE DATE OF JULY 10, 2009 ESTABLISHED FOR THE 2008 STATE FUNDED OVERLAY PROGRAM WITH TRAP ROCK INDUSTRIES, INC. FOR THE ENGINEERING DEPARTMENT.

WHEREAS, Trap Rock Industries, Inc., whose address is P.O. Box 419, Kingston, NJ 08528, has a contract with the Burlington County Board of Chosen Freeholders for the 2008 State Funded Overlay Program (CEG-08-0044), in accordance with the plans and specifications prepared by the Burlington County Engineer's Office; and

WHEREAS, the project has been completed; and

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

RESOLVED, that the contract acceptance date of the whole project shall be recognized as July 10, 2009; and, be it

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

30 **RESOLUTION NO. 477** by Director Donnelly, CHANGE ORDER NO. 1 WITH TRAP ROCK INDUSTRIES, INC. FOR THE 2009 STATE FUNDED OVERLAY PROGRAM

FOR AN INCREASE IN THE AMOUNT OF \$650,000 TO EXTEND THE LIMITS OF THREE ROADS TO FULLY UTILIZE THE STATE FUNDED ALLOCATION FOR THE ENGINEERING DEPARTMENT.

WHEREAS, the Burlington County Board of Chosen Freeholders has awarded the contract for 2009 State Funded Overlay Program to Trap Rock Industries, Inc. in the amount of \$4,369,311.19 by a Resolution No. 390 dated July 8, 2009; and

WHEREAS, the New Jersey Department of Transportation has allotted the State Aid to Burlington County in the amount of \$4,504,000; and

WHEREAS, there is an item in the contract called "Traffic Directors", in the amount of \$200,000, which is a non-participating item for the State Aid; and

WHEREAS, there is State Aid funding allotted to Burlington County that cannot be utilized by the County as a result of the contract prices coming in lower than expected for the project; and

WHEREAS, the State will allow the County to extend the project limits to fully utilize the State Aid allotted to the County; and

WHEREAS, the County Engineer's Office has identified extensions of the following three roads, which are in need of resurfacing, estimated the cost in the amount of \$650,000, to add to the contract:

1. Pemberton Bypass, CR 530 (1.8 miles), from Magnolia Road to Elizabeth Street, in Pemberton Borough and Pemberton Township (\$310,000).
2. North Church Street, CR 607 (1.1 miles), from Main Street to New Albany Road, in Moorestown Township (\$160,000).
3. Mount Holly-Lumberton Road, CR 541 (1.2 miles), from Bobby's Run Boulevard to Bella Road, in Lumberton Township (\$180,000).

WHEREAS, the attached Change Order No. 1 involves the increase of \$650,000 or 14.9% to the original contract amount of \$4,369,311.19 to the amended contract amount of \$5,019,311.19; and

WHEREAS, there are sufficient funds available in Account No. 14-5312-033708, coupon 87988, and Account No. 60-7001-112582, coupon 99407 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:

1. The said Change Order No. 1 dated July 16, 2009 be and the same is hereby approved; and
2. The County Administrator and County Engineer are hereby authorized to sign the "Incidental Modification to Project Scope/Limits" form to be submitted to the State for approval of the extended project limits.

31 **RESOLUTION NO. 478** by Director Donnelly, APPROVAL OF BUS STOP SIGNS ON COUNTY ROUTE 543 IN DELANCO TOWNSHIP FOR THE ENGINEERING DEPARTMENT.

WHEREAS, New Jersey Transit has agreed to install Bus Stop Signs throughout the State of New Jersey; and

WHEREAS, the County of Burlington, in the interest of promoting public transportation, conservation of energy, traffic safety and for the convenience of the public, endorses the concept of providing bus stops within its jurisdiction; and

WHEREAS, the Township of Delanco is desirous of participating in this program and has submitted a request for the installation of bus stops along CR 543 (Burlington Avenue) as follows:

- Along CR 543 (Burlington Avenue), eastbound, on the southerly side at:
 - Falcon Lane – far side
 - Beginning at the easterly curb line of Falcon Lane and extending 100 feet

easterly there from.

Along CR 543 (Burlington Avenue), westbound, on the northerly side thereof at:

Falcon Lane – far side
Beginning at the westerly curb line of Falcon lane and extending 100 feet
westerly there from.

WHEREAS, the Township of Delanco has adopted, on January 26, 2009, Resolution 2009-37 enabling application to New Jersey Transit Corporation for the establishment of these bus stop signs; and

WHEREAS, the Township of Delanco has agreed to enforce the traffic regulations governing the aforementioned bus stop locations and provide the necessary police security to ensure the safety of the traveling public; and

WHEREAS, the Burlington County Engineer's Office has reviewed the proposed bus stop location on May 31, 2009 and have recommended the same to the Burlington County Board of Chosen Freeholders for approval; now, therefore, be it

RESOLVED, that the Board of Chosen Freeholders of the County of Burlington, State of New Jersey hereby approves and designates the bus stop locations as noted above, and be it

FURTHER RESOLVED, that copies of this resolution be sent to New Jersey Transit Corporation and the Township of Delanco.

- 32 **RESOLUTION NO. 479** by Director Donnelly, AGREEMENT WITH THE US DEPARTMENT OF ENERGY FOR AN ENERGY EFFICIENCY AND CONSERVATION BLOCK GRANT FOR THE TOTAL AMOUNT OF \$3,051,700 OF WHICH \$200,000 IS ALLOCATED FOR THE PREPARATION OF AN ENERGY EFFICIENCY AND CONSERVATION STRATEGY FOR THE DEPARTMENT OF RESOURCE CONSERVATION.

WHEREAS, the American Recovery and Reinvestment Act of 2009, Public Law 111-5, appropriated funding for the Department of Energy (DOE) to issue and award formula-based grants to local governments under the Energy Efficiency and Conservation Block Grant (EECBG) Program; and

WHEREAS, under the EECBG Program, the Burlington County Board of Chosen Freeholders (the "County" or the "Board") has been allocated \$3,051,700 to undertake eligible projects that will increase energy efficiency, reduce energy consumption and reduce energy costs while creating or maintaining jobs; and

WHEREAS, in order to receive full grant funding, the County must prepare and submit to DOE an energy efficiency and conservation strategy; and

WHEREAS, the County is eligible to receive a portion of the funds allocated to it for the purpose of preparing said strategy; and

WHEREAS, by application submitted on June 18, 2009, the County requested \$200,000 for preparation of the energy efficiency and conservation strategy and was notified by DOE on August 3, 2009 that its request was approved; now therefore, the Board

RESOLVES, that the attached Assistance Agreement with the United States Department of Energy obligating funding in the amount of \$200,000 under the Energy Efficiency and Conservation Block Grant Program is approved as to form and substance and its execution authorized in accordance with the Rules of the Board.

- 33 **RESOLUTION NO. 480** by Director Donnelly, CHANGE ORDER NO. 1 WITH ADVANCE SCALE COMPANY IN THE AMOUNT OF \$4,671 FOR A CONTRACT TITLED "TRUCK SCALES FOR BURLINGTON COUNTY RESOURCE RECOVERY COMPLEX FOR THE INSTALLATION OF A SECOND RACK MOUNTED FIBER OPTIC CABLE HOUSING AND RACK MOUNTED KEYBOARD WITH COLOR MONITOR FOR NETWORK SERVER CONTROL ACCESS FOR THE RESOURCE RECOVERY COMPLEX.

