



Director Stephen Sweeney called a regular meeting of the Board of Chosen Freeholders of the County of Gloucester to order on Wednesday, August 4, 2010 at 7:30 p.m. The Director then led those present in the salute to the flag.

The Open Public Meetings statement was read in its entirety, after which the roll was called with the following Board members responding: Freeholder Chila, Freeholder Damminger, Freeholder DiMarco, Freeholder DuBois, Freeholder Wallace and Director Sweeney. Freeholder Brigandi was absent. Also present were Administrator Bruner and County Counsel Samuel Leone.

Upon the motion of Freeholder Damminger and the second of Freeholder DiMarco, the minutes from the freeholder meeting of July 20, 2010 were unanimously approved with a roll call vote.

There were no changes to the agenda.

Director Sweeney, in regard to a court ruling putting a monitor in place in Gloucester County, stated Gloucester County has always strived to have an open process, this Board has strived to follow the law as it exists and as it evolves, and this Freeholder Board trusted their attorneys. The Director went on to say he is extremely disappointed in this ruling, but he is looking at this as an opportunity to demonstrate Gloucester County does more and goes further to have an open government, but added he isn't happy about this, as he doesn't agree with the ruling, but our process will validation of how open and transparent Gloucester County government is.

County Counsel Leone then made the following statement: "The Legal Department respects, but respectfully disagrees with, the Court's conclusions in the Burnett case. It is important to recognize that this case started with plaintiff's attempt to halt construction of the new County courthouse. That part of his case was dismissed. This was followed by his effort to derail the funding for that project. That part of his case was also dismissed. That was followed by his effort to void some two years of other actions taken by the County; and that part of his case was dismissed. The courthouse is about to be completed and all of the other complained of matters have moved forward as well. Plaintiff then appealed on other issues. The Appellate Division disagreed with a part of the Trial Judge's rulings on those issues and sent the case back. The Trial Court then entered the order we are dealing with now. The outcome of this case is indicative of the struggles that governments throughout the state have had with fully understanding and fully complying with the Open Public Meetings Act and the Open Public Records Act. Both are obviously important, socially beneficent laws, but implementation is problematic. The proof of this is the long list of Appellate Division decisions in these areas. You do not have an Appellate Division case unless the two sides to the dispute disagree. You do not have an Appellate Division overturn a Trial Judge's decision unless the Judges have different interpretations of the law. That is what we faced here, and there are many other examples. One case we have been discussing over the last two years is the Casino Simulcasting case. In that case, there was an appeal from the final Order of the New Jersey Racing Commission. The case dealt with the extent of the record which the Commission made in their public meeting on the distribution of a Special Fund. The Appellate Division reversed the Commission's decision and in so doing, in my opinion, changed the rules on the extent of a public record that needs to be made after discussions in Executive Session. The New Jersey Expressway Authority, the Morris School District, the Division of Youth and Family Services and many other government bodies were all involved in cases where the Trial Court decided one way, and the Appellate Division reversed. With regard to OPRA, despite the guidance set out in Paff v. Monroe Township and the Trenton State College case, local governments are still using multiple versions of resolutions to authorize closed sessions, some of which resolutions clearly do not comply with the dictates of these cases. Recently, the Government Records Council issued an advisory opinion indicating that all requesters must submit their OPRA requests on the government's official OPRA Request form. But last year, the Appellate Division reversed and now we are required to accept almost any writing. For almost ten years,

