

Regular Meeting
Mount Holly, New Jersey

1 A Regular Meeting of the Board of Chosen Freeholders of the County of Burlington was held in the Board Room, Burlington County Office Building, Mount Holly, New Jersey, on Wednesday, February 24, 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 Somes, Acting County Engineer Wright, Resource Conservation Director Robbie, Director of Human Resources Hornickle, Public Health Director Gogats, Information Technology Director Behmke, Supervising Administrative Analyst Stewart, and Public Information Officer Shrom and Assistant Public Information Officer O'Donnell.

4 APPROVAL OF THE MINUTES OF THE REGULAR BOARD MEETING OF JANUARY 1, 2010 AND THE CONFERENCE MINUTES OF DECEMBER 2, AND DECEMBER 9, 2009.

It was moved by Freeholder Donnelly, seconded by Freeholder O'Brien that the minutes of the regular Board meeting of January 1, 2010 and the conference minutes of December 2, and December 9, 2009 be approved. Freeholder Brown abstained from all minutes, Freeholder Reinhart abstained from all minutes and Freeholder O'Brien abstained from the conference minutes of December 2, and December 9, 2010. Motion carried. Minutes approved.

*** It was moved by Director Garganio, seconded by Freeholder O'Brien that the following thirteen (13) items be approved by unanimous consent. Freeholder Brown abstained from agenda item nos. 2 (Resolution no. 99), 5 (Resolution no. 102), 8 (Resolution no. 105) and 9 (Resolution no. 106). Freeholder Reinhart opposed agenda item nos. 2 (Resolution no. 99), 10 (Resolution no. 107) and 11 (Resolution no. 108). Motion carried. Resolution Nos. 98 through 110 adopted.

5 **RESOLUTION NO. 98** by Director Garganio, PAYMENT OF BILLS AND APPROVAL OF MONTHLY COUNTY INVESTMENT REPORT AND REPORT OF REVENUES AND EXPENDITURES.

RESOLVED, by the Board of Chosen Freeholders of the County of Burlington, that the bills presented at this meeting as per the detailed list, amounting to \$9,914,567.13 and be it the same are hereby approved and passed by the Board, and that the Treasurer for the County of Burlington be and he is hereby authorized and directed to issue county checks in payment of same.

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

6 **RESOLUTION NO. 99** by Director Garganio, AGREEMENTS WITH VARIOUS ATTORNEY/LAW FIRMS TO PROVIDE SPECIALIZED LEGAL SERVICES FOR 2010. Freeholder Brown abstained from this agenda item. Freeholder Reinhart opposed this agenda item.

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

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

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

WHEREAS, the Burlington County Solicitor's Office (BCSO) has a significant recurring need for specialized legal services in connection with the proper representation of the County; and

WHEREAS, the Board adopted Resolution No. 982 on December 30, 2008 certifying a three year pool of firms qualified to provide designated specialized legal services; and

WHEREAS, on February 17, 2010 the Board adopted Resolution No. 69 adding additional firms to the pool of qualified firms to provide designated specialized legal services as assigned for the years 2010 and 2011; and

WHEREAS, the Board desires to retain the services and enter into the Agreements attached hereto with the following duly qualified attorneys/firms listed below for the respective specialized legal services and the amounts as designated:

<u>Name</u>	<u>Services</u>	<u>Amount (Not to Exceed)</u>
Stevens & Lee	Farmlands/Open Space- Installment Purchase Agreements	\$50,000.00
Capehart & Scatchard	Farmland/Open Space – Land Use Matters	\$75,000.00
James Fattorini	Municipal Court Matters	\$ 5,000.00
Parker McCay	Bond Counsel	\$200,000.00
Capehart & Scatchard	Solid Waste-Environmental, Administrative, Regulatory and Contractual Matters	\$225,000.00
Mark Tarantino	Civil Commitment Matters	\$ 20,000.00
Capehart & Scatchard	Public Sector Labor Law and Collective Bargaining	\$ 25,000.00

WHEREAS, the designated attorneys/firms have offered to provide the needed specialized legal services, which constitute "professional services" as defined in the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq. (the "Law") for not to exceed amounts as set forth above; and

WHEREAS, funds are available for these purposes in the amounts set forth above in Account Nos. 10-0006-033810, 75-0710-040310, 44-5007-100755 and 44-5007-100855 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 attached Agreements with the designated attorneys/law firms are hereby authorized for the period January 1, 2010 through December 31, 2010; and, be it

FURTHER RESOLVED, that all Agreements approved hereunder have been awarded pursuant to a fair and open process and as professional services under N.J.S.A. 40A:11-5(1)(a); and, be it

FURTHER RESOLVED, that the County Administrator is hereby authorized to execute and deliver the attached Agreements in accordance with the Rules of the Board; 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 law.

- 7 **RESOLUTION NO. 100** by Director Garganio, FINAL APPROVAL OF THE SALENETRI FARM LOCATED IN CHESTERFIELD TOWNSHIP IN THE AMOUNT OF \$145,236 AND AUTHORIZATION TO EXECUTE THE CONTRACT OF SALE WITH THE LANDOWNER, AND TO EXECUTE THE SADC GRANT AGREEMENT FOR STATE FUNDS PURSUANT TO THE COUNTY'S FARMLAND PRESERVATION PROGRAM.

