

BURLINGTON COUNTY BRIDGE COMMISSION

MEETING MINUTES

July 14, 2016

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 18, 2015 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 J. Nociti, Chief Financial Officer
Kathleen M. Wiseman, Secretary
Anthony T. Drollas Jr., Solicitor
Elizabeth Verna, Director of Communications
Constance Borman, Human Resources Director
Patrick Reilly, Director of Public Safety and Security
James Fletcher, Manager, Tacony-Palmyra Bridge
Stanley Ozalis, Manager, Technical Operations
Mark A. Remsa, Director of Economic Development and
Regional Planning
Ellen Brennan, Health and Benefits Coordinator
Al Ziegler, Maintenance Supervisor
Michael McCarron, Assistant to Director of Tolls and Tower
Operations
Dave Leh, Accountant
John Zarsky, Pennoni Engineering
Sascha Harding, Pennoni Engineering

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

APPROVAL OF THE MINUTES

Commissioner Singleton moved to approve the minutes of June 14, 2016. Vice-Chairman Fattorini seconded the motion. The motion passed unanimously.

ACCEPTANCE OF ECONOMIC DEVELOPMENT MINUTES

Vice-Chairman Fattorini moved to accept the minutes of the June 2016 Economic

Development Meeting. Commissioner Singleton seconded the acceptance. Acceptance passed unanimously.

DISBURSEMENTS LIST

Commissioner Singleton moved to approve disbursements made from June 15, 2016 through July 14, 2016 as included in the list as presented. Vice-Chairman Fattorini seconded the motion. The motion passed with the following abstentions:

Chairman Comegno abstained from Voucher Number 16-00123; Vice-Chairman Fattorini abstained from Voucher Number 16-00026; and Commissioner Singleton abstained from Voucher Numbers 16-01473, 16-01474, 16-01358, 16-00236, 16-00025, 16-00235, 16-01432, 16-01461 and 16-01463.

EXECUTIVE DIRECTOR'S REPORT

CFO Nociti outlined highlights of the Commission's budget for fiscal year 2017. She thanked department heads and her own staff for their cooperation and hard work in preparing the budget. Executive Director Jeffers commended all those who worked on the Commission's budget and Chairman Comegno expressed his appreciation as well. Vice-Chairman Fattorini and Commissioner Singleton added their thanks for a job well done.

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

RESOLUTION NO. 2016-72

RESOLUTION INTRODUCING THE 2017 BUDGET FOR THE FISCAL YEAR PERIOD: OCTOBER 1, 2016 TO SEPTEMBER 30, 2017

WHEREAS, the Annual Budget and Capital Budget Program for the Burlington County Bridge Commission ("Commission") for the fiscal year period beginning October 1, 2016 and ending September 30, 2017 has been introduced before the governing body of the Commission at its meeting of July 14, 2016; and

WHEREAS, the Annual Budget as introduced reflects Total Revenues of \$33,723,000; Total Appropriations of \$33,723,000 and

WHEREAS, the Capital Budget Program as introduced reflects Total Appropriations of \$24,800,000 and Total Unrestricted Net Assets planned to be utilized as funding thereof, of \$10,000,000; and

WHEREAS, the schedule of rates, fees and other charges in effect will produce sufficient revenues, together with all other anticipated revenues to satisfy all obligations

to the holders of bonds of the Commission, to meet operating expenses, capital outlays, debt service requirements, and to provide for such reserves, all as may be required by law, regulation or terms of contracts and agreements; and

WHEREAS, the Capital Budget Program, pursuant to N.J.A.C. 5:31-2, does not confer any authorization to raise or expend funds; rather it is a document to be used as part of the said Commission’s planning and management objectives. Specific authorization to expend funds for the purposes described in this section of the budget must be granted elsewhere; by bond resolution, by project financing agreement, by resolution appropriating funds from the Renewal and Replacement reserve or other means provided by law:

