

BURLINGTON COUNTY BRIDGE COMMISSION

MEETING MINUTES

June 10, 2014

Chairman Comegno called the meeting to order. The Compliance Statement was read by the Secretary.

“This meeting is to be conducted in accordance with notice requirements of P.L. 1975, CH. 231. A ‘Notice of Meeting’ was posted in a public place on November 14, 2013 at the entrance to the Administration Building, Headquarters of this Commission, with copies of such notice being delivered to the Camden Courier Post and Burlington County Times for publication and posted on the Burlington County Bridge Commission Website.”

Commissioners Present: Chairman John B. Comegno II
Vice-Chairman James D. Fattorini
Commissioner Troy Singleton

Others Present: John D. Jeffers, Executive Director
Kathleen M. Wiseman, Secretary
Anthony T. Drollas Jr., Solicitor
Elizabeth Verna, Director of Communications
Clara Ruvolo, Director, Palmyra Cove Nature Park
Patrick Reilly, Director of Public Safety and Security
Constance Borman, Human Resource Director
James Fletcher, Manager, Tacony-Palmyra Bridge
Phillip Adams, Manager, Burlington-Bristol Bridge
Stanley Ozalis, Manager, Technical Operations
Al Ziegler, Maintenance Superintendent
Dave Leh, Accountant
Michelle Chiemiego, Procurement Officer
Ellen Brennan, Health and Benefits Coordinator
Sascha Harding, Pennoni Engineering

Chairman Comegno led the flag salute followed by a moment of silence.

APPROVAL OF THE MINUTES

Commissioner Singleton moved to adopt the minutes of May 13, 2014. Vice-Chairman Fattorini seconded the motion. The motion passed unanimously.

DISBURSEMENTS LIST

Vice-Chairman Fattorini moved to approve disbursements made from May 14, 2014 through June 10, 2014 as included in the list as presented. Commissioner Singleton seconded the motion. The motion passed with the following abstentions:

Vice-Chairman Fattorini abstained from Voucher Numbers 14-00092; and Commissioner Singleton abstained from Voucher Numbers 14-00090, 14-01637, 14-01346, 14-01570, 14-01640, 14-01632 and 14-01633.

EXECUTIVE DIRECTOR'S REPORT

Executive Director Jeffers asked the Commission to consider the following resolutions.

RESOLUTION NO. 2014-41

RESOLUTION APPROVING CHANGE ORDER NO. 1 FOR MULHERN ELECTRIC COMPANY FOR THE TACONY PALMYRA BRIDGE PA POWERHOUSE REPLACEMENT PROJECT.

WHEREAS, pursuant to Resolution No. 2013-98, the Burlington County Bridge Commission ("Commission") awarded a contract to Mulhern Electric Company ("Mulhern") for the Tacony-Palmyra Bridge PA Powerhouse Replacement project (BCBC-201314); and

WHEREAS, due to a change in the exterior brick color, the Project Engineer recommended on May 23, 2014 that Change Order No. 1 be approved, providing for the following: at the request of the Commission, the color of the exterior brick is to be changed, resulting in an additional material expense; and

WHEREAS, this Change Order No. 1 requires an increase of \$1,414.88 in the contract price, bringing the new contract total to \$1,934,731.88.

NOW, THEREFORE, BE IT RESOLVED by the Burlington County Bridge Commission that, based upon the recommendation of its engineer, and after a thorough review of this matter, the Commission hereby approves Change Order No. 1 for Mulhern for the Tacony Palmyra Bridge PA Powerhouse Replacement project as hereinabove expressed.

Commissioner Singleton moved to approve. Vice-Chairman Fattorini seconded the motion. The motion passed unanimously.

RESOLUTION NO. 2014-42

RESOLUTION APPROVING CHANGE ORDER NO. 1 FOR THE BURLINGTON-BRISTOL BRIDGE PA POWERHOUSE SERVICE AND ELECTRICAL UPGRADES.