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

WHEREAS, by Resolution no. 593, adopted on September 9, 2009, the Board approved lands owned by Nicholas and Patricia Salenetri in Chesterfield Township (Block 501, Lot 5), comprising approximately 35 acres, for Burlington County’s farmland preservation program; and

WHEREAS, on the basis of appraisal reports the Board offered to enter into an agreement for the purchase of the development rights and the landowners have accepted the Board’s offer; and

WHEREAS, \$145,236.00 is available in account no. 44-5007-100855 to fund this purchase, as evidenced by the certification of Burlington County’s Chief Financial Officer filed herewith; now, therefore, be it

RESOLVED by the Board as follows:

1. The above-described farmland is given final approval for purchase.
2. An agreement and any amendments thereto as may be determined to be necessary for the purchase of the farmland, approved as to form and content by the County Solicitor and County Administrator, be and the same is hereby approved and its execution in accordance with the Rules of the Board is authorized.
3. The amount payable shall be determined by a survey of the farm and in accordance with the terms of the contract, but not exceeding the funds encumbered to make this purchase.
4. The Freeholder Director, County Administrator and County Treasurer are authorized to execute grant agreements and such other documents as the State Agriculture Development Committee may require as a condition to making grants to the County for this purchase, on the approval thereof by the County Treasurer and Farmland Preservation Program Administrator.
5. The Freeholder Director, County Treasurer, County Administrator and County Solicitor are hereby authorized to take such further actions and sign such documents including, but not limited to, conveyance documents and Installment Purchase Agreement documentation, as may be needed to conclude this purchase.

- 8 **RESOLUTION NO. 101** by Director Garganio, FINAL APPROVAL OF THE GRIFFIN FARM LOCATED IN PEMBERTON TOWNSHIP IN THE AMOUNT OF \$164,454 AND AUTHORIZATION TO EXECUTE THE CONTRACT OF SALE WITH THE LANDOWNER, EXECUTE THE SADC GRANT AGREEMENT FOR STATE FUNDS AND TO UTILIZE DOD FUNDING TO OFFSET THE MUNICIPAL COST SHARE PURSUANT TO THE COUNTY’S FARMLAND PRESERVATION PROGRAM.

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

WHEREAS, by Resolution No. 593, adopted on September 9, 2009, the Board approved lands owned by Harold and Deanna Griffin in Pemberton Township (Block 839.01, Lots 4.01 & 10), comprising approximately 102 acres for Burlington County’s farmland preservation program; and

WHEREAS, on the basis of appraisal reports the Board offered to enter into an agreement for the purchase of the development rights to the property and the landowners have accepted the Board’s offer; and

WHEREAS, \$164,454.00 is available in account no. 44-5007-100855 to fund this purchase as evidenced by the certification of Burlington County’s Chief Financial Officer filed herewith; now, therefore, be

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

1. The above-described farmland is given final approval for purchases.

2. An agreement and any amendments thereto as may be determined to be necessary for the purchase of the farmland, approved as to form and content by the County Solicitor and County Administrator, is hereby approved and their execution in accordance with the Rules of the Board is authorized.

3. The amount payable shall be determined by a survey of the farm and in accordance with the terms of the contract, but not exceeding the funds encumbered to make this purchase.

4. The Freeholder Director, County Administrator and County Treasurer are authorized to execute grant agreements and such other documents as the State Agriculture Development Committee may require as a condition to making grants to the County for this purchase, on the approval thereof by the County Treasurer and Farmland Preservation Program Administrator.

5. The Freeholder Director, County Administrator and County Treasurer are authorized to execute Department of Defense funding agreements and such other documents that the DOD may require as a condition to utilize grant funds to offset the municipal cost share.

6. The Freeholder Director, County Treasurer, County Administrator and County Solicitor are hereby authorized to take such further actions and sign such documents including, but not limited to, conveyance documents and Installment Purchase Agreement documentation as may be needed to conclude this purchase.

9 **RESOLUTION NO. 102** by Director Garganio, FINAL APPROVAL OF THE ARISTONE FARM LOCATED IN SHAMONG TOWNSHIP IN THE AMOUNT OF \$1,700,000 AND AUTHORIZATION TO EXECUTE THE CONTRACT OF SALE WITH THE LANDOWNER AND TO EXECUTE THE SADC GRANT AGREEMENT FOR STATE FUNDS PURSUANT TO THE COUNTY'S FARMLAND PRESERVATION PROGRAM. Freeholder Brown abstained from this agenda item.

WHEREAS, the Burlington County Board of Chosen Freeholders ("Board") is authorized to acquire land and interests in land for the purpose of preserving it for agricultural use and, by Resolution No. 329, adopted on June 10, 2009, the Board approved lands owned by the Roland Aristone Trust II, in Shamong Township, consisting of Block 23.01, Lot 10.09 ; Block 22, Lot 13; Block 19.01, Lot 37 and Block 23.01, Lots 10.05 and 10.08 (consisting of approximately one-half acre for access to Old Indian Mills Road) of land comprising approximately 157 acres, for Burlington County's farmland preservation program; and

WHEREAS, on the basis of appraisal reports the Board extended an offer to the landowners for the purchase of a farmland preservation easement on Property;

WHEREAS, on February 3, 2010 the landowners rejected said offer and asked that the Board purchase the property in fee; and

WHEREAS, on February 11, 2010, the Burlington County Agriculture Development Board, considered this request and recommended that the Board extend an offer for the fee acquisition of the property for farmland preservation purposes; and

WHEREAS, on the basis of the appraisal reports the Board offered to enter into a contract for the fee simple purchase of the Property and the landowners have accepted the Board's offer; and

WHEREAS, \$1,700,000.00 is available in account no. 44-5007-100855 to fund this purchase, as evidenced by the certification of Burlington County's Chief Financial Officer filed herewith; now, therefore, be it

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

1. The above-described farmland is given final approval for purchase.

2. An agreement and any amendments thereto as may be determined to be necessary for the purchase of the farmland, approved as to form and content by the County Solicitor and County Administrator, be and the same are hereby approved and their execution in accordance with the Rules of the Board is authorized.