NOW, THEREFORE BE IT RESOLVED, by the governing body of the Commission, at an open public meeting held on July 14, 2016, that the Annual Budget and Capital Budget Program of the Commission for the fiscal year period beginning October 1, 2016 and ending September 30, 2017, is hereby introduced; and

BE IT FURTHER RESOLVED, that the revenues as reflected in the Annual Budget and Capital Budget Program are of sufficient amount to meet anticipated appropriations and all covenants as stipulated in the Commission’s outstanding debt obligations, capital lease arrangements, service agreements and other pledged agreements; and

BE IT FURTHER RESOLVED, that the members of the Commission will consider the Annual Budget and Capital Budget Program for Adoption on September 13, 2016.

 Kathleen M Wiseman, Secretary

 Date

	Recorded Vote			
Member	Aye	Nay	Abstain	Absent
John B. Comegno II	x			
James D. Fattorini	x			
Troy E. Singleton	x			

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

RESOLUTION NO. 2016-73

RESOLUTION AUTHORIZING APPROPRIATIONS TOTALING \$1,500,000 TO ASSIST BURLINGTON COUNTY IN BUDGETARY MATTERS IN CALENDAR YEAR 2016.

WHEREAS, the Burlington County Bridge Commission (“Commission”) received correspondence from Burlington County Freeholder-Director Garganio requesting assistance consistent with N.J.S.A. 27:19-26; and

WHEREAS, N.J.S.A. 27:19-26 authorizes the Commission to provide assistance for the maintenance, improvement and/or repair of the county’s bridges, approaches, roads and connecting highways; and

WHEREAS, the Commission recognizes that the specifics of the payments and uses of funds are to be incorporated in a Memorandum of Understanding.

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

1. The Commission shall make an appropriation of \$1,500,000.00 from Operations – Other Expenses to be remitted to Burlington County (“County”) in calendar year 2016.
2. The Appropriation shall be consistent with N.J.S.A. 27:19-26 and such other statutory authority that may apply.
3. The specifics of the payments and uses of funds shall be incorporated in a Memorandum of Understanding to be executed by the Executive Director upon review and approval by the Commission Solicitor.

RECORDED VOTE

<u>NAME</u>	<u>AYE</u>	<u>NO</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
John B. Comegno II	x			
James D. Fattorini			x	
Troy E. Singleton	x			

The foregoing is a true copy of a resolution adopted by the governing body of the Burlington County Bridge Commission on July 14, 2016.

Kathleen M Wiseman, Secretary

Date

[SEAL]

Commissioner Singleton moved to approve. Chairman Comegno seconded the motion.

VOTE:	Yeas -	Comegno
		Singleton
	Abstain -	Fattorini

RESOLUTION NO. 2016-74

**RESOLUTION REJECTING THE BIDS RECEIVED FOR
THE TACONY-PALMYRA BRIDGE BASCULE SPAN
MECHANICAL SYSTEMS REHABILITATION.**

WHEREAS, the Burlington County Bridge Commission ("Commission") solicited bids to procure services for the Tacony-Palmyra Bridge Bascule Span Mechanical Systems Rehabilitation (BCBC-201603) project; and

WHEREAS, one bid was received for this project on July 6, 2016 at 11:00 A.M., at which time the bids were opened and reviewed by Commission staff and the consulting engineer; and

WHEREAS, the one bid received was more than 20 percent above the engineer's estimate; and

WHEREAS, it is the desire and determination of the Commission to reject the bid which was received for the aforesaid project based upon the recommendation of the administrative staff of the Commission, its consulting engineer and its solicitor for the aforementioned reasons.

NOW, THEREFORE, BE IT RESOLVED by the Burlington County Bridge Commission that for the reasons hereinabove expressed, the Commission hereby rejects the bid received on July 6, 2016 for the project titled "Tacony-Palmyra Bridge Bascule Span Mechanical Systems Rehabilitation (BCBC-201603)" and authorizes the Executive Director to rebid the services.