New Jersey towns and counties read the Open Public Records Act the same way and read it to provide a certain schedule of fees for copies. But very recently, in Smith v. Hudson County Register, the Appellate Division practically overnight changed the way all of us have to charge for OPRA records. It sent those same towns and counties scrambling to adopt resolutions to beat a July 1 deadline. Some of these cases are new; some are older. But the point of this description is to demonstrate that the Open Public Meetings Act and the Open Public Records Act continue to be two areas of the law where there is great disagreement among judges and governments and citizens concerning what the exact requirements of the law are at any point in time and how best to achieve complete compliance. Ultimately, the Freeholders rely upon the advice of County Counsel – that’s me – and I rely upon the state of the law at the time. But the law in these areas is a constantly moving target. From a good government perspective, it is indeed unfortunate that for some this dynamic is seen as an opportunity to attack instead of inform, to obstruct instead of improve. Those who take this approach seem to make a fundamentally false assumption: that is, that the government is operating in bad faith. This line of cases shows that good faith efforts to comply can still result in negative decisions. In a portion of a judgment denying counsel fees to a records requester, one Judge commented that “a rule of reason must illuminate all applications of legislation...The process cannot... [he said] be the occasion for a gotcha game...” From my perspective, our case can actually create an opportunity for us to share with other local governments how we might be able to stay ahead of the curve as there will surely be more head scratching cases in this area in the future. The judge in our case did observe that Gloucester County was to be commended for the steps it had taken; that the work described in the Administrator’s Certification all goes toward transparency; and that the appointment of our Compliance Officer was laudable. Gloucester County has been intensely scrutinized over the last two and a half years. The unrefuted proofs presented by the County in our lawsuit demonstrated that during that time the County’s record is an excellent one of compliance with a complex law. The County Legal Department will certainly accept and assess the Court’s directions and make them a part of our continuing effort to maintain transparency while pursuing good government. “

PROCLAMATION 44830

A proclamation recognizing Howard J. “Babe” Leidy was read by title, as it had been previously presented.

PROCLAMATION 44831

A proclamation recognizing Louis B. Colameco, III was read by title and will be presented at a later date.

PROCLAMATION 44832

A proclamation recognizing Frank D’Amico was read by title and will be presented at a later date.

PROCLAMATION 44833

A proclamation recognizing Dr. H. Mark Stanwood upon his retirement was read by title, as it had been previously presented.

PROCLAMATION 44834

A proclamation recognizing Joyce McCullough upon her retirement was read by title, as it had been previously presented.

PROCLAMATION 44835

A proclamation recognizing Jeanette Griffin upon her retirement was read by title as it had been previously presented.

PROCLAMATION 44836

A proclamation recognizing Judge Joseph P. Testa upon his retirement was read by title, and will be presented at a later date.

PROCLAMATION 44837

A proclamation recognizing Judge Michael Brooke Fisher upon his retirement was read by title and will be presented at a later date.

ORDINANCE 44838

Upon the motion of Freeholder Damminger and the second of Freeholder DiMarco, an ordinance of the Board of Chosen Freeholders of the county of Gloucester, New Jersey, ratifying and approving the extension of the previously approved guaranty of the County to include the payment of the principal of and interest in the County guaranteed lease revenue refunding bonds, series A of 2010 in the aggregate principal amount not-to-exceed \$8,000,000.00 to be issued by the Gloucester County Improvement Authority to finance the refunding of up to all of the callable maturities of the Authority's outstanding County Guaranteed Lease Revenue Bonds, Series A of 1999 and County Guaranteed Lease Revenue Bonds, Series of 2001, and for the purpose of providing additional security for the payment of said bonds and determining certain matters in connection therewith was read by title and unanimously adopted, upon introduction, with a roll call vote. The public hearing and adoption for this ordinance will be on August 18, 2010.

ORDINANCE 44839

An ordinance of the Board of Chosen Freeholders of the County of Gloucester, New Jersey, authorizing and approving the entering into, execution and delivery of an eight amendment to lease purchase agreement, eighth amendment to ground lease agreement and continuing disclosure agreement with the Gloucester County Improvement Authority relating to the issuance by the Authority of its County Guaranteed Lease Revenue Refunding Bonds, Series A of 2010, and authorizing other necessary action in connection with said financing was read by title and unanimously approved, on introduction, upon a motion of Freeholder Damminger and the second of Freeholder DiMarco. The public hearing and adoption for this ordinance will be on August 18, 2010.