WHEREAS, pursuant to Resolution No. 2013-48, the Burlington County Bridge Commission (“Commission”) awarded a contract to Delta Line Construction Company (“Delta Line”) for the project titled “Burlington-Bristol Bridge PA Powerhouse Service and Electrical Upgrades (BCBC-201307)”; and

WHEREAS, due to unforeseen field conditions at the time of the bid, the Project Engineer recommended on June 4, 2014 that Change Order No. 1 be approved, providing for the following: adjustments to various pay item quantities based upon field conditions and required additional work; and

WHEREAS, this Change Order No. 1 requires both an increase of \$115,760.66 in the contract price, bringing the new contract total to \$2,824,260.66, and an increase in the contract time of 62 calendar days.

NOW, THEREFORE, BE IT RESOLVED by the Burlington County Bridge Commission that, based upon the recommendation of its engineer, and after a thorough review of this matter, the Commission hereby approves Change Order No.1 for Delta Line for the project titled “Burlington-Bristol Bridge PA Powerhouse Service and Electrical Upgrades (BCBC-201307)”.

Vice-Chairman Fattorini moved to approve. Commissioner Singleton seconded the motion. The motion passed unanimously.

RESOLUTION NO. 2014-43

RESOLUTION APPROVING THE AWARD OF YEAR THREE OF ELECTRICAL MAINTENANCE SERVICES CONTRACT TO DELTA LINE CONSTRUCTION COMPANY.

WHEREAS, the Burlington County Bridge Commission (“Commission”) requires an electrical contractor to provide maintenance on all bridges and facilities; and

WHEREAS, bids were solicited by the Contracting Officer for a contract entitled "Maintenance and Repairs of Electrical Equipment and Systems (BCBC-201219)", which the Bridge Commission awarded to the Delta Line Construction Company (“Delta Line”) for Option Years One and Two of the Contract; and

WHEREAS, the Contracting Officer and the Resident Engineer have recommended that the Commission award the Contract for Option Year Three to Delta Line, based upon the vendor’s satisfactory performance during the previous years of the Contract; and

WHEREAS, the Chief Financial Officer of the Commission has determined that sufficient funds are available for payment for said services, as evidenced by the Certificate of Availability of Funds attached hereto and made a part hereof.

NOW, THEREFORE, BE IT RESOLVED by the Burlington County Bridge Commission as follows:

1. The Burlington County Bridge Commission hereby awards Option Year Three of the electrical maintenance services Contract as set forth above to Delta Line, and the Executive Director and the Secretary of the Bridge Commission are hereby authorized to execute a contract with Delta Line.

2. The maximum amount of this contract shall not exceed Nine Hundred Thirty-Five Thousand, Sixty-Two Dollars and Sixty Cents (\$935,062.60), and the contract shall extend from October 1, 2014 to and until September 30, 2015.

Commissioner Singleton moved to approve. Vice-Chairman Fattorini seconded the motion. The motion passed unanimously.

RESOLUTION NO. 2014-44

RESOLUTION APPROVING CHANGE ORDER NO. 2 FOR THE TACONY-PALMYRA BRIDGE WALKWAY, RAILING AND LADDER REHABILITATION PROJECT.

WHEREAS, pursuant to Resolution No. 2013-43, the Burlington County Bridge Commission (“Commission”) awarded a contract to Cornell & Company, Inc. (“Cornell”) for the project titled “Tacony-Palmyra Bridge Walkway, Railing and Ladder Rehabilitation (BCBC-201305)”; and

WHEREAS, due to unforeseen field conditions at the time of the bid, the Project Engineer recommended on June 4, 2014 that Change Order No. 2 be approved, providing for the following: adjustments to various pay item quantities based upon field conditions; and

WHEREAS, this Change Order No. 2 requires both an increase of \$226,411.90 in the contract price, bringing the new contract total to \$2,670,133.35, and an increase in the contract time of 120 calendar days.

NOW, THEREFORE, BE IT RESOLVED by the Burlington County Bridge Commission that, based upon the recommendation of its engineer, and after a thorough review of this matter, the Commission hereby approves Change Order No. 2 for Cornell for the project titled “Tacony-Palmyra Bridge Walkway, Railing and Ladder Rehabilitation (BCBC-201305)”.