WHEREAS, on October 8, 2008 the Board of Chosen Freeholders of the County of Burlington awarded a contract titled "TRUCK SCALES FOR BURLINGTON COUNTY RESOURCE RECOVERY COMPLEX" (CPU-08-0099), with Advance Scale Company,

Incorporated, 2400 Egg Harbor Road, Lindenwold, NJ 08021-1431, for an amount not to exceed TWO HUNDRED SIXTY-SIX THOUSAND, FOUR HUNDRED EIGHT DOLLARS AND 00/100 (\$266,408.00); and

WHEREAS, changes to the aforesaid contract, as listed below, have been determined to be necessary by Resource Conservation/Division of Solid Waste; and

WHEREAS, this Change Order One (1) is required so that a second rack mounted fiber optic cable housing can be installed to eliminate breakage of fibers during servicing and a rack mounted keyboard with color monitor for network server control access is needed since it is integral to the new system, but was inadvertently left off the itemized list of materials in the bid specifications; and

WHEREAS, Change Order One (1) represents an increase of FOUR THOUSAND, SIX HUNDRED, SEVENTY-ONE AND 00/100 (\$4,671.00) resulting in an overall increase of 1.75%, for a new contract amount of TWO HUNDRED, SEVENTY-ONE THOUSAND, SEVENTY-NINE DOLLARS AND 00/100 (\$271,079.00); and

WHEREAS, funds are available for this change in Account No. 77-7001-050582, as evidenced by the attached Certification of the Burlington County Chief Financial Officer; now therefore, be it

RESOLVED by the Board of Chosen Freeholders of the County of Burlington that the attached Change Order One (1) to the contract "TRUCK SCALES FOR BURLINGTON COUNTY RESOURCE RECOVERY COMPLEX (CPU-08-0099), with Advance Scale Company, Incorporated, is hereby approved; and be it

FURTHER RESOLVED that the County Administrator and the Chief Financial Officer are hereby authorized to execute the Change Order.

34 **RESOLUTION NO. 481** by Director Donnelly, AUTHORIZATION TO PURCHASE MOSQUITO CONTROL PRODUCTS FOR THE HIGHWAY DEPARTMENT IN THE AMOUNT OF \$102,000 FROM CLARKE MOSQUITO CONTROL PRODUCTS, INC. AN AUTHORIZED VENDOR UNDER THE STATE OF NEW JERSEY COOPERATIVE PURCHASING PROGRAM.

WHEREAS, Burlington County wishes to purchase MOSQUITO CONTROL PRODUCTS for the Burlington County Highway Department/Mosquito Division from an authorized vendor under the State of New Jersey Cooperative Purchasing Program 1-NJCP; and

WHEREAS, the purchase of goods and services by local contracting units through a New Jersey State Contract entered into by the Division of Purchase and Property in the New Jersey Department of the Treasury is authorized by the Local Public Contracts Law at N.J.S.A. 40A:11-12a; and

WHEREAS, Clarke Mosquito Control Products, Inc., P.O. Box 72197, Roselle, IL 60172-0197, has a New Jersey State Term Contract for CHEMICALS & INSECTICIDES FOR MOSQUITO CONTROL (DEP), T-0153A, with the New Jersey State Contract Number A70376; Contract Dates: November 30, 2007 through August 17, 2009; and

WHEREAS, the County Purchasing Agent recommends the utilization of this contract on the grounds that it represents the best price available and delivery; and

WHEREAS, the actual cost for the purchase of MOSQUITO CONTROL PRODUCTS will not exceed \$102,000.00; and

WHEREAS, funds are available for this purpose in Account No. 10-0313-033509 as evidenced by the attached Certification of the Burlington County Chief Financial Officer; now, therefore be it

RESOLVED by the County of Burlington that a purchase order be awarded to CLARKE MOSQUITO CONTROL PRODUCTS, INC., for the purchase of MOSQUITO CONTROL PRODUCTS, in an amount not to exceed \$102,000.00.

35 **RESOLUTION NO. 482** by Director Donnelly, AUTHORIZATION TO PURCHASE SERVICES FOR THE MAILING OF SAMPLE BALLOTS FOR VARIOUS ELECTIONS FOR THE COUNTY CLERK'S OFFICE FROM REDMOND BCMS.

WHEREAS, Burlington County wishes to purchase services for the MAILING OF SAMPLE BALLOTS for Various Elections, for the County Clerk's Office; and,

WHEREAS, REDMOND BCMS, 495 Route 53 South, Denville, NJ 07834 has provided a quotation to provide the necessary MAILING OF THE SAMPLE BALLOTS for Various Elections for the period May 1, 2009 through December 31, 2009, Contract No. FAO-09-0009; and,

WHEREAS, in accordance with per N.J.S.A. 40A11-5(l), the purchase of goods or services necessary or required to prepare and conduct an election are exempt from public bidding; and

WHEREAS, Burlington County Purchasing Agent recommends the utilization of this contract on the grounds that it represents the best price available and delivery; and,

WHEREAS, REDMOND BCMS has completed and submitted a Certification Concerning Political Contributions pursuant to P.L. 2005, Chapter 271, reporting that it made no political contributions, expenditures or other things of value to any political party or political committee during the twelve months prior to submission of the Certification and has completed and submitted a Stockholder Disclosure Certification; and

WHEREAS, in accordance with N.J.S.A. 19:44-20.4, REDMOND BCMS has Completed and submitted a chapter 19 Business Entity Disclosure Certification which certifies that neither the corporation nor any of the stockholders of the corporation have made any reportable contributions during the preceding one-year period 1) to any political party is serving in the elective public offices of Burlington County Freeholder, Burlington County Clerk, Burlington County Sheriff or Burlington County Surrogate when the contract is awarded or 2) to any candidate committee of any person serving as Burlington County Freeholder, Burlington County Clerk, Burlington County Sheriff or Burlington County Surrogate when the contract is awarded; and

WHEREAS, in accordance with N.J.S.A. 19:44-20.8, REDMOND BCMS is precluded from making any such reportable contribution during the term of the contract to any county committee of a political party In Burlington County if a member of that political party is serving in the elective public offices of Burlington County Freeholder, Burlington County Clerk, Burlington County Sheriff or Burlington County Surrogate when the contract was awarded or to any candidate committee of any person serving as Burlington County Freeholder, Burlington County Clerk, Burlington County Sheriff or Burlington County Surrogate when the contract was awarded or to any candidate committee of any person serving as Burlington County Freeholder, Burlington County Clerk, Burlington County Sheriff or Burlington County Surrogate when the contract was awarded; and

WHEREAS, the cost per unit for the MAILING OF SAMPLE BALLOTS, for the period May 1, 2009 through December 31, 2009, is \$ 0.103 for School Board Elections, \$0.103 for Special School Elections, \$0.103 for Annual School Elections, \$ 0.103 for General Elections and \$0.074 for Primary Elections; and

WHEREAS, the certification of availability of funds will be issued, on an as needed basis, by the Burlington County Chief Financial Officer; and

WHEREAS, REDMOND BCMS has completed and submitted a Certification Concerning Political Contributions pursuant to P.L. 2005, Chapter 271, reporting that it made no political contributions, expenditures or other things of value to any political party or political committee during the twelve months prior to submission of the Certification and has completed and submitted a Stockholder Disclosure Certification; now, therefore be it

RESOLVED by the Board of Chosen Freeholders of the County of Burlington that the proper County Officials are hereby authorized to enter into the attached services as described herein with REDMOND BCMS in accordance with the Rules of the Board; and be it

FURTHER RESOLVED that the Chapter 19 Business Disclosure Entity Certification, the Chapter 271 Political Contribution Disclosure Certification and the Stockholder Disclosure Certification Determination of Value be placed on file with this Resolution.

36 **RESOLUTION NO. 483** by Director Donnelly, AUTHORIZATION TO PURCHASE ONE KM 4050 DIGITAL COPIER WITH ACCESSORIES FOR THE ECONOMIC DEVELOPMENT/WORKFORCE INVESTMENT BOARD IN AN AMOUNT NOT TO EXCEED \$9,555 FROM KYOCERA MITA AMERICA, INC. AN AUTHORIZED VENDOR UNDER THE GSA/NEW JERSEY STATE CONTRACT.