3. The amount payable shall be determined by a survey of the farm and in accordance with the terms of the contract, but not exceeding the funds encumbered to make this purchase.

4. The Freeholder Director, County Administrator and County Treasurer are authorized to execute grant agreements and such other documents as the SADC may require as a condition to making grants to the County for this purchase, on the approval thereof by the County Treasurer and Farmland Preservation Program Administrator.

5. The Freeholder Director, County Treasurer, County Administrator and County Solicitor are hereby authorized to take such further actions and sign such documents as may be needed to conclude this purchase.

10 **RESOLUTION NO. 103** by Director Garganio, AGREEMENT WITH HARRIS SURVEYING, INC. IN THE AMOUNT OF \$4,200 FOR SURVEYING SERVICES FOR THE SALENETRI FARM LOCATED IN CHESTERFIELD TOWNSHIP PURSUANT TO THE COUNTY'S FARMLAND 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 Resolution No. 17 on January 12, 2005, which established the procedures for obtaining said qualifications and/or proposals; and

WHEREAS, by resolution being adopted on this date, the Board is authorizing an agreement for the purchase of development rights and credits and a preservation easement on the farm owned by Nicholas and Patricia Salenetri, Chesterfield Township, Block 501, Lot 5; and

WHEREAS, the Board needs a survey and written description of the area of the farm that will be subject to the County's preservation easement purchase; and

WHEREAS, by Resolution No. 996, adopted on December 30, 2008, the Board established an approved list of Qualified Surveying/Engineering Firms through a fair and open process, which includes Harris Surveyors, Inc. as a contractor qualified to perform various surveying services on behalf of the Board between 2009 and 2011; and

WHEREAS, Harris Surveying, Inc. has offered to provide the services needed by the Board for a charge of \$4,200.00, which services constitute "professional services" as defined in N.J.S.A. 40A:11-2(6) of the Local Public Contracts Law (the "Law"); and

WHEREAS, \$4,200.00 is available in account no. 44-5007-100855 to fund an agreement with this firm, as evidenced by the certification of Burlington County's Chief Financial Officer filed herewith; now therefore, be it

RESOLVED, by the Board as follows:

1. The contract described above, approved as to form and substance by the County Administrator and County Solicitor, be and the same is hereby approved and its execution in accordance with the Rules of the Board is authorized.

2. This contract is awarded pursuant to a fair and open process and as a professional service in accordance with the Law.

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

11 **RESOLUTION NO. 104** by Director Garganio, AGREEMENT WITH PENNELL LAND SURVEYING, INC. IN AN AMOUNT NOT TO EXCEED \$8,875 FOR SURVEYING SERVICES FOR THE GRIFFIN FARM PURSUANT TO THE COUNTY'S FARMLAND 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 Resolution No. 17 on January 12, 2005, which established procedures for obtaining said qualifications and/or proposals; and

WHEREAS, by resolution being adopted on this date, the Burlington County Board of Chosen Freeholders is authorizing an agreement for the purchase of development rights and credits and a preservation easement on the farm owned by Harold & Deanna Griffin, Pemberton Township, Block 839.01, Lots 4.01 & 10; and

WHEREAS, the Board needs a survey and written description of the area of the farm that will be subject to the County's preservation easement; and

WHEREAS, by Resolution No. 996, adopted on December 30, 2008, the Board established an approved list of Qualified Surveying/Engineering Firms through a fair and open process which includes Pennell Land Surveying Inc. as a contractor qualified to perform various surveying services on behalf of the Board between 2009 through 2011; and

WHEREAS, Pennell Land Surveying Inc. has offered to provide the services needed by the Board for a charge of \$8,875.00, which services constitute "professional services" as defined in N.J.S.A. 40A:11-2(6), of the Local Public Contracts Law (the "Law"); and

WHEREAS, there are sufficient monies in account no. 44-5007-100855 to fund an agreement with this firm for the above-stated amount, as evidenced by the certification of Burlington County's Chief Financial Officer filed herewith; now therefore, be it

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

1. The contract described above, which has been approved as to form and substance by the County administrator and County Solicitor, is hereby 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 in accordance with N.J.S.A. 40A:11-5(1)(a) of the Law.
3. Notice of this action shall be published in accordance with the requirements of the Law.

12 **RESOLUTION NO. 105** by Director Garganio, AGREEMENT WITH ENVIRONMENTAL RESOLUTIONS, INC. IN AN AMOUNT NOT TO EXCEED \$12,500 FOR SURVEYING SERVICES FOR THE ARISTONE FARM LOCATED IN SHAMONG TOWNSHIP PURSUANT TO THE COUNTY'S FARMLAND PRESERVATION PROGRAM. Freeholder Brown abstained from this agenda item.