Upon the motion of Freeholder Damminger and the second of Freeholder DiMarco, the public portion on agenda items only was unanimously opened with a roll call vote. There being no one wishing to speak to any item appearing on the agenda, upon the motion of Freeholder Damminger and the second of Freeholder DiMarco, this public portion was unanimously closed, with a roll call vote.

DEPARTMENT OF ADMINISTRATION**RESOLUTION 44840**

A resolution of the Board of Chosen Freeholders of the County of Gloucester, New Jersey, authorizing and consenting to the refunding of certain outstanding bonds of the Gloucester County Improvement Authority issued to finance the costs of acquisition of certain capital equipment and/or construction of certain infrastructure improvements in, by and for the County through the issuance of the County Guaranteed Lease Revenue Refunding Bonds, Series A of 2010 by the Authority to provide financing for such project was read by title and unanimously adopted, with a roll call vote, upon the motion of Freeholder Damminger and the second of Freeholder DiMarco.

RESOLUTION 44841

A resolution authorizing certification of the Annual Audit for the year 2009 for the County of Gloucester. Administrator Bruner made the following statement "This resolution accepts the annual audit for 2009. It should be noted that the County received zero recommendations and findings." This resolution was read by title and unanimously adopted, with a roll call vote, upon the motion of Freeholder Damminger and the second of Freeholder DiMarco.

DEPARTMENT OF ADMINISTRATION (CONTINUED)

RESOLUTION 44842

A resolution providing for the insertion of \$4,000,000.00 from the New Jersey Department of Transportation into the Gloucester County budget pursuant to N.J.S.A. 40A:4-87 was read by title and unanimously adopted, with a roll call vote, upon the motion of Freeholder Damminger and the second of Freeholder DiMarco.

RESOLUTION 44843

A resolution providing for the insertion of \$35,260.00 from the New Jersey Department of Environmental Protection into the Gloucester County budget pursuant to N.J.S.A. 40A:4-87 was read by title and unanimously adopted, with a roll call vote, upon the motion of Freeholder Damminger and the second of Freeholder DiMarco.

RESOLUTION 44844

A resolution providing for the insertion of \$22,895.00 from the New Jersey Department of Health and Senior Services into the Gloucester County budget pursuant to N.J.S.A. 40A:4-87 was read by title and unanimously adopted, with a roll call vote, upon the motion of Freeholder Damminger and the second of Freeholder DiMarco.

RESOLUTION 44845

A resolution providing for the insertion of \$1,676,524.00 from the New Jersey Department of Labor and Workforce Development into the Gloucester County budget pursuant to N.J.S.A. 40A:4-87 was read by title and unanimously adopted, with a roll call vote, upon the motion of Freeholder Damminger and the second of Freeholder DiMarco.

RESOLUTION 44846

A resolution providing for the insertion of \$103,082.00 from the New Jersey Department of Labor and Workforce Development into the Gloucester County budget pursuant to N.J.S.A. 40A:4-87 was read by title and unanimously adopted, with a roll call vote, upon the motion of Freeholder Damminger and the second of Freeholder DiMarco.

RESOLUTION 44847

A resolution providing for the insertion of \$56,000.00 from the New Jersey Department of Labor and Workforce Development into the Gloucester County budget pursuant to N.J.S.A. 40A:4-87 was read by title and unanimously adopted, with a roll call vote, upon the motion of Freeholder Damminger and the second of Freeholder DiMarco.

RESOLUTION 44848

A resolution providing for the insertion of \$2,673.00 from the New Jersey Department of Law and Public Safety into the Gloucester County budget pursuant to N.J.S.A. 40A:4-87 was read by title and unanimously adopted, with a roll call vote, upon the motion of Freeholder Damminger and the second of Freeholder DiMarco.