WHEREAS, Burlington County wishes to purchase ONE (1) KM 4050 DIGITAL COPIER with ACCESSORIES, for the Economic Development/Workforce Investment Board, from an authorized vendor under the General Services Administration's (GSA) Federal Supply Schedule for Reprographic Equipment or Services; and

WHEREAS, the use of the General Services Administration's (GSA) Federal Supply Schedules for the purchase of Reprographic Equipment or Services by local contracting units is authorized by the New Jersey Administrative Code, N.J.A.C. 5:34-9.7; and

WHEREAS, KYOCERA MITA AMERICA INCORPORATED, P.O. Box 40008, 225 Sand Road, Fairfield, New Jersey, 07004-0008 has a General Services Administration's (GSA) Federal Supply Schedules for Reprographic Equipment or Services contract; Contract GS-25F-0062M with Contract Dates: May 20, 2002 to December 31, 2009; and

WHEREAS, KYOCERA MITA AMERICA INCORPORATED has a New Jersey State Contract for GSA/FSS Reprographics Schedule Use, Index Number T-2075 with the New Jersey State Contract Number A53090 with Contract Dates, May 1, 2002 to December 31, 2009; and

WHEREAS, HERITAGE BUSINESS SYSTEMS, INCORPORATED, 1263 Glen Avenue, Moorestown, New Jersey 08057 is the authorized distributor for Kyocera Mita America, Incorporated; and

WHEREAS, the County Purchasing Agent recommends the utilization of this contract on the grounds that it represents the best price available and delivery; and

WHEREAS, the actual cost for the purchase of ONE (1) KM 4050 DIGITAL COPIER with ACCESSORIES, for the Economic Development/Workforce Investment Board, will not exceed \$9,555.00; and

WHEREAS, funds are available for this purpose in Account No. 13-0650-030408 as evidenced by the attached Certification of the Burlington County Chief Financial Officer; now, therefore be it

RESOLVED by the County of Burlington that a purchase order be awarded to KYOCERA MITA AMERICA INCORPORATED for ONE (1) KM 4050 DIGITAL COPIER with ACCESSORIES, for the Economic Development/Workforce Investment Board, in an amount not to exceed \$9,555.00.

37 **RESOLUTION NO. 484** by Director Donnelly, AUTHORIZATION TO ADVERTISE FOR BIDS FOR SNOW REMOVAL FROM COUNTY ROADS FOR THE HIGHWAY DEPARTMENT.

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

SNOW REMOVAL FROM COUNTY ROADS
(CPU-09-0083)

And, be it;

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

FURTHER RESOLVED that said bids will be publicly received in the Freeholder's Board Room on Tuesday, September 15, 2009 at 10:30 a.m. local prevailing time.

38 **RESOLUTION NO. 485** by Director Donnelly, POSITIONS CREATED AND ABOLISHED IN VARIOUS DEPARTMENTS.

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

RANGE HOURS

ADJUSTER:
Abolish: 1 Clerk Typist PT

AGING:
Create:

00001 1 Account Clerk 05 35

Abolish: 1 Clerk Typist

BUILDINGS & GROUNDS:

Abolish: 2 Building Maintenance Workers

BUTTONWOOD HOSPITAL:

Create:

06254	1	Principal Purchasing Assistant Typing	10	35
03247	1	Senior Clerk	07	35
03779	1	Storekeeper	10	40
01960	1	Head Nurse	32	40
02750	1	Practical Nurse PT	21	24
01926	1	Graduate Nurse	16	40

Abolish: 1 Senior Purchasing Assistant Typing
 1 Clerk
 1 Senior Storekeeper
 1 Telephone Operator Typing PT
 1 Hospital Attendant
 2 Food Service Worker PT
 2 Residential Service Worker
 1 Patient Activities Coordinator
 1 Mental Health Worker
 1 Head Nurse PT
 1 Practical Nurse
 1 Infection Control Coordinator

CLERK OF THE BOARD:

Abolish: 1 Senior Clerk Typist
 1 Telephone Operator
 1 Senior Mail Clerk
 1 Supervising Planner Transportation

CONSUMER AFFAIRS:

Abolish: 1 Clerk Typist

COUNTY CLERK:

Create:

02781	1	Principal Clerk Typist	09	35
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Abolish: 1 Clerk Typist

ECONOMIC DEVELOPMENT (One Stop):

Abolish: 1 Program Monitor

ECONOMIC DEVELOPMENT (Rental Assistance):

Abolish: 1 Supervising Administrative Analyst
 1 Social Worker
 2 Senior Housing Assistance Technician
 1 Housing Assistance Technician
 1 Senior Clerk Typist
 1 Clerk Bi-lingual
 1 Clerk PT

HEALTH:

Create:

03256	1	Senior Clerk Typist	07	35
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Abolish: 2 Clerk Typist
 1 Senior Administrative Analyst
 1 Analyst Grant Applications

HIGHWAY:

Abolish: 1 Asst. Co. Supervisor Roads
 1 General Supervisor Road
 1 Supervisor Roads
 1 Mechanic
 1 Laborer
 1 Masons Helper

- 1 Bridge Attendant PT
- 1 Equipment Operator/Inspector ME

INFORMATION TECHNOLOGY:

Create:			
04703	1	Senior Data Processing Systems Programmer	36 40
04116	1	Systems Analyst	35 40
22535	1	Printing Machine Operator 4	20 40

INFORMATION TECHNOLOGY:

- Abolish: 1 Data Processing Systems Programmer
- 1 Printing Machine Operator 3
- 1 Technical Assistant MIS
- 1 GIS Specialist 3
- 3 Data Processing Programmer

JAIL:

- Abolish: 1 Clerk Typist

JUVENILE DETENTION CENTER:

Create:			
03256	1	Senior Clerk Typist	07 35
Abolish: 1 Clerk Typist			
	3	Youth Aides PT	

LEGAL:

Create:			
03256	1	Senior Clerk Typist	07 35
Abolish: 1 Clerk Typist			
	1	Assistant County Counsel	

RESOURCE CONSERVATION (Parks):

Create:			
03425	2	Senior Maintenance Repairer	16 40
Abolish: 2 Maintenance Repairer			

RESOURCE CONSERVATION (Cultural Affrs.):

Create:			
03256	1	Senior Clerk Typist	07 35

RESOURCE CONSERVATION (Cultural Affrs.):

- Abolish: 1 Clerk Typist
- 1 Program Coordinator Special Events PT

SHERIFF:

Create:			
02781	1	Principal Clerk Typist	09 35
03256	1	Senior Clerk Typist	07 35
Abolish: 2 Clerk Typist			

SUPERINTENDENT OF ELECTIONS:

- Abolish: 1 Chief Deputy Registrar UA
- 1 Supervising Registrar UA

SUPERINTENDENT OF SCHOOLS:

- Abolish: 1 Supervising Clerk Typist

TAX BOARD:

Create:			
04711	1	Principal Data Control Clerk Typing	10 35
03247	1	Senior Clerk	07 35
Abolish: 1 Principal Clerk Typist			
	1	Clerk	

TREASURER:

Abolish: 1 Accounting Assistant
1 Clerk Typist PT

and be it,

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

39 **RESOLUTION NO. 486** by Director Donnelly, PERSONNEL ACTIONS AS SUBMITTED TO AND APPROVED BY THE STATE DEPARTMENT OF PERSONNEL.

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

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

Melinda Martinez, Investigator Communicable Disease, Health Department. Commenced duties on 5/18/09 at \$32,936 per annum. Permanent appointment from open competitive certification.

Jason C. Wark, County Correction Officer, County Jail. Commenced duties on 6/1/09 at \$38,020 per annum. Permanent appointment from open competitive certification.