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

RESOLUTION NO. 2016-75

RESOLUTION CONSENTING TO CHANGES IN CERTAIN PROPERTY RIGHTS AS ASSIGNOR OF A MORTGAGE ON PROPERTY LOCATED AT 2 MANHATTAN DRIVE, BURLINGTON, NEW JERSEY.

WHEREAS, the Burlington County Bridge Commission (the "Commission") is authorized pursuant to the Self-Liquidating Bridges Act, constituting Chapter 17 of the Pamphlet Laws of 1934 of the State of New Jersey, as amended (the "Act"), to extend credit or make loans to any person for the planning, design, acquisition, construction, improvement, equipping and funding of any project authorized by the Act; and

WHEREAS, the Occupational Training Center of Burlington County, Inc. (the "OTC") initiated a financing for the purpose of (i) the refinancing of existing loans that financed facilities (the "Facilities") located at 2 Manhattan Drive, Burlington, New Jersey (the "Property") which Facilities are used by the Applicant to facilitate its services managing adult training centers within the County of Burlington (the "County") to provide individuals with developmental disabilities training in daily living and community integration, (ii) the financing of various improvements at the Facilities, including the reimbursement of costs incurred by the Applicant prior to issuance of the Bonds (as hereinafter defined), and (iii) the payment of certain costs of issuance (collectively, the "Project"); and

WHEREAS, on November 19, 2010, the Commission issued its \$4,100,000 principal amount of Economic Development Bonds (Occupational Training Center of Burlington County Project), 2010 Series A (Bank Qualified) (the "Bonds"); and

WHEREAS, the Bonds were issued and the proceeds of the Bonds were loaned to the Applicant pursuant to and in accordance with the provisions of the Act and a Bond Agreement, dated as of November 19, 2010 (the "Agreement") by and among the Commission, the Applicant and TD Bank, as purchaser (in such capacity, the "Purchaser") and as escrow agent in such capacity, the "Escrow Agent"); and

WHEREAS, the Bonds were secured by, among other things, a mortgage on the Property and a security interest in the Project pursuant to a Mortgage and Security Agreement, which was dated November 19, 2010 and recorded in Burlington County, New Jersey in Mortgage Book 12237, page 336 pursuant to a certain Assignment dated November 19, 2010 and recorded in Burlington County, New Jersey in Book AB1986, Page 186 (the "Mortgage"); and

WHEREAS, the Commission assigned (subject to certain reserved rights) its rights and benefits under the Agreement, the Mortgage and other loan documents to the Purchaser as security for the Bonds; and

WHEREAS, the Property is located in a location benefitted by certain easements

related to parking and is part of a condominium organization; and

WHEREAS, to accommodate certain new development within proximity to the Property, OTC has agreed to certain changes within easements related to travel lanes and parking and certain amendments to the Master Deed of the condominium association and has further requested that the Commission, as holder of the Mortgage, and the Bank, as Trustee and beneficiary of the Mortgage, consent to such changes as well; and

WHEREAS, the Commission desires to authorize such consent and direct that the Chairman, Vice Chairman or Executive Director of the Commission execute such documents as necessary to evidence such consent;

NOW THEREFORE BE IT RESOLVED by the Burlington County Bridge Commission that the Commission hereby consents to the Amendment to the Master Deed of the Greentree Executive Campus 1001-1003 Association, Inc. (the "Master Deed"). The Master Deed is dated June, 2000 and was filed for record in the County Clerk's Office of Burlington County on June 14, 2000, in Deed Book 5785, Page 649 (the "Master Deed"). The Amendment is dated as of October 28, 2015 and a copy is on file in the offices of the Commission; and

BE IT FURTHER RESOLVED that the Chairman, Vice Chairman or Executive Director of the Commission are hereby authorized and directed to execute such documents as necessary to evidence the Commission's consent to the actions of Occupational Training Center of Burlington County, Inc. in amending the Master Deed and terminating and establishing easements benefitting and burdening the Property; and

BE IT FURTHER RESOLVED that any actions previously taken by employees or agents of the Commission related to this request are ratified and confirmed.