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

WHEREAS, in furtherance of those standards the Board adopted Resolution No. 553 on July 28, 2004, which instituted a competitive quality based, fair and open process for soliciting qualifications and/or proposals for professional services contracts and Resolution No. 17 on January 12, 2005, which established procedures for obtaining said qualifications and/or proposals; and

WHEREAS, by resolution being adopted on this date the Board is authorizing an agreement for the purchase of the Aristone Farm owned by the Roland Aristone Trust II, located in Shamong Township; and

WHEREAS, the Board needs a survey and written description of the property; and

WHEREAS, by Resolution No. 996, adopted on December 30, 2008, the Board established an approved list of Qualified Surveying/Engineering Firms through a fair and open process which includes Environmental Resolutions, Inc. ("ERI") as a contractor

qualified to perform various surveying services on behalf of the Board between 2009 through 2011; and

WHEREAS, ERI has offered to provide the services needed by the Board for a charge of \$12,500.00, which services constitute "professional services" as defined in N.J.S.A. 40A:11-2(6), of the Local Public Contracts Law (the "Law"); and

WHEREAS, \$12,500.00 is available in account no. 44-5007-100855 to fund an agreement with this firm in this amount, as evidenced by the certification of Burlington County's Chief Financial Officer filed herewith; now therefore, be it

RESOLVED, by the Board as follows:

1. The contract described above, approved as to form and substance by the County Administrator and County Solicitor, be and the same is hereby approved and its execution in accordance with the Rules of the Board is authorized.

2. This contract is awarded pursuant to a fair and open process and as a professional service in accordance with the Law.

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

- 13 **RESOLUTION NO. 106** by Director Garganio, AGREEMENT WITH LIPPINCOTT & JACOBS IN AN AMOUNT NOT TO EXCEED \$11,620 FOR ENVIRONMENTAL CONSULTING SERVICES FOR THE ARISTONE FARM LOCATED IN SHAMONG TOWNSHIP PURSUANT TO THE COUNTY'S FARMLAND PRESERVATION PROGRAM. Freeholder Brown abstained from this agenda item.

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

WHEREAS, in furtherance of those standards the Board adopted Resolution No. 553 on July 28, 2004, which instituted a competitive quality based, fair and open process for soliciting qualifications and/or proposals for professional services contracts and Resolution No. 17 on January 12, 2005, which established the procedures for obtaining said qualifications and/or proposals; and

WHEREAS, by resolution being adopted on this date, the Board is authorizing an agreement for the purchase of the Aristone Farm owned by the Roland Aristone Trust II, in Shamong Township; and

WHEREAS, the Board needs an environmental assessment of the farm; and

WHEREAS, by Resolution No. 996, adopted on December 30, 2008, the Board established an approved list of Qualified Environmental Firms through a fair and open process that includes Lippincott & Jacobs as a contractor qualified to perform various environmental consulting services on behalf of the Board between 2009 and 2011; and

WHEREAS, Lippincott & Jacobs has offered to provide the services needed by the Board for a charge of \$11,620.00, which services constitute "professional services" as defined in N.J.S.A. 40A:11-2(6) of the Local Public Contracts Law (the "Law"); and

WHEREAS, \$11,620.00 is available in account no. 44-5007-100855 to fund an agreement with this firm for this amount, as evidenced by the certification of Burlington County's Chief Financial Officer filed herewith; now therefore, be it

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

1. The contract described above, approved as to form and substance by the County administrator and County Solicitor, be and the same is hereby approved and its execution in accordance with the Rules of the Board is authorized.

2. 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 Law.

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

- 14 **RESOLUTION NO. 107** by Director Garganio, SECOND AMENDMENT TO AGREEMENT WITH JOSEPH L. MANZI REAL ESTATE, INC. IN THE AMOUNT OF \$1,000 FOR APPRAISAL SERVICES FOR THE HAINESPORT LLC FARM LOCATED IN HAINESPORT TOWNSHIP PURSUANT TO THE COUNTY'S FARMLAND PRESERVATION PROGRAM. Freeholder Reinhart opposed this agenda item.

WHEREAS, as authorized by Resolution no. 516, adopted on July 23, 2008, and through a fair and open process, the Burlington County Board of Chosen Freeholders ("Board") entered into an agreement with Joseph L. Manzi Real Estate, Inc. ("Manzi") by which Manzi was to prepare real estate appraisals of the Denofa Farm in Westampton Township and the Hainesport LLC Farm in Hainesport Township for an amount not exceeding \$8,500; and

WHEREAS, pursuant to Resolution no. 1012, adopted on December 30, 2008, a First Amendment was entered into with Manzi for additional appraisal work associated with the Denofa farm for an additional charge of \$500.00; and

WHEREAS, additional appraisal work is needed for the Hainesport LLC farm and Manzi is agreeable to providing said services for \$1,000.00; and

WHEREAS, \$1,000.00 is available in Account No. 44-5007-100855 to fund a second amendment to the Manzi contract, as evidenced by the Certification of the County's Chief Financial Officer filed herewith; and

WHEREAS, this work continues to be a professional service under N.J.S.A. 40A:11-5 et seq. of the Local Public Contracts Law (the "Law"), whereby bidding is not necessary for an award of this work; now, therefore, be it

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

1. A Second Amendment to the contract with Joseph L. Manzi Real Estate, Inc. is approved in the amount of \$1,000.00, resulting a new total contract amount of \$10,000.00, and its execution in accordance with the Rules of the Board is authorized.
2. This Second Amendment is awarded without competitive bidding as a professional service.
3. Notice of this action shall be published in accordance with requirements of the Law.

