

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

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Minutes of Meeting
May 12, 2009

CALL TO ORDER

A Regular meeting of the Atlantic County Board of Chosen Freeholders was called to order by Vice Chairman Tom Russo at 4 p.m., Eastern Daylight Savings Time, on the above-mentioned date at the Stillwater Building, 201 Shore Road, Northfield, New Jersey.

OPEN PUBLIC MEETING STATEMENT

Statement of Open Public Meeting Compliance: Pursuant to the Open Public Meeting Act, Chairman Curcio 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 Russo followed by the flag salute led by Chairman Curcio.

ROLL CALL

The following roll call was recorded: PRESENT: Dase, Garrett, Giordano, McDevitt, Russo, Schroeder, Sutton and Curcio. Absent: Cooper.

Chairman Curcio read a letter from Freeholder Cooper stating that she was absent because she is recuperating from shoulder surgery.

**MINUTES OF MEETING
APRIL 21, 2009**

Freeholder Giordano moved and Freeholder Schroeder seconded a motion to adopt and dispense with the reading of the April 21, 2009 minutes.

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

PRESENTATION:

Mr. Albert Boscov gave a presentation regarding a request for a HUD Section 108 Loan Guarantee.

Chairman Curcio opened the meeting to the public regarding Mr. Boscov's presentation.

Someone from the audience spoke as a taxpayer. If Boscov's were to default, what is the taxpayer's burden? John Lamey responded regarding guaranteeing loans with a future. It will cost \$250,000.00 per year to repay the loan. If Mr. Boscov defaulted paying on the loan his collateral would be liquidated. If there was not enough collateral, HUD would reduce the County's CDBG funds. If in the future, there were no CDBG money, there wouldn't be enough money to repay the debt. Ultimately, the County would have to repay the money.

Carol Huntsbaker questions what is the true stumbling block? Each Freeholder will have to respond.

Chairman Curcio stated that why does a \$3 million investment impact on the Boscov's viability when you have obtained more than \$44 million. The problem is banking.

Freeholder Dase asked how much HUD money has the County received. Mr. Lamey stated 1.3 to 1.7 million per year.

Freeholder Giordano asked how much time is remaining, Mr. Boscov stated till the end of the month unless an extension is granted. Freeholder Garrett asked have you ever defaulted. Mr. Boscov stated never.

Ronnie Brook of Sweetwater, NJ, an employee with Boscov's stated that Mr. Boscov is a very honest man.

Jacob of Galloway Township stated that if Boscov's closes, the Shore Mall will close.

Michael Ventora of the ACIA asked have you approached the Boscov Stores in Deptford? HUD has certain criteria. It cannot be an affluent area.

Chris Fatta, employee of Boscov's for twenty years, stated that customers have expressed concerns to Boscov's in writing.

Freeholder McDevitt stated that we need to go back to all economic agencies to discuss the issues.

A letter was read from the Mayor of the City of Pleasantville in favor of the County grant Mr. Boscov his request.

**BOND ORDINANCE NO. 3-2009
FINAL READING
FOR VARIOUS
IMPROVEMENTS TO ROADS
AND BRIDGES**

Freeholder Garrett moved and Freeholder Dase seconded a motion to adopt on final reading Bond Ordinance No. 3 of 2009 providing for the improvement of various roads and bridges in and by the County of Atlantic, New Jersey appropriating \$5,000,000.00 therefor and authorizing the issuance of \$4,760,000.00 bonds or notes of the county for financing such appropriation.

Chairman Curcio opened the meeting for public comment regarding Bond Ordinance No. 3 of 2009 at 5:15 p.m. Being none, Chairman Curcio closed the public portion at 5:15 p.m.

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

**BOND ORDINANCE NO. 4-2009
FINAL READING
FOR IMPROVEMENT OF THE
MAYS LANDING
GOVERNMENT COMPLEX**

Freeholder Sutton moved and Freeholder Garrett seconded a motion to adopt on final reading Bond Ordinance No. 4 of 2009 providing for the improvement of the Mays Landing Government Complex in and by the County of Atlantic, New Jersey, Appropriating \$7,000,000.00 therefor and authorizing the issuance of \$6,666,000.00 bonds or notes of the county for financing such appropriation.

Chairman Curcio opened the meeting for public comment regarding Bond Ordinance No. 4 of 2009 at 5:20 p.m. Being none, Chairman Curcio closed the public portion of the meeting at 5:20 p.m.

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

**ORDINANCE NO. 3-2009
FINAL READING
LAND ACQUISITION FOR
IMPROVEMENTS OF THE
INTERSECTION OF JIMMIE
LEEDS ROAD AND SIXTH**

Freeholder Dase moved and Freeholder Sutton seconded a motion to adopt on final reading Ordinance No. 3 of 2009 authorizing acquisition of a parcel of real property located at the intersection of Jimmie Leeds Road and Sixth Avenue, in Galloway Township, Atlantic County, New Jersey by means of agreement or by condemnation pursuant to N.J.S.A. 40A:12-1 et seq., and N.J.S.A.