RESOLUTION 44849

A resolution authorizing the award of a contract to Paper Mart, Inc. for the supply and delivery of copy paper and computer paper on an as needed basis for the County of Gloucester for a period of one year commencing August 18, 2010 and concluding August 17, 2011, with an option to extend the contract for two (2) one (1) year periods or one (1) two (2) year period for a minimum contract amount of zero and a maximum contract amount of \$40,000.00 was read by title and unanimously adopted, with a roll call vote, upon the motion of Freeholder Damminger and the second of Freeholder DiMarco.

DEPARTMENT OF ADMINISTRATION (CONTINUED)

RESOLUTION 44850

A resolution rescinding previously adopted resolution and rescinding contract previously awarded to Marjam Supply, Inc. for the purchase of various building supplies for a period of one year and for a minimum contract amount of zero and a maximum contract amount of \$100,000.00 was read by title and unanimously adopted, with a roll call vote, upon the motion of Freeholder Damminger and the second of Freeholder DiMarco.

RESOLUTION 44851

A resolution authorizing the County of Gloucester to accept and ratify a collective bargaining agreement between the Gloucester County Board of Freeholders and the Association of Assistant Prosecutors for the term beginning January 1, 2008 and concluding December 31, 2012. Administrator Bruner made the following statement "This resolution approves a contract between the Prosecutor, Board of Chosen Freeholders and the Assistant and Supervisory Prosecutors' Association. This particular bargaining unit is representative of 20 employees and most have been without a contract since December 31, 2007. This contract is in conformance with all recent and relevant State regulations and will fit within the mandatory new Cap Laws. For the first time, a fair and equitable salary system is in place that removes arbitrary placement of new hires, a goal of this association. Yearly Salary increases of 2.75% in 2008, 2.5% in 2009, 2.0% in 2010 through 2012. It should also be noted that this unit currently complies with the mandatory 1.5% contribution of annual salary towards medical benefits. Additionally, longevities are no longer included in this contract beginning 2011." The resolution was then read by title and unanimously adopted, with a roll call vote, upon the motion of Freeholder Damminger and the second of Freeholder DiMarco

DEPARTMENT OF PUBLIC WORKS

RESOLUTION 44852

A resolution authorizing award of contract to Riggins, Inc. for the supply and delivery of gasoline and diesel fuel, as per PD-010-041, for a minimum contract amount of zero and a maximum contract amount of \$700,000.00 per year, for the period beginning August 4, 2010 and ending August 3, 2012 was read by title and unanimously adopted, with a roll call vote, upon the motion of Freeholder Damminger and the second of Freeholder DiMarco.

RESOLUTION 44853

A resolution authorizing award of contract to Good Deal Lifetime Transmissions in regard to transmission overhauls on Ford, Chevrolet and Chrysler automobiles and trucks for the County of Gloucester, for a minimum contract amount of zero and a maximum contract amount of \$20,000.00 per year, for the period beginning August 4, 2010 and ending August 3, 2012 was read by title and unanimously adopted, with a roll call vote, upon the motion of Freeholder Damminger and the second of Freeholder DiMarco.

RESOLUTION 44854

A resolution authorizing the award of a contract to Oceanport, LLC, for the supply and delivery of rock salt, as per PD 010-038 for the County of Gloucester, for a one-year period from the date of the award of the contract for a minimum contract amount of zero and a maximum contract amount of \$1,000,000.00 per year was read by title and unanimously adopted, with a roll call vote, upon the motion of Freeholder Damminger and the second of Freeholder DiMarco.

DEPARTMENT OF PUBLIC WORKS (CONTINUED)

RESOLUTION 44855

A resolution authorizing contract with T&M Associates for inspection and construction management services per RFP-10-068, concerning construction of the proposed reconstruction of Bridge 7-P-1, Winslow Road over the Great Egg Harbor River in the Township of Monroe, Gloucester County, New Jersey, for a maximum contract amount of \$63,432.00, as to Federal Project No. FS-C000S(014) ARRA Federal Stimulus Project, Engineering Project #06-17FA(1) was read by title and unanimously adopted, with a roll call vote, upon the motion of Freeholder Damminger and the second of Freeholder DiMarco.

