

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, February 17, 2010, at 7:00 P.M. The meeting was opened with the flag salute and prayer by the Deputy 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, Joseph B. Donnelly, Mary Ann O'Brien, Mary Anne Reinhart and Freeholder Director Bruce D. Garganio.

3 OFFICIALS.

Officials in attendance were: County Solicitor Nelson, Interim County Administrator Collins, Chief Financial Officer Brock, Treasurer Hannigan, Supervisor of Roads Some, Acting County Engineer Wright, Resource Conservation Director Robbie, Supervising Administrative Analyst Stewart, and Public Information Officer Shrom and Assistant Public Information Officer O'Donnell.

4 APPROVAL OF THE MINUTES OF THE CONFERENCE MEETINGS OF NOVEMBER 12, NOVEMBER 18, AND NOVEMBER 25, 2009.

It was moved by Freeholder Reinhart, seconded by Freeholder Donnelly that the minutes of the conference meetings of November 12, 18 and 25, 2009 be approved. Freeholders Brown and O'Brien and Director Garganio abstained from the minutes. Motion carried. Minutes approved.

5 **RECOGNITION** – ROVERTIS E. DAMPIER, COUNTY CORRECTION OFFICER FOR 31 YEARS OF SERVICES UPON RETIRING JANUARY 31, 2010.

Freeholder Brown read and presented a Certificate of Appreciation and presented a retirement clock to Mr. Dampier for his dedicated years of service. Mr. Dampier thanked the Board for their recognition.

6 PUBLIC COMMENTS ON AGENDA ITEMS.

The following members of the public spoke out against the closing of the Police Academy:

- 1) Walt Corter, Burlington Township
- 2) Frank Martine, Medford Lakes Borough
- 3) Mitchell Sklar, NJ State Association of Chiefs of Police
- 4) Richard Dow, Mt. Holly Township
- 5) Grace Archer, Bordentown City
- 6) Robert Scara
- 7) Joe Conrey, Florence Township

The following members of the public addressed the Board as follows:

- 1) Andre Daniels addressed the Board regarding agenda item no. 18, the designation of Westampton Township as a Recovery Zone.
- 2) Linda McCann, Mansfield Township addressed the Board regarding agenda item no. 13, positions created and abolished.
- 3) Dennis Rohr, New Hanover Township addressed the Board regarding shared services.
- 4) Sidney Camp, Westampton Township addressed the Board regarding agenda item no. 18, the designation of Westampton Township as a Recovery Zone.

Freeholder Reinhart stated that the municipalities should have been notified of the designation of the Recovery Zone and apprised of the program.

*** It was moved by Director Garganio to approve agenda item no. 3 (Resolution No. 68). Freeholder Brown made motion, seconded by Freeholder Reinhart to table agenda item no. 3. Freeholder Brown requested this item be tabled indefinitely in order to properly discuss all aspects of this proposal. Freeholder Brown further stated that as liaison to the Prosecutor's office he was never contacted and expressed serious concerns regarding

the closure of the Police Academy. Director Garganio requested a roll call vote to table agenda item no. 3. On roll call: Ayes - Freeholder Brown and Freeholder Reinhart. Nays – Freeholder Donnelly, O'Brien and Director Garganio. Motion to table agenda item no. 3 failed. It was moved by Director Garganio, seconded by Freeholder Donnelly to approve agenda item no. 3. Director Garganio asked Prosecutor Bernardi to comment on this item. Freeholder Brown and Freeholder Reinhart objected to Mr. Bernardi's explanation. Solicitor Nelson responded and stated that the Prosecutor is a Department Head and has asked to speak on this issue and Solicitor Nelson further stated that request is appropriate. Prosecutor Bernardi stated that all Department Heads were approached and asked to reduce their budget because of a \$15 million shortfall in the County Budget and was asked to identify ancillary programs and he had to make a difficult choice. Prosecutor Bernardi further stated that there are other Academy's in the State to provide training and explained the urgency is if this class started on March 15, it would run through August and all cost savings would be lost. Five in-County individuals have already been accepted in Gloucester County's Academy. Prosecutor Bernardi further stated that if the Police Chiefs Association will work together with the Prosecutor's office, that the in-service training could continue as scheduled. Freeholder Reinhart asked if this responsibility could be transferred to the Department of Public Safety and if the Prosecutor had been in touch with Freeholder Brown, as Freeholder Brown is the liaison to the Prosecutor's Office. Director Garganio requested a roll call vote for the adoption of agenda item no. 3. Ayes – Freeholder Donnelly, O'Brien and Director Garganio. Nays – Freeholder Brown and Freeholder Reinhart. Motion carried. Resolution No. 68 adopted.

7 **RESOLUTION NO. 68** by Director Garganio, RESOLUTION TO SUSPEND BASIC TRAINING OPERATIONS AT THE BURLINGTON COUNTY POLICE ACADEMY.

WHEREAS, the Burlington County Police Academy has been in existence for an extended period of time as a joint venture between the County of Burlington and the Burlington County Chiefs of Police Association, with the said association providing volunteer efforts from various municipal departments and with the Burlington County Prosecutor's Office, through the Burlington County Board of Chosen Freeholders bearing financial responsibility for the operation of the Academy; and

WHEREAS, as of July 18, 2009 it appeared that the Police Training Commission had 22 police academies in various locations in the State of New Jersey many of which provide basic training for police recruits; and

WHEREAS, a review of statistics over the last five years with regard to enrollment at these academies shows drastic decline in the demand for training of basic recruit classes; and

WHEREAS, the last graduating class of the Burlington County Police Academy (Class No. 97) had a total graduation class of 20 individuals including only 5 who were sponsored by Burlington County law enforcement agencies; and

WHEREAS, an analysis by the Prosecutor of his budget indicates that the total annual estimated operating costs for the Burlington County Police Academy including salaries and operating expenses associated with same is approximately \$377,000 for the calendar year 2010; and

WHEREAS, a review undertaken by the Prosecutor indicates that while the Burlington County Police Academy has been important to overall law enforcement within the County, it does not directly promote or enhance the core mission of the Prosecutor's Office of vigorously investigating and prosecuting crimes that occur within the County and also of providing services to the victims of crime; and

WHEREAS, the County finds itself with a substantial budgetary shortfall for the year 2010 of approximately Fifteen Million Dollars (\$15,000,000); and

WHEREAS, after deliberation, the Board of Chosen Freeholders of Burlington County has reluctantly determined that the suspension of operations at the Burlington County Police Academy will achieve substantial budgetary savings to the residents of Burlington County while not impairing the core mission of the Burlington County Prosecutor's Office; now, therefore, be it

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

1. Operations at the Burlington County Police Academy shall be suspended effective April 1, 2010.

- 8 **RESOLUTION NO. 66** by Director Garganio, BUDGET TRANSFER FOR 2009, moved for adoption by Director Garganio, seconded by Freeholder Donnelly.

RESOLVED, by the Board of Chosen Freeholders of the County of Burlington, that the County Chief Financial Officer be and is hereby authorized and directed to make the following transfers in the 2009 Budget Appropriation Reserves in accordance with N.J.S.A. 40A:4-59:

CURRENT FUND:		
FROM:		
Central Mailing	OE	\$ 2,000.00
Building and Grounds	S&W	5,000.00
	OE	20,000.00
Parks	OE	4,000.00
Economic Development	OE	3,000.00
Information Technology	OE	14,000.00
Fleet	OE	3,500.00
Prosecutor's Office	OE	15,000.00
Sheriff's Office	S&W	12,000.00
Medical Examiner	S&W	1,000.00
Public Safety	OE	20,000.00
Roads and Bridges	S&W	1,500.00
Engineering	S&W	1,000.00
Jail	S&W	110,000.00
County Health Department	OE	10,000.00
Human Services	OE	10,000.00
Buttonwood Hospital	S&W	25,000.00
	OE	31,500.00
NJ State Disability		10,000.00
		<hr/>
		\$ 98,500.00
TO:		
Board of Taxation	OE	\$ 2,000.00
Sheriff	OE	16,000.00
Public Safety	S&W	1,000.00
Roads & Bridges	OE	20,000.00
Engineering	OE	3,500.00
Jail	OE	250,000.00
Superintendent of Schools	OE	6,000.00
		<hr/>
		\$298,500.00

On roll call: Ayes – Freeholders Brown, Donnelly, O'Brien, and Director Garganio. Nays – Freeholder Reinhart. Resolution adopted.

*** It was moved by Director Garganio, seconded by Freeholder O'Brien that agenda to approve agenda items 2 and 4 through 17 by unanimous consent. Freeholder Brown opposed agenda item no. 9 (Resolution No. 74). Motion carried. Resolution Nos. 67 and 69 through 82 adopted.

