

ATLANTIC COUNTY BOARD OF CHOSEN FREEHOLDERS
Stillwater Building, 201 Shore Road
Northfield, New Jersey

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Minutes of Meeting
October 7, 2008

CALL TO ORDER

A regular meeting of the Atlantic County Board of Chosen Freeholders was called to order by Chairman Joseph Silipena at 4:00 p.m., Eastern Standard Time, on the above-mentioned date at the Stillwater Building, Northfield, NJ.

OPEN PUBLIC MEETING STATEMENT

Statement of Open Public Meeting Compliance: Pursuant to the Open Public Meeting Act, Chairman Joseph Silipena announced that adequate notice of this meeting, as required by said Act, has been provided to The Press, the Mainland Journal, posted on the bulletin boards at 1333 Atlantic Avenue, Atlantic City, the Stillwater Building, 201 Shore Road, Northfield and the County Clerk's Office in Mays Landing.

PRAYER AND FLAG SALUTE

The prayer was led by Freeholder James Curcio followed by the flag salute led by Freeholder Chairman Joseph F. Silipena.

ROLL CALL

The following roll call was recorded: PRESENT: Cooper, Curcio, Dase, Garrett, Giordano, McDevitt, Russo, Sutton and Silipena. ABSENT: None.

MEETING MINUTES AUGUST 26, 2008

Freeholder Sutton moved and Freeholder Cooper seconded a motion to dispense with the reading of the August 26, 2008 minutes and approve them as presented.

The above-mentioned motion was adopted by the following roll call: AYES: Cooper, Curcio, Dase, Garrett, Giordano, McDevitt, Russo, Sutton and Silipena. NAYS: None. ABSTENTIONS: None.

ORDINANCE NO. 12 FIRST READING LIMITING TO FIVE (5) THE NUMBER OF MESSENGER BALLOTS

Freeholder Curcio moved and Freeholder McDevitt seconded a motion introducing an Ordinance limiting to five (5) the number of ballots that may be carried by an authorized messenger under N.J.S.A. 19:57-4 in any election conducted in Atlantic County – First Reading.

Freeholder Cooper moved and Freeholder Garrett seconded a motion to table Ordinance No. 12 until the October 14, 2008, Meeting.

The above-mentioned motion failed by the following roll call: AYES: Cooper, Garrett and Giordano. NAYS: Curcio, Dase, McDevitt, Russo, Sutton and Silipena. ABSTENTIONS: None.

Chairman Silipena asked if there were any Freeholder Comments.

Freeholder Garrett questioned the legality of the ordinance. The ordinance supersedes the State law. He requested an opinion from Legislative Counsel. There could be possible litigation.

Freeholder Russo stated he would be abstaining because he would rather the ordinance limit the number of messenger ballots limited to two, not five.

Freeholder Curcio stated that the State law is silent on this issue and because it is not in violation of State law it is appropriate. The proposal to change law only affects Atlantic County.

Freeholder Cooper expressed that she would like to wait for the legal opinion from the Solicitor and postpone vote until next week.

Freeholder McDevitt stated that he believes the County has leeway on this issue. The State has been wrong for four or five years. It's an epidemic.

Freeholder Sutton stated that the Board should move forward.

Freeholder McDevitt stated that there is no need to wait. This Ordinance will not be in effect in time for the 2008 election. The Board must take a stand.

Freeholder Russo stated that there is a two week wait for final reading.

Freeholder Dase stated that the Board needs to restore the public's faith in the election process.

Freeholder Giordano emphasized how important this issue is and recommends that the Board be unified. The Board needs a unanimous vote.

Freeholder Chairman Silipena stated that this Board has gone up and beyond regarding the voting issue. A Freeholder Committee produced a fifty-page report, a public hearing in Pleasantville, a local group sponsored a rally in Trenton. It is time for the State to respond.

Freeholder Cooper questioned why the Freeholder Board was doing this now?

Legislative Counsel, Dennis Tuohy stated that his opinion may be overruled by the courts.

Freeholder McDevitt requested to have the Solicitor's legal opinion by next Tuesday.

Freeholder Dase stated that fear of a lawsuit is not a good reason not to do anything.