- 15 **RESOLUTION NO. 108** by Director Garganio, FIRST AMENDMENT TO AGREEMENT WITH MARTIN APPRAISAL ASSOCIATES IN THE AMOUNT OF \$1000 FOR APPRAISAL SERVICES FOR THE HAINESPORT LLC FARM LOCATED IN HAINESPORT TOWNSHIP PURSUANT TO THE COUNTY'S FARMLAND PRESERVATION PROGRAM. Freeholder Reinhart opposed this agenda item.

WHEREAS, as authorized by Resolution no. 517, adopted by the Burlington County Board of Chosen Freeholders ("Board") on July 23, 2008, and through a fair and open process, the Board entered into an agreement with Martin Appraisal Associates ("MAA") pursuant to which MAA was to prepare a real estate appraisal of the Hainesport LLC Farm in Hainesport Township for an amount not exceeding \$4,500; and

WHEREAS, the Board needs additional appraisal services in connection with its consideration of this farm and MAA has agreed to provide said services for an additional charge of \$1,000.00, resulting in a total contract cost of \$5,500.00; and

WHEREAS, \$1,000.00 is available in Account No. 44-5007-100855, as evidenced by the certification of the County's Chief Financial Officer filed herewith; and

WHEREAS, this work continues to be a professional service under N.J.S.A. 40A:11-5 et seq. of the Local Public Contracts Law (the "Law") whereby bidding is not required for an award of this work; now, therefore, be it

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

1. A First Amendment to the contract with Martin Appraisal Associates, as described above, is approved and its execution in accordance with the Rules of the Board is authorized.
2. This First Amendment is awarded without competitive bidding as a professional service in accordance with the Law.

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

- 16 **RESOLUTION NO. 109** by Director Garganio, AMENDMENT TO THE AGREEMENT WITH CAMP DRESSER AND MCKEE IN THE AMOUNT OF \$14,000 AND AN EXTENSION OF TIME THROUGH MAY 28, 2010 FOR ADDITIONAL TASKS NEEDED FOR THE DEVELOPMENT OF A MODEL DATABASE FOR A WASTEWATER MANAGEMENT PROGRAM FOR THE DEPARTMENT OF RESOURCE CONSERVATION.

WHEREAS, pursuant to Resolution no. 328, adopted on May 28, 2009, the Board of Chosen Freeholders of Burlington County ("Board") entered into a contract with the professional engineering firm of Camp, Dresser & McKee, Inc. ("CDM") which required CDM to develop a database to assist municipalities with implementing management of onsite wastewater systems at a cost not exceeding \$30,000.00, to be funded by the New Jersey Department of Environmental Protection ("DEP"); and

WHEREAS, CDM completed the tasks outlined in the original scope of work for the contract but additional tasks were identified by potential users of the database at a roll-out session on January 14, 2010; and

WHEREAS, the additional tasks to be performed by CDM is expected to cost no more than \$14,000.00; and

WHEREAS, \$14,000.00 is available in account no. 14-5749-033607 to fund an amendment to CDM's agreement to obtain the needed additional services, as evidenced by the certification of Burlington County's Chief Financial Officer filed herewith; now therefore be it

RESOLVED, as follows:

1. An amendment to the above-described agreement, as described above, that has been approved as to form and content by the Burlington County Solicitor and County Administrator is hereby approved and its execution in accordance with the Rules of the Board is authorized.

2. Notice of this action shall be published in accordance with the requirements of the Law.

- 17 **RESOLUTION NO. 110** 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, New Jersey Business Registration Certificates, Public Works Contractor Certifications and evidence of affirmative action compliance.

1. Bids were received on February 9, 2010 as authorized per Resolution #857 dated December 9, 2009 for the solicitation titled 'BUTTONWOOD HOSPITAL KITCHEN SERVERY RENOVATIONS' (CPU-10-0021).

Levy Construction Company
134 Cuthbert Boulevard
Audubon, NJ 08106-1066

TOTAL LUMP SUM AWARD.....\$ 352,600.00

2. Bids were received on January 26, 2010 as authorized by Resolution #869 dated December 9, 2009 for the solicitation titled "HISTORIC RENOVATIONS & ALTERATIONS-WARDENS HOUSE" (CPU-10-0004).

Robert Frizell, Incorporated
2820 Dover Road
Forked River, NJ 08731

Base Bid.....\$ 659,459.00
Alternates 1, 2, 3, 4, 5 and 6\$ 79,017.00

TOTAL LUMP SUM AWARD \$ 738,476.00

3. No bids were received, for a second time, on February 9, 2010 as authorized by Resolution #917 dated December 29, 2009 for the solicitation titled "SENIOR NUTRITION SERVICES-OFFICE ON AGING 2010" (RFP-10-0013A)

*** It was moved by Freeholder Donnelly, seconded by Freeholder O'Brien that the following five (5) items be approved by unanimous consent. Freeholder Brown abstained from agenda item no. 15 (Resolution no. 112). Motion carried. Resolution Nos. 111 through 115 adopted.

