

Special Meeting
Mount Holly, New Jersey

1 A Special Meeting of the Board of Chosen Freeholders of the County of Burlington was held in the Board Room, Burlington County Office Building, Mount Holly, New Jersey, on Wednesday, June 17, 2009, at 7:00 P.M. The meeting was opened with the flag salute and prayer by the Clerk.

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

2 ROLL CALL.

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

3 OFFICIALS.

Officials in attendance were: County Solicitor Nelson, Treasurer Hannigan, Chief Financial Officer Brock, County Engineer Jaggard, Resource Conservation Director Robbie, Director of IT Behmke, Roads Supervisor Some, Tax Administrator Nuzzo, Public Health Coordinator Gogats, Deputy County Clerk Collins, Supervising Administrative Analyst Stewart, and Public Information Officer Shrom and Assistant Public Information Officer O'Donnell.

4 PUBLIC COMMENTS ON AGENDA ITEMS:

The following members of the public addressed the Board:

- 1) Bill Love, Medford Township addressed the Board concerning agenda item no. 1.
- 2) Mary Wirth, Burlington City addressed the Board concerning the proposed lay-offs.
- 3) Richard Dow, Mt. Holly addressed the Board concerning agenda item no. 1 and 2
- 4) Maria Young, Esq. from the law firm of Graziano, Sumners & Young, LLC was present to address the Board opposing agenda item no. 4, on behalf of their client Excavating Materials and Equipment, Inc.

*** Director Donnelly asked the Board Clerk to read agenda item no. 1. It was moved by Director Donnelly to adopt agenda item no. 1, seconded by Mr. Wujcik. All in favor. Motion carried. Resolution No. 339 adopted as follows:

5 **RESOLUTION NO. 339** by Director Donnelly, RESOLUTION SETTING AMOUNT TO BE RAISED BY TAXATION FOR THE FREE COUNTY LIBRARY.

BE IT RESOLVED, by the Board of Chosen Freeholders of the County of Burlington that the Clerk of the Board is hereby authorized and directed to certify to the Burlington County Board of Taxation and the County Treasurer the sum of \$11,377,557.00 as being the amount to be raised by taxation for support of the Free County Library for the year 2009.

*** It was moved by Director Donnelly to adopt agenda item no. 2, seconded by Mr. Brown. All in favor. Motion carried. Resolution No. 340 adopted as follows:

6 **RESOLUTION NO. 340** by Director Donnelly, AUTHORIZATION TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE COUNTY LIBRARY.

WHEREAS, the Burlington County Board of Chosen Freeholders (the "Board") and the Burlington County Library (the "Library") have discussed the Library's reimbursing the County of Burlington (the "County") for indirect costs incurred from the time period of 2006 through 2013; and

WHEREAS, the Board and the Library have reviewed the cost allocation report prepared by Pino Consulting Group; and

WHEREAS, the Board and the Library agree that based on the cost allocation report that the amount due to the Board for indirect costs for 2006 through 2009 is 3.5 million; and

WHEREAS, the Board has adopted on October 20, 2008 the issuance of a Note in the amount of \$6,000,000 to provide for construction and/or renovation of County Library Headquarters and is committed to said construction/renovation in said amount; and

WHEREAS, the Board and the Library have come to a memorandum of understanding by which the Library has agreed to the following reimbursement schedule as follows:

<u>Year</u>	<u>Payment</u>
2009	\$3,500,000 (includes 2006-2009)
2010	\$725,000
2011	\$725,000
2012	\$725,000
2013	\$725,000; now, therefore, be it

RESOLVED, that the Burlington County Board of Chosen Freeholders and the Burlington County Library agree that the indirect costs incurred in 2014 will not exceed \$725,000 and that the County will review these costs in 2014 to determine if this amount can be decreased; and, be it

FURTHER RESOLVED, a memorandum of understanding with the Burlington County Library in such form as approved by the County Solicitor to memorialize this understanding; and, be it

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

FURTHER RESOLVED, that the County Administrator, County Treasurer, County Solicitor and the Burlington County Library Director are authorized to take any action necessary to complete the memorandum of understanding in accordance with the Rules of the Board.

*** It was moved by Director Donnelly to adopt agenda item no. 3, seconded by Mr. Wujcik. On roll call: Ayes – Mr. Haines, Mrs. Reinhart, Mr. Wujcik and Director Donnelly. Opposed – Mr. Brown. Motion carried. Resolution No. 341 adopted as follows:

7 **RESOLUTION NO. 341** by Director Donnelly, AUTHORIZATION TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE BURLINGTON COUNTY BRIDGE COMMISSION.