Chairman Comegno moved to approve. Vice-Chairman Fattorini seconded the motion.

PALMYRA COVE NATURE PARK

Ms. Ruvolo reported that approximately 800 students from ten different schools in Atlantic, Burlington and Camden Counties will participate in the Environmental Science Education Programs during the month of June at PCNP. In addition, PCNP will be hosting the Tidelands Resource Council of the NJ Department of Environmental Protection on June 18th for their monthly meeting. Lastly, the artwork displayed this month features the work of members of the Guild of Papermakers.

HUMAN RESOURCES

Director Constance Borman reported on the following personnel issues for Commission approval.

<u>NEW HIRES – Requires Commission Approval</u>		<u>Effective</u>
Mary Lallo	P/T Tolls	5/20/14
Paul Barnes	P/T Tolls	6/3/14
<u>PROBATION – Requires Commission Approval</u>		<u>Effective</u>
Whitney Yearly	F/T Dispatcher	5/11/14
Aaron Nixon	P/T Tolls	5/12/14
Peter Dorofy	PCNP/Admin	5/18/14
Mary Norman	P/T Dispatcher	5/25/14

Chairman Comegno moved by block all of the above personnel issues. Commissioner Singleton moved to approve. Vice-Chairman Fattorini seconded the motion. The motion passed unanimously.

OLD BUSINESS

Chairman Comegno called for any old business to come before the Commission.

NEW BUSINESS

Chairman Comegno called for any new business to come before the Commission.

PUBLIC COMMENT

Chairman Comegno called for any additional public comment to come before the Commission.

Chairman Comegno asked for a motion to convene executive session.

RESOLUTION NO. 2014-47

RESOLUTION TO CONVENE EXECUTIVE SESSION MEETING

WHEREAS, the Burlington County Bridge Commission (“Commission”) is subject to certain requirements of the Open Public Meetings Act, N.J.S.A. 10:4-6, etseq.; and

WHEREAS, the Open Public Meetings Act, N.J.S.A. 10:4-12, provides that an Executive Session, not open to the public, may be held for certain specified purposes when authorized by Resolution; and

WHEREAS, it is necessary for the Commission to discuss in a session not open to the public certain matters relating to the item or items authorized by N.J.S.A. 10:4-12b and designated below:

(1) Matters Required by Law to be Confidential: Any matter which, by express provision of Federal law or State statute or rule of court shall be rendered confidential or excluded from the provisions of the Open Public Meetings Act.

(2) Matters Where the Release of Information Would Impair the Right to Receive Funds: Any matter in which the release of information would impair a right to receive funds from the Government of the United States.

(3) Matters Involving Individual Privacy: Any material, the disclosure of which constitutes an unwarranted invasion of individual privacy such as any records, data, reports, recommendations, or other personal material of any educational, training, social service, medical, health, custodial, child protection, rehabilitation, legal defense, welfare, housing, relocation, insurance and similar program or institution operated by a public body pertaining to any specific individual admitted to or served by such institution or program, including but not limited to, information relative to the individual’s personal and family circumstances, and any material pertaining to admission, discharge, treatment, progress or condition of any individual, unless the individual concerned (or, in the case of a minor or incompetent, his guardian) shall request in writing that the same be disclosed publicly.

(4) Matters Relating to Collective Bargaining Agreements: Any collective bargaining agreement, or the terms and conditions which are proposed for inclusion in any collective bargaining agreement, including the negotiation of the terms and conditions thereof with employees or representatives of employees of the public body.

(5) Matters Relating to the Purchase, Lease of Acquisition of Real Property or the Investment of Public Funds: Any matter involving the

purchase, lease or acquisition of real property with public funds, the setting of banking rates or investment of public funds, where it could adversely affect the public interest if discussion of such matters were disclosed.

(6) Matters Relating to Public Safety and Property: Any tactics and techniques utilized in protecting the safety and property of the public, provided that their disclosure could impair such protection. Any investigations of violations of possible violations of the law.

(7) Matters Relating to Litigation, Negotiations and the Attorney-Client Privileges. Any pending or anticipated litigation or contract negotiation in which the public body is, or may become, a party. Any matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his ethical duties as a lawyer.