18 **RESOLUTION NO. 111** by Freeholder Donnelly, LOAN AND MORTGAGE APPROVED FOR SALT AND LIGHT IN THE AMOUNT OF \$300,000 TO PARTIALLY FUND THE REHABILITATION AND NEW CONSTRUCTION FOR SIX RESIDENTIAL RENTAL UNITS IN FLORENCE TOWNSHIP PURSUANT TO THE FEDERAL HOME INVESTMENT PARTNERSHIP PROGRAM ADMINISTERED THROUGH THE OFFICE OF COMMUNITY DEVELOPMENT.

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

WHEREAS, Salt & Light Co., Inc. has submitted an application to the Board to secure funding for a combined rehabilitation and new construction project to create six residential rental units on Alden Avenue in Florence, New Jersey; and

WHEREAS, the Board has reviewed and approved the recommendation of the County's Community Development Office that the project be approved for a loan of \$300,000 as consistent with criteria established for the HOME Program; and

WHEREAS, \$300,000 is available in account no. 42-0709-080909 to make this loan, 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, funds for which shall be drawn from the Federal Home Investment Partnerships Program monies.
2. The loan shall not bear interest, shall be disbursed in accordance with the schedule set forth in the Loan Agreement and shall be subject to repayment not later than twenty years after disbursement.
3. The project property shall be subject to an affordable housing restriction in effect until the loan is repaid, but not less than twenty years.
4. Repayment of the loan shall be secured by a mortgage on the project property.
5. The loan documents shall be prepared by the County Solicitor and the Community Development Office and executed in accordance with the Rules of the Board.
6. The Board reserves the right to forego repayment of the loan in its sole discretion in accordance with the County's approved HOME Program design.

19 **RESOLUTION NO. 112** by Freeholder Donnelly, AUTHORIZATION TO SUBORDINATE THE HOME IMPROVEMENT LOAN WITH ELVIRA KUTINOW TO REFINANCE A MORTGAGE FOR PROPERTY LOCATED IN DELANCO TOWNSHIP

FOR THE OFFICE OF COMMUNITY DEVELOPMENT. Freeholder Brown abstained from this agenda item.

WHEREAS, pursuant to and as authorized by Resolution no. 124, adopted on February 27, 2008, the Board of Chosen Freeholders of the County of Burlington (“Board”) made a \$20,000.00 home improvement loan to Elvira Kutinow, the repayment of which is secured by a Promissory Note and a Mortgage executed by Ms. Kutinow; and

WHEREAS, Wells Fargo Bank (the “Bank”) has committed to make a loan of \$74,528.00 to Ms. Kutinow to refinance a mortgage it currently holds on Ms. Kutinow’s property in Delanco Township that has priority over the Board’s 2008 mortgage; and

WHEREAS, the Bank has conditioned its new loan on the Board’s agreement to subordinate its mortgage to the new mortgage to be given by Ms. Kutinow to the Bank; and

WHEREAS, the Board has determined that the County’s lien position will not be impaired and that the dollar amount of the mortgage lien having priority over the County’s lien will not be increased as a result of the new Bank mortgage; and

WHEREAS, the Board has determined to approve the Bank’s request; now, therefore, the Board

RESOLVES as follows:

1. Subordination of the County’s mortgage lien to Wells Fargo Bank’s new mortgage as described above is approved, conditioned on discharge of its current mortgage.
2. The County Solicitor and Administrator of the County’s Community Development program are authorized to prepare such documents as are appropriate to effectuate the Board’s decision.

20 **RESOLUTION NO. 113** by Freeholder Donnelly, APPROVAL TO EXECUTE A FEDERAL AID AGREEMENT WITH THE STATE DEPARTMENT OF TRANSPORTATION FOR FEDERAL AID (AMERICAN RECOVERY AND REINVESTMENT ACT) IN THE AMOUNT OF \$2,595,818 FOR IMPROVEMENT OF ROADS LISTED IN THE 2009 FEDERALLY FUNDED OVERLAY PROGRAM FOR THE ENGINEERING DEPARTMENT.

WHEREAS, the Burlington County Board of Chosen Freeholders have been asked to submit “Federal Aid Agreement for Federal Aid to Burlington County” to the New Jersey Department of Transportation; now, therefore, be it

RESOLVED, by the Board of Chosen Freeholders that the Federal Aid Agreement as attached hereby is made to the Commissioner of Transportation for an allotment of aid in the amount of \$2,595,818.00 for the improvements of the County Roads listed in the 2009 Federally Funded Overlay Program as below ;and, be it

2009 FEDERALLY FUNDED OVERLAY PROGRAM ROAD LIST

	ROAD	LOCATION	LIMITS	LENGTH Miles
1	Marne Highway, CR 537	Mt. Laurel & Hainesport Townships	1300’ East of Hartford Road, CR 686 to Mt. Holly Bypass, CR 541	4.4
2	Old York Road, CR 660	Florence & Mansfield Townships	Burlington-Columbus Road, CR 543 to Hedding-Kinkora Road, CR 678	3.2
3	Old York Road, CR 660	Bordentown & Chesterfield Townships	Bordentown-Georgetown Rd., CR 545 to Chesterfield-Crosswicks Rd., CR 677	2.3

4	Jacksonville - Hedding Road, CR 628	Mansfield Township	Burlington-Columbus Rd., CR 543 to Old York Road, CR 660	2.2
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FURTHER RESOLVED, that the attached Agreement shall be executed, attested and sealed by the Clerk/Administrator on behalf of the Board of Chosen Freeholders of the County of Burlington and that any and all action necessary on the Burlington County Solicitor’s Office or the Burlington County Engineer’s Office to make this Agreement are hereby approved and shall be carried out in accordance with Rules of the Board.