WHEREAS, the Burlington County Board of Chosen Freeholders (the "Board") and the Burlington County Bridge Commission (the "Commission") have had significant discussions regarding contribution by the Commission for the 2009 Budget Year for costs incurred by or to be incurred by the County for the maintenance of feeder roadways and approaches to those bridges which are under the jurisdiction of the Commission; and

WHEREAS, in order to provide for this contribution and shared services initiative, the Board and the Commission intend to enter into a memorandum of understanding between the Board and the Commission regarding contribution for these costs; and

WHEREAS, the Board and the Commission concur that an appropriate and reasonable amount of contribution for the ongoing maintenance of feeder roadways is \$1,200,000; now, therefore, be it

RESOLVED, by the Burlington County Board of Chosen Freeholders that a Memorandum of Understanding with the Burlington County Bridge Commission will be executed in such form as approved by the County Solicitor to memorialize this understanding; and, be it

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

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

*** It was moved by Director Donnelly to adopt agenda item no. 4, seconded by Mr. Wujcik. On roll call: Ayes – Mr. Brown, Mr. Haines, Mr. Wujcik and Director Donnelly. Opposed – Mrs. Reinhart. Motion carried. Resolution No. 342 adopted as follows:

- 8 **RESOLUTION NO. 342** by Director Donnelly, AGREEMENT WITH THOMAS F. CORBETT ASSOCIATES, LLC IN THE AMOUNT OF \$3,240,000 FOR A CONTRACT ENTITLED "LANDFILL NO. 2, PHASE 5 WOODBURY CLAY PRE-EXCAVATION" FOR THE DEPARTMENT OF RESOURCE CONSERVATION/DIVISION OF SOLID WASTE.

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

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

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

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

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

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

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

WHEREAS, \$3,240,000.00 is available in account no. 77-7003-050282, as evidenced by the certification of the County's chief financial officer filed herewith; and

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

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

RESOLVES, as follows:

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

- 9 **PUBLIC HEARING – 2009 BUDGET AS AMENDED.**

Director Donnelly asked the Board Clerk to read the 2009 County Budget as amended and opened the public hearing. Mr. Brown made motion to table the public hearing on the 2009 County Budget as amended, seconded by Mrs. Reinhart. On roll call: Ayes – Mrs. Reinhart and Mr. Brown. Opposed – Mr. Haines, Mr. Wujcik and Director Donnelly. Motion failed.

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

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

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

- 1) Anthony Talarico, CWA Local 1034
- 2) Virginia Wolf, CWA Local 1034
- 3) Lauren Boukema, CWA Local 1034
- 4) Ken Parkar, CWA Local 1034
- 5) William Love, Medford Township
- 6) Robert Smyth, Riverton Borough
- 7) Jane Nagaki, Evesham Township
- 8) Phil Prickett, Lumberton Township
- 9) Rick Metivier, Mount Holly Township
- 10) Andre Wilson, Delano Township
- 11) Andre Daniels, Westampton Township
- 12) Richard Dow, Mount Holly Township
- 13) Ron Winthers, Willingboro Township

There being no further comments, Director Donnelly closed the public hearing. It was moved by Director Donnelly to adopt the 2009 County Budget as amended.

Mr. Brown made motion, to additionally amend the 2009 County Budget to add \$665,000 to salary and wages and increase the disbursement of the surplus by the same amount. seconded by Mrs. Reinhart. Director Donnelly yielded the floor to Mr. Brown. On roll call: Ayes – Mr. Brown, Mr. Haines, Mr. Wujcik, Mrs. Reinhart and Director Donnelly. Opposed – none. Motion carried. The 2009 County Budget was amended for the second time.

Mrs. Reinhart made motion to additionally amend the 2009 County Budget to reinstate \$166,000 to Human Services, seconded by Mr. Brown. On roll call: Ayes – Mr. Brown and Mrs. Reinhart. Opposed Mr. Haines, Mr. Wujcik and Director Donnelly. **Motion defeated.** Resolution No. 343 adopted as follows:

10 **RESOLUTION NO. 343** by Director Donnelly, ADOPTION OF THE 2009 BUDGET AS AMENDED.