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

RESOLUTION NO. 2016-76

RESOLUTION EXTENDING THE CONTRACT WITH CONCORD ENGINEERING GROUP, INC. FOR ASSISTANCE WITH THE COMMISSION'S GREEN ENERGY PROGRAM (NO ADDITIONAL APPROPRIATION).

WHEREAS, the Burlington County Bridge Commission ("Commission") has determined that it requires the services of an engineering/consulting firm capable of providing assistance to the Commission in implementing the Commission's Green Energy Program to, among other things, reduce energy costs, improve operational performance, and reduce greenhouse gas emissions for the Commission by performing energy audits;

providing sustainable design consultation, identifying renewable energy opportunities, and assisting the Commission in the procurement of goods and/or services to accomplish the foregoing and other such services at the request of the Commission's Economic Development Committee; and

WHEREAS, pursuant to Resolution No. 2010-10, the Commission entered into a contract with Concord Engineering Group, Inc. ("Concord") to provide those professional engineering services; and

WHEREAS, additional engineering services under this contract have been required, and it is necessary to extend the contract to and until end of project.

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

1. The terms, conditions and duties outlined in Resolution No. 2010-10 appointing Concord are incorporated herein by reference, and for the reasons hereinabove expressed, the contract is hereby extended to and until end of project.

2. Notice of adoption of this Resolution shall be published in the Burlington County Times, as required by law.

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

VOTE:	Yeas -	Comegno
		Fattorini
	Abstain -	Singleton

RESOLUTION NO. 2016-77

**RESOLUTION EXTENDING THE CONTRACT WITH
MADDEN & MADDEN, P.A. (NO ADDITIONAL
APPROPRIATION).**

WHEREAS, the Burlington County Bridge Commission ("Commission") has determined that it requires the services of a firm to provide hearing officer services to the Commission for labor and employment matters, including but not limited to hearings involving Commission employee disciplinary matters; and

WHEREAS, pursuant to Resolution No. 2015-44, the Commission entered into a contract with Madden & Madden, P.A. ("Madden & Madden") to provide those professional services; and

WHEREAS, additional services related to employee disciplinary matters under this contract have been required, and it is necessary to extend the contract to and until November 30, 2016.

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

1. The terms, conditions and duties outlined in Resolution No. 2015-44 appointing Madden & Madden are incorporated herein by reference, and for the reasons hereinabove expressed, the existing contract between the Commission and Madden & Madden shall extend to and until November 30, 2016.

2. Notice of adoption of this Resolution shall be published in the Burlington County Times, as required by law.

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

**VOTE: Yeas - Fattorini
 Singleton
 Comegno**

RESOLUTION NO. 2016-78

MAKING FINDINGS AND DETERMINATIONS WITH RESPECT TO THE APPLICATION OF THE EVERGREENS; AUTHORIZING THE ISSUANCE AND SALE OF THE BURLINGTON COUNTY BRIDGE COMMISSION'S ECONOMIC DEVELOPMENT BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$50,000,000; AUTHORIZING AND APPROVING THE EXECUTION AND DELIVERY OF AN AMENDED TRUST AND LOAN AGREEMENT AND RELATED INSTRUMENTS; AND AUTHORIZING OTHER FURTHER AND NECESSARY ACTION IN CONNECTION THEREWITH.

WHEREAS, the Burlington County Bridge Commission (the "Commission") is authorized pursuant to the Self-Liquidating Bridges Act, constituting Chapter 17 of the Pamphlet Laws of 1934 of the State of New Jersey, as amended (the "Act"), to extend credit or make loans to any person for the planning, design, acquisition, construction, improvement, equipping and funding of any project authorized by the Act; and

WHEREAS, an application for financial assistance, dated May 5, 2016, as amended and supplemented (the "Application") has been received from The Evergreens (the "Applicant") for the purpose of financing a project consisting of (i) the refunding the outstanding Burlington County Bridge Commission Economic Development Bonds (The Evergreens Project), Series 2007, (ii) refinancing an existing construction loan by and among the Applicant and Citizen's Bank originally funded in 2010, (iii) funding a debt

service reserve fund, and (iv) paying certain costs of issuance (the "Project"); and

