

BURLINGTON COUNTY BRIDGE COMMISSION

MEETING MINUTES

August 9, 2011

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 9, 2010 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 E. Singleton

Others Present: John D. Jeffers, Executive Director
Christine Nociti, CFO/Compliance Officer, Treasurer
Marie Ozalis, Secretary
Anthony H. Ogozalek, Jr., acting as Solicitor
Elizabeth Verna, Director of Communications
Constance Borman, Human Resource Director
Clara Ruvolo, Director, Palmyra Cove Nature Park
Stanley Ozalis, Manager, Technical Operations
James Fletcher, Manager, Tacony-Palmyra Bridge
Phillip Adams, Manager, Burlington-Bristol Bridge
Patrick Reilly, Director of Public Safety and Security
Mark Remsa, Director of Economic Development and
Regional Planning
Robert Rein, Director of Tolls & Tower Operations
Ellen Blau, Human Resources Assistant
Scott Greenwald, Contract Officer/QPA
Michelle Chiemiego, Procurement Officer
Dave Leh, Accountant
Barbara Farnsworth, Receptionist, PCNP
Dave Lowdermilk, Pennoni Engineering
Sascha Harding, Pennoni Engineering
Brian Kowalski, Capehart & Scatchard, P.A.
Jennifer Edwards, Acacia Financial Group, Inc.
Kendall Collins, Senior Special Counsel, Burlington County

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

APPROVAL OF THE MINUTES

Commissioner Singleton moved to adopt the minutes of July 12, 2011. Vice-Chairman Fattorini seconded the motion. The motion passed unanimously.

DISBURSEMENTS LIST

Vice-Chairman Fattorini moved to approve disbursements made from July 12, 2011 through August 9, 2011 as included in the list as presented. Commissioner Singleton seconded the motion. The motion passed with the following abstentions:

Chairman Comegno abstained from Voucher Numbers 11-02059, 11-02061, 11-02062, and 11-02055. Vice Chairman Fattorini abstained from Voucher Numbers 11-01961, 11-02332 and 11-02170. Commissioner Singleton abstained from Voucher Numbers 11-02305 and 11-02308.

Chairman Comments:

Chairman Comegno welcomed all to Palmyra Cove Nature Park, the site of today's meeting. He credited PCNP leadership and staff for the many activities and programs at the park. This past Spring 2,600 students attended field trips and attendance for 2011 will most likely surpass 2010 attendance of 3,230 students. PCNP Director Clara Ruvolo shared a presentation of "A Year at The Cove" which illustrated the many diversified programs offered to children from pre-school age through college.

Chairman Comegno thanked Ms. Ruvolo for the entertaining and informative presentation. It is amazing to see the multi-faceted areas the park encompasses in subjects of nature, science, conservation and education. Both he and Commissioner Singleton recalled the memorable field trips they experienced with their daughters and commended Ms. Ruvolo and PCNP staff for their work. Vice-Chairman Fattorini noted that bringing kids to PCNP also helps expose them to the other 1,000 acres of Burlington County Parks and called PCNP a great asset to the County. Chairman Comegno commented on the "sparkle" and passion Ms. Ruvolo brings to her work. Ms. Ruvolo thanked the commissioners for their comments and recognized her staff for all their contributions to the park.

EXECUTIVE DIRECTOR'S REPORT

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

RESOLUTION NO. 2011-76

**RESOLUTION OF THE BURLINGTON COUNTY BRIDGE COMMISSION
REJECTING THE BIDS RECEIVED FOR THE BURLINGTON BRISTOL
TACONY PALMYRA BRIDGES ELECTRICAL INFRASTRUCTURE AND
AUTHORIZING THE REBID OF SERVICES.**

WHEREAS, the Burlington County Bridge Commission (“Commission”) solicited bids for the project known as “Burlington Bristol Tacony Palmyra Bridges Electrical Infrastructure (BCBC-201119)”; and

WHEREAS, three bids were received for this project on July 26, 2011, at which time the bids were opened and reviewed by the Bridge Commission staff and consulting engineer; and

WHEREAS, it is the desire and determination of the Commission to reject all bids which were received for the aforesaid project based upon the recommendation of the administrative staff of the Commission, its consulting engineer and its Solicitor due to the fact that all of said bids exceeded the engineer’s estimate for the cost of the project and the monies which the Commission has allocated for such project based upon said estimate:

NOW, THEREFORE, BE IT RESOLVED by the Burlington County Bridge Commission that for the reasons hereinabove expressed, the Commission hereby rejects the bids received on July 26, 2011 for the project known as “Burlington Bristol Tacony Palmyra Bridges Electrical Infrastructure (BCBC-201119)” and authorizes the Executive Director to rebid the services.