Freeholder McDevitt made reference to County Executive Dennis Levinson's letter (copy enclosed in Freeholder packet).

Being no further comments, Chairman Silipena asked for a roll call.

The above-mentioned motion was adopted by the following roll call: AYES: Curcio, Dase, Giordano, McDevitt, Sutton and Silipena. NAYS: None. ABSTENTIONS: Cooper, Garrett and Russo.

**RESOLUTION NO. 543
AMENDATORY
COMPETITIVE
CONTRACT
REGARDING AREA PLAN
GRANT PROGRAMS FOR
ELDERLY**

Freeholder Sutton moved and Freeholder Giordano seconded a motion to enter into an amendatory competitive contract with Caring, Inc. for various contracts for Area Plan Grant Programs for the elderly reallocating funds at no additional costs.

The above-mentioned motion was adopted by the following roll call: AYES: Cooper, Curcio, Dase, Garrett, Giordano, McDevitt, Russo, Sutton and Silipena. NAYS: None. ABSTENTIONS: None.

**RESOLUTION NO. 544
AUTHORIZING
COMPETITIVE
CONTRACTING FOR
THE PROVISION OF
SOFTWARE**

Freeholder Giordano moved and Freeholder Curcio seconded a motion to authorize competitive contracting for the provision of software for the Clerk's Office.

The above-mentioned motion was adopted by the following roll call: AYES: Cooper, Curcio, Dase, Garrett, Giordano, McDevitt, Russo, Sutton and Silipena. NAYS: None. ABSTENTIONS: None.

**RESOLUTION NO. 545
AGREEMENT FOR
SUBSTANCE ABUSE
PREVENTION
PROGRAMMING FOR
STUDENTS AT THE JINS
SHELTER**

Freeholder Sutton moved and Freeholder Cooper seconded a motion to enter into an agreement with Atlantic Prevention Resources, Inc. to provide substance abuse prevention programming to students at the JINS shelter.

The above-mentioned motion was adopted by the following roll call: AYES: Cooper, Curcio, Dase, Garrett, Giordano, McDevitt, Russo, Sutton and Silipena. NAYS: None. ABSTENTIONS: None.

**RESOLUTION NO. 546
AMENDATORY
COMPETITIVE
CONTRACT FOR
WORKFORCE
INVESTMENT ACT AND
WORKFORCE NJ
TRAINING**

Freeholder Cooper moved and Freeholder Sutton seconded a motion to enter into an amendatory Competitive Contract with Atlantic Cape May Career Center, Inc. d/b/a Job Connection for the provision services related to its dissolution for an amount not to exceed \$125,000.00.

The above-mentioned motion was adopted by the following roll call: AYES: Cooper, Curcio, Dase, Garrett, Giordano, McDevitt, Russo, Sutton and Silipena. NAYS: None. ABSTENTIONS: None.

**RESOLUTION NO. 547
ALTERNATE METHOD
CONTRACT FOR FORTIS
IMAGING
PROPRIETARY
SOFTWARE**

Freeholder Curcio motioned and Freeholder Sutton seconded a motion to enter into an Alternate Method Contract with MTS Software Solutions, Inc, d/b/a AMI Imaging, LLC to provide support and maintenance for its Fortis Imaging Proprietary Software for an amount not to exceed \$18,300.00.

The above-mentioned motion was adopted by the following roll call: AYES: Cooper, Curcio, Dase, Garrett, Giordano, McDevitt, Russo, Sutton and Silipena. NAYS: None. ABSTENTIONS: None.

**RESOLUTION NO. 548
BID CONTRACT FOR
ROAD IMPROVEMENTS
ALONG MILL ROAD (CR
563) SECTION 3C**

Freeholder Russo moved and Freeholder Sutton seconded a motion to enter into a bid contract with A. E. Stone, Inc., lowest responsible bidder, for road improvements along Mill Road (CR 563) Section 3C in Northfield and Egg Harbor Township from Shore Road (CR 585) to Dock Thorofare for an amount not to exceed \$996,571.88.