- 9 **RESOLUTION NO. 67** by Director Garganio, 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 \$17,105,535.45 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.

- 10 **RESOLUTION NO. 69** by Director Garganio, RESOLUTION CERTIFYING ADDITIONAL QUALIFIED FIRMS PROVIDING DESIGNATED SPECIALIZED LEGAL SERVICES.

WHEREAS, the Burlington County Board of Chosen Freeholders (hereinafter "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 County Solicitor's Office ("Solicitor") has significant recurring needs for one or more attorneys, duly licensed in the State of New Jersey, to provide specialized legal services necessary for the proper representation of the County in the pursuit of its business; and

WHEREAS, on January 4, 2010 public advertisement was made for a Request for Qualifications (RFQ) to reopen/amend a pool of qualified attorneys to provide specialized legal services for the years 2010 and 2011; and

WHEREAS, on January 29, 2010, RFQ packages for such services submitted to Burlington County were publicly opened; and

WHEREAS, the Solicitor review committee analyzed and evaluated said RFQ submittals and, pursuant to the attached written report, found the attached list of firms substantially comply with the requirements of the submittal and recommends certification of said firms as additions to the pool of qualified vendors to provide certain specialized legal services, as assigned, for the County of Burlington for 2010-2011, as listed below:

Farmland/Open Space – Land Use Matters:

1. Florio Perrucci Steinhardt & Fader, LLC

Solid Waste – Environmental, Administrative, Regulatory and Contractual Matters:

1. Florio Perrucci Steinhardt & Fader, LLC

Public Sector Labor Law:

1. Florio Perrucci Steinhardt & Fader, LLC

now, therefore, be it

RESOLVED, by the Burlington County Board of Chosen Freeholders, that the attached list of firms are certified as additions to the pool of qualified firms to provide the designated specialized legal services as assigned, for the County of Burlington for 2010.

11 **RESOLUTION NO. 70** by Director Garganio, AGREEMENT WITH THE VAUGHN COLLABORATIVE IN AN AMOUNT NOT TO EXCEED \$19,705 FOR ARCHITECTURAL SERVICES FOR PROJECT KNOWN AS SHERIFF'S DEPARTMENT CONTROL AND LOCKER ROOM.

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

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

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

WHEREAS, by Resolution No. 78 adopted February 25, 2009, the Board established an approved list of Qualified Architectural Firms through a fair and open process which includes The Vaughn Collaborative (hereinafter "Vaughn") as a firm qualified to perform various architectural services on behalf of the Board for the years 2009-2011; and

WHEREAS, the County Department of Administration has requested a proposal from Vaughn to provide architectural services for the design of a control room and locker room for the Sheriff's Department and

WHEREAS, it has been recommended to the Board that the firm of Vaughn with an address of 42 W. Lafayette St., Trenton, NJ 08608, should be awarded this contract to prepare the needed architectural services; and

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

WHEREAS, the Board wishes to adopt a Resolution authorizing the Agreement with Vaughn under the fair and open process and as a professional service under N.J.S.A. 40A:11-5(1)(a)(i) for the needed architectural services in the amount of \$19,705.00; and

WHEREAS, funds are available for this purpose in the amount of \$19,705.00 in Account No. 60-7001-111582 as evidenced by the attached Certification of the Burlington County Chief Financial Officer; now, therefore, be it

RESOLVED by the Burlington County Board of Chosen Freeholders that the firm of The Vaughn Collaborative is retained to provide architectural services for the design of a control room and locker room for the Sheriff's Department; under the Board's fair and open process and as a professional service under N.J.S.A. 40A:11-5(1)(a)(i); and, be it

FURTHER RESOLVED that the attached Agreement with The Vaughn Collaborative is hereby approved and its execution in accordance with the Rules of the Board is authorized; and, be it

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

- 12 **RESOLUTION NO. 71** by Director Garganio, AGREEMENT WITH ENVIRONMENTAL CONNECTION, INC. IN AN AMOUNT NOT TO EXCEED \$8,160 FOR REMEDIATION WORK AT THE FORENSICS LABORATORY LOCATED IN THE PUBLIC SAFETY BUILDING.

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

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

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

WHEREAS, by Resolution No. 996 adopted December 30, 2008 and a Resolution adopted this date the Board established an approved list of Qualified Engineering Firms through a fair and open process which includes Environmental Connection, Inc. as a contractor qualified to perform engineering/engineering environmental services on behalf of the Board during 2009 – 2011; and

WHEREAS, the Board of Chosen Freeholders of Burlington County recognizes the need to retain the services of a qualified, licensed professional firm for the purpose of providing engineering/engineering environmental services for Task 1 - Health and Safety Plan, Bid Document Development and Bid Process Oversight, Task 2 – Supervision, Air Monitoring and Final Clearance Sampling and Task 3 – Comprehensive Final Report associated with the safe removal of Asbestos Containing Material from the Forensics Laboratory at the Public Safety Building; and

WHEREAS, the Burlington County Administration Office has requested Environmental Connection, Inc. to submit the proposal to perform the Professional Services described herein; and

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

WHEREAS, Environmental Connection, Inc. has agreed to perform these necessary services, as shown in the attached proposal dated January 5, 2010 for an amount not to exceed \$8,160.00 and

WHEREAS, funds are available for this purpose in Account No. 30-5001-801255, as evidenced by the attached Certification of the Burlington County Chief Financial Officer; now, therefore, be it

RESOLVED, by the Board of Chosen Freeholders of the County of Burlington that the attached Agreement for professional services with Environmental Connection, Inc., is hereby approved and authorization is hereby provided for the agreement to be executed, sealed and witnessed or attested to in accordance with the Rules of the Board; and, be it

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

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

- 13 **RESOLUTION NO. 72** by Director Garganio, APPROVAL TO REVISE FINANCIAL POLICIES RELATING TO ACQUISITION OF FARMLAND AND OPEN SPACE FUNDED THROUGH THE BURLINGTON COUNTY OPEN SPACE, RECREATION, AND FARMLAND AND HISTORIC PRESERVATION TRUST FUND.

WHEREAS, the Burlington County Board of Chosen Freeholders is committed to the preservation of farmland and open space within the County and is empowered to purchase land and interests in land by N.J.S.A. 40A:12-5(b)(1); and

WHEREAS, on November 5, 1996, the voters of Burlington County approved a public question on the general election ballot on the County's proposal to levy up to two cents per \$100 equalized valuation for the purpose of farmland, open space and historic preservation for a twenty-year period ending in 2011 and on November 3, 1998, the voters of Burlington County approved a public question on the general election ballot on the County's proposal to levy up to an additional two cents per \$100 equalized valuation for the purpose of farmland, open space and historic preservation for a twenty-year period ending in 2018; and

WHEREAS, on November 7, 2006, the voters of Burlington County approved a public question on the general election ballot to extend the previously approved levies of up to four cents per \$100 equalized valuation for the purpose of farmland, open space and historic preservation for a thirty-year period ending in 2036; and

WHEREAS, duly adopted policies of the Burlington County Board of Chosen Freeholders have provided for the purchase of farmland and open space properties by the issuance of installment purchase agreements ("IPA's") that provide for deferral of payment of all or a portion of the purchase price until 2036 and the payment of interest to holders of the IPA thereof until the full amount of purchase price is paid; and

WHEREAS, by Resolution #776 adopted on October 13, 2004, the Board approved Financial Policies for the Burlington County Open Space, Recreation, and Farmland and Historic Preservation Trust Fund that established provisions for the issuance of IPAs which replaced and superseded all previously adopted policies and procedures; and

WHEREAS, by Resolution #410 dated May 10, 2006, the Board approved revisions to such policies in order to provide additional incentives for land owners to elect to enter into installment purchase agreements; and

WHEREAS, upon approval of the Local Finance Board, by Resolution #329 adopted on April 25, 2007, the Board approved by Resolution #360 dated May 28, 2008 revisions to the Financial Policies to reflect the extension of the dedicated levy by allowing for issuance of IPA's with applicable payment of principal due no later than December 31, 2036; and

WHEREAS, the Board now wishes to amend certain provisions of the Financial Policies for the Burlington County Open Space, Recreation, and Farmland and Historic Preservation Trust Fund establishing interest rates and term of IPA's to account for current financial market conditions; now, therefore, be it

RESOLVED by the Burlington County Board of Chosen Freeholders that the attached "Financial Policies for the Burlington County Open Space, Recreation, and Farmland and Historic Preservation Trust Fund" is hereby adopted and shall take effect immediately; and, be it

FURTHER RESOLVED that the County Administrator, Resource Conservation Department and the County Solicitor are hereby directed to take any and all action necessary to effectuate the attached Financial Policies in accordance with the Rules of the Board.