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

RESOLUTION NO. 2011-77

**RESOLUTION OF THE BURLINGTON COUNTY BRIDGE COMMISSION
APPROVING CHANGE ORDER #2 FOR THE BURLINGTON BRISTOL
BRIDGE CROSSBEAM & STRINGER REPAIRS PROJECT.**

WHEREAS, pursuant to Resolution #2010-18, the Burlington County Bridge Commission (“Commission”) awarded a contract to H & G Contractors, Inc. (“H & G”) for the project titled “Burlington Bristol Bridge Crossbeam and Stringer Repairs (BCBC-201003)”; and

WHEREAS, the Project Engineer recommended by memorandum on July 28, 2011, that Change Order No. 2 be approved providing for the following: an extension of time due to additional shop fabrication time involved with authorized extra work approved by change order #1; and additional required work involving stringer seat

repairs and the beveling of the bearing plates on the fourteen (14) stringer seat bearings; and

WHEREAS, this Change Order No. 2 requires an increase of \$8,085.01 in the contract price, bringing the new contract total to \$1,268,728.79, and an increase of five (5) calendar days, bringing the work completion date to May 11, 2011; and

WHEREAS, sufficient funds are available for payment for those services as evidenced by the Certificate of Availability of Funds, attached hereto:

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 H & G for the project titled "Burlington Bristol Bridge Crossbeam and Stringer Repairs (BCBC-201003)".

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

RESOLUTION NO. 2011-78

RESOLUTION OF THE BURLINGTON COUNTY BRIDGE COMMISSION AWARDING A CONTRACT TO SPARWICK CONTRACTING INC. FOR THE TACONY-PALMYRA BRIDGE PIER REHABILITATION PROJECT.

WHEREAS, the Burlington County Bridge Commission ("Commission") has determined that it requires the services of a general contracting firm capable of providing certain specialized construction services for the Commission related to the project entitled "Tacony-Palmyra Bridge Pier Rehabilitation (BCBC-201118)"; and

WHEREAS, the Commission solicited, accepted and opened bids from such contracting firms on July 26, 2011; and

WHEREAS, the Commission is satisfied that Sparwick Contracting Inc. ("Sparwick") was the lowest of Five bidders and has submitted a satisfactory and responsive bid, and has the required knowledge and expertise to perform such services; and

WHEREAS, the maximum amount of this contract shall be Six Hundred Forty Four Thousand, Seventy Dollars (\$644,070.00), and sufficient funds are available for payment for those services as evidenced by the Certificate of Availability of Funds, attached hereto:

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

1. The Burlington County Bridge Commission hereby awards a contract for specialized construction services as set forth above to Sparwick Contracting Inc., and the Executive Director and the Secretary of the Bridge Commission are hereby authorized to execute a contract with Sparwick.
2. The maximum amount of this contract shall not exceed Six Hundred Forty Four Thousand, Seventy Dollars (\$644,070.00), and the contract shall be substantially completed within one hundred twenty (120) calendar days from the Notice to Proceed issued by the Commission or its agents ("Notice to Proceed"), and the entire contract including all punch list items, payments, change orders, as-built drawings and all other closeout documents shall be completed in one hundred eighty (180) calendar days from the Notice to Proceed.
3. Sufficient funds are available for payment for the above purchase provided under the contract, as evidenced by the Certificate of Availability of Funds, attached.

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

RESOLUTION NO. 2011-79

A RESOLUTION AUTHORIZING LEASE PURCHASE OBLIGATIONS OF THE BURLINGTON COUNTY BRIDGE COMMISSION IN CONNECTION WITH THE BURLINGTON GREEN ENERGY LEASE BANK AND BANC OF AMERICA PUBLIC CAPITAL CORP. AND AUTHORIZING AND APPROVING THE EXECUTION AND DELIVERY OF FINANCING DOCUMENTS IN CONNECTION THEREWITH.