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

WHEREAS, the county budget was amended on June 17, 2009, and;

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

WHEREAS, the amendment will be published in the Burlington County Times on June 26, 2009, and;

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

Recorded Vote (Insert Last Names)	Ayes	(BROWN (DONNELLY (HAINES (REINHART (WUJCIK	Nays (Abstained (Absent (
--------------------------------------	------	--	--------	-------------	----------

CURRENT FUND - GENERAL REVENUES
GENERAL REVENUES

1. Surplus	\$7,555,586.05	\$8,220,586.05
5. Subtotal General Revenues (Items 1, 2, 3, and 4)	60,998,383.92	61,663,383.92
7. Total General Revenues	223,316,474.38	223,981,474.38

CURRENT FUND – APPROPRIATIONS

8. GENERAL APPROPRIATIONS

A. General Government

Legal Department- County Counsel		
Salaries & Wages	840,003.67	853,335.67
Economic Development Department		
Salaries & Wages	238,265.00	261,265.00
Resource Conservation		
Salaries & Wages-Parks	378,564.00	412,903.00

County Clerk		
Salaries & Wages	1,167,241.00	1,186,489.00
Buildings & Grounds		
Salaries & Wages	2,878,745.00	3,106,315.00
Total General Government	28,870,547.35	29,188,036.35
C. Regulation		
Sheriff's Office		
Salaries & Wages	5,182,324.00	5,200,161.00
Weights & Measures		
Salaries & Wages	198,477.00	212,253.00
Department of Consumer Affairs		
Salaries & Wages	362,829.67	391,829.67
County Medical Examiner		
Salaries & Wages	517,352.00	519,941.00
Superintendent of Elections		
Salaries & Wages	666,870.33	695,455.33
Public Safety Services		
Salaries & Wages	7,338,885.33	7,363,058.33
Total Regulation	18,203,916.36	18,319,876.36
D. Roads & Bridges		
Roads & Bridges		
Salaries & Wages	4,793,102.33	4,916,736.33
Engineering Department		
Salaries & Wages	2,654,670.00	2,668,318.00
Total Roads & Bridges	9,025,144.33	9,162,426.33
F. Health & Welfare		
County Health Services-Inter Local Agreements (NJSA 40:8a-Et Seq)		
Salaries & Wages	2,831,472.33	2,913,741.33
Total Health & Welfare	31,525,582.11	31,607,851.11
G. Educational		
County Extension Service		
Salaries & Wages	122,665.00	134,665.00
Total Education	24,269,128.50	24,281,128.50
Subtotal Operations	165,394,613.98	166,059,613.98
Total Operations (Item 8(A))	173,098,521.97	173,763,521.97
Total Operations Including Contingent	173,128,521.97	173,793,521.97
Detail:		
Salaries and Wages	81,627,512.99	82,292,512.99
9. Total General Appropriations	223,316,474.38	223,981,474.38

BE IT FURTHER RESOLVED, that two certified copies of this resolution be filed forthwith in the Office of the Director of Local Government Services for his certification of the county budget so amended.

11 **PUBLIC HEARING** - COLLECTION OF DEDICATED LEVY OF FOUR CENTS (\$0.04) PER ONE HUNDRED DOLLARS (\$100.00) OF EQUALIZED VALUATION FOR DEPOSITION IN THE BURLINGTON COUNTY OPEN SPACE, RECREATION AND FARMLAND AND HISTORIC PRESERVATION TRUST FUND AND ALLOCATING SUCH FUNDS AMONG THE APPROVED USES.

The hour having arrived, Director Donnelly stated that this was the time and place for consideration of the collection of dedicated levy of four cents.

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

The following members of the public addressed the Board regarding the levy:

- 1) Barbara Rich, Moorestown Township
- 2) Col. Joe Poth, McGuire Air Force Base
- 3) Jane Nagaki, Evesham Township
- 4) Philip Prickett, Lumberton Township
- 5) Bob Tallon, Bordentown Township
- 6) Terri Tallon Hommill, Bordentown Township
- 7) Gerry Savidge, Delran Township
- 9) Linda Lovenduski, Springfield Township
- 10) Mike Rathmell, Mount Holly Township
- 11) Richard Dow, Mount Holly Township
- 12) William Love, Medford Township
- 13) Mr. Daniels, Westampton Township
- 14) Wade Hale, Springfield Township

There being no further comments, Director Donnelly closed the public hearing. It was moved by Mr. Haines, seconded by Mrs. Reinhart that the authorization to collect the dedicated levy of four cents be finally passed.

Mr. Brown made motion to amend the tax levy to 2.5 cents. There was no second. **Fails for lack of second.**

On roll call for the authorization to collect the dedicated levy of four cents: Ayes – Mr. Haines, Mrs. Reinhart, Mr. Wujcik, and Director Donnelly. Opposed – Mr. Brown. Motion carried. Resolution No. 344 adopted as follows:

- 12 **RESOLUTION NO. 344** by Mr. Haines, AUTHORIZATION FOR THE COLLECTION OF DEDICATED LEVY OF 4 CENTS PER \$100.00 OF EQUALIZED VALUATION FOR DEPOSITION IN THE BURLINGTON COUNTY OPEN SPACE, RECREATION AND FARMLAND AND HISTORIC PRESERVATION TRUST FUND AND ALLOCATING SUCH FUNDS AMONG THE APPROVED USES FOR THE DEPARTMENT OF RESOURCE CONSERVATION.