Niya L. Tazewell, County Correction Officer, County Jail. Commenced duties on 6/1/09 at \$38,020 per annum. Permanent appointment from open competitive certification.

David J. Tate, County Correction Officer, County Jail. Commenced duties on 6/1/09 at \$38,020 per annum. Permanent appointment from open competitive certification.

Richard W. Suedekum, County Correction Officer, County Jail. Commenced duties on 6/1/09 at \$38,020 per annum. Permanent appointment from open competitive certification.

David B. Patterson, County Correction Officer, County Jail. Commenced duties on 6/1/09 at \$38,020 per annum. Permanent appointment from open competitive certification.

Corey J. Jorden, County Correction Officer, County Jail. Commenced duties on 6/1/09 at \$38,020 per annum. Permanent appointment from open competitive certification.

Joi L. Diggs, County Correction Officer, County Jail. Commenced duties on 6/1/09 at \$38,020 per annum. Permanent appointment from open competitive certification.

Bradley R. Crankshaw, County Correction Officer, County Jail. Commenced duties on 6/1/09 at \$38,020 per annum. Permanent appointment from open competitive certification.

Jonathan L. Carroll, County Correction Officer, County Jail. Commenced duties on 6/1/09 at \$38,020 per annum. Permanent appointment from open competitive certification.

Eric M. Anderson, County Correction Officer, County Jail. Commenced duties on 6/1/09 at \$38,020 per annum. Permanent appointment from open competitive certification.

Matthew A. Dunn, County Correction Officer, County Jail. Commenced duties on 6/1/09 at \$38,020 per annum. Temporary appointment six months or less.

William J. Kochersperger, General Supervisor Roads, Highway Department. Commenced duties on 1/26/09 at \$63,508 per annum. Temporary appointment six months or less.

Arthur W. Anderson, Tree Trimmer, Highway Department. Commenced duties on 6/8/09 at \$32,994 per annum. Permanent appointment from promotional certification.

Monica M. Leichty, Auditor, Treasurer's Office. Commenced duties on 6/15/09 at \$38,487 per annum. Permanent appointment from open competitive certification.

Lisa D. Moscatiello, Training Aide, Human Resources. Commenced duties on 6/19/09 at \$32,698 per annum. Permanent appointment from qualifying application.

Theresa M. Ausmus, Hospital Attendant, Buttonwood Hospital. Commenced duties on 6/29/09 at \$14.00 per hour. Permanent appointment to non-competitive division position.

Avicious G. Kennedy, Hospital Attendant, Buttonwood Hospital. Commenced duties on 6/29/09 at \$14.00 per hour. Permanent appointment to non-competitive division position.

Vanessa D. Smallwood, Institutional Attendant, Buttonwood Hospital. Commenced duties on 6/29/09 at \$14.00 per hour. Permanent appointment to non-competitive division position.

Jenny Z. Kone-Wilson, Practical Nurse, Buttonwood Hospital. Commenced duties on 6/29/09 at \$21.00 per hour. Permanent appointment to non-competitive division position.

Alfred R. Stieglitz, Public Health Investigator, Health Department. Commenced duties on 6/22/09 at \$53,683 per annum. Permanent appointment from qualifying examination.

William J. Kochersperger, Supervising Road Inspector, Highway Department. Commenced duties on 7/6/09 at \$61,108 per annum. Permanent appointment from promotional certification.

Barclay W. Hampton, Truck Driver, Highway Department. Commenced duties on 7/13/09 at \$32,394 per annum. Permanent appointment from promotional certification.

Edwin A. Austin, Tree Trimmer, Highway Department. Commenced duties on 7/1/09 at \$41,984 per annum. Permanent appointment from promotional certification.

40 **RESOLUTION NO. 487** by Director Donnelly, RESOLUTION AUTHORIZING THE AWARD OF VARIOUS CONTRACTS FOR THE PURCHASING DEPARTMENT.

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

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

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

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

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

1. Bids were received on August 12, 2008 as authorized per Resolution #454 on July 9, 2008 for the solicitation titled "MAINTENANCE AND REPAIR OF COUNTY ELEVATORS" (CPU-08-0069).

YEAR TWO

Tri-State Elevator Co., Inc.
3607 Chapel Road
Newtown Square, PA 19073

Total Yearly Bid Preventive Maintenance	
For Locations 1-A Through 1-M.....	\$ 23,950.00
Item 2A – Journeyman (Regular Time).....	\$ 120.00/hr.
Item 2B – Journeyman (O.T).....	\$ 174.00/hr.
Item 2C – Journeyman (Holiday).....	\$ 174.00/hr.
Item 2D – Helper (Regular Time).....	\$ 80.00/hr.
Item 2E – Helper (O.T.).....	\$ 105.00/hr.
Item 2F – Helper (Holiday).....	\$ 105.00/hr.

Total Service Call Cost – (Items 2A and 2D).....\$ 200.00

ESTIMATED TOTAL AMOUNT OF AWARD.....\$ 24,150.00
 (NOTE: Year Three (3) is optional.)

2. Bids were received on July 14, 2009, as authorized per Resolution #317 adopted on June 10, 2009 for the solicitation titled "INLETS AND MANHOLES – FRAMES AND GRATES 2009-2011" (4-BUCCP-09056).

FOR LEAD AGENCY & CO-OP MEMBERS

Bridgestate Foundry Corporation
 175 Jackson Road
 Berlin, NJ 08009-2608

ESTIMATED TOTAL AMOUNT OF AWARD.....\$ 156,180.00
 (NOTE: For Years One (1) & Two (2))

3. Bids were received on July 14, 2009, as authorized per Resolution #319 adopted on June 10, 2009 for the solicitation titled "BITUMINOUS CONCRETE, HOT MIXTURES AND BITUMINOUS CONCRETE PATCH 2009-2011" (4-BUCCP-09057).

FOR LEAD AGENCY & CO-OP MEMBERS

American Asphalt Company, Inc.
 116 Main Street
 West Collingswood Heights, NJ 08059

Estimated Amount of Award.....\$ 221,120.00

Trap Rock Industries, Inc.
 PO Box 419
 Kingston, NJ 08528

Estimated Amount of Award.....\$ 75,000.00

ESTIMATED TOTAL AMOUNT OF AWARD.....\$ 296,120.00
 (NOTE: For Years One (1) & Two (2))

4. Bids were received on July 7, 2009, as authorized per Resolution #293 adopted on May 27, 2009 for the solicitation titled "LONG BRIDGE PARK SITE IMPROVEMENTS PROJECT PHASE II, HAINESPORT TOWNSHIP, NEW JERSEY" (CPU-09-0054).

Wyndham Construction, LLC
 188 Fries Mill Road, Suite M-1
 Turnersville, NJ 08012

TOTAL LUMP SUM BID.....\$ 541,210.00

5. Bids were received on July 14, 2009 as authorized per Resolution #318 on June 10, 2009 for the solicitation titled "SAND, FILL MATERIAL AND PRE-MIX MIXTURE 2009-2011" (4-BUCCP-09055).

FOR LEAD AGENCY & CO-OP MEMBERS

Dun-Rite Sand & Gravel Co., Inc.
 573 E. Grant Avenue
 Vineland, NJ 08360-7109

ESTIMATED TOTAL AMOUNT OF AWARD.....\$ 29,940.00
 (NOTE: For Years One (1) and Two (2))

FOR CO-OP MEMBERS ONLY

American Asphalt Company, Inc., for Pre-Mix Combination of Sand, Salt & Calcium Chloride only.

6. Bids were received on July 14, 2009, as authorized per Resolution #320 adopted on June 10, 2009 for the solicitation titled "FIRE AND SMOKE ALARM SYSTEMS MAINTENANCE" (CPU-09-0051).