- 14 **RESOLUTION NO. 73** by Director Garganio, AGREEMENT WITH TAYLOR DESIGN GROUP IN AN AMOUNT NOT TO EXCEED \$62,329 FOR CONSTRUCTION PHASE SERVICES FOR PENNINGTON PARK, PHASE II 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 Pennington Park in Delanco Township; and

WHEREAS, the Board needs a qualified engineering team to provide construction phase 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 Taylor Design Group ("Taylor"), 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 Taylor Design Group be chosen to 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 \$62,329.00; 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.

- 15 **RESOLUTION NO. 74** by Director Garganio, AGREEMENT WITH REMINGTON, VERNICK AND ARANGO ENGINEERS IN AN AMOUNT NOT TO EXCEED \$148,100

FOR CONSTRUCTION INSPECTION SERVICES FOR PENNINGTON PARK, PHASE II PURSUANT TO THE COUNTY'S OPEN SPACE PRESERVATION PROGRAM. Freeholder Brown opposed this resolution.

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 Pennington Park in Delanco Township; and

WHEREAS, the Board needs a qualified engineering team to provide construction inspection and contract administration 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 Remington, Vernick and Arango ("RVA"), 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 RVA be chosen to be awarded a contract to provide the requested services; and,

WHEREAS, the team led by RVA has offered to provide the needed services for a not to exceed charge of \$148,100.00; 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 RVA 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.

16 **RESOLUTION NO. 75** by Director Garganio, AUTHORIZATION TO PURCHASE THE JIM DIMOND PROPERTY, BLOCK 301, LOT 14 LOCATED IN SPRINGFIELD TOWNSHIP IN THE AMOUNT OF \$115,000 PURSUANT TO THE COUNTY'S OPEN SPACE PRESERVATION PROGRAM.

WHEREAS, the Burlington County Board of Chosen Freeholders is interested in preserving lands for open space and farmland purposes, particularly lands which are located within project areas identified in the Burlington County Parks and Open Space Master Plan; and

WHEREAS, the Jim Diamond property is located at Block 301, Lot 14, Southampton Township; and

WHEREAS, the property owner has agreed to sell this parcel to the County for the sum of \$115,000.00, subject to the ultimate agreement of the parties with respect to the terms and conditions of a contract to be reviewed and approved by the County Administrator and the County Solicitor; and

WHEREAS, there are sufficient monies in account no. 44-5007-100755 to fund purchase of the subject property, as evidenced by the certification of the Burlington County Chief Financial Officer filed herewith; now, therefore, be it

RESOLVED by the Burlington County Board of Chosen Freeholders that Agreements and any amendments thereto as may be determined to be necessary for the purchase of said property be and the same are hereby approved and their execution in accordance with the Rules of the Board are authorized; and, be it

FURTHER RESOLVED that the Freeholder Director, County Chief Financial Officer, County Administrator/Clerk of the Board and County Solicitor are hereby authorized to take such further actions and sign such documents as may be needed to conclude this purchase.

- 17 **RESOLUTION NO. 76** by Director Garganio, AUTHORIZATION TO ADVERTISE FOR BIDS FOR SMITHVILLE HISTORIC PARK - RESTORATION OF HOUSES 8 & 9 PARK AVENUE AND 34 MAPLE AVENUE FOR THE DEPARTMENT OF RESOURCE CONSERVATION/DIVISION OF PARKS.

WHEREAS, a prequalification for the SMITHVILLE HISTORIC PARK – RESTORATION OF HOUSES 8 & 9 PARK AVENUE AND 34 MAPLE AVENUE (CPU-09-0063) was authorized by the Board of Chosen Freeholders of the County of Burlington per resolution no. 490, adopted August 12, 2009; and

WHEREAS, the following firms have been reviewed and have been recommended for qualification for the prequalified bidders pool, and thus are prequalified to bid on this project:

Hall Construction Company, Inc., Howell, New Jersey
 Haverstick-Borthwick Company, Plymouth Meeting, Pennsylvania
 J.S. Cornell & Sons, Inc., Philadelphia, Pennsylvania
 Masonry Preservation Group, Inc., Merchantville, New Jersey
 Merrell & Garaguso, Inc., Swedesboro, New Jersey
 Nickles Contracting, Inc., Haddon Heights, New Jersey
 Unkefer Brothers Construction Co., Philadelphia, Pennsylvania
 Wu & Associates, Inc., Cherry Hill, New Jersey

Now, therefore, be it

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

“SMITHVILLE HISTORIC PARK – RESTORATION OF HOUSES 8 & 9 PARK AVENUE AND 34 MAPLE AVENUE” (CPU-09-0063)

and be it;

RESOLVED that the Board hereby approve the above listed firms as members of the prequalified bidder's pool; and be it

RESOLVED that the Freeholder Director is hereby authorized to sign the title sheet and plans for said project. Plans and specifications charge is \$150.00 per set, which is non refundable; and be it

RESOLVED that the County Administrator is hereby authorized and directed to issue the bid specifications and plans to the eight above referenced firms in the prequalified pool, on the above solicitation, as submitted to and approved by the County Solicitor; and be it

RESOLVED that a Pre-Bid Conference will be held for the prospective bidders on Thursday, March 4, 2010 at the Historic Smithville Park Mansion, Billiard Room, 803 Smithville Road, Eastampton, New Jersey at 10:00 a.m., local prevailing time; and be it

RESOLVED that Site Visits will be held for all prospective bidders immediately following the pre-bid conference and again on Friday, March 5, 2010 between 11:00 a.m. and 3:00 p.m.; and be it

FURTHER RESOLVED that said bids will be publicly received in the Freeholder’s Board Room on Tuesday, March 23, 2010 at 10:30 a.m. local prevailing time.

18 **RESOLUTION NO. 77** by Director Garganio, AUTHORIZATION TO ACCEPT GRANT IN THE AMOUNT OF \$6,950 FROM AUTISM SPEAKS FOR THE PROJECT LIFESAVER PROGRAM FOR THE PURCHASE OF 15 PROJECT LIFESAVER BRACELETS AND ONE TRACKING DEVICE FOR THE SHERIFF'S DEPARTMENT.

WHEREAS, the Burlington County Sheriff’s Department has been awarded grant funds in the amount of \$ 6,950 from Autism Speaks for the Sheriff’s Department Project Lifesaver Program; and

WHEREAS, this project period will run from March 15, 2010 through March 14, 2011 and will provide 15 Project Lifesaver bracelets for county children with Autism and one Project Lifesaver receiver; and

WHEREAS, the Board of Chosen Freeholders of the County of Burlington finds that this project will be beneficial to the citizens of Burlington County; now, therefore, be it

RESOLVED by the Board of Chosen Freeholders of the County of Burlington that Sheriff Jean Stanfield is hereby authorized to accept this grant award, and to take all other steps necessary in accordance with the rules of the Board to utilize this funding for Project Lifesaver.

19 **RESOLUTION NO. 78** by Director Garganio, POSITIONS CREATED AND ABOLISHED IN VARIOUS DEPARTMENTS AS PER THE PERSONNEL COMMITTEE MEETING 2/3/2010.

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

		RANGE	HOURS
BUTTONWOOD HOSPITAL:			
Create:			
00212	1 Administrative Supervisor of Nursing (psych)	35	40
03366	1 Senior Housekeeper	08	40
Abolish: 1 Assistant Director of Nursing (psych)			
	1 Senior Hospital Attendant (LTC)		
	1 Residential Service Worker		
ENGINEERING:			
Create:			
05195	1 Principal Engineer-Bridges	31	40
Abolish: 1 Assistant Engineer			
HUMAN RESOURCES:			
Create:			
04618	1 Training Aide PT	14	24
Abolish: 1 Training Aide			

and be it,

RESOLVED, that the following range change be approved:
Business Manager (Library) from R.25 to R.28

and be it,

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

20 **RESOLUTION NO. 79** by Director Garganio, 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.

Denise J. Davis, County Correction Sergeant, County Jail. Commenced duties on 10/26/09 at \$67,883 per annum. Voluntary demotion.

Julia Baker-DiCamillo, Clerk, Veterans Services. Commenced duties on 9/21/09 at \$26,776 per annum. Voluntary transfer.

Barbara A. Johnson, Public Safety Telecommunicator, Public Safety. Commenced duties on 10/19/09 at \$18.70 per annum. Permanent full-time to permanent part-time.

Brenda B. Goble, Residential Service Worker, Buttonwood Hospital. Commenced duties on 10/4/09 at \$26,151 per annum. Temporary appointment six months or less.