(8) Matters Relating to the Employment Relationship: Any matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance of promotion or disciplining of any specific prospective public officer or employee or current public officer or employee employed or appointed by the public body, unless all the individual employees or appointees whose rights could be adversely affected request in writing that such matter or matters be discussed at a public meeting.

(9) Matters Relating to Potential Imposition of a Penalty: Any deliberations of a public body occurring after a public hearing that may result in the imposition of a specific civil penalty upon the responding party or the suspension or loss of a license or permit belonging to the responding party bears responsibility.

NOW, THEREFORE, BE IT RESOLVED by the Burlington County Bridge Commission, County of Burlington, State of New Jersey, assembled in public session, that an Executive Session executive to the public shall be held in the Administration Building of the Commission, 1300 Route 73 North, Palmyra, New Jersey, for the discussion of matters relating to the specific items designated above.

It is anticipated that the deliberations conducted in executive session may be disclosed to the public upon the determination of the Commission that the public interest will no longer be served by such confidentiality.

Vice-Chairman Fattorini moved to approve. Commissioner Singleton seconded the motion. The motion passed unanimously.

MOTION TO RETURN TO PUBLIC SESSION

Chairman Comegno asked for a motion to return to public session. Commissioner Singleton moved to approve motion to return to public session. Vice-Chairman Fattorini seconded the motion. The motion passed unanimously.

EXECUTIVE DIRECTOR'S REPORT

Executive Director Jeffers asked the Commission to consider the following resolutions as discussed in executive session.

RESOLUTION NO. 2014-48

RESOLUTION AUTHORIZING THE ABANDONMENT AND CANCELLATION OF TACONY-PALMYRA AND BURLINGTON-BRISTOL BRIDGE PAINTING PROJECTS.

WHEREAS, the Burlington County Bridge Commission solicited bids for the projects known as "Burlington-Bristol Bridge Commercial Coating Removal Rehabilitation and Painting (BCBC-201310)" and "Tacony-Palmyra Bridge Commercial Coating Removal Rehabilitation and Painting (BCBC-201311)"; and

WHEREAS, bids were received for both projects on October 1, 2013, at which time the bids were opened and reviewed by Commission staff, the consulting engineer and the solicitor; and

WHEREAS, the Bridge Commission reviewed and rejected each bid, based on legal requirements and the circumstances presented in each bid; and

WHEREAS, several of the subject bids were rejected because they exceeded the Bridge Commission's cost estimates for the project; and

WHEREAS, the Bridge Commission routinely reviews its ongoing and scheduled construction and maintenance projects in order to achieve the greatest efficiencies for its toll payers and for the County's taxpayers, and to achieve the completion of required construction and maintenance in accordance with a schedule that is consistent with the needs of the Commission and the traveling public; and

WHEREAS, the Bridge Commission believes that it can complete the required work in a timely and efficient manner without the need for the services to be provided by a private contractor, and hence without the need to maintain the project, as it was previously advertised.

NOW, THEREFORE, BE IT RESOLVED by the Burlington County Bridge Commission, assembled in public session at its duly-advertised public meeting on June 10, 2014, that:

1. The Bridge Commission's projects for the provision or performance of goods or services known as "Burlington-Bristol Bridge Commercial Coating Removal Rehabilitation and Painting (BCBC-201310)" and "Tacony-Palmyra Bridge Commercial Coating Removal Rehabilitation and Painting (BCBC-201311)" be and are hereby abandoned, and the projects are cancelled.

Vice-Chairman Fattorini moved to approve. Commissioner Singleton seconded the motion. The motion passed unanimously.

Commissioner Singleton acknowledged his support for the resolution and encourages the Commission to perform projects like these on a smaller scale, and affirmed the importance of this work. Chairman Comegno concurred.

RESOLUTION NO. 2014-49

RESOLUTION EXTENDING THE CONTRACT WITH CMS, INC. (NO ADDITIONAL APPROPRIATION).