21 **RESOLUTION NO. 114** by Freeholder Donnelly, APPROVAL OF PLANS AND SPECIFICATION FOR THE 2009 FEDERALLY FUNDED OVERLAY PROGRAM AND AUTHORIZATION TO ADVERTISE FOR BIDS FOR THE ENGINEERING DEPARTMENT.

RESOLVED by the Board of Chosen Freeholders of the County of Burlington, that the plans and specifications are hereby approved for “2009 FEDERALLY FUNDED OVERLAY PROGRAM” (CEG-09-0034)

Major items being:

- | | | | |
|-----|---|---------|-------|
| 1. | Excavation, Unclassified | 100 | C.Y. |
| 2. | H.M.A. Milling, 3” or less | 233,740 | S.Y. |
| 3. | H.M.A. Milling, More than 3” to 6” | 1,000 | S.Y. |
| 4. | H.M.A. 12.5 M64 Base Course | 500 | tons |
| 5. | H.M.A. 9.5 M64 Surface Course | 30,000 | tons |
| 6. | H.M.A. 9.5 M64 Leveling Course | 100 | tons |
| 7. | Drainage Pipes (8” P.C.P.P., 12” P.C.P.P.) | 200 | L.F. |
| 8. | Metal Eco-Inlet Face Plate for Existing Type B Inlet | 68 | units |
| 9. | Bicycle Safe Grate | 15 | units |
| 10. | Reset Castings and Valve Boxes | 105 | units |
| 11. | 6” x 8” x 18” Class ‘B’ Concrete Curb | 50 | L.F. |
| 12. | Spreading Dense Graded Aggregate along pavement | 600 | tons |
| 13. | Topsoil, Seeding, Fertilizing, and Mulching | 3,200 | S.Y. |
| 14. | Traffic Stripes, Thermoplastic (Approximate) | 258,425 | L.F. |
| 15. | Handicap Ramps, Various Types | 21 | units |
| 16. | Miscellaneous Electrical Items (loop detector, junction boxes, loop detector cable, conduits, etc.) | | |

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

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

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

22 **RESOLUTION NO. 115** by Freeholder Donnelly, AUTHORIZATION TO ADVERTISE FOR BIDS FOR CONTROLLED LOW STRENGTH MATERIALS – FLOWABLE FILL 2010 – 2012 FOR THE HIGHWAY DEPARTMENT.

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

CONTROLLED LOW STRENGTH MATERIALS – (CLSM)
FLOWABLE FILL 2010-2012
(CPU-10-0022)

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 30, 2010 at 10:30 a.m. local prevailing time.

*** It was moved by Freeholder O'Brien, seconded by Freeholder Donnelly that the following three (3) items be approved by unanimous consent. All in favor. Motion carried. Resolution Nos. 116 through 118 adopted.

23 **RESOLUTION NO. 116** by Freeholder O'Brien, AUTHORIZATION TO PURCHASE A HAZMAT ID COMMAND SYSTEM WITH GAS ID PARTNERSHIP PACKAGE FOR EMERGENCY MANAGEMENT IN THE AMOUNT OF \$122,631 FROM SMITHS DETECTION, INC. AN AUTHORIZED VENDOR UNDER THE STATE OF NEW JERSEY COOPERATIVE PURCHASING PROGRAM.

WHEREAS, Burlington County wishes to purchase a HAZMAT ID COMMAND SYSTEM WITH A GAS ID PARTNERSHIP PACKAGE for the Burlington County Emergency Management Department, from an authorized vendor under the State of New Jersey Cooperative Purchasing Program 1-NJCP; and

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

WHEREAS, Smiths Detection, Incorporated, 21 Commerce Drive, Danbury, CT, 06810 has a New Jersey State Contract for POLICE & HOMELAND SECURITY EQUIPMENT & SUPPLIES, Term Contract T-0106 with the New Jersey State Contract Number A74019; Contract Dates: May 1, 2009 to April 30, 2011; and

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

WHEREAS, the actual cost for the purchase of the HAZMAT ID COMMAND SYSTEM WITH A GAS ID PARTNERSHIP PACKAGE for the Burlington County Emergency Management Department, from Smiths Detection Incorporated, 21 Commerce Drive, Danbury, CT 06810, will not exceed \$122,631.00; and

WHEREAS, funds are available for this purpose in Account No. 14-5856-033609 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 Smiths Detection Incorporated, 21 Commerce Drive, Danbury, CT 06810, for the purchase of A HAZMAT ID COMMAND SYSTEM WITH A GAS ID PARTNERSHIP PACKAGE for the County Emergency Management, in the amount not to exceed \$122,631.00.

24 **RESOLUTION NO. 117** by Freeholder O'Brien, AUTHORIZATION TO PURCHASE FOUR (4) INTEGRATED LIVESCAN SYSTEMS FOR EMERGENCY MANAGEMENT IN THE AMOUNT OF \$102,324 FROM MORPHOTRAK, INC. AN AUTHORIZED VENDOR UNDER THE STATE OF NEW JERSEY COOPERATIVE PURCHASING PROGRAM.