The above-mentioned motion was adopted by the following roll call: AYES: Cooper, Curcio, Dase, Garrett, Giordano, McDevitt, Russo, Sutton and Silipena. NAYS: None. ABSTENTIONS: None.

**RESOLUTION NO. 549
BID CONTRACT FOR
ROADWAY
IMPROVEMENTS OF
MILL ROAD, SECTION
7C IN ABSECON**

Freeholder Dase moved and Freeholder Sutton seconded a motion to enter into a bid contract with A.E. Stone, Inc., lowest responsible bidder, for roadway improvements to Mill Road, Section 7C in Absecon for an amount not to exceed \$456,832.33.

The above-mentioned motion was adopted by the following roll call: AYES: Cooper, Curcio, Dase, Garrett, Giordano, McDevitt, Russo, Sutton and Silipena. NAYS: None. ABSTENTIONS: None.

**RESOLUTION NO. 550
CHANGE ORDER NO. 1**

Freeholder Sutton moved and Freeholder Curcio seconded a motion for Change Order No. 1 with Terminix for pest control services for County buildings for extra work in the amount of \$150.00 and for an amendatory contract amount not to exceed \$26,086.00.

The above-mentioned motion was adopted by the following roll call: AYES: Cooper, Curcio, Dase, Garrett, Giordano, McDevitt, Russo, Sutton and Silipena. NAYS: None. ABSTENTIONS: None.

**RESOLUTION NO. 551
GRANT ACCEPTANCE
FOR WORKFORCE
DEVELOPMENT
PARTNERSHIP
PROGRAM FUNDS**

Freeholder Giordano moved and Freeholder Cooper seconded a motion to accept a grant from the New Jersey Department of Labor for Workforce Development Partnership Program funds for an amount not to exceed \$62,241.00.

The above-mentioned motion was adopted by the following roll call: AYES: Cooper, Curcio, Dase, Garrett, Giordano, McDevitt, Russo, Sutton and Silipena. NAYS: None. ABSTENTIONS: None.

**RESOLUTION NO. 552
ACCEPTANCE OF
GRANT BY ACUA FOR
2007 TONNAGE BONUS**

Freeholder Giordano moved and Freeholder Sutton seconded a motion to consent to the ACUA's acceptance of a grant from the New Jersey Department of Environmental Protection and Energy for 2007 Tonnage Bonus.

The above-mentioned motion was adopted by the following roll call: AYES: Cooper, Curcio, Dase, Garrett, Giordano, McDevitt, Russo, Sutton and Silipena. NAYS: None. ABSTENTIONS: None.

**RESOLUTION NO. 553
EXECUTE AND RECORD
QUIT CLAIM DEED**

Freeholder Giordano motioned and Freeholder Cooper seconded a motion to execute and record a quit claim deed regarding county facilities located at Block 69, Lot 4 and 1.01 at the corner of New Road (Route 9) and Dolphin Avenue in the City of Northfield for the purpose of correcting boundaries.

The above-mentioned motion was adopted by the following roll call: AYES: Cooper, Curcio, Dase, Garrett, Giordano, McDevitt, Russo, Sutton and Silipena. NAYS: None. ABSTENTIONS: None.

**COMBINE AND ADOPT
RESOLUTIONS NO. 554
TO 559**

Freeholder Giordano moved and Freeholder Curcio seconded a motion to combine and adopt Resolutions No. 554 to 559.

The above-mentioned motion was adopted by the following roll call: AYES: Cooper, Curcio, Dase, Garrett, Giordano, McDevitt, Russo, Sutton and Silipena. NAYS: None. ABSTENTIONS: None.

**RESOLUTION NO. 554
CHAPTER 159**

Insertion into the budget of funds received from the State of New Jersey, Department of Human Services under the caption of Personal Assistance Services Program (PASP) CY 08 for an amount not to exceed \$2,676.92.

**RESOLUTION NO. 555
CHAPTER 159**

Insertion into the budget of funds received from the State of New Jersey, Department of Law and Public Safety under the caption of Victim Assistance Project/Victims of Crime Act Grant 08-09 for an amount not to exceed \$128,606.00.