YEAR ONE

Haig's Service Corporation
211A Route 22
Green Brook, NJ 08812

Item 1 – Hourly Rate: (Normal Work Hrs.)

- A. Journeyman Electrician..... \$ 80.00/hr.
- B. Electrician's Helper..... \$ 60.00/hr.

Item 2 – Hourly Rate: (O.T. Work Hrs. Sat. & Sun.)

- A. Journeyman Electrician..... \$ 120.00/hr.
- B. Electrician's Helper.....\$ 90.00/hr.

Item 3 – Hourly Rate: (Holiday Hrs. Fed. Holidays)

- A. Journeyman Electrician.....\$ 160.00/hr.
- B. Electrician's Helper.....\$ 120.00/hr.

Item 4 – Base Bid:

- 400 Normal Hours x \$80.00/hr. rate (1A)..... \$ 32,000.00
- 30 O.T. Hrs. x \$120.00/hr. rate (2A).... \$ 3,600.00
- 15 Holiday Hrs. x \$160.00/hr. rate (3A).....\$ 2,400.00

ESTIMATED TOTAL AMOUNT OF AWARD.....\$ 38,000.00

Item 5 – Markup Percentage for Parts,
Equipment, and Rental.....10%

7. Bids were received on July 21, 2009 as authorized per Resolution #360 on June 24, 2009 for the solicitation titled "JANITORIAL, LAUNDRY & KITCHEN APPLIANCE SUPPLIES FOR BUTTONWOOD HOSPITAL 2009-2011" (CPU-09-0068).

Aqua Products, Inc.
2703 River Road
Cinnaminson, NJ 08077

ESTIMATED TOTAL AMOUNT OF AWARD.....\$ 46,050.50

(NOTE: For Years One (1) & Two (2))

8. Bids were received on June 16, 2009 as authorized per Resolution #272 adopted on May 13, 2009, for the solicitation titled "COMPUTER PAPER & PRINTER SUPPLIES 2009-2011" (CPU-09-0039).

Office Basic
22 Creek Circle
Boothwyn, PA 19061

Estimated Amount of Bid.....\$ 18,812.48

The Tree House, Inc.
PO Box 590111
Newton, MA 02459

Estimated Amount of Bid.....\$ 25,279.90

CVR Computer Supplies, Inc.
1018 Haddonfield-Berlin Road
Cherry Hill, NJ 08034

Estimated Amount of Bid.....\$ 168,471.00

Ribbons Express, Inc.
1980 Old Cuthbert Road
Cherry Hill, NJ 08034

Estimated Amount of Bid.....\$ 14,469.00

Supply Saver Corp.
1324 Wyckoff Road
Neptune, NJ 07753

Estimated Amount of Bid.....\$ 6,000.00

Rasix Computer Center, Inc.
DbA/Academic Supplier
1121 Bay Blvd., Suite A&B
Chula Vista, CA 91911

Estimated Amount of Bid.....\$ 74,899.32

Impex Micro, Inc.
364 Mount Airy Road
Basking Ridge, NJ 07920

Estimated Amount of Bid.....\$ 90,411.99

ESTIMATED TOTAL AMOUNT OF AWARD.....\$ 398,343.69
(NOTE: For Years One (1) and Two (2))

9. Bids were received on July 21, 2009 as authorized per Resolution #352 on June 24, 2009 for the solicitation titled "LUMBER, TREATED DIMENSIONAL AND TIMBER PILINGS" (CPU-09-0067)

American Forest Products, LLC

dba/Tulnoy Lumber
1620 Webster Avenue
Bronx, NY 10457

Estimated Amount of Award.....\$ 66,096.80

Diamond Lumber, Co.
1883 Route 38
Southampton, NJ 08088

Estimated Amount of Award.....\$ 79,084.00

Lumbermen Associates, Inc.
P.O. Box 720
Bristol, PA 19007

Estimated Amount of Award.....\$ 588,196.00

ESTIMATED TOTAL AMOUNT OF AWARD.....\$ 733,376.80

10. Bids were received on July 7, 2009 as authorized per Resolution #287 adopted on May 27, 2009 for the solicitation titled "PLUMBING REPAIR SERVICES", (CPU-09-0046). The Purchasing Agent recommends this solicitation be rejected, as the sole responsive bidder exceeds the budgeted amount. It is further recommended to re-advertise and receive this solicitation, for a second time, at a later date

*** It was moved by Mr. Haines, seconded by Mr. Brown that the following eight (8) items be approved by unanimous consent. All in favor. Motion carried. Resolution Nos. 488 through 495 adopted.

41 **RESOLUTION NO. 488** by Mr. Haines, SUPPORT OF IMPLEMENTATION OF A CORRIDOR MANAGEMENT PLAN FOR THE 130 MILE PINE BARRENS SCENIC BYWAY THAT RUNS THROUGH 16 MUNICIPALITIES IN FIVE COUNTIES INCLUDING WASHINGTON AND BASS RIVER IN BURLINGTON COUNTY FOR THE DEPARTMENT OF RESOURCE CONSERVATION/DIVISION OF CULTURAL AFFAIRS AND TOURISM.

WHEREAS, a portion of the 130-mile scenic byway will run through Washington and Bass River Townships in Burlington County and The Burlington County Board of Chosen ("Board") support the concept of a Pinelands Scenic Byway, and its intention to

participate in the development of state and national scenic byway nominations and a scenic byway corridor management plan; and

WHEREAS, the New Jersey Department of Transportation has approved the nomination of the Southern Pinelands Natural Heritage Trail as a New Jersey Scenic Byway; and

WHEREAS, during 2008-2009 the Southern Pinelands Natural Heritage Trail Committee, with the support of the Pinelands Commission and the assistance of a professional consulting team, has completed a Scenic Byway Corridor Management Plan; and

WHEREAS, the Heritage Trail Committee has approved changing the name of the route to the "Pine Barrens Byway"; and

WHEREAS, administration of the byway, further requires a continuing commitment on the part of all participants, involving the establishment of a permanent body to oversee its long-term operation and promotion; now, therefore, be it

RESOLVED, that Burlington County Board of Chosen Freeholders supports the corridor management plan and intends to cooperate in on-going efforts to implement the recommendations of the corridor management plan and to be involved in establishing and supporting a permanent body to oversee the byway's long-term operation and promotion.

42 **RESOLUTION NO. 489** by Mr. Haines, AGREEMENT WITH THE UNITED STATES OF AMERICA ACTING BY AND THROUGH THE SECRETARY OF THE AIR FORCE TO ACCEPT \$500,000 IN FUNDS TO SUPPORT THE COUNTY'S FARMLAND PRESERVATION PROGRAM.

WHEREAS, the United States acting by and through the Secretary of the Air Force (the "Air Force"), is authorized to enter into agreements with local governmental entities by which it provides funding for the purpose of preserving land to limit any development of use of land that would be incompatible with the mission of the installation;

WHEREAS, the Air Force has made funding available through the Readiness and Environmental Protection Initiative Program for use by the Burlington County Board of Chosen Freeholders, in connection with its Farmland Preservation Easement Purchase Program; and

WHEREAS, in order to receive funding, the Air Force requires that the County enter into a agreement with it; now, therefore be it

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

1. An agreement with the Air Force, as approved to form and content by the Burlington County Administrator, County Treasurer and County Solicitor, be and the same is hereby approved and its execution in accordance with the Rules of the Board is authorized.

43 **RESOLUTION NO. 490** by Mr. Haines, ADOPTION OF PREQUALIFICATION REGULATIONS PURSUANT TO N.J.S.A. 40a:11-25 ET SEQ. FOR THE PREQUALIFICATION OF BIDDERS FOR PUBLIC CONTRACT PROJECTS AS REQUIRED BY THE STATE HISTORIC TRUST FOR THE RESTORATION OF 8 & 9 PARK AVENUE AND 34 MAPLE AVENUE FOR THE DEPARTMENT OF RESOURCE CONSERVATION/DIVISION OF PARKS.