WHEREAS, the Burlington County Bridge Commission (the "Commission") has been duly created by resolution of the Board of Chosen Freeholders of the County of Burlington, New Jersey (the "County"), duly adopted October 22, 1948, as a public body corporate and politic of the State of New Jersey (the "State") pursuant to and in accordance with the Self-Liquidating Bridges Act, constituting Chapter 17 of the Pamphlet Laws of 1934 of the State, and the acts amendatory thereof and supplemental thereto (the "Act"); and

WHEREAS, the Commission is authorized by the Act to provide within the County public facilities for use by the State, the County or any municipality in the County, or any subdivisions, departments, agencies or instrumentalities of any of the foregoing for any of their respective governmental purposes; and

WHEREAS, the Commission is authorized by the Act to lease to any governmental unit, all or any part of any public facility, including but not limited to capital equipment, for such consideration and for such period or periods of time and upon such other terms and conditions as it may fix and agree upon; and

WHEREAS, the Commission has determined to establish pursuant to the Act and in connection with the Greenbacks-To-Go-Green Program, the Burlington County Green Energy Lease Bank (the "Lease Bank") to finance the lease purchase of certain capital equipment for energy conservation purposes (the "Equipment") on behalf of authorized governmental entities (the "Participants"), which Equipment will be leased by the Commission to the Participant (the "Project"); and

WHEREAS, under the Lease Bank, the Commission will enter into a Master Lease Agreement with Banc of America Public Capital Corp. ("BAC") as selected by the Commission through a fair and open process (the "Lessor") pursuant to N.J.S.A. 19:44A-20.4 et seq.; and

WHEREAS, the Local Finance Board reviewed the proposed Lease Bank at its meeting on July 13, 2011 and authorized the Commission to initially proceed with funding for the Lease Bank and the issuance of lease purchase obligations in an amount equal to \$10,000,000 and directed the Commission to return to the Local Finance Board for additional authorization, if necessary in connection with any Participant lease transaction that will use a non-conforming maturity schedule; and

WHEREAS, the Lessor will provide funds to acquire the Equipment and lease the Equipment to the Commission, all pursuant to the terms of the Master Lease Agreement (the "Master Lease"); and

WHEREAS, the Participants will submit an application to the Commission to participate in the Lease Bank, and upon approval by all necessary parties, including, if necessary, the Director of the Division of Local Government Services, within the New Jersey Department of Community Affairs, the Commission will execute a Sublease Agreement with the Participant (the "Sublease") pursuant to which the Commission will sublease the Equipment to the Participant, and the Participant will make rental payments to the Commission in an amount sufficient to pay the corresponding rental payments applicable to the Equipment (the Master Lease and the Sublease are collectively referred to as the "Financing Documents"); and

WHEREAS, under the Master Lease, the Commission shall make rental payments to the Lessor solely from amounts received by the Participant under the Sublease; and

WHEREAS, during the term of the Sublease, title to the Equipment will be vested in the Lessor, and upon the expiration of the terms of the Sublease, the Participant shall purchase all of the Lessor's right, title and interest in and to the Equipment; and

WHEREAS, to provide additional security to the Lessor, the County has on July 13, 2011 adopted a resolution to unconditionally guarantee the punctual payment of the lease payments of the Participants under the Lease Bank (the "County Guaranty"); and

WHEREAS, in order to implement the County Guaranty, the County and the Commission will enter into the Guaranty Agreement, pursuant to which the County will agree to appropriate moneys for payment to the Commission to the extent the lease payments made by any Participant to the Commission are not sufficient; and

WHEREAS, the Commission now desires to authorize the Lease Bank, to approve the Lessor, to authorize the lease purchase obligations under the Master Lease, and to authorize the execution and delivery of the Financing Documents and the Guaranty Agreement and such other documents required to accomplish the foregoing and to authorize all other necessary action in connection therewith:

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

Section 1. Authorization of Obligations.

(a) The Commission hereby authorizes the issuance of lease purchase obligations (the "Obligations") in an amount not to exceed \$10,000,000 for the purpose of funding the Lease Bank and financing the Project.

(b) The Obligations shall be dated the date of their execution and delivery to the holders thereof and shall bear interest from such date payable on the dates as set forth in the Master Lease and the Sublease (each such payment date being an "Interest Payment Date").

(c) The Obligations shall bear interest at a rate per annum, as described in the Master Lease and the Sublease. The Obligations shall mature and shall be subject to redemption prior to maturity as set forth in the Master Lease and the Sublease.

Section 2. Approval of the Lessor.

After receipt and review of the proposals to serve as Lessor for the Lease Bank and after consultation with the Commission's financial advisor and bond counsel, the Commission hereby accepts and approves the proposal dated August 9, 2011 (the "Proposal") submitted by BAC to serve as Lessor for the Lease Bank and hereby appoints BAC to serve as Lessor for the Lease Bank on the terms and conditions set for the Proposal.

Section 3. Approval of Master Lease, Sublease and Guaranty Agreement.