John C. Mastowski, IV, Senior Maintenance Repairer, Resource Conservation. Commenced duties on 10/4/09 at \$36,094 per annum. Provisional appointment pending promotional examination.

Roger D. Berry, Senior Maintenance Repairer, Resource Conservation. Commenced duties on 10/4/09 at \$36,094 per annum. Provisional appointment pending promotional examination.

Dustin M. Schroeder, Public Safety Telecommunicator, Public Safety. Commenced duties on 10/4/09 at \$36,020 per annum. Permanent appointment per NJ legislation.

Katie M. Lamont, Public Safety Telecommunicator, Public Safety. Commenced duties on 10/4/09 at \$36,020 per annum. Permanent appointment per NJ legislation.

Laura A. Dye, Public Safety Telecommunicator, Public Safety. Commenced duties on 10/4/09 at \$36,020 per annum. Permanent appointment per NJ legislation.

Lakesha E. Carter, Public Safety Telecommunicator, Public Safety. Commenced duties on 10/4/09 at \$36,020 per annum. Permanent appointment per NJ legislation.

Maylayna L. Chmielinski, Food Service Worker, Buttonwood Hospital. Commenced duties on 11/1/09 at \$26,151 per annum. Permanent part-time to temporary full-time.

Karen A. McDermott, Senior Clerk Typist, Engineering. Commenced duties on 11/4/09 at \$29,126 per annum. Permanent appointment from promotional certification.

Sharon Montagano, Clerk Typist, Clerk of the Board. Commenced duties on 11/9/09 at \$12.52 per hour. Temporary appointment six months or less.

Arnie S. Nelson, Heating and Air Conditioning Mechanic, Buildings and Grounds. Commenced duties on 11/2/09 at \$35,403 per annum. Provisional appointment pending open competitive examination.

Sherry L. Campbell, Residential Service Worker, Buttonwood Hospital. Commenced duties on 11/1/09 at \$26,151 per annum. Temporary appointment six months or less.

Michele Denard, Food Service Worker, Buttonwood Hospital. Commenced duties on 11/2/09 at \$12.52 per hour. Temporary appointment six months or less.

Shadiera M. James, Student Assistant, Buttonwood Hospital. Commenced duties on 11/2/09 at \$9.00 per hour. Unclassified appointment.

Mary E. Miller, Student Assistant, Buttonwood Hospital. Commenced duties on 11/2/09 at \$9.00 per hour. Unclassified position.

Sade L. Peters, Clerk Typist, Buttonwood Hospital. Commenced duties on 11/2/09 at \$12.52 per hour. Permanent appointment to non-competitive division position.

Connie J. Wright, Residential Service Worker, Buttonwood Hospital. Commenced duties on 11/2/09 at \$26,151 per annum. Permanent appointment to non-competitive division position.

Kathleen B. Torlucci, Senior Administrative Analyst, Economic Development. Commenced duties on 11/3/09 at \$44,714 per annum. Permanent appointment from promotional certification.

Angel L. Perez, Institutional Attendant, Buttonwood Hospital. Commenced duties on 8/23/09 at \$18.43 per annum. Temporary full-time to temporary part-time.

Queta J. Tokpah, Hospital Attendant, Buttonwood Hospital. Commenced duties on 11/1/09 at \$29,234 per annum. Permanent part-time to permanent full-time.

Russell F. Clay, Deputy Superintendent Weights and Measures, Weights and Measures. Commenced duties on 11/17/09 at \$41,352 per annum. Permanent appointment from promotional certification.

Ronald Y. Dresslove, Deputy Superintendent of Weights and Measures, Weights and Measures. Commenced duties on 11/17/09 at \$49,131 per annum. Permanent appointment from promotional certification.

Sandra L. Anderson, Senior Practical Nurse, Buttonwood Hospital. Commenced duties on 11/24/09 at \$50,958 per annum. Permanent appointment from promotional certification.

Mary E. Sauer, Senior Food Service Worker, Buttonwood Hospital. Commenced duties on 11/24/09 at \$37,641 per annum. Permanent appointment from promotional certification.

Thomas H. Menard, County Correction Lieutenant, County Jail. Commenced duties on 11/16/09 at \$71,691 per annum. Permanent appointment from promotional certification.

Brian S. Burth, Institutional Attendant, Buttonwood Hospital. Commenced duties on 11/16/09 at \$14.00 per hour. Temporary appointment six months or less.

Brian K. Garon, Jr., Institutional Attendant, Buttonwood Hospital. Commenced duties on 11/16/09 at \$14.00 per hour. Temporary appointment six months or less.

Vanesca Julme, Hospital Attendant, Buttonwood Hospital. Commenced duties on 11/16/09 at \$14.00 per hour. Permanent appointment to non-competitive division position.

Nicole D. Kreig, Hospital Attendant, Buttonwood Hospital. Commenced duties on 11/16/09 at \$29,234 per annum. Permanent appointment to non-competitive division position.

Christina L. Phillips, Hospital Attendant, Buttonwood Hospital. Commenced duties on 11/16/09 at \$14.00 per hour. Permanent appointment to non-competitive division position.

Joseph A. Mazur, Delivery Worker, Office on Aging. Commenced duties on 11/16/09 at \$26,151 per annum. Temporary appointment six months or less.

21 **RESOLUTION NO. 80** by Director Garganio, AUTHORIZATION TO ADVERTISE FOR BIDS FOR PROPANE GAS 2010-2012 FOR VARIOUS DEPARTMENTS.

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

PROPANE GAS 2010 - 2012
(CPU-10-0017)

And, be it;

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

FURTHER RESOLVED that said bids will be publicly received in the Freeholder's Board Room on Tuesday, March 24, 2010 at 10:30 a.m. local prevailing time.

22 **RESOLUTION NO. 81** by Director Garganio, AUTHORIZATION TO ADVERTISE FOR BIDS FOR BOILER MAINTENANCE AND REPAIR FOR VARIOUS DEPARTMENTS.

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

BOILER MAINTENANCE AND REPAIR
(CPU-10-0042)

And, be it;

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

FURTHER RESOLVED that said bids will be publicly received in the Freeholder’s Board Room on Tuesday, March 02, 2010 at 10:30 a.m. local prevailing time.

23 **RESOLUTION NO. 82** by Director Garganio, RESOLUTION AUTHORIZING THE AWARD OF VARIOUS CONTRACTS THROUGH 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

FURTHER 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.

1. Bids were received, for a second time, on January 5, 2010 as authorized per Resolution #858 dated December 9, 2009 for the solicitation titled ‘BEVERAGE SERVICE FOR BUTTONWOOD HOSPITAL 2010-2012’ (CPU-10-0003A).

Pepsi Cola and National Brand Beverage, LTD.
8275 US Route 130
Pennsauken, NJ 08110

TOTAL ESTIMATED AMOUNT OF AWARD.....\$ 72,727.40
(NOTE: For Years One (1) and Two (2))

2. It is recommended by the County Purchasing Agent that the contract with Uniforms Manufacturing, Incorporated previously awarded on November 25, 2009 for the solicitation titled “INMATE CLOTHING AND OTHER ITEMS 2010-2011” CPU-09-0087 be rescinded. The vendor did not supply the mandatory performance guarantee or the required Affirmative Action Compliance documentation.

*** It was moved by Freeholder Donnelly, seconded by Freeholder O’Brien that the following nine (9) items be approved by unanimous consent. It was moved by Freeholder Reinhart, seconded by Freeholder Brown to table agenda item no. 18. Director Garganio asked for a roll call vote to table agenda item no. 18. On roll call: Ayes – Freeholder Brown and Freeholder Reinhart. Nayes – Freeholders Donnelly and O’Brien and Director Garganio. Motion to table agenda item no. 18 failed. Freeholder Brown abstained from agenda item nos. 19 (Resolution No. 84), 20 (Resolution No. 85), 21 (Resolution No. 86) and 22 (Resolution No. 87) and opposed agenda item no. 25 (Resolution No. 90). Freeholder Reinhart opposed agenda item no. 18 (Resolution No. 83). Motion carried. Resolution Nos. 83 through 91 adopted.

- 24 **RESOLUTION NO. 83** by Freeholder Donnelly, DESIGNATION OF WESTAMPTON TOWNSHIP AS A RECOVERY ZONE FOR THE DEPARTMENT OF ECONOMIC DEVELOPMENT AND REGIONAL PLANNING. Freeholder Reinhart opposed this resolution.