WHEREAS, the Commission proposes to provide financing for the Project, through the issuance of its Economic Development Bonds (The Evergreens Project), Series 2016 (the "Bonds") in an aggregate principal amount not to exceed \$50,000,000; and

WHEREAS, the Bonds will be issued and the proceeds of the Bonds will be loaned to the Applicant pursuant to and in accordance with the provisions of the Act and an amended and restated Loan and Trust Agreement (the "Agreement") by and among the Commission, the Applicant and The Bank of New York Trust Company, N.A., as trustee (the "Trustee"); and

WHEREAS, pursuant to the Agreement, the Commission will assign (with certain reservations) its rights and benefits under the Agreement and other documents to the Trustee as security for the Bonds; and

WHEREAS, the Bonds will be secured by a mortgage on the Project and a security interest in the Project pursuant to a First Priority Mortgage, Security Agreement and Fixture Filing (the "Mortgage"); and

WHEREAS, prior to the issuance of the Bonds, a public hearing will be conducted by the Commission at its offices at 1300 Route 73 North, Palmyra, New Jersey after public notice of such hearing being duly published in the Burlington County Times; and

WHEREAS, the Commission desires to authorize the issuance, execution and delivery of the Bonds and the execution and delivery of the Agreement, the Mortgage, and such other documents required to accomplish the foregoing and to authorize all other necessary action.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSIONERS OF THE BURLINGTON COUNTY BRIDGE COMMISSION AS FOLLOWS:

SECTION 1. Determinations Concerning the Project. In accordance with the purposes and objectives of the Act, the Commission hereby determines that the Project will aid and assist in the economic development in the County of Burlington, New Jersey (the "County"). Based on such findings and determinations, the Project as described in this Resolution and in the Application is hereby approved and determined to be eligible for financing by the Commission. The Commission hereby determines to finance the Project as described in this Resolution and in the Application.

SECTION 2. Authorization of the Financing. Based on the foregoing findings and determinations and with the understanding that the availability of such financial assistance will aid and assist in the economic development in the County, the Commission hereby determines to issue its revenue bonds in an aggregate principal amount not to exceed \$50,000,000, and to expend the bond proceeds to finance the costs

of the Project, such bonds to be secured by and payable solely from the revenues to be derived by the Commission under the terms of the Agreement.

SECTION 3. Authorization of the Agreement. The Commission is hereby authorized to enter into the Agreement providing for the issuance of the Bonds; the application of the proceeds of the Bonds; the assignment to the Trustee (subject to certain reservations) of the Commission's rights and benefits under the Agreement and the other security documents executed in connection therewith; the application of the payments to be made by the Applicant to the repayment of the Bonds; the loan of the proceeds of the Bonds to the Applicant to finance the Project in the manner set forth therein; and containing certain covenants of the Applicant for the benefit of the Commission and the bondholders. The Applicant is hereby authorized to proceed with the Project in accordance with the terms of the Agreement.

The form of the Agreement (a copy of which has been filed with the Commission) is hereby approved, and the Chairman, Vice Chairman, Executive Director, Chief Financial Officer, Secretary or Assistant Secretary or any other officer who has the power to execute contracts pursuant to the By-laws of the Commission or any resolution adopted thereunder (each an "Authorized Officer") is hereby authorized and directed to execute or accept and deliver, and (where appropriate) any Authorized Officer is hereby authorized and directed to affix the corporate seal of the Commission to, and attest, documents in substantially such forms and upon the terms and conditions therein set forth, with such changes, insertions and variations therein as are necessary or desirable and as such Authorized Officers shall approve, such approval to be evidenced by their execution thereof.