The forms of the Master Lease, the Sublease and the Guaranty Agreement presented to this meeting (a copy of each of which shall be filed with the records of the

Commission) are hereby approved and the Chairman, Vice Chairman, and the Executive Director (each an "Authorized Officer") are each hereby authorized and directed to execute, acknowledge and deliver, and the Secretary or Assistant Secretary are each hereby authorized and directed to affix and attest the seal of the Commission to the Master Lease, the Sublease and the Guaranty Agreement in substantially such forms, with such changes therein as counsel may advise and the officers executing the same may approve, such approval to be evidenced by their execution thereof. The Authorized Officers are further authorized to execute and deliver the Sublease to the Participants after consultation with the Commission's Economic Development Committee.

Section 4. Appointment of Escrow Agent; Approval of Escrow Agreement.

If necessary in connection with the acquisition of any Equipment by a Participant under the Lease Bank, an escrow agent (the "Escrow Agent") for the Obligations shall be appointed by the Commission subsequent to the date hereof. The form of Escrow Agreement by and between the Escrow Agent and the Commission (the "Escrow Agreement") presented to this meeting (a copy of which shall be filed with the records of the Commission) is hereby approved and the Authorized Officers are each hereby authorized and directed to execute, acknowledge and deliver, and the Secretary or Assistant Secretary are each hereby authorized and directed to affix and attest the seal of the Commission to an Escrow Agreement in substantially such form, with such changes therein as counsel may advise and the officers executing the same may approve, such approval to be evidenced by their execution thereof.

Section 5. Incidental Action.

The Authorized Officers of the Commission are hereby further authorized and directed to execute and deliver such additional documents and to take such other action as may be necessary or appropriate in order to effectuate the execution and delivery of the Master Lease, the Sublease and the Guaranty Agreement and the incurrence of the Obligations, all in accordance with the foregoing sections hereof.

Section 6. Effective Date.

This Resolution shall take effect immediately.

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

CFO Christine Nociti thanked Procurement Officer Michelle Chiemiego for her efforts on the Request for Proposal during Contract Officer/QPA Scott Greenwald's absence. Executive Director Jeffers added that this project resulted from hard work by the Economic Development Committee and thanked Bond Counsel Brian Kowalski, Capehart and Scatchard, P.A. and Financial Advisor Jennifer Edwards, Acacia

Financial, Inc. for their efforts to review the Request for Proposals and make their recommendations. With the current market fluctuations, it is hoped that rates will allow many towns to take advantage of the program. Chairman Comegno offered his appreciation to our bond counsel and financial advisor and extended his thanks to the Freeholders for their support of the program.

The motion passed unanimously.

Economic Development

Economic Development and Regional Planning Director Mark Remsa reported on a recap of the last several months of activities including the work on the new economic development section of the BCBC website, advances in municipality projects such as Mansfield Township and Eastampton Township redevelopment, and loan applications to be recommended to the Freeholders in the near future, which Mr. Remsa characterized as a good sign, that people are investing their own money in the County and providing jobs. Mr. Remsa responded to Vice-Chairman Fattorini's inquiry into the progress of the Eastampton redevelopment project.

Human Resources

Director Constance Borman reported on the following personnel issues:

	<u>New Hires</u>	
Vanasha Green	P/T Tolls	Effective 07/25/11

	<u>Removal from Probation</u>	
FSgt William DeGroff	Police	Effective 07/17/11

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

	<u>Removal from Probation</u>	
FSgt John Shinske	Police	Effective 07/18/11

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

VOTE:

Yeas	-- Fattorini
	Singleton
Abstain	Comegno

Ms. Borman added the maintenance college interns attended a mandated class regarding bloodborne pathogens. Regular maintenance employees will receive additional training in September.

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.

RESOLUTION REGARDING EXECUTIVE SESSION

Resolved that pursuant to the Open Public Meetings Act the public shall be excluded from that portion of the meeting involving contractual, worker's compensation and personnel matters. Commissioner Singleton moved to approve. Vice-Chairman Fattorini seconded the motion. The motion passed unanimously.

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

Executive Director Jeffers asked for permission to bid toll and maintenance uniforms. Chairman Comegno moved to grant permission to go out to bid. Vice-Chairman Fattorini seconded the motion. The motion passed unanimously.

Executive Director Jeffers asked for a permission to allow extra work performed on the Pennsauken Creek Trails Project. Chairman Comegno moved to approve. Vice-Chairman Fattorini seconded the motion. The motion passed unanimously.

Chairman Comegno asked for any further business to come before the Commission. There being none, 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,

Marie J. Ozalis
Secretary