WHEREAS, by Resolution no. 2009-905, adopted on December 29, 2009, the Burlington County Board of Chosen Freeholders ("Board") designated certain areas of Burlington County as Recovery Zones, pursuant to and in accordance with Section 1401 of Title I of Division B of the American Recovery and Reinvestment Act of 2009, Pub. L. No. 111-5, 123 Stat. 115 (2009) (the "Act"); and

WHEREAS, the Board believes it to be appropriate that it designate Westampton Township as a Recovery Zone for the following reasons:

1. Between 2007 and 2008 Westampton Township's rate of unemployment increased from 3.3 percent to 4.4 percent.

2. Westampton lies between two areas designated as Recovery Zones by Resolution 2009-905. To its north and west are Burlington and Willingboro Townships, both of which are part of the River Route Recovery Zone. To Westampton's southeast is Mount Holly Township, an Urban Enterprise Zone.

3. Westampton Township is linked, physically and economically, with the River Route Recovery Zone municipalities. The links are:

County Route 541 (Burlington-Mount Holly Road), County Route 626 (Rancocas Road) and County Route 630 (Woodlane Road); these connect the River Route to Mount Holly through Westampton.

New Jersey Turnpike Interchange 5 connects to County Route 541 in Westampton.

Interstate Route 295 Interchange 45 connects to County Route 626 in Westampton; Interchange 47 connects to County Route 541 in adjacent Burlington Township.

At these interchanges and along County Route 541 are various types of employment opportunities, some of which may occur on a supply of developable land in Westampton Township.

Adjacent Burlington Township and others have experienced economic decline.

4. Within the "heart" of this area is the Burlington County Human Services Building, located at 795 Woodlane Road (County Route 630), which provides access to the County's One Stop Career Center that assists the unemployed in finding jobs and/or gaining access to job training and retraining opportunities. Also located along Woodlane Road in the vicinity of the Human Services Building is the main branch of the Burlington County Library that provides services to job seekers by means of providing public computer access and various assistance programs.

The Act requires that the Board's Recovery Zone designation be made in good faith.

Clearly, the two Recovery Zone Areas that abut Westampton to the north, west and southeast have experienced significant unemployment and economic distress from 2007 to 2008, as well as for many years earlier. The goal of the Act is to decrease unemployment by creating new jobs.

Westampton Township, which fills the gap between the two Recovery Zone Areas, presents an opportunity to create new jobs given its location, preponderance of major highway connections and availability of developable land and the fact that important County facilities that provide assistance to persons in search of jobs are located within the municipality. To that end, Westampton Township may be designated a Recovery Zone.

Now, therefore, the Board

RESOLVES to designate the Township of Westampton as a "Recovery Zone."

- 25 **RESOLUTION NO. 84** by Freeholder Donnelly, LOAN AND MORTGAGE APPROVED WITH DIANA AND ALAN KURPAKUS, DELRAN; DANIELLE LEWIS, BURLINGTON TOWNSHIP; AND NICOLE BERND, CHESTERFIELD TOWNSHIP FOR FIRST TIME HOMEBUYER LOANS IN THE AMOUNT OF \$9,000 EACH PURSUANT TO

THE HOME INVESTMENT PARTNERSHIP PROGRAM ADMINISTERED THROUGH THE OFFICE OF COMMUNITY DEVELOPMENT. Freeholder 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-09-UC-34-0212; and

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

<u>Applicants: Municipality</u>	<u>File no.</u>	<u>Loan Amount</u>
Diana & Alan J. Kurpakus, Delran	FTHB10-24-10GS	\$9,000.00
Danielle L. Lewis, Burlington Twp.	FTHB10-25-06GS	\$9,000.00
Nicole M. Bernd, Chesterfield	FTHB10-26-07GS	\$9,000.00

WHEREAS, there are sufficient monies in account no. 42-0709-051200 to make the above-described loans, as evidenced by the certifications of 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 cases.
2. Funds for each loan are to be drawn from federal Community Development Program moneys and disbursement is to be made in accordance with County procedures.
3. Upon satisfaction of the conditions of the loan and mortgage the County Administrator and County Solicitor are authorized to prepare, sign and record documents to remove the County's claims and interests of record.

26 **RESOLUTION NO. 85** by Freeholder Donnelly, LOAN AND MORTGAGE APPROVED FOR SAMUEL AND JANET DERRY, WILLINGBORO TOWNSHIP FOR A HOME IMPROVEMENT LOAN IN THE AMOUNT OF \$20,000 PURSUANT TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT ("HUD") BLOCK GRANT PROGRAM ADMINISTERED THROUGH THE OFFICE OF COMMUNITY DEVELOPMENT. Freeholder 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-09-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-applicants satisfy the criteria established for this program and housing code violations of the owners' 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>
Samuel and Janet Derry Willingboro Twp.	36-29-38LS	\$19,825.00	\$175.00

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

WHEREAS, the amount reported as "Rehab Cost" is available in account no. 31-0707-051209 to fund the housing rehabilitation costs portion of this loan, as evidenced by the certification of the 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 this loan 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 owners on (a) the CD Office's determination that conditions of the contract between the owners 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.

27 **RESOLUTION NO. 86** by Freeholder Donnelly, LOAN AND MORTGAGE APPROVED FOR BCCAP FOR PROJECT KNOWN AS HAMSHIRE LANE, WILLINGBORO TOWNSHIP IN THE AMOUNT OF \$106,000 FOR ACQUISITION AND \$68,059 FOR REHABILITATION AND SOFT COSTS WITH AN AFFORDABILITY PERIOD OF 20 YEARS PURSUANT TO THE US DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT BLOCK GRANT ADMINISTERED THROUGH THE OFFICE OF COMMUNITY DEVELOPMENT. Freeholder Brown abstained from this agenda item.

WHEREAS, the Board of Chosen Freeholders of the County of Burlington ("Board") has received funds from the U.S. Department of Housing and Urban Development ("HUD") pursuant to HOME Investment Partnerships Program ("HOME Program") Grant Number M-09-DC-34-0212; and

WHEREAS, Burlington County Community Action Program ("BCCAP"), a nonprofit corporation of the State of New Jersey, has applied to the Board for HOME Program funding for its acquisition and rehabilitation of a dwelling unit to create one low-income housing unit in Willingboro Township, which project is known as Hampshire Lane; and

WHEREAS, the Community Development Office ("CD Office") has reviewed the application, determined that BCCAP and the project meet all criteria established for the HOME Program and recommended that the Board make loans to BCCAP in the amount of \$106,000.00 for acquisition and \$68,059.00 for rehabilitation and soft costs; and

WHEREAS, the CD Office has recommended that the acquisition loan be made at 0% interest, have a repayment term of five years, and that BCCAP give the Board a mortgage and a five-year affordability restriction on the project property; and

WHEREAS, the CD Office has recommended that the loan for rehabilitation of the project property be made on a deferred repayment basis, have a term of 20 years at 0% interest, be secured by a mortgage on the project property and that a 20-year affordability period be imposed by recorded deed restriction; and

WHEREAS, \$174,059.00 is available in account no. 42-0709-080709 to fund a loan for these purposes, as evidenced by the certification of the County's Chief Financial Officer filed herewith; and

WHEREAS, the Board has reviewed and approved the CD Office's recommendation; 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 CD Office are authorized to prepare documents for this loan to protect the County's interests in this matter. The loan documentation shall reflect the Board's reservation of the right to release BCCAP from its repayment obligation, in accordance with the approved HOME Program design.

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. 87** by Freeholder Donnelly, LOAN AND MORTGAGE APPROVED FOR COMMUNITY INVESTMENT STRATEGIES, INC. AND CIS FLORENCE, LLC FOR PROJECT KNOWN AS DUFFY MANOR IN FLORENCE TOWNSHIP IN THE AMOUNT OF \$500,000 FOR CONSTRUCTION AND SOFT COSTS WITH AN AFFORDABILITY PERIOD OF 20 YEARS PURSUANT TO THE US DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT BLOCK GRANT ADMINISTERED THROUGH THE OFFICE OF COMMUNITY DEVELOPMENT. Freeholder Brown abstained from this agenda item.

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 HOME Investment Partnerships Program Grant Number M-08-UC-34-0212; and

WHEREAS, Community Investment Strategies, Inc. and CIS Florence, LLC, acting as a managing partners for Duffy Manor, LLC (the "Applicant"), have submitted an application to the Board for a loan to partially fund the conversion, development, and rehabilitation of eleven new, affordable rental units as part of a proposed 45-unit project known as Duffy Manor, to be located in Florence, New Jersey; 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 described below; and

Amount: \$500,000.00
 Use: Construction and soft costs
 Loan Term: 20 years
 Interest Rate: One percent (1%) payable annually
 Affordability Term: 20 years, secured with an affordable housing deed restriction;

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 a qualification review process) and provides for County payment in excess of \$17,500.00; and

WHEREAS, the Board has received Business Entity Disclosure Certifications from the Applicant in which it certifies that (a) it has not made reportable political contributions in the previous year that would prevent the Board's authorization of a loan to it and (b) it will not make such reportable contributions in violation of New Jersey law; and

WHEREAS, \$500,000.00 is available in account no. 42-0709-080809, 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 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 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.