WHEREAS, the Burlington County Bridge Commission ("Commission") has determined that it requires the services of a qualified vendor to provide coordination, scheduling and production services for 'Telephone Town Halls', whose purpose is educating and soliciting input from residents of Burlington County regarding an Energy Aggregation Program that is being explored by the Burlington County Board of Chosen Freeholders ("County") and the Commission; and

WHEREAS, pursuant to Resolution No. 2013-64, the Commission entered into a contract with CMS, Inc. ("CMS") to provide those services; and

WHEREAS, additional services under this contract are required, and it is necessary to extend the contract to and until July 9, 2015:

NOW, THEREFORE, BE IT RESOLVED by the Burlington County Bridge Commission as follows:

1. The terms, conditions and duties outlined in Resolution No. 2013-64 appointing CMS are incorporated herein by reference, and for the reasons hereinabove expressed, the contract is hereby extended to and until July 9, 2015.

2. Notice of adoption of this Resolution shall be published in the Courier Post, as required by law.

Commissioner Singleton moved to approve. Vice-Chairman Fattorini seconded the motion. The motion passed unanimously.

RESOLUTION NO. 2014-50

RESOLUTION TO REQUEST PROPOSALS FROM NJBPU LICENSED ENERGY AGENTS TO PROVIDE GOVERNMENT ENERGY AGGREGATOR CONSULTING SERVICES.

WHEREAS, the Burlington County Bridge Commission (“Commission”) recognizes that local governments, residents and businesses within the County of Burlington (“County”) are faced with significant fiscal challenges, including ever increasing energy costs; and

WHEREAS, the Commission has a proven record of establishing and administering energy savings programs and has the expertise and resources to provide the technical and professional support and services necessary to implement such programs; and

WHEREAS, the Government Energy Aggregation Act of 2003 (N.J.S.A. 48:3-93.1, et seq.) allows governmental entities such as the Burlington County Board of Chosen Freeholders (“Freeholders”) to act as a government aggregator and to establish an energy aggregation program to purchase electric generation service that will increase competition for the provision of electric power to governmental, residential and business users, thereby providing lower electric generation rates for these users; and

WHEREAS, by Resolution No. 2014-00217 adopted May 28, 2014, the Freeholders established the Burlington County Energy Aggregation Program (“Program”) on behalf of its local governmental, residential and non-residential users of electricity pursuant to the Government Energy Aggregation Act of 2003, N.J.S.A. 48:3-91.3 to -98, designated itself as the governmental aggregator for the Program, and designated the Commission as its cooperating entity which shall oversee the implementation of the Program by providing technical and professional support and services, including the retention of an energy consultant and an energy aggregator necessary to implement the Program; and

WHEREAS, participation in the Program by governmental, residential and business users shall be voluntary.

NOW, THEREFORE, BE IT RESOLVED by the Burlington County Bridge Commission as follows:

1. Commission staff is authorized to prepare an RFP to solicit proposals from NJBPU Licensed Energy Agents for Government Energy Aggregator Consulting Services for the Program.

2. Commission staff shall be responsible for publishing and for making said RFP available at no cost to firms that provide the required services detailed herein, and for publishing notice of the Commission’s issuance of, and availability of said RFP.

3. The Commission's established Review Committee shall meet following the receipt of proposals to review the submissions and to report to the Commission with recommendations as to which firm shall be awarded a contract for the required service.

Vice-Chairman Fattorini moved to approve. Commissioner Singleton seconded the motion. The motion passed unanimously.

Chairman Comegno asked for permission to advertise for bids for a contract to purchase road salt. Commissioner Singleton moved to approve. Vice-Chairman Fattorini seconded the motion. The motion passed unanimously.

Executive Director Jeffers asked for a motion to accept the settlement, as discussed in executive session, for employee "D.J." Chairman Comegno moved to approve. Commissioner Singleton seconded the motion. The motion passed unanimously.

Chairman Comegno read aloud a letter received by the Commission from a commuter and then read his intended response.

Chairman Comegno asked for a motion to adjourn the meeting. Commissioner Singleton moved to approve. Vice-Chairman Fattorini seconded the motion. The motion passed unanimously.

Respectfully submitted,

Kathleen M. Wiseman
Secretary