WHEREAS, Burlington County wishes to purchase four (4) INTEGRATED LIVESCAN SYSTEMS (fingerprint and mug/photo system) for the Burlington County Emergency Management Department to be utilized by Edgewater Park Police, Florence Police, Lumberton Police and Westampton Police, from an authorized vendor under the State of New Jersey Cooperative Purchasing Program 1-NJCP; and

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

WHEREAS, Morphotrak, Incorporated, 1145 Broadway Plaza, Suite 200, Tacoma WA, 98402 has a New Jersey State Contract for WORKSTATIONS, 10 PRINT LIVE SCAN SYSTEM, Term Contract T-1985 with the New Jersey State Contract Number A68461; Contract Dates: May 11, 2007 to May 10, 2010; and

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

WHEREAS, the actual cost for the purchase of the four (4) INTEGRATED LIVESCAN SYSTEMS (fingerprint and mug/photo system) for the Burlington County Emergency Management Department, from Morphotrak Incorporated, 1145 Broadway Plaza, Suite 200, Tacoma, WA, 98402, will not exceed \$103,324.00; and

WHEREAS, funds are available for this purpose in Account No. 14-5856-033609 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 Morphotrak Incorporated, 1145 Broadway Plaza, Suite 200, Tacoma, WA 98402, for the purchase of four (4) INTEGRATED LIVESCAN SYSTEMS (fingerprint and mug/photo system) for the Burlington County Emergency Management Department, in an amount not to exceed \$103,324.00.

- 25 **RESOLUTION NO. 118** by Freeholder O'Brien, AUTHORIZATION TO ADVERTISE FOR BIDS FOR THE PURCHASE AND INSTALLATION OF FIBER OPTIC CABLE FOR BUTTONWOOD HOSPITAL THROUGH THE DEPARTMENT OF INFORMATION TECHNOLOGY.

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

PURCHASE AND INSTALLATION OF FIBER OPTIC
CABLE AT BUTTONWOOD HOSPITAL
(CPU-10-0043)

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. 119 adopted.

- 26 **RESOLUTION NO. 119** by Freeholder Reinhart, AUTHORIZATION TO ADVERTISE FOR BIDS FOR BRIEFS FOR ADULTS, DISPOSABLE 2010 – 2012 FOR BUTTONWOOD HOSPITAL.

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

BRIEFS FOR ADULTS, DISPOSABLE 2010-2012
(CPU-10-0019)

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 30, 2010 at 10:30 a.m. local prevailing time.

- 27 APPOINTMENTS BY DIRECTOR TO THE OFFICE ON AGING ADVISORY COUNCIL

Director Garganio made the following appointments to the Office on Aging Advisory Council for 2010:

Mary Jo Mazza
Paula Kosko-Redmond

- 28 APPOINTMENTS BY DIRECTOR TO THE RIVER ROUTE ADVISORY COMMITTEE

Director Garganio made the following appointments to the River Route Advisory Committee for 2010:

Daniel Caldwell
Richard Cureton
James Dugan
William Kirchner
Tim Kurrihard
Kristi Howell-Ikeda
Gary Lavenia
Jeffrey Lucas

29 APPOINTMENTS BY DIRECTOR TO THE VOTING ACCESSIBILITY ADVISORY COMMITTEE

Director Garganio made the following appointments to the Voting Accessibility Advisory Committee for 2010:

Joseph Dugan
Christopher Baxter
Larry Chatzidakis
Alice Furia
Mary Anne Reinhart
Kendall J. Collins
Karen Shannon
Todd Wirth

30 PUBLIC COMMENTS.

1) Richard Dow, Mount Holly, addressed the Board regarding the Superintendent of Schools and not recommending any mergers of school systems, and the last Freeholder meeting.

2) Linda Lovendusky, Springfield Township, addressed the Board regarding farmland preservation in Springfield Township and the Farm Fair plans.

31 COMMENTS BY FREEHOLDERS.

1) Freeholder Reinhart thanked everyone for showing up and showing interest in the County's operations and sharing suggestions and recommendations to make the County more efficient.

2) Freeholder Brown apologized to Director Garganio for the comment that insinuated that he did not care about racism and sexism. Freeholder Brown spoke about the issue of changing the name Freeholder to Commissioner and the recent media coverage on this issue. Freeholder Brown outlined the following topics he would like to see on a future agenda: 1) creation of a Redevelopment Trust Account and Committee; 2) the reorganization of the Consumer Affairs/Weights and Measures Department; 3) reduction in the open space tax; 4) right sizing County non-union political positions; 5) Health Savings Accounts; 6) annualized contract with the Bridge Commission for maintenance of County Bridges, road approaches, and lighting; and 7) merging the Economic Development and Regional Planning Department with the Bridge Commission Improvement Authority. Freeholder Brown urged the Freeholders to work together.

3) Freeholder O'Brien thanked everyone for coming tonight and stated that it is important to participate in the process and emphasized that almost 100% of the Board's time is being spent working on the budget in an effort to keep taxes low, reduce taxes and keep Burlington County affordable for all.

32 ADJOURNMENT.

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

Respectfully submitted,

Gina Wheatley
Deputy Board Clerk