DEPARTMENT OF HEALTH & PUBLIC SAFETY

RESOLUTION 44856

A resolution authorizing an agreement between the County of Gloucester and Rutgers Cooperative Extension for the entitled "SNAP-ED" (Supplemental Nutrition Assistant Program Education) beginning October 1, 2010 and concluding September 30, 2011 was read by title and unanimously adopted, with a roll call vote, upon the motion of Freeholder DuBois and the second of Freeholder Chila.

DEPARTMENT OF LAW & VETERANS AFFAIRS

RESOLUTION 44857

A resolution approving an amendment to the procedures and operation manual for the Gloucester County Veterans Memorial Cemetery and to amend the Administrative Code Section VET-6 was read by title and unanimously adopted, with a roll call vote, upon the motion of Freeholder Chila and the second of Freeholder DuBois.

RESOLUTION 44858

A resolution authorizing the execution of any and all documents to obtain and expend funding from the New Jersey Department of Law and Public Safety, Division of Criminal Justice, for the Body Armor Replacement Program, in an amount to be determined by the funding agency, for Fiscal Year 2010 was read by title and unanimously adopted, with a roll call vote, upon the motion of Freeholder Chila and the second of Freeholder DuBois.

RESOLUTION 44859

A resolution authorizing the execution of any and all documents, certifications and reports to obtain and expend funding from the U.S. Department of Justice for the Justice Assistant Grant through the Gloucester County Prosecutor's Office, for the period of July 1, 2010 to June 30, 2012, in the total amount of \$43,426.00 was read by title and adopted, with a roll call vote, upon the motion of Freeholder Chila and the second of Freeholder DuBois, with Freeholder DiMarco abstaining from the vote and the other five freeholders present voting in the affirmative.

DEPARTMENT OF HUMAN SERVICES

Freeholder Wallace had no business under his department.

DEPARTMENT OF PARKS & GOVERNMENT SERVICES

RESOLUTION 44860

A resolution authorizing the execution of a professional services contract with Appraisal Systems, Inc., for the provision of professional revaluations for the Township of East Greenwich for the period of one year commencing October 1, 2010 for the 2011 tax year, which contract shall be open ended and shall have a minimum contract amount of zero and a maximum contract amount of \$209,200.00 was read by title and unanimously adopted, with a roll call vote, upon the motion of Freeholder DiMarco and the second of Freeholder Damminger.

DEPARTMENT OF PARKS & GOVERNMENT SERVICES (CONTINUED)

RESOLUTION 44861

A resolution authorizing the execution of a shared services agreement made by and between the County of Gloucester and the Borough of Swedesboro for the provision of landscape design services was read by title and unanimously adopted, with a roll call vote, upon the motion of Freeholder DiMarco and the second of Freeholder Damminger.

RESOLUTION 44862

A resolution authorizing the Freeholder Director to execute an amendment to the State contract, number A61618, between the County of Gloucester and Global Tel Link (GTL), for the provision of an inmate phone system was read by title and unanimously adopted, with a roll call vote, upon the motion of Freeholder DiMarco and the second of Freeholder Damminger.

DEPARTMENT OF EDUCATION & ECONOMIC DEVELOPMENT

RESOLUTION 44863

A resolution of the County of Gloucester authorizing entry into a shared services agreement with the Gloucester County Improvement Authority with regard to predevelopment and environmental due diligence at the DuPont Repauno Brownsfield Site was read by title and unanimously adopted, with a roll call vote, upon the motion of Freeholder Wallace and the second of Freeholder DuBois.

RESOLUTION 44864

A resolution authorizing the execution of a election services contract with County Business Systems, Inc., to provide, create and print voting for digitized poll book services: accept, convert and merge additional data files and signatures into existing database for each election for the period commencing January 1, 2010 and concluding December 31, 2011, for a minimum contract amount of zero and a maximum contract amount of \$70,000.00 per year was read by title and unanimously adopted, with a roll call vote, upon the motion of Freeholder Wallace and the second of Freeholder DuBois.