WHEREAS, the Burlington County Board of Chosen Freeholders (Board) owns and operates Historic Smithville Park, Eastampton Township as part of the Burlington County Parks System; and

WHEREAS, the board is engaged in the Historic Smithville Park Streetscape Restoration Project; and

WHEREAS, the Board received a grant from the New Jersey Historic Trust (NJHT) to assist in the construction of said streetscape improvements; and

WHEREAS, the restoration of 8 and 9 Park Avenue and 34 Maple Avenue is part of the project; and

WHEREAS, the NJHT requires that all potential bidders for the construction of said improvements be prequalified by virtue of their relevant experience as set forth in

N.J.S.A. 40A:11-25 et seq. for the prequalification of bidders for public contract projects; and

WHEREAS, the Department of Resource Conservation (DRC) has a need to prequalify bidders in connection with said restoration of 8 and 9 Park Avenue and 34 Maple Avenue; and

WHEREAS, the DRC has commenced a publicly advertised prequalification process in order to establish reasonable regulations appropriate for controlling the qualifications of prospective bidders for this project, including the public hearing held on August 11, 2009; and

WHEREAS those final Prequalification Regulations must be approved by the Board as a requisite to starting the bidding process for this project; now, therefore, be it

RESOLVED by the Board of Chosen Freeholders of the County of Burlington that the Prequalification Regulations attached hereto for the prequalification of prospective bidders in connection with the restoration of 8 and 9 Park Avenue and 34 Maple Avenue at Historic Smithville Park in Eastampton, New Jersey are hereby approved; and, be it

FURTHER RESOLVED that the DRC, County Solicitor and County Administrator shall be authorized to

a) provide a Standard Certification to Accompany Prequalification Regulations submitted to Director, Division of Local Government Services, NJ Department of Community Affairs;

b) have a record kept of the public hearing proceedings and testimony of any citizen or prospective bidder, a copy of which shall be made available to the public and to the Division of Local Government Services;

44 **RESOLUTION NO. 491** by Mr. Haines, ACCEPTANCE OF A DONATION OF 2,000 FLOWER BULBS FROM AMERICA RESPONDS WITH LOVE, INC. OF VALLEY FORGE, PA FOR THE PARKS DEPARTMENT.

WHEREAS, America Responds with Love, Incorporated at P. O. Box 5000 Valley Forge, Pennsylvania, 19482-5000 desires to honor America's Emergency Response Community by planting flower bulb gardens in their honor, and

WHEREAS, the Burlington County Board of Chosen Freeholders maintains many acres of Parks, Public Buildings and Open Space that provide areas to install such gardens, and

WHEREAS, America Responds with Love, Incorporated wishes to donate 1,000 to 2,000 flower bulbs to Burlington County for use in such plantings, and

WHEREAS, the Board is authorized to accept such donation pursuant to the dictates of N.J.S.A. 40A:12-5(a)(1) et. seq. and wishes to do so; now, therefore, be it

RESOLVED, by the Burlington County Board of Chosen Freeholders and the Burlington County Parks Department are authorized to receive shipment of flower bulbs for the intended purpose.

45 **RESOLUTION NO. 492** by Mr. Haines, AGREEMENT WITH DEPEW MARTIN FOR AN APPRIASAL OF THE RALPH GUGLIELMO PROPERTY LOCATED IN EASTAMPTON TOWNSHIP FOR AN AMOUNT NOT TO EXCEED \$800 PER REPORT PURSUANT TO THE COUNTY'S OPEN SPACE PRESERVATION PROGRAM.

WHEREAS, the Burlington County Board of Chosen Freeholders ("Board") is interested in preserving lands for open space and farmland purposes; and

WHEREAS, the Board has expressed an interest in the possible acquisition of the Ralph Guglielmo property, Block 1400, Lots 6 and 7, located in Eastampton Township; and

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

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

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

WHEREAS, by Resolution No. 853 adopted on November 26, 2008 the Board established an approved list of Qualified Appraisal Firms through a fair and open process which includes Depew-Martin, LLC as contractors qualified to perform real estate appraisal services for the County Open Space Program on behalf of the Board from 2009 through 2011; and

WHEREAS, the Board recognizes the need to retain the services of qualified, licensed appraisal firms for the purpose of preparing appraisals of the above referenced property; and

WHEREAS, appraisal services are "professional" in nature, as defined in N.J.S.A. 40A:11-2(6), the Local Public Contracts Law (the "Law"); and

WHEREAS, Depew-Martin, LLC has offered to provide the Board with appraisal services for the subject property in conjunction with all applicable statutes and regulations, for the maximum sum payable of \$800; and

WHEREAS, there are sufficient monies in account no. 44-5007-100755 to fund the agreement described above, as evidenced by the attached Certification of the Burlington County Chief Financial Officer filed herewith; now, therefore, be it

RESOLVED, by the Burlington County Board of Chosen Freeholders, that an Agreement be and the same is hereby approved and its execution in accordance with the Rules of the Board authorized; and, be it

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

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

46 **RESOLUTION NO. 493** by Mr. Haines, AGREEMENT WITH TAYLOR DESIGN GROUP FOR PREPARATION OF PERMITS AND PUBLIC BIDDING DOCUMENT FOR PHASE II OF AMICO ISLAND IN THE AMOUNT OF \$473,350 PURSUANT TO THE COUNTY'S OPEN SPACE PRESERVATION PROGRAM.

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

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

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

WHEREAS, the Board has expressed an interest in improving portions of Amico Island Park in Delanco Township; and

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

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

WHEREAS, the Department of Resource Conservation (“DRC”) has reviewed and evaluated Taylor’s submission received and is recommending that the team led by Taylor Design Group be awarded a contract to provide the requested services; and

WHEREAS, the team led by Taylor has offered to provide the needed services for a not to exceed charge of \$473,350.00; and

WHEREAS, engineering services are “professional” in nature, as defined in N.J.S.A. 40A:11-2(6), the Local Public Contracts Law (the “Law”); and

WHEREAS, there are sufficient monies in account no. 44-5007-101255 to fund the agreement described above, as evidenced by the attached Certification of the Burlington County Chief Financial Officer filed herewith; now, therefore, be it

RESOLVED, by the Burlington County Board of Chosen Freeholders, that a contract agreement with the consultant team led by Taylor which is approved as to form and substance by the County Solicitor and County Administrator, be and the same is hereby approved and its execution in accordance with the Rules of the Board 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.

47 **RESOLUTION NO. 494** by Mr. Haines, AGREEMENT WITH ENVIRONMENTAL RESOLUTIONS, INC. FOR ADMINISTRATION AND CONSTRUCTION INSPECTION SERVICES FOR THE RANCOCAS POINTE TRAIL PROJECT IN THE AMOUNT OF \$38,721.50 PURSUANT TO THE COUNTY’S OPEN SPACE PRESERVATION PROGRAM.

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

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

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

WHEREAS, the Board has expressed an interest in constructing a recreational trail known as the Rancocas Pointe Trail; and

WHEREAS, the Board needs a qualified engineering team to provide contract administration and construction inspection services for this project; and

WHEREAS, by Resolution No. 996 adopted by the Board on December 30, 2008 an approved list established Qualified Engineering Firms through a fair and open process which includes Environmental Resolutions, Inc. (“ERI”), as a contractor qualified to perform various engineering services on behalf of the Board from 2009 through 2011; and

WHEREAS, a committee of employees within the Department of Resource Conservation (“DRC”) has reviewed and evaluated submissions received in response to a Request for Proposals for this project and has submitted a written report to the Board, and, accordingly, it has recommended that the team led by ERI be chosen to be awarded a contract to provide the requested services; and

WHEREAS, the team led by ERI has offered to provide the needed services for a not to exceed charge of \$38,721.50; and

WHEREAS, engineering services are “professional” in nature, as defined in N.J.S.A. 40A:11-2(6), the Local Public Contracts Law (the “Law”); and

WHEREAS, there are sufficient monies in account no. 44-5007-101255 to fund the agreement described above, as evidenced by the attached Certification of the Burlington County Chief Financial Officer filed herewith; now, therefore, be it

RESOLVED, by the Burlington County Board of Chosen Freeholders, that a contract agreement with the consultant team led by ERI which is approved as to form and substance by the County Solicitor and County Administrator, be and the same is hereby approved and its execution in accordance with the Rules of the Board 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.

