

ATLANTIC COUNTY BOARD OF CHOSEN FREEHOLDERS
Stillwater Building
201 Shore Road, Northfield, New Jersey 08225

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Minutes of Meeting
August 14, 2018

- CALL TO ORDER** A regular meeting of the Atlantic County Board of Chosen Freeholders was called to order by Chairman Frank D. Formica at 4 p.m., Standard Time, on the above-mentioned date, in the Stillwater Building located at 201 Shore Road, Northfield, NJ.
- OPEN PUBLIC MEETING STATEMENT** Statement of Open Public Meeting Compliance: Pursuant to the Open Public Meetings Act, Chairman Formica announced that adequate notice of this meeting, as required by said Act, has been published in *The Press of Atlantic City*, and mailed to *The Current*, *The Daily Journal*, *The Hammonton Gazette* and *The Hammonton News*; 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 Gatto, followed by the flag salute led by Chairman Formica.
- ROLL CALL** The following roll call was recorded: PRESENT: Bennett, Bertino, Coursey, Dase, Fitzpatrick, Gatto, Kern, Risley and Formica. ABSENT: None.
- A quorum was present.
- MINUTES OF MEETING July 3, 2018** Freeholder Risley moved and Freeholder Kern seconded a motion to adopt and dispense with the reading of the July 3, 2018 minutes.
- The above-mentioned motion was adopted by the following roll call: AYES: Bennett, Bertino, Coursey, Dase, Fitzpatrick, Gatto, Kern, Risley and Formica. NAYS: None.
- PRESENTATION** NJAC Foundation Scholarships to the 2018 recipients.
- CLARIFICATION** Freeholder Fitzpatrick acknowledged that Chairman Formica did call for opposing votes regarding Resolution No. 338, appointment of Mike Fedorka as Public Safety Department Head.
- ORDINANCE NO. 9 FINAL READING**
Ordinance to vacate and abandon a sight triangle easement across part of Block 190, Lot 15 in the City of Pleasantville and part of Block 801, Lot 9 in Egg Harbor Township, along Delilah Road
- Freeholder Gatto moved and Freeholder Kern seconded a motion to adopt on final reading Ordinance No. 9-2018 to vacate and abandon a sight triangle easement across part of Block 190, Lot 15 in the City of Pleasantville and part of Block 801, Lot 9 in Egg Harbor Township, along Delilah Road.
- Chairman Formica opened the public hearing for comments at 4:19 p.m. There being no comments, the hearing was closed at 4:19 p.m.
- The above-mentioned motion was adopted by the following roll call: AYES: Bennett, Bertino, Coursey, Dase, Fitzpatrick, Gatto, Kern, Risley and Formica. NAYS: None.

**ORDINANCE NO. 10
FINAL READING
Ordinance to vacate and
abandon a clear sight
triangle easement across
Block 1507, Lot 1 in Egg
Harbor Township, along
Delilah Road**

Freeholder Kern moved and Freeholder Gatto seconded a motion to adopt on final reading Ordinance No. 10-2018 to vacate and abandon a clear sight triangle easement across Block 1507, Lot 1 in Egg Harbor Township, along Delilah Road.

Chairman Formica opened the public hearing for comments at 4:19 p.m. There being no comments, the hearing was closed at 4:19 p.m.

The above-mentioned motion was adopted by the following roll call: AYES: Bennett, Bertino, Coursey, Dase, Fitzpatrick, Gatto, Kern, Risley and Formica. NAYS: None.

**ORDINANCE NO. 11
FINAL READING
Ordinance to vacate and
abandon a sight triangle
easement across Lot 2 in
Block 2304, formerly
known as Lot 13 in Block
2303, at the corner of
Tilton Road and Fire Road
in Egg Harbor Township**

Freeholder Gatto moved and Freeholder Bertino seconded motion to adopt on final reading Ordinance No. 11-2018 to vacate and abandon a sight triangle easement across Lot 2 in Block 2304, formerly known as Lot 13 in Block 2303, at the corner of Tilton Road and Fire Road in Egg Harbor Township.

Chairman Formica opened the public hearing for comments at 4:20 p.m.

Carl Mason, resident of Egg Harbor Township, asked is that where the new gas station is going to go. County Administrator DelRosso responded.

There being no further comments, Chairman Formica closed the public hearing at 4:21 p.m.

The above-mentioned motion was adopted by the following roll call: AYES: Bennett, Bertino, Coursey, Dase, Fitzpatrick, Gatto, Kern, Risley and Formica. NAYS: None.