WHEREAS, by reason of the voters' approval of two County public questions on the November 5, 1996, and November 3, 1998, general election ballots the Burlington County Board of Chosen Freeholders is authorized by P.L. 1997, c. 24, codified at N.J.S.A. 40:12-15.1 et seq., (hereafter, the "Law") to levy a tax not exceeding a total of four cents per one hundred dollars of equalized valuation for certain purposes; and

WHEREAS, section 5 of the Law directs that amounts raised by taxation are to be apportioned by the county board of taxation among the municipalities within the county in accordance with N.J.S.A. 54:4-49 and are to be assessed, levied and collected in the same manner and at the same time as other county taxes; and

WHEREAS, the Board believes that the imposition of a tax of four cents per \$100 of equalized valuation (hereafter, the "Tax") for the year 2009 to raise monies to be used for the purposes allowed by the Law is in the interest of all Burlington County residents; and

WHEREAS, the County has conducted a public hearing on the subject of how the County should utilize the monies raised by the Tax for the year 2009; and

WHEREAS, the Board has determined that the Tax should be effective and imposed as of January 1, 2009; now, therefore, be it

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

1. Pursuant to P.L. 1997, c.24 (N.J.S.A. 40:12-15.1 et seq.), the County of Burlington does hereby establish as of January 1, 2009, a tax levy of four (4) cents per \$100 of equalized valuation.
2. The funds raised by said tax levy shall be collected and deposited in the Burlington County Open Space, Recreation and Farmland and Historic Preservation Trust Fund and allocated for use as follows:

<u>Levy</u>	<u>Use</u>
-------------	------------

1.0 cents	open space preservation
2.0 cents	historic preservation/parks department and maintenance
1.0 cents	farmland preservation

The terms, "open space preservation" and "farmland preservation" include costs for acquisition and payment of debt service; and, be it

FURTHER RESOLVED, that the funds raised by said levy shall be reported as a Dedication by Rider to the County Budget pursuant to N.J.S.A. 40A:4-39; and, be it

FURTHER RESOLVED, that one copy of this resolution shall be forwarded to the Burlington County Board of Taxation and to the Burlington County Treasurer.

13 PUBLIC COMMENTS.

- 1) Richard Dow, Mount Holly Township addressed the Board and congratulated Mr. Brown for holding his ground.
- 2) Wade Hale, Springfield Township addressed the Board and thanked them for saving his three employees.
- 3) William Love, Medford Township addressed the Board regarding the budget and the four cent levy.
- 4) Linda Lovenduski, Springfield Township addressed the Board regarding the Bond issue, State referendum and the 60% cost share.

14 COMMENTS BY FREEHOLDERS

- 1) Mr. Brown congratulated the County for Earth Fair, stated it was a great experience. Mr. Brown congratulated the Freeholder Board regarding the budget and apologized that Mrs. Reinhart's amendment to not pass. Mr. Brown further stated that he loves to see the public come out to the meetings.
- 2) Mrs. Reinhart thanked everyone for coming out and thanked Director Donnelly and the other members of the Board for the budget but stated she was sad about the \$166,000. Mrs. Reinhart further stated that she is in favor of the four cent levy and if a change is going to be made it needs to go back to the voters.
- 3) Mr. Wujcik commended Mr. Mosca, Mr. Brock and Mrs. Hannigan for the hard work and dedication and work ethic and style in the most difficult budget season.
- 4) Mr. Haines thanked everyone who came out for the four cent levy and thanked Freeholder Brown for his comments on Earth Fair. Mr. Haines stated he felt that in the long run, letting this levy deteriorate would be a mistake as he is skeptical that funding would ever be restored.
- 5) Director Donnelly stated that the budget process was vetted through, the Freeholders worked through a compromise. Director Donnelly thanked Mr. Mosca and the Finance Department for all their hard work. Director Donnelly stated that the Unions will have to work with the County and there would need to be some consideration and some concessions. Director Donnelly also stated Earth Fair was great and that the Col. Poth would not have the base expansion if it weren't for Open Space.

15 ADJOURNMENT.

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

Respectfully submitted,

Augustus M. Mosca
County Administrator/Board Clerk