29 **RESOLUTION NO. 88** by Freeholder Donnelly, LOAN AND MORTGAGE FORGIVEN FOR SALT AND LIGHT FOR 63 MEDFORD LANE FOR THE EXTENSION OF THE AFFORDABILITY PERIOD FOR AN ADDITIONAL 15 YEARS AND AN AFFORDABILITY RESTRICTION TO EXPIRE ON 10/31/2024 PURSUANT TO THE US DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT BLOCK GRANT PROGRAM ADMINISTERED THROUGH THE OFFICE OF COMMUNITY DEVELOPMENT.

WHEREAS, on August 25, 1994, and pursuant to Resolution no. 185, adopted on March 23, 1994, the Board of Chosen Freeholders of the County of Burlington ("Board") made a HOME Investment Partnerships Program loan of \$189,960.00 to the Salt & Light Co., Inc. ("Borrower"), which loan was made on a deferred, no interest basis for Borrower's acquisition and rehabilitation of four properties in Mount Holly Township and one property in Willingboro Township, which amount was allocated among the properties as reported below; and

139 Joseph Place, Mt. Holly	\$10,500
132 Levis Drive, Mt. Holly	\$12,830
215 Levis Drive, Mt. Holly	\$25,080
141 Washington St., Mt. Holly	\$65,450
63 Medford Lane, Willingboro	\$76,100

WHEREAS, in accordance with the terms of the loan each of the properties was subject to an affordable housing restriction on use: ten years for the Levis Drive and Joseph Place properties, and 15 years for the Washington Street and Medford Lane properties; and

WHEREAS, the loan provided for release of liability for repayment of the loan if Borrower agreed to extend the affordability restriction on the property for a second period equal to the first; and

WHEREAS, by Resolution no. 126, adopted on February 22, 2006, the Board authorized the release of Borrower from the obligation to pay that portion of the loan attributable to the Joseph Place and Levis Drive properties on the Borrower's renewal of the affordable housing restrictions on them; and

WHEREAS, the portion of the loan attributable to 63 Medford Lane has become due and payable and Borrower has asked that the Board relieve it of repaying the loan on its agreement to extend the affordable housing restriction on the property for 15 additional years; and

WHEREAS, the County's Housing and Community Development Office (the "CD Office") has reviewed the request and recommended that the Board approve the request in consideration of the CD Office's determination that the request meets the requirements and policies established for the County's HOME Affordable Housing Developer Program; and

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

RESOLVES as follows:

1. Borrower's obligation to repay the \$76,100.00 loan attributable to the Medford Lane property shall be released on Borrower's execution of a document approved as to form and content by the County Solicitor extending the term of the affordable housing restriction on the property for an additional 15 years and Borrower's compliance with said restriction during said term.
2. Execution, in accordance with the Rules of the Board, of such documents that the County Solicitor determines to be necessary and appropriate to effectuate this Resolution is approved and authorized.

30 **RESOLUTION NO. 89** by Freeholder Donnelly, AUTHORIZATION TO RELEASE CERTAIN PERFORMANCE AND MAINTENANCE GUARANTEES AS SUBMITTED TO AND APPROVED BY THE BURLINGTON COUNTY PLANNING BOARD AT ITS MEETING HELD JANUARY 26, 2010.

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 Guarantee(s)</u>	<u>Developer/Site</u>	<u>Amount</u>	<u>Plann.Bd. File No.</u>
Bond #0423143	Crossroads East K. Hovnanian Ventures 1, LLC Florence-Columbus Road Florence Township	\$144,732.00	B01-15-139
Bond #0423144	Crossroads K. Hovnanian Ventures 1, LLC Florence-Columbus Road Florence Township	\$41,668.00	B03-15-026
Bond #105215631	Evesboro Retail – Evesboro Assoc. Greentree Road and Evesboro-Medford Road Evesham Township	\$112,194.00	S07-13-139

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 #SO40319	Creekside at Delanco GVD Delanco I, LLC & Creekside at Delanco, LLC Burlington Avenue Delanco Township	\$79,798.00	B06-09-089
IRLOC #SM229931W	Bombi Gas Station w/Store Bombi Petroleum Co. Broad Street Palmyra Borough	\$10,626.00	S05-27-126

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 #18110963-00-000	Exxon w/On-the-Run Food Mart Consumers Oil Corp. Creek Road Mount Laurel Township	\$20,585.00	S02-24-133
IRLOC	Church Brick Building Expansion	\$12,139.00	S05-04-069

#SM227279W Burlington-Bordentown Road
Bordentown Township

31 **RESOLUTION NO. 90** by Freeholder Donnelly, AGREEMENT WITH REMINGTON, VERNICK & ARANGO IN THE AMOUNT OF \$2,650 TO PREPARE A PHASE I ENVIRONMENTAL REVIEW FOR A PROPERTY LOCATED AT BLOCK 110, LOT 1 AND BLOCK 107, LOT 1 FOR THE RECONSTRUCTION OF THE INTERSECTION OF CREEK ROAD (CR 636) AND MASONVILLE ROAD (CR 635) LOCATED IN MOUNT LAUREL TOWNSHIP FOR THE ENGINEERING DEPARTMENT. Freeholder Brown opposed this agenda item.

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

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

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

WHEREAS, pursuant to those procedures the Board adopted Resolution No. 996 on December 30, 2008 which authorized the creation of a pool of qualified engineering and survey firms from which County Departments could draw from for various engineering services; and

WHEREAS, the County Engineering Department has requested a proposal from a qualified firm to prepare a Phase I Environmental Site Assessment services at:

- 1. Block 110, Lot 1, 531 Creek Road
Mt. Laurel Township, Burlington County
Owner: Virginia Shull

WHEREAS, it has been recommended to the Board that the firm of Remington, Vernick & Arango Engineers with an address of 243 Route 130, Suite 105, Bordentown, NJ 08505, should be awarded this contract to prepare the needed Phase I Environmental Site Assessments; and

WHEREAS, Remington, Vernick & Arango Engineers has offered to provide the needed Phase I Environmental Site Assessments at:

- 1. Block 110, Lot 1, 531 Creek Road
Mount Laurel Township, Burlington County
Owner: Virginia Shull

; and

which services constitute "professional services" as defined in the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq. (the "Law") and Remington, Vernick & Arango Engineers is a qualified member of the 2008 Certified Pool of Qualified firms pursuant to the Board's fair and open process as set forth in Resolution 996 on December 30, 2008; and

WHEREAS, the Board wishes to adopt a Resolution authorizing the Agreement with under the fair and open process and as a professional service under N.J.S.A. 40A:11-5(1)(a)(i) for a Phase I Environmental Site Assessment in the amount of \$2,650.00; and

WHEREAS, funds are available for this purpose in the amount of \$2,650.00 in Account No. 60-7001-111282 as evidenced by the attached Certification of the Burlington County Chief Financial Officer; now, therefore, be it

RESOLVED by the Burlington County Board of Chosen Freeholders that the firm of Remington, Vernick & Arango Engineers is retained to perform Phase I Environmental Site Assessment at:

- 1. Block 110, Lot 1
531 Creek Road, Mount Laurel Township, Burlington County
Owner: Virginia Shull

; and

under the Board's fair and open process and as a professional service under N.J.S.A. 40A:11-5(1)(a)(i); and, be it

FURTHER RESOLVED that the attached Agreement with Remington, Vernick & Arango Engineers is hereby approved and its execution in accordance with the Rules of the Board is authorized; and, be it

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

32 **RESOLUTION NO. 91** by Freeholder Donnelly, APPROVAL TO PROCEED WITH ALTERNATIVE 1 FROM THE ALTERNATIVE ANALYSIS REPORT BY TAYLOR WISEMAN & TAYLOR ON GREENBANK-CHATSWORTH ROAD SAFETY IMPROVEMENT STUDY DATED NOVEMBER 2009 WHICH ANTICIPATES SUPER ELEVATION OF CR 563 ON THE EXISTING ALIGNMENT FOR THE ENGINEERING DEPARTMENT.