48 **RESOLUTION NO. 495** by Mr. Haines, AGREEMENT WITH MOORESTOWN VISITING NURSE ASSOCIATION, INC. IN THE AMOUNT OF \$75,000 AND VISITING NURSE AND HOMEMAKER SERVICES, INC. IN THE AMOUNT OF \$75,000 FOR THE RFP ENTITLED "TITLE IIIIE RESPITE HOMECARE 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 HOMECARE 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 #263 dated May 13, 2009, for the proposal titled "TITLE IIIIE RESPITE HOMECARE SERVICES - OFFICE ON AGING – 2010" (RFP-09-0043); and,

WHEREAS, Two (2) competitive proposals were 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 two (2) contracts, as described hereafter, said recommendation being attached to this Resolution; and,

WHEREAS, the County Administrator concurs with the report and recommends that a contract for "TITLE IIIIE RESPITE HOMECARE SERVICES – OFFICE ON AGING-2010" (RFP-09-0043), be awarded to Moorestown Visiting Nurse Association/Partners in Home Care, 300 Harper Drive, Moorestown, NJ 08057, in an amount of \$75,000.00, contract period January 1, 2010 through December 31, 2010; and,

WHEREAS, the County Administrator concurs with the report and recommends that a contract for "TITLE IIIIE RESPITE HOMECARE SERVICES – OFFICE ON AGING-2010" (RFP-09-0043), be awarded to Visiting Nurse and Homemaker Services, Inc., 204 Creek Crossing Blvd., Hainesport, NJ 08036, in an amount of \$75,000.00, 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 the proposal titled "TITLE IIIIE RESPITE HOMECARE SERVICES - OFFICE ON AGING – 2010" (RFP-09-0043), for the County of Burlington, Office On Aging, is hereby awarded to the above proposers, for the amounts listed above, for the contract period January 1, 2010 through December 31, 2010; 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. Wujcik that the following five (5) items be approved by unanimous consent. All in favor. Motion carried. Resolution Nos. 496 through 500 adopted.

49 **RESOLUTION NO. 496** by Mrs. Reinhart, AGREEMENT WITH DR. MORRIS J. SCHIMMEL IN AN AMOUNT NOT TO EXCEED \$411,996 FOR THE RFP ENTITLED "PSYCHIATRIC SERVICES FOR BUTTONWOOD HOSPITAL".

WHEREAS, the County of Burlington's Buttonwood Hospital has a need for Psychiatric Services Program; 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 #478 on June 27, 2007 for "PSYCHIATRIC SERVICES FOR BUTTONWOOD HOSPITAL" (RFP-07-0054A); and

WHEREAS, the Administrator of Buttonwood Hospital recommended that a contract be awarded, for year one (1), authorized by resolution #715, dated September 12, 2007, to Morris J. Schimmel, M.D., 123 Booth Lane, Haverford, PA 19041, for an amount not to exceed \$399,899.00, for the period of October 1, 2007 through September 30, 2008, with two (2) one-years options beginning October 1, 2008, expiring on September 30, 2010; and

WHEREAS, the Administrator of Buttonwood Hospital recommended that a contract be awarded, for year two (2), authorized by resolution #628, dated August 27, 2008, to Morris J. Schimmel, M.D., 123 Booth Lane, Haverford, PA 19041, for an amount not to exceed \$405,996.00, for the period of October 1, 2008 through September 30, 2009; and

WHEREAS, the Administrator of Buttonwood Hospital recommends that a contract for "PSYCHIATRIC SERVICES FOR BUTTONWOOD HOSPITAL" (RFP-07-0054A) be awarded, for year three (3), to Morris Schimmel, M.D., 123 Booth Lane, Haverford, PA, 19041, for an amount not to exceed \$411,996.00, for the period of October 1, 2009 through September 30, 2010; and

WHEREAS, funds for the period October 1, 2009 through December 31, 2009 are available for this purpose in Account No. 10-0504-032209 as evidenced by the attached Certification of the Burlington County Chief Financial Official; and

WHEREAS, funds are anticipated to be available in the fiscal years 2010 temporary and permanent budgets; and

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

RESOLVED by the Burlington County Board of Chosen Freeholders that a contract, for year three (3), for "PSYCHIATRIC SERVICES FOR BUTTONWOOD HOSPITAL" (RFP-07-0054A), for the County of Burlington Buttonwood Hospital is hereby awarded to the above proposer; and be it

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

50 **RESOLUTION NO. 497** by Mrs. Reinhart, AUTHORIZATION TO PURCHASE FOOD BEVERAGES, INTERNAL NUTRITIONAL PRODUCTS, DISPOSABLE PRODUCTS, CHEMICAL AND SMALLWARES EQUIPMENT FROM US FOODSERVICE, INC. AN

AUTHORIZED VENDOR UNDER THE NJ HOSPITAL ASSOCIATION GROUP PURCHASING PROGRAM FOR BUTTONWOOD HOSPITAL.

WHEREAS, the County of Burlington's Buttonwood Hospital has a need for BROAD LINE FOOD SERVICE DISTRIBUTION SERVICES to include, Food, Beverages, Enteral Nutritional Products, Disposable Products, Chemicals and Smallwares Equipment; and

WHEREAS, the Board of Chosen Freeholders of the County of Burlington may contract without public bidding for the purchase of materials, supplies or services for Buttonwood Hospital through the New Jersey Hospital Association Group Purchasing Program as authorized by N.J.S.A. 30:9-87 and 30:9-88; and

WHEREAS, U.S. Foodservice, Incorporated, 9755 Pataxent Wood Drive, Columbia, MD 21045 has a New Jersey Hospital Association Group Purchasing Program (NJHA) Contract for BROAD LINE FOOD SERVICE DISTRIBUTION SERVICES, to include Food, Beverages, Enteral Nutritional Products, Disposable Products, Chemicals and Small Ware Equipment, Contract: #FD91220, for the period from July 1, 2009 through June 30, 2011; and

WHEREAS, the Board of Chosen Freeholders finds that this method of group purchase is the most beneficial method of purchase of these items; and

WHEREAS, the purchase of these items is made on a demand basis and the availability of funds are certified at the time that the purchase is made; now, therefore, be it

RESOLVED by the Board of Chosen Freeholders of the County of Burlington that the purchase of BROAD LINE FOOD SERVICE DISTRIBUTION SERVICES for Buttonwood Hospital under the New Jersey Hospital Association Group Purchasing Program (NJHA), Contract #FD91220, for the contract period from July 1, 2009 through June 30, 2011 from U.S. Foodservice Incorporated, for an estimated yearly amount of \$850,000.00, is hereby approved; and, be it

FURTHER RESOLVED that the notice of this action providing the name of the supplier as well as the amount and duration of the contract shall be published once in a newspaper authorized to publish official public notices in Burlington County.

51 **RESOLUTION NO. 498** by Mrs. Reinhart, AUTHORIZATION TO ADVERTISE FOR BIDS FOR TRACTOR WITH ADDITIONAL EQUIPMENT FOR BUTTONWOOD HOSPITAL.