RESOLUTION 44865

A resolution authorizing the award of a contract to St. John of God Community Services for an alternative work experience program for a minimum contract amount of zero and a maximum contract amount of \$160,000.00 for the period beginning July 12, 2010 and ending June 30, 2011 with the option to renew for one additional year was read by title and unanimously adopted, with a roll call vote, upon the motion of Freeholder Wallace and the second of Freeholder DuBois.

RESOLUTION 44866

A resolution authorizing the award of a contract to Mid-Atlantic States Career and Education Center for an alternative work experience program for a minimum contract amount of zero and a maximum contract amount of \$190,000.00 for the period beginning July 12, 2010 and ending June 30, 2011 with the option to renew for one additional year was read by title and unanimously adopted, with a roll call vote, upon the motion of Freeholder Wallace and the second of Freeholder DuBois.

RESOLUTION 44867

A resolution approving the revised Gloucester County Community Development Block Grant Program Year 2010 Annual Action Plan was read by title and unanimously adopted, with a roll call vote, upon the motion of Freeholder Wallace and the second of Freeholder DuBois.

DEPARTMENT OF EDUCATION & ECONOMIC DEVELOPMENT (CONTINUED)

RESOLUTION 44868

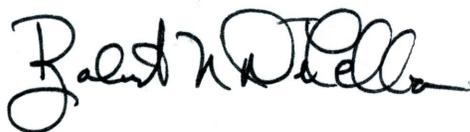
A resolution authorizing application for the CDBG/Home and Washington Township Entitlement grants through the Gloucester County Department of Economic Development, for the period commencing September 1, 2010 and concluding August 31, 2011 in the total amount of \$2,523,107.00 was read by title and unanimously adopted, with a roll call vote, upon the motion of Freeholder Wallace and the second of Freeholder DuBois.

Upon the motion of Freeholder Damminger and the second of Freeholder DiMarco, the public portion was unanimously opened with a roll call vote. Those speaking were:

1} Mr. Larry Wallace, of Woolwich Township, who stated his pleasure at the much more detailed agenda this evening and was informed the agenda has been like that for the past few meetings. Mr. Wallace stated he listened to County Counsel Leone's statement regarding the court appointed monitor and in his opinion Mr. Leone made excuses, if there is so much confusion throughout the State, why is Gloucester County the only one with a court appointed monitor? Director Sweeney stated Mr. Wallace would be outraged if he knew just how many governmental entities aren't in compliance, as a brief survey he conducted revealed, adding it appears multiple towns and counties are confused by the law and this recent ruling. The Director went on to say Gloucester County got sued, we were the only ones to get sued, and as a result, other counties have stopped having closed session meetings. The Director stated Gloucester County is going to offer a seminar, with Judge Vogelson as the presenter, in order to assist towns and other counties in avoiding this type of lawsuit. Mr. Wallace stated is feels this is unacceptable, as he believes open government is a right and a duty, and he believes in the spirit of the law, noting in his opinion the freeholders discussed routine matters in closed sessions, and asked why, adding this can't be swept under the run, someone has to be held accountable. Director Sweeney reiterated the freeholders followed the advice of legal counsel, and then informed Mr. Wallace his five minutes had elapsed.

2} Mayor Fred Grant, of East Greenwich Township, who thanked the freeholders for F-1, the revaluation resolution for his town, as well as thanking the freeholders for the benefit of shared services. There being no one else wishing to comment on any item appearing on the agenda, upon the motion of Freeholder Damminger and the second of Freeholder DiMarco the public portion was unanimously closed, with a roll call vote.

As there was no further business to come before the Board, upon the motion of Freeholder Damminger and the second of Freeholder DiMarco, the meeting was unanimously adjourned, with a roll call vote, at 8:05 p.m.



ROBERT N. DILELLA, CLERK