**AVENUE N GALLOWAY
TOWNSHIP**

20:3-1 et seq., said parcel of property being P/O Block 981.01, Lot 21 on the tax map of Galloway Township.

Chairman Curcio opened the meeting for public comment on Ordinance No. 3 of 2009 at 5:17 p.m. Being none, Chairman Curcio closed the public portion at 5:17 p.m.

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

**ORDINANCE NO. 4-2009
FINAL READING
LAND ACQUISITION FOR
IMPROVEMENTS AT THE
AIRPORT CIRCLE**

Freeholder Russo moved and Freeholder Giordano seconded a motion to adopt on final reading Ordinance No. 3 of 2009 authorizing acquisition of right of way from parcels of property located at the Intersection of Delilah Road & Tilton Road (Airport Circle) and designated as Block 101, part of Lots 1,2 & 12; Block 401, Part of Lots 1 & 2; Block 301, Part of Lots 1, 2, & 3; Block 415, Part of Lots, 1, 2, 3, 4 & 9; Block 310, Lots 3 & 4 on the tax map of Egg Harbor Township, Atlantic County, New Jersey pursuant to N.J.S.A. 40A:12-1 et seq.; and N.J.S.A. 20:3-1 et seq.

Chairman Curcio opened the meeting for public comment on Ordinance No. 4 of 2009 at 5:18 p.m. Being none, Chairman Curcio closed the public portion at 5:18 p.m.

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

**ORDINANCE NO. 6
FIRST READING
AMENDING ORDINANCE NO.
10 (8/10/08) FOR ACQUISITION
OF PROPERTY FOR
IMPROVEMENTS AT JIMMIE
LEEDS ROAD & SIXTH
AVENUE IN GALLOWAY
TOWNSHIP**

Freeholder Dase moved and Freeholder Sutton seconded a motion to introduce on first reading Ordinance No. 6 of 2009 amending Ordinance No. 10 of 2008 adopted on August 10, 2008 regarding acquisitions located at the Intersection of Jimmie Leeds Road and Sixth Avenue, in Galloway Township, Atlantic County, New Jersey pursuant to N.J.S.A. 40A:12-1 et seq., and N.J.S.A. 20:3-1 et seq.

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

***RESOLUTION NO. 184
OPEN SPACE TAX
FINAL READING**

Freeholder Sutton moved and Freeholder Schroeder seconded a motion to adopt on final reading the Open Space Preservation Trust Fund Tax for a rate of one half cent per \$100.00 of valuation.

Chairman Curcio opened the meeting for public comment regarding Resolution No. 184 at 5:21 p.m. Being none, Chairman Curcio closed the public portion of the meeting at 5:21 p.m.

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

**RESOLUTION NO. 256
ESTABLISH A DEDICATED
TRUST BY RIDER FOR G.E.D.
TESTING FEES**

Freeholder Giordano moved and Freeholder Sutton seconded a motion to approve the establishment of a Dedicated Trust by Rider for G.E.D. Testing Fees.

***NOT IN NUMERICAL ORDER**

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

**RESOLUTION NO. 257
BID CONTRACT FOR
RESURFACING OF PLEASANT
MILLS ROAD**

Freeholder Giordano moved and Freeholder Schroeder seconded a motion to award a bid contract to Asphalt Paving Systems, Inc. for resurfacing of Pleasant Mills Road (CR 542) Section 3 in Mullica Township for an amount not to exceed \$574,836.76.

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

**RESOLUTION NO. 258
AMENDING RESOLUTION NO.
377 (7/1/08) REGARDING THE
ADOPTION OF THE
ATLANTIC COUNTY
CONSOLIDATED FY 2008
ANNUAL ACTION PLAN**

Freeholder Giordano moved and Freeholder Sutton seconded a motion to amend Resolution No. 377 adopted on July 1, 2008 regarding the adoption of the Atlantic County Consolidated FY 2008 Annual Action Plan to receive \$545,890.00 of Homelessness Prevention and Rapid Recovery Program funds.

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

**RESOLUTION NO. 259
GRANT APPLICATION
FOR THE GARDEN STATE
HISTORIC PRESERVATION
TRUST-HISTORIC SITE
MANAGEMENT GRANT**

Freeholder Sutton moved and Freeholder Garrett seconded a motion to submit a grant application to the New Jersey Historical Trust for the Garden State Historic Preservation Trust-Historic Site Management Grant for funding in the amount of \$30,000.00 subject to a County cash match of \$10,000.00.

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

**RESOLUTION NO. 260
GRANT APPLICATION FOR
MEGAN'S LAW
ADMINISTRATION**

Freeholder Giordano moved and Freeholder Garrett seconded a motion to submit a grant application to the New Jersey Division of Criminal Justice for Megan's Law Administration for funding in the amount of \$11,807.00, subject to a County cash match of \$3,936.00.