**ORDINANCE NO. 12
FIRST READING
Ordinance amending and
deleting various sections of
Chapter 7 of the Atlantic
County Code entitled
“Affirmative Action
Program” and
transferring certain
subsections of Chapter 7 to
Chapter 4 of the Code
entitled “Administration
of Government”
specifically to Section 4-46
entitled “Office of Equal
Employment
Opportunity”**

Freeholder Gatto moved and Freeholder Coursey seconded a motion to introduce on first reading Ordinance No. 12-2018 amending and deleting various sections of Chapter 7 of the Atlantic County Code entitled “Affirmative Action Program” and transferring certain subsections of Chapter 7 to Chapter 4 of the Code entitled “Administration of Government” specifically to Section 4-46 entitled “Office of Equal Employment Opportunity”.

The above-mentioned motion was adopted by the following roll call: AYES: Bennett, Bertino, Coursey, Dase, Fitzpatrick, Gatto, Kern, Risley and Formica. NAYS: None.

**RESOLUTION NO. 375
Grant application for the
new Innovation
Challenge Program
Grant**

Freeholder Bertino moved and Freeholder Gatto seconded a motion to authorize a grant application to the New Jersey Economic Development Authority for the new Innovation Challenge Program Grant in an amount not to exceed \$100,000.00, subject to a County in-kind match of \$20,000.00, for a total program amount not to exceed \$120,000.00, for a six (6) month term from the date of awards, with a possible three (3) month extension.

Howard Kyle, Atlantic County Chief of Staff, provided an overview of the Innovation Challenge Program.

The above-mentioned motion was adopted by the following roll call:
AYES: Bennett, Bertino, Coursey, Dase, Fitzpatrick, Gatto, Kern, Risley and Formica. NAYS: None.

RESOLUTION NO. 376
Grant application for the
2019 County
Environmental Health
Act Grant

Freeholder Gatto moved and Freeholder Kern seconded a motion to authorize a grant application for the 2019 County Environmental Health Act Grant from the New Jersey Department of Environmental Protection in an amount not to exceed \$273,000.00, for the term commencing July 1, 2018 and terminating June 30, 2019.

The above-mentioned motion was adopted by the following roll call:
AYES: Bennett, Bertino, Coursey, Dase, Fitzpatrick, Gatto, Kern, Risley and Formica. NAYS: None.

RESOLUTION NO. 377
Grant application for the
Urban Gateway
Enhancement Program

Freeholder Gatto moved and Freeholder Kern seconded a motion to authorize a grant application to the New Jersey Department of Transportation for the Urban Gateway Enhancement Program for a grant in the amount of \$32,000.00.

The above-mentioned motion was adopted by the following roll call:
AYES: Bennett, Bertino, Coursey, Dase, Fitzpatrick, Gatto, Kern, Risley and Formica. NAYS: None.

RESOLUTION NO. 378
Amended funds exchange
program-cost
reimbursement
agreement for
construction costs
associated with the
resurfacing of Wellington
and West End Avenues in
Atlantic City and
Ventnor to extend the
term date only

Freeholder Coursey moved and Freeholder Bertino seconded a motion to authorize an amended funds exchange program-cost reimbursement agreement with the New Jersey Department of Transportation for funding for construction costs associated with the resurfacing of Wellington and West End Avenues in Atlantic City and Ventnor to extend the term date to January 1, 2019 at no additional cost.

The above-mentioned motion was adopted by the following roll call:
AYES: Bennett, Bertino, Coursey, Dase, Fitzpatrick, Gatto, Kern, Risley and Formica. NAYS: None.

MOTION TO
COMBINE AND ADOPT
RESOLUTION NOS. 379
TO 383

Freeholder Gatto moved and Freeholder Bennett seconded a motion to combine and adopt Resolution Nos. 379 to 383.

RESOLUTION NO. 379
Chapter 159

Insert into the budget of the year 2018 the sum of \$188,413.00 from the State of New Jersey, Department of Labor and Workforce Development, Workforce Innovation and Opportunity Act (WIOA) Adult 18-20.

RESOLUTION NO. 380
Chapter 159

Insert into the budget of the year 2018 the sum of \$425,000.00 from the State of New Jersey, Department of Labor and Workforce Development, New Jersey Youth Corps 2018-19.

RESOLUTION NO. 381
Chapter 159

Insert into the budget of the year 2018 the sum of \$17,000.00 from the State of New Jersey, Department of Military and Veterans Affairs, Veteran's Transportation Grant FY19.

RESOLUTION NO. 382
Chapter 159

Insert into the budget of the year 2018 the sum of \$1,646,477.54 from the State of New Jersey, Department of Transportation, Washington Avenue (CR 608).