WHEREAS, the Burlington County Board of Chosen Freeholders wishes to provide for the health, safety and welfare of the motoring public; and

WHEREAS, the Burlington County Engineering Department and the Burlington County Highway Departments periodically review traffic accident data to ascertain those roads needing action within Burlington County; and

WHEREAS, Greenbank-Chatsworth Road (also known as CR 563) extending for approximately 19.6 miles within Burlington County has, through review, shown to need improvements in order to lessen accident impacts along this road within Washington Township; and

WHEREAS, "Alternative Analysis Report" was prepared by Taylor Wiseman and Taylor for the Burlington County Engineering Department, which report was submitted and reviewed in November of 2009 by the Burlington County Engineering staff and the Burlington County Freeholder Board; and

WHEREAS, that study shows the possibility of three alternatives for work to lessen adverse traffic conditions according on Green Bank/Chatsworth Road; and

WHEREAS, two of the three alternatives necessitate obtaining permits from the New Jersey Department of Environmental Protection, the New Jersey Green Acres Program and require impacts necessitating wetlands permitting as well as other factors which would make such alternatives both costly, time consuming and without guarantee any probability of approval; and

WHEREAS, Alternative 1 from the Alternative Analysis Report does not require such major impact and the referenced permits from various entities from the State of New Jersey which Alternative can be prepared and implemented on an accelerated basis, thus protecting the motoring public; and

WHEREAS, the Burlington County Board of Chosen Freeholders through the Burlington County Engineers Office has agreed that Alternative 1 of the referenced Alternative Analysis Report to Greenbank-Chatsworth Road provides the best and most likely alternative to be implemented within the shortest time frame in order to protect the motoring public; now, therefore, be it

RESOLVED, that the Burlington County Board of Chosen Freeholders hereby approves Alternative 1 to the Alternative Analysis Report for Green Bank-Chatsworth Road (CR 563) Washington Township, Burlington County); and be it

FURTHER RESOLVED, that such Alternative 1 be hereby implemented by the Engineering Staff; and, be it

FURTHER RESOLVED, that acknowledgement of this Alternative 1 takes into consideration and necessity for obtaining wetlands, green acres and other permitting from the State of New Jersey through its various entities which:

1. may not occur, and

2. would not necessarily provide an additional benefit through implementation to the motoring public;

and, be it

FURTHER RESOLVED, that the Burlington County Freeholders Office, the Burlington County Engineering Office and any other office be authorized to take any action necessary to implement such alternative one.

*** It was moved by Freeholder O'Brien, seconded by Freeholder Brown that the following five (5) items be approved by unanimous consent. All in favor. Motion carried. Resolution Nos. 92 through 96 adopted.

33 **RESOLUTION NO. 92** by Freeholder O'Brien, AUTHORIZATION TO PURCHASE ONE TASKALFA 5201 COPIER WITH ACCESSORIES FOR THE OFFICE OF CONSUMER AFFAIRS FOR AN AMOUNT NOT TO EXCEED \$8,510 FROM KYOCERA MITA AMERICA, INC. AN AUTHORIZED VENDOR UNDER THE STATE OF NEW JERSEY COOPERATIVE PURCHASING PROGRAM.

WHEREAS, Burlington County wishes to purchase ONE (1) KYOCERA TASKALFA 520i COPIER with ACCESSORIES for the Burlington County Consumer Affairs Office, 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 September 30, 2011; 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 June 30, 2010; and

WHEREAS, HERITAGE BUSINESS SYSTEMS, INCORPORATED, 1263 Glen Avenue, Moorestown, New Jersey 08057 is an 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 ONE (1) KYOCERA TASKALFA 520i COPIER with ACCESSORIES for the Burlington County Consumer Affairs Office, will not exceed \$8,510.00; and

WHEREAS, funds are available for this purpose in Account No. 60-7001-113482 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) KYOCERA TASKALFA 520i COPIER with ACCESSORIES, for the Burlington County Consumer Affairs Office, in an amount not to exceed \$8,510.00.

34 **RESOLUTION NO. 93** by Freeholder O'Brien, AGREEMENT WITH RICHARD A. ALAIMO ENGINEERING COMPANY IN AN AMOUNT NOT TO EXCEED \$15,000 FOR GENERAL ENGINEERING SERVICES FOR THE DEPARTMENT OF SOLID WASTE.

WHEREAS, the Burlington County Board of Chosen Freeholders (the "Board") needs general engineering services to assist it in the day-to-day operation of the Burlington County Resource Recovery Complex, which services are "professional" in nature, as defined in N.J.S.A. 40A:11-2(6) of the Local Public Contracts Law (the "Law"); and

WHEREAS, by Resolution No. 996, adopted on December 30, 2008, and through a fair and open process, the Board approved certain engineering firms as eligible to provide services to Burlington County for the period 2009 through 2011; and

WHEREAS, the Richard A. Alaimo Engineering Company is a company eligible to provide engineering services to the Board during 2010 and has offered to provide the services needed by the Board for a charge not exceeding \$15,000.00; and

WHEREAS, \$3,750.00 is available in account no. 75-0710-034810 to fund a portion of this agreement, as evidenced by the certification of the County's Chief Financial Officer filed herewith, and the remaining \$11,250.00 needed for this contract is expected to be available in the 2010 budget; now, therefore, the Board

RESOLVES, as follows:

1. A contract with Richard A. Alaimo Engineering Company as described above, which has been approved as to form and content by the Burlington County Solicitor and County Administrator, is approved and its execution in accordance with the Rules of the Board is authorized.
2. This contract is awarded pursuant to a fair and open process and as a professional service, as defined in the Local Public Contracts Law (the "Law").
3. Authorization of this contract beyond the funds certified as available today is subject to the appropriation and availability of additional funds, as described above.
4. On the availability of additional funds for this contract the Chief Financial Officer shall transmit a certification of funds availability to the County Administrator and County Solicitor.
5. Notice of this action shall be published in accordance with requirements of the Law.

35 **RESOLUTION NO. 94** by Freeholder O'Brien, FOURTH AMENDMENT TO AGREEMENT WITH SCS ENGINEERS IN THE AMOUNT OF \$70,000 FOR ADDITIONAL SERVICES REQUIRED TO RESPOND TO NEW ENVIRONMENTAL REGULATIONS FOR THE DEPARTMENT OF SOLID WASTE.

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

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

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

WHEREAS, by Resolution No. 323, adopted on June 10, 2009, the Board approved a Third Amendment to the Agreement, which extended the term of the Agreement for a fourth year (June 1, 2009, to May 31, 2010) for an amount not exceeding \$130,000; and

WHEREAS, an amendment is needed to increase the amount payable to SCS to a maximum of \$200,000.00, to compensate it for services it provided during the term of the Third Amendment to the Agreement because of a greater need for its services than expected and because of the need to respond to new environmental regulations; and

WHEREAS, \$45,000.00 is available in Account No. 75-0722-040310, as evidenced by the certification of the County's Chief Financial Officer filed herewith, to fund a portion of the \$70,000.00 increase needed to fund SCS's services, and the remaining \$25,000.00 needed for this increase is expected to be available in the 2010 budget; now, therefore, the Board

RESOLVES as follows:

1. A Fourth Amendment to the contract with SCS Engineers, increasing the amount payable by \$70,000.00 is approved and its execution, in accordance with the Rules of the Board, is authorized.

2. Authorization of this amendment beyond the funds certified as available today is subject to the appropriation and availability of additional funds, as described above.

3. On the availability of additional funds for this contract the Chief Financial Officer shall transmit a certification of funds availability to the County Administrator and County Solicitor.

36 **RESOLUTION NO. 95** by Freeholder O'Brien, CHANGE ORDER NO. 2 AND 3 AND FINAL PAYMENT FOR THOMAS F. CORBETT AND ASSOCIATES, LLC FOR A DECREASE IN THE AMOUNT OF \$62,734.03 FOR THE WOODBURY CLAY PRE-EXCAVATION OF LANDFILL 2, PHASE V FOR THE DEPARTMENT OF SOLID WASTE.