SECTION 4. Authorization and Issuance of the Bonds. In order to provide funds to finance the Project, the Commission is hereby authorized to issue the Bonds in a total aggregate principal amount not to exceed \$50,000,000 to finance the loan to the Applicant. The Bonds shall be dated, shall bear interest at variable rates of interest and shall be payable as to principal, premium, if any, and interest, all as is specified therein. The Bonds shall be issued in the form, shall mature, shall be subject to redemption prior to maturity and shall have such further terms and conditions as are prescribed by the Agreement. The Bonds shall be special, limited obligations of the Commission, payable solely from and secured by payments made by the Applicant pursuant to the Agreement and other revenues pledged by the Applicant pursuant to the terms thereof. Neither the members of the Commission nor any person executing the Bonds issued pursuant to this Resolution and the Act shall be liable personally on the Bonds by reason of the issuance thereof. The Bonds shall not in any way create a debt or liability of the State of New Jersey (the "State"), the County or any political subdivision thereof (other than the Commission) and shall not create or constitute any indebtedness, liability or obligation of the State, the County or any political subdivision thereof (other than the Commission), legal, moral or otherwise.

SECTION 5. Form and Execution of the Bonds. The Bonds, substantially in the

form and substance set forth in the Agreement and all of the terms set forth therein are hereby approved and are incorporated as part of this Resolution with the same effect as if the entire text thereof were set forth herein in full. The Authorized Officers of the Commission are hereby authorized to execute the Bonds by manual or facsimile signature in substantially the form set forth in the Agreement with appropriate insertions or variations; and to attest by manual or facsimile signature the seal of the Commission or a facsimile thereof on the Bonds (which is hereby authorized to be impressed or imprinted on the Bonds); following such execution, any of the Authorized Officers of the Commission are authorized to cause the Bonds to be delivered to the Trustee for authentication and, after such authentication, to cause them to be delivered to the purchasers thereof against receipt of the purchase price and to apply the proceeds of the Bonds to the Project in accordance with the provisions of the Agreement.

SECTION 6. Sale of Bonds. The Commission hereby finds and further determines that a negotiated direct bond sale is warranted based upon, among other things, the nature of the credit of the Applicant and to permit the Applicant to negotiate favorable terms and conditions for the Project.

SECTION 7. Authorization of Bond Purchase Agreement. The Authorized Officers are hereby authorized to execute and deliver on behalf of the Commission a Bond Purchase Agreement, providing for the sale of the Bonds to the underwriter. Such Bond Purchase Agreement shall set forth all terms and conditions under which the Bonds are being purchased by the underwriter.

SECTION 8. Official Statement. The distribution by the underwriter of the Preliminary Official Statement setting forth the terms and conditions for the purchase and sale of the Bonds is hereby approved, in substantially the form submitted to the Commission at this meeting, with such changes, insertions and alterations as counsel to the Commission may advise and the Authorized Officer shall approve. The Authorized Officers of the Commission are hereby authorized and directed to execute and deliver a final Official Statement, such approval to be evidenced by the execution thereof.

SECTION 9. Execution and Delivery of Documents. Any Authorized Officer of the Commission is hereby authorized and directed to execute, deliver, attest and affix the seal of the Commission to such other instruments, opinions, certificates, affidavits and other documents and to take such other action as may be necessary or appropriate in order to effectuate the execution and delivery of the Agreement and such other documents as are determined to be reasonable and appropriate to complete the financing for the Project, all in accordance with the foregoing sections hereof. Copies of any such documents, together with the other documents referred to in this Resolution and relating to the transactions authorized hereby, in final form as executed and delivered by the parties thereto, shall be filed in the official records of the Commission.