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

**RESOLUTION NO. 261
GRANT APPLICATION FOR
EMERGENCY MANAGEMENT
PERFORMANCE GRANT
FFY2007 SUPPLEMENTAL
FUNDING**

Freeholder Sutton moved and Freeholder Garrett seconded a motion to submit a grant application to the New Jersey Department of Law & Public Safety, Division of State Police, for Emergency Management Performance Grant FFY2007 supplemental funding in the amount of \$20,577.00, subject to a county in-kind match of \$13,108.00.

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

**RESOLUTION NO. 262
APPLICATION FOR
PARTICIPATION IN THE
LOCAL GOVERNMENT
ENERGY AUDIT PROGRAM**

Freeholder Giordano moved and Freeholder Dase seconded a motion to submit an application to the New Jersey Board of Public Utilities, Office of Clean Energy for participation in the Local Government Energy Audit Program.

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

**RESOLUTION NO. 263
AUTHORIZATION
ACQUISITION OF
ADDITIONAL RIGHTS OF
WAY AND OTHER INTERESTS
IN VARIOUS PARCELS OF
LAND ADJACENT TO THE
AIRPORT CIRCLE IN EGG
HARBOR TOWNSHIP FROM
FAA**

Freeholder Russo moved and Freeholder Schroeder seconded a motion to authorize acquisition of additional rights of way and other interests in various parcels of land, located adjacent to the airport circle, in Egg Harbor Township from the Federal Aviation Administration to accommodate the highway and stormwater drainage improvements.

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

**MOTION TO COMBINE AND
ADOPT
RESOLUTIONS NO. 264 AND
265**

Freeholder Garrett moved and Freeholder Schroeder seconded a motion to combine and adopt resolutions No. 264 and No. 265, Chapter 159's.

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

**RESOLUTION NO. 264
CHAPTER 159**

Insertion into the Budget funds from the State of New Jersey, Department of Human Services under the caption of IV-D Law FY09 for the sum of \$1,656.67.

**RESOLUTION NO. 265
CHAPTER 159**

Insertion into the Budget funds from the State of New Jersey, Office of Attorney General, Department of Law and Public Safety, Division of State Police under the caption of Emergency Management Assistance FFY08 in the sum of \$18,000.00.

**RESOLUTION NO. 266
APPOINTMENT TO THE
ATLANTIC COUNTY MENTAL
HEALTH ADVISORY BOARD**

Freeholder Sutton moved and Freeholder McDevitt seconded a motion to appoint Tabatha Montalvo to the Atlantic County Mental Health Advisory Board for a term to expire on June 30, 2012.

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

**RESOLUTION NO. 267
CHANGING THE LOCATION
OF THE MAY 19, 2009
FREEHOLDER MEETING**

Freeholder Schroeder moved and Freeholder Sutton seconded a motion to change the location of the Regular Meeting of the Atlantic County Board of Chosen Freeholders on May 19, 2009 from the Stillwater Building, 201 Shore Road, Northfield, New Jersey to the New Criminal Court House, Courtroom No. 1, 4997 Unami Boulevard, Mays Landing, New Jersey.

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

**RESOLUTION NO. 268
CHANGING THE LOCATION
OF THE JUNE 16, 2009
FREEHOLDER MEETING**

Freeholder Garrett moved and Freeholder Sutton seconded a motion to change the location of the Regular Meeting of the Atlantic County Board of Chosen Freeholders on June 16, 2009 from the Stillwater Building, 201 Shore Road, Northfield to the Auditorium, Atlantic County Office Building, 1333 Atlantic Avenue, Atlantic City, New Jersey.

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

PUBLIC PORTION

Chairman Curcio opened the meeting to the public at 5:36 p.m.

Mary McCufflin of Hamilton Township spoke regarding no swimming at Lake Lenape. She is seeking assistance from the County.

Neil Richard of Mays Landing stated that the reason there is no swimming at Lake Lenape is because Hamilton Township had to lay off employees.

Judy Link of Hamilton Township, whose parents owned the park, feels that the County should allow swimming at Lake Lenape.

Angelo DeMaio of the Atlantic County Division of Parks and Recreation stated that the Parks Committee should reexamine the issue of swimming at Lake Lenape.

Frank Formica of Exeter Avenue in Margate felt that the Board should consider assisting Mr. Boscov.

Kim Koroski of Hamilton Township would like swimming at both the Cove and Lake Lenape.

There were no further comments and Chairman Curcio closed the public portion of the meeting at 6:02 p.m.

FREEHOLDER COMMENTS

Freeholder McDevitt suggested decreasing the amount of time the Cove is open for swimming.

Freeholder Schroeder would like the parks Committee to take a look at this situation at the Cove.

**WRITTEN
CORRESPONDENCE**

Written correspondence was received by this office from May 6, 2009 to May 12, 2009.

ADJOURNMENT

Chairman Curcio requested a motion for adjournment of the meeting. Freeholder Giordano moved and Freeholder Sutton seconded a motion to adjourn the Freeholder Meeting. The motion was unanimously passed. The meeting was adjourned at 6:31 p.m.

Submitted by,

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