WHEREAS, on June 17 2009, and pursuant to a bid solicitation authorized by Resolution no. 2008-783, the Burlington County Board of Chosen Freeholders ("Board") awarded a contract for the Woodbury Clay Pre-Excavation of Landfill No. 2, Phase 5, at the Burlington County Resource Recovery Complex (Contract CPU-08-0117A) to Thomas F. Corbett Associates, LLC, which contract provided for payment not exceeding \$3,240,000.00; and

WHEREAS, Project Engineer Richard A. Alaimo Engineering Company has recommended that the Board approve changes to Corbett's contract, as detailed in Change Order Numbers 2 and 3 dated January 13, 2010, which have the impact on contract cost described below (Change Order Number One not having been acted on); and

<u>Change Order No.</u>	<u>Increase / (Decrease)</u>
2	(\$45,734.03)
3	(\$17,000.00)

WHEREAS, the aggregate change to the contract by these two Change orders is a decrease in the amount of work to be performed by Corbett and a decrease in amount payable by \$62,734.03 and the net change in contract amount represented by Change Order Numbers One through Three is a reduction in the original contract amount by \$62,734.03, which sum represents an overall decrease of 1.94 percent in the original contract amount and results in a new contract amount of \$3,177,265.97; and

WHEREAS, the Project Engineer has issued a letter dated January 22, 2010, recommending final payment for completion of work under Contract CPU-08-0117A; and

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

RESOLVES as follows:

1. Change Order Numbers 2 and 3 to the above-described contract with Thomas F. Corbett Associates, LLC. is approved and its execution in accordance with the Rules of the Board is authorized.

2. The date of substantial completion of work under Contract CPU-08-0117A is January 22, 2010.

3. Final payment, in accordance with the terms, conditions and requirements of the contract is authorized.

37 **RESOLUTION NO. 96** by Freeholder O'Brien, AUTHORIZATION TO ADVERTISE FOR BIDS FOR DEWATERED SLUDGE TRANSPORTATION SERVICES FOR THE SOLID WASTE DEPARTMENT.

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

DEWATERED SLUDGE TRANSPORTATION SERVICES
(CPU-10-0018)

And, be it;

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

FURTHER RESOLVED that said bids will be publicly received in the Freeholder's Board Room on Tuesday, March 16, 2010 at 10:30 a.m. local prevailing time.

*** It was moved by Freeholder Reinhart, seconded by Freeholder Brown that the following item be approved by unanimous consent. All in favor. Motion carried. Resolution No. 97 adopted.

38 **RESOLUTION NO. 97** by Freeholder Reinhart, AGREEMENT WITH CARE ALTERNATIVES FOR HOSPICE SERVICES AT BUTTONWOOD HOSPITAL FOR 2010 AT NO COST TO THE COUNTY.

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

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

WHEREAS, the Board adopted Resolution No. 656 on September 23, 2009 which establishes the procedures for obtaining said qualifications and/or proposals; and

WHEREAS, by Resolution No. 926 adopted on December 29, 2009, the Burlington County Board of Chosen Freeholders ("the Board") authorized the annual pool of qualified hospice service providers; and

WHEREAS, the Board and said hospice services providers have come to an agreement by which the providers will render their services at no direct cost to Buttonwood Hospital on the terms and conditions specified in the proposed agreement, which agreement will be effective for the term January 1, 2010 through December 31, 2010, and may be summarized as follows:

<u>Provider</u>	<u>Services</u>
Care Alternatives, Inc.	Hospice

RESOLVED by the Burlington County Board of Chosen Freeholders, that the attached agreements for hospice services are hereby approved and authorization is hereby provided for the agreements to be executed, sealed and witnesses or attested to in accordance with the Rules of the Board; and, be it

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

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

39 NOMINATION AND ELECTION TO THE BURLINGTON COUNTY INSTITUTE OF TECHNOLOGY BOARD OF EDUCATION.

Freeholder Donnelly placed in nomination the name of Leah Arter to fill the unexpired term of Edward Waters, Jr. to expire on November 1, 2010.

Hearing no other nominations, Director Garganio closed the nomination. The voting being unanimous, Director Garganio declared Leah Arter appointed to the Burlington County Institute of Technology Board of Education to fill an unexpired term to expire on November 1, 2010.

40 NOMINATION AND ELECTION TO THE BURLINGTON COUNTY COLLEGE BOARD OF TRUSTEES.

Freeholder Brown placed in nomination the name of Patty LaVerghetta for a four year term to expire on November 1, 2013. Freeholder Donnelly placed in nomination the name of John Hanuscin for a four year term to expire on November 1, 2013.

Hearing no other nominations, Director Garganio closed the nomination. Director Garganio called for a roll call vote by name, on roll call: Freeholder Brown – Patty LaVergetta, Freeholder Donnelly – John Hanuscin, Freeholder O'Brien – John Hanuscin, Freeholder Reinhart – Patty LaVergetta, and Director Garganio – John Hanuscin. Director Garganio declared John Hanuscin re-elected to the Burlington County College Board of Trustees for a four year term to expire on November 1, 2013.

Freeholder Donnelly placed in nomination the name of Bruce Benedetti to fill the unexpired term of William McDaniel to expire on November 1, 2010. Freeholder Brown placed in nomination the name of Patty Lavergetta to fill the unexpired term of William McDaniel to expire on November 1, 2010.

Hearing no other nominations, Director Garganio closed the nomination. Director Garganio called for a roll call vote by name, on roll call: Freeholder Brown – Patty LaVergetta, Freeholder Donnelly – Bruce Benedetti, Freeholder O'Brien – Bruce Benedetti, Freeholder Reinhart – Patty LaVergetta, and Director Garganio – Bruce Benedetti. Director Garganio declared Bruce Benedetti elected to the Burlington County College Board of Trustees to fill the unexpired term of William McDaniel to expire on November 1, 2010.

41 PUBLIC COMMENTS.

- 1) Linda McCann, Mansfield Township, addressed the Board concerning the appointment of Mary Ann O'Brien to the Board of Social Services.
- 2) Richard Dow, Mt. Holly Township, addressed the Board concerning the following items:
 - a) web-site problems with freezing up
 - b) Sheriff's Officers in Mount Holly Municipal Courtrooms
 - c) Incarceration of inmates, and prisoners to work

*** Freeholder Brown stated for the record "the Board is very concerned with how the State of New Jersey structures their inmate reimbursement program, when we house state inmates, we are not being reimbursed the amount of money, we are being reimbursed \$56 when it actually costs us \$104.00 to house an inmate. We went up and spoke to the Commissioner at the time to restructure that contract, but the time to do that 20 years ago, and now they have escalating clauses in contracts with the other Counties that we don't have to enjoy, because we never had the beds in our original facility that we have to structure those contracts at that time. We are being reimbursed the money that we should be from the State of New Jersey, and being charged the going rate for Medicare, our medical expenses for the inmates, we should be getting Medicaid rates which would reduce our costs by about \$2 million, which we are not getting also. So these are the initiatives that have to be taken above, it is above our pay grade to get these things taken care of, and that is at the State level". Director Garganio stated that "the County will be starting that process to go after those dollars, and we have been trying and hoping with the change at the State House, that maybe at this point we get another set of ears that actually listen to us, because we have lost a lot of money over the years because of this".

- d) State getting out of college education
- e) televising meetings

42 QUESTIONS FROM THE PRESS.

- 1) Danielle Camilli, Burlington County Times questioned the Board on the search for the County Administrator.
- 2) Carole Comegno, Courier Post questioned the Board regarding agenda item no. 7, to revise financial policies relating to the acquisition of farmland and open space funding.

43 COMMENTS BY FREEHOLDERS.

- 1) Freeholder Reinhart expressed her concerns over the way the interview process for the County Administrator is being handled. Freeholder Reinhart further expressed concern regarding Westampton Township and no one reaching out to them regarding the designation of a Recovery Zone. Freeholder Reinhart apologized for what happened to the Academy

2) Freeholder Brown stated that it took 7 months to approve the Responsible Contractor Language and 2 weeks to terminate the Police Academy. Freeholder Brown expressed his concern over terminating regional services. Freeholder Brown further commented that last year he gave ideas regarding cutting the budget, but it was not heard because he is a democrat and stated that this needs to stop and hoped that everyone could work together.

3) Freeholder O'Brien commended Director Dreby and thanked Jeff Johnson and Kevin Tuno for February 10, 2010, they had a record number of calls and getting staff to Central Communications to work. Freeholder O'Brien further stated with regards to the Police Academy reiterated that the resolution passed tonight was to "suspend basic training operation". Freeholder O'Brien also stated that you need to compare the numbers of sponsored candidates, and in-service will continue.

4) Freeholder Donnelly thanked Frank Somes and the Highway Department for a job well done during the storm. Freeholder Donnelly stated in reference to the Police Academy, that it was a difficult decision, utilization has been decreasing. Freeholder Donnelly also stated that the Responsible Contractor Language originally passed in 2008.

5) Director Garganio stated that the State of New Jersey is not worried about the \$5 - \$10 the taxes are increasing because the State has not looked at the difficult decisions. The State is broke and is having trouble doing mandatory items and government can't do everything.

44 ADJOURNMENT.

It was moved by Freeholder Donnelly, seconded by Freeholder O'Brien, that the meeting be adjourned. All in favor. Motion carried.

Respectfully submitted,

Gina Wheatley
Deputy Board Clerk