**RESOLUTION NO. 556
CHAPTER 159**

Insertion into the budget of funds received from the State of New Jersey, Department of Labor Workforce Development under the caption of Workforce Development Partnership Program 08-09 for an amount not to exceed \$62,241.00.

**RESOLUTION NO. 557
CHAPTER 159**

Insertion into the budget of funds received from the State of New Jersey, Department of Children and Families under the caption of CFI & APPI 08-09 for an amount not to exceed \$1,486,669.00.

**RESOLUTION NO. 558
CHAPTER 159**

Insertion into the budget of funds received from the United States Department of Housing and Urban Development under the caption of Community Development Block Grant FY 08 for an amount not to exceed \$1,314,398.00.

**RESOLUTION NO. 559
CHAPTER 159**

Insertion into the budget of funds received from the United States Department of Housing and Urban Development under the caption of Home Investment Partnership Act FY 08 for an amount not to exceed \$700,196.00.

**RESOLUTION NO. 560
SUPPORTING REQUEST
TO HONOR MARIE
McCULLOUGH**

Freeholder Sutton moved and Freeholder Russo seconded a motion to support the Columbus Day Committee of Atlantic City's request to honor Marie McCullough.

The above-mentioned motion was adopted by the following roll call: AYES: Cooper, Curcio, Dase, Garrett, Giordano, McDevitt, Russo, Sutton and Silipena. NAYS: None. ABSTENTIONS: None.

PUBLIC PORTION

Chairman Silipena opened the public portion at 4:55 p.m. Chairman Silipena recognized Tom Ballistreri, Mayor of Folsom. Mayor Ballistreri commended the Board on Ordinance No. 12. He thought it was amazing that anyone could abstain.

Chairman Silipena recognized Lloyd Wimberg. Mr. Wimberg stated that he was a Freeholder 30 years ago and served on the County Charter Change. Regarding horse trails, etc. Egg Harbor City has hundreds of miles of trails. He suggested that Egg Harbor City offer some of their trails to the County. Mr. Wimberg spoke about the ACORN Project where they registered a horse named Mr. Ed who voted. He commended Chairman Joseph Silipena on officiating the meeting.

Chairman Silipena recognized Mr. Jim Schroeder of Port Republic. Mr. Schroeder stated that the offer from Egg Harbor City was commendable. Regarding Ordinance No. 12, he has concerns when the Board moves in an area inappropriate that may evoke lawsuits. Freeholder Curcio responded that we need to take action. If we act we may subject the taxpayers to litigation. However, if we don't act it continues.

Chairman Silipena recognized County Surrogate, James Carney. Mr. Carney thanked the County for approving Fortis. There is a problem with proprietary contracts regarding open bidding because the entire system has to be replaced.

Chairman Silipena recognized Mr. Gibbs of Somers Point. He stated that regarding Ordinance No. 12, he is disappointed that the research was not completed. There was no strategy. The Board could have done a lot more. Freeholder Curcio responded the Board did its homework.

Chairman Silipena recognized Rob Herman, an attorney. He spoke in length about constitutional law.

Chairman Silipena recognized Mr. Manny Aponte, 304 Yarmouth Road in Egg Harbor Township. Mr. Aponte stated that there should not have been any abstentions regarding Ordinance No. 12. He disagreed with Mr. Herman.

Chairman Silipena asked if there were any further public comments. Being none, he closed the public portion at 5:30 p.m.

**FREEHOLDER
COMMENTS**

Chairman Silipena asked if there were any Freeholder comments.

Freeholder Cooper reported that the Atlantic County Women's Commission held a positive event, bipartisan, at Borders.

Freeholder Joseph McDevitt reported that he sent a letter to Sheriff McGettigan regarding political contributions. He invited Sheriff McGettigan to the next Freeholder meeting to discuss that fact that he is \$70,000 to \$120,000 over the limit of accepting political contributions.

**WRITTEN
CORRESPONDENCE**

Written correspondence was received by this office during the period of September 24, 2008 to October 7, 2008.

ADJOURNMENT

There was no further business. A motion was made and seconded to adjourn the meeting. The motion was unanimously passed. The meeting was adjourned at 6 p.m.

Submitted by,

**Sonya G. Harris
Clerk to the Board**