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

"TRACTOR WITH ADDITIONAL EQUIPMENT FOR BUTTONWOOD HOSPITAL"
(CPU-09-0048)

And, be it;

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

FURTHER RESOLVED that said bid will be publicly received in the Freeholder's Board Room on Tuesday, September 15, 2009 at 10:30 a.m. local prevailing time.

52 **RESOLUTION NO. 499** by Mrs. Reinhart, AUTHORIZATION TO ADVERTISE A REQUEST FOR PROPOSAL FOR THE 2009-2011 AFTERNOON/EVENING REPORTING CENTER PROGRAM FOR THE HEALTH DEPARTMENT/OFFICE OF HUMAN SERVICES.

WHEREAS, 2009-2011 AFTERNOON/EVENING REPORTING CENTER PROGRAM (RFP-07-0091) 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, 2009-2011 AFTERNOON/EVENING REPORTING CENTER PROGRAM 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; and 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 2009-2011 AFTERNOON/EVENING REPORTING CENTER PROGRAM, (RFP-09-0091), 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; now, therefore, be it

RESOLVED that a pre-proposal conference will be held for all proposers in the Freeholder's Board Room, on Thursday, September 3, 2009 at 10:00 a.m.; and be it

FURTHER RESOLVED that the submissions of proposals for 2009-2011 AFTERNOON/EVENING REPORTING CENTER PROGRAM, (RFP-09-0091), will be publicly received in Conference Room "B" on Tuesday, September 22, 2009 at 10:30 a.m. local prevailing time.

53 **RESOLUTION NO. 500** by Mrs. Reinhart, AUTHORIZATION TO ADVERTISE A REQUEST FOR PROPOSAL FOR LEADERSHIP AND SERVICE LEARNING OPPORTUNITIES FOR YOUTH 2009-2011 FOR THE HEALTH DEPARTMENT/OFFICE OF HUMAN SERVICES.

WHEREAS, LEADERSHIP AND SERVICE LEARNING OPPORTUNITIES FOR YOUTH 2009-2011, (RFP-09-0092), 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, LEADERSHIP AND SERVICE LEARNING OPPORTUNITIES FOR YOUTH 2009-2011 is one of the specialized goods and/or services which may be procured through the use of the competitive contracting process as the operation 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; and, 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 LEADERSHIP AND SERVICE LEARNING OPPORTUNITIES FOR YOUTH 2009-2011, (RFP-09-0092), 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; now, therefore, be it

RESOLVED that a pre-proposal conference will be held for all proposers in the Freeholder's Board Room, on Thursday, September 3, 2009 at 11:00 a.m.; and be it

FURTHER RESOLVED that the submissions of proposals for LEADERSHIP AND SERVICE LEARNING OPPORTUNITIES FOR YOUTH 2009-2011, (RFP-09-0092), will be publicly received in Conference Room "B" on Tuesday, September 22, 2009 at 10:30 a.m. local prevailing time.

*** It was moved by Mr. Wujcik, seconded by Mr. Haines that the following item be approved by unanimous consent. All in favor. Motion carried. Resolution No. 501 adopted.

54 **RESOLUTION NO. 501** by Mr. Wujcik, AUTHORIZATION TO PURCHASE MICROSOFT SOFTWARE LICENSING AND ASSURANCE AGREEMENT FOR 1,000 MICROSOFT LICENSES USED BY THE DEPARTMENT OF INFORMATION TECHNOLOGY IN AN AMOUNT NOT TO EXCEED \$183,728.46 FROM DELL

MARKETING LP AN AUTHORIZED VENDOR UNDER THE STATE OF NEW JERSEY COOPERATIVE PURCHASING PROGRAM.

WHEREAS, Burlington County purchased a FIVE (5) YEAR MICROSOFT SOFTWARE LICENSING AND ASSURANCE AGREEMENT, for the period of March 1, 2008 through February 28, 2013, for 1,000 Microsoft Licenses, used by the Burlington County Information Technology Department from an authorized vendor under the State of New Jersey Cooperative Purchasing Program 1-NJCP; and

WHEREAS, the purchase of goods and services by local contracting units through a New Jersey State Contract entered into by the Division of Purchase and Property in the New Jersey Department of the Treasury is authorized by the Local Public Contract Law at N.J.S.A. 40A:11-12; and

WHEREAS, SOFTWARE HOUSE INTERNATIONAL, INC., 2 Riverview Drive, Somerset, NJ 08873, held the New Jersey State Contract for Microsoft Enterprise Agreement (MS EA) and MS EA Products Price List, New Jersey Vendor ID #223009648-00, Term Contract T-1720, Waiver # BW421, Contract Date: July 01, 2004 to June 30, 2010; and

WHEREAS, per Resolution #253 dated April 1, 2009, purchase order #380667 was issued to SOFTWARE HOUSE INTERNATIONAL, INC for year one (1), March 1, 2008 through February 28, 2009, of the MICROSOFT SOFTWARE LICENSING AND ASSURANCE AGREEMENT, in an amount of ONE HUNDRED EIGHTY-TWO THOUSAND DOLLARS and 41/100 (\$182,000.41)

WHEREAS, DELL MARKETING LP, One Dell Way, Round Rock, TX 78682 was awarded the New Jersey State Contract for Software License, Maintenance and Support, Term Contract M-0003, Contract Date: November 1, 2008 through June 30, 2010; and

WHEREAS, all Microsoft Software License and Maintenance Agreements have been moved to the New State Contract Vendor, DELL MARKETING LP; and

WHEREAS, the actual cost for year two (2) of the five (5) year SOFTWARE LICENSING AND ASSURANCE AGREEMENT, for 1000 Microsoft Licenses, will not exceed ONE HUNDRED EIGHTY-THREE THOUSAND, SEVEN HUNDRED TWENTY-EIGHT DOLLARS and 46/100, (\$183,728.46) for the period of March 1, 2009 through February 28, 2010; and

WHEREAS, funds for year two (2) are available for this purpose in Account No.10-0019-033709, as evidenced by the attached Certification of the Burlington County Chief Financial Officer; and

WHEREAS, funds are anticipated to be available for this purpose in the fiscal years 2010, 2011, and 2012 temporary and permanent budgets; now, therefore be it

RESOLVED by the County of Burlington that a purchase order be awarded to DELL MARKETING LP, One Dell Way, Round Rock, TX 78682, for the purchase of year two (2) of the FIVE (5) YEAR SOFTWARE LICENSING AND ASSURANCE AGREEMENT, for 1,000 Microsoft Licenses, used by the Burlington County Information Technology Department.

55 PUBLIC COMMENTS.

- 1) Kathy Carswell, Moorestown Township, addressed the Board regarding agenda item no. 38 – Amico Island and applauded the Open Space Preservation Program.
- 2) Rich Young, Lumberton Township, addressed the Board regarding the Bridge Commission and the removal of debris from the Rancocas Creek.
- 3) Fidelio Milanese, Westampton Township, addressed the Board regarding the veteran's memorial in Westampton Township and the State owned land in front of the memorial.

56 QUESTIONS FROM THE PRESS.

- 1) Carole Comegno, Courier Post, addressed the Board regarding agenda item nos. 36 (donation of flowers), 19 (loan for Zurbrugg Partnership, LLC), 2 and 24 (Energy Grant).
- 2) Danielle Camili, Burlington County Times, addressed the Board regarding agenda item no. 33 (Pine Barrens Scenic Byway)

57 COMMENTS BY FREEHOLDERS.

1) Freeholder Reinhart stated that the County received \$3 million for green energy audit and that the County was notified by Senator Menendez's Office. Freeholder Reinhart also stated that August 22, 2009 is the Dog Days of Summer, and for more information call (609) 265-5548.

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

Respectfully submitted,

Augustus M. Mosca
County Administrator/Board Clerk