SECTION 10. Binding Effect of Covenants and Agreements. All covenants, obligations and agreements of the Commission set forth in this Resolution and in the

documents authorized hereby shall be deemed to be the covenants, obligations and agreements of the Commission to the full extent authorized or permitted by law, and all such covenants, obligations and agreements shall be binding upon the Commission and its successors from time to time and upon any board or body to which any powers or duties affecting the same shall be transferred by, or in accordance with, law. Except as otherwise provided in this Resolution, all rights, powers and privileges conferred and duties and liabilities imposed upon the Commission or the members thereof by the provisions of this Resolution or the documents authorized hereby shall be exercised or performed by such members, officers or other representatives of the Commission as may be required or permitted by law to exercise or perform the same. No covenant, obligation or agreement herein contained or contained in any document authorized hereby shall be deemed to be a covenant, obligation or agreement of any member, officer, agent or employee of the Commission in his or her individual capacity and neither the members of the Commission nor any officer executing the Bonds, the Agreement, the Mortgage or other documents authorized by this Resolution shall be liable personally thereunder or be subject to any personal liability or accountability by reason of the execution and delivery thereof.

SECTION 11. Official Intent to Reimburse. This Resolution is intended to be and hereby is a declaration of the Commission’s official intent to reimburse the expenditure of costs of the Project incurred and paid prior to the issuance of the bonds with the proceeds of the bonds in accordance with Treasury Regulation Section 1.150-2.

SECTION 12. Effective Date. This Resolution shall take effect immediately.

Adopted: July 14, 2016

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

VOTE: **Yeas - Fattorini**
 Singleton
 Abstain - Comegno

ECONOMIC DEVELOPMENT & REGIONAL PLANNING

Executive Director Jeffers asked Mr. Remsa to update Commissioners on Economic Development & Regional Planning activities for 2015, noting that the report had been scheduled for presentation at a Commission meeting earlier this year, but was postponed in order to coordinate Mr. Remsa’s schedule with Commission meeting schedules. He reported on the business advocacy program, assistance to municipalities; and the Shop Burlington County First Buy-Local Program.

HUMAN RESOURCES

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

<u>NEW HIRES – Require Commission Approval</u>		<u>Effective</u>
Patrick Tobin	P/T Tolls	06/28/16
Steven Wambach	P/T Tolls	07/05/15
Robert Slocum, Jr.	F/T Police	07/11/16

<u>PROBATION — Requires Commission Approval</u>		<u>Effective</u>
Denise Westenberger	P/T Tolls	06/15/16
Annette Gibbs	F/T Administration	06/29/16

<u>RESIGNATIONS — Requires Commission Approval</u>		<u>Effective</u>
Leslie Hyman-Dietz	P/T Tolls	06/26/16
Jeffrey Smith	F/T Police	07/01/16

Chairman Comegno requested to approve by block. 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.

RESOLUTION NO. 2016-79

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, et seq.; 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 or 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

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

RESOLUTION NO. 2016-80

RESOLUTION RATIFYING THE CONTRACT BETWEEN THE BURLINGTON COUNTY BRIDGE COMMISSION AND BURLINGTON COUNTY BRIDGE POLICE ASSOCIATION F.O.P. LODGE #115 FOR THE PERIOD OCTOBER 1, 2014 THROUGH SEPTEMBER 30, 2018.

WHEREAS, the Burlington County Bridge Commission ("Commission"), through its authorized employees and legal counsel, identified and negotiated certain contract

terms which address the provisions and conditions of employment for the members of the Burlington County Bridge Police Association F.O.P. Lodge #115 ("Police Union") for the period October 1, 2014 through September 30, 2018 ("Contract Period") for approval by the Commission; and

WHEREAS, the Commission, together with its Agent, intended to settle such negotiations with an agreement that was, not only consistent with the financial and other long-term goals of the Commission, but also was fair and agreeable to the Police Union.

NOW, THEREFORE, BE IT RESOLVED, the Commission is satisfied that the terms of the Agreements satisfy the mission and goals of the Commission; and

BE IT FURTHER RESOLVED, that the Commission hereby ratifies and approves the terms of the settlements outlined in the Summary of Terms and authorizes the Executive Director to take any and all actions to implement said agreements with the Police Union for the period October 1, 2014 through September 30, 2018, and to execute respective agreements with the Police Union in forms approved by the Commission's solicitor.

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

Chairman Comegno asked for any further business to come before the Commission. Hearing 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,



Kathleen M. Wiseman
Secretary