RESOLUTION NO. 383
Chapter 159

Insert into the budget of the year 2018 the sum of \$34,927.00 from the State of New Jersey, Department of Transportation, Margate-Ventnor Bicycle Infrastructure Project (Design).

The above-mentioned motion was adopted by the following roll call:
AYES: Bennett, Bertino, Coursey, Dase, Fitzpatrick, Gatto, Kern, Risley and Formica. NAYS: None.

**RESOLUTION NO. 384
Contract for the handling
of opioid litigation on
behalf of Atlantic County**

Freeholder Bertino moved and Freeholder Gatto seconded a motion to authorize a contract with the law firm of Cooper Levenson for the handling of opioid litigation on behalf of Atlantic County.

Mike Price, resident of Egg Harbor Township, asked how much money is involved. Chairman Formica responded.

Creed Pogue, resident of Estell Manor, asked when was the RFP sent out. County Counsel Ferguson responded.

The above-mentioned motion was adopted by the following roll call:
AYES: Bennett, Bertino, Coursey, Dase, Fitzpatrick, Gatto, Kern, Risley and Formica. NAYS: None.

**RESOLUTION NO. 385
Amended agreement
between the County of
Atlantic and the City of
Northfield regarding
improvements to Mill
Road (Maple Run Bridge
thru Philmar Drive) in
the City of Northfield**

Freeholder Coursey moved and Freeholder Gatto seconded a motion to authorize an amended agreement between the County of Atlantic and the City of Northfield regarding improvements to Mill Road (Maple Run Bridge thru Philmar Drive) in the City of Northfield at no additional cost, extending the termination date until September 3, 2019.

The above-mentioned motion was adopted by the following roll call:
AYES: Bennett, Bertino, Coursey, Dase, Fitzpatrick, Gatto, Kern, Risley and Formica. NAYS: None.

**RESOLUTION NO. 386
Amending Resolution No.
324 (7-17-18)
intergovernmental sub-
grant agreements for
drug and alcohol
education and prevention
services**

Freeholder Gatto moved and Freeholder Kern seconded a motion to amend Resolution No. 324 adopted July 17, 2018 authorizing an intergovernmental sub-grant agreements with various Atlantic County municipalities for drug and alcohol education and prevention services for a total amount of all contracts by \$15,407.00, for a total amendatory amount for all contracts not to exceed \$299,093.00.

Creed Pogue, resident of Estell Manor, asked is this the Municipal Alliance funds?

The above-mentioned motion was adopted by the following roll call:
AYES: Bennett, Bertino, Coursey, Dase, Fitzpatrick, Gatto, Kern, Risley and Formica. NAYS: None.

**RESOLUTION NO. 387
Professional services
agreements for the
provision of medical
services to inmates at the
Atlantic County Justice
Facility**

Freeholder Gatto moved and Freeholder Bertino seconded a motion to authorize professional services agreements to establish a pool of medical providers for the provision of medical services to inmates at the Atlantic County Justice Facility in an amount not to exceed \$700,000.00, for the term commencing July 1, 2018 and terminating June 30, 2019.

The above-mentioned motion was adopted by the following roll call:
AYES: Bennett, Bertino, Coursey, Dase, Fitzpatrick, Gatto, Kern, Risley and Formica. NAYS: None.

**RESOLUTION NO. 388
Agreement for the
provision of Prison Rape
Elimination Act (PREA)
auditing services at
Harborfields**

Freeholder Kern moved and Freeholder Gatto seconded a motion to enter into an agreement with Laughing Bear, Inc., for the provision of Prison Rape Elimination Act (PREA) auditing services at Harborfields in an amount not to exceed \$4,000.00 for a term commencing September 1, 2018 and terminating August 31, 2019.

The above-mentioned motion was adopted by the following roll call:
AYES: Bennett, Bertino, Coursey, Dase, Fitzpatrick, Gatto, Kern, Risley and Formica. NAYS: None.

RESOLUTION NO. 389 Freeholder Risley moved and Freeholder Gatto seconded a motion to enter into an intergovernmental services agreement with Atlantic Cape Community College for an Adult Basic Education Program for an amount not to exceed \$87,951.00 for the period commencing July 1, 2018 and terminating June 30, 2019.

Intergovernmental services agreement for an Adult Basic Education Program

The above-mentioned motion was adopted by the following roll call: AYES: Bennett, Bertino, Coursey, Dase, Fitzpatrick, Gatto, Kern, Risley and Formica. NAYS: None.

RESOLUTION NO. 390 Freeholder Gatto moved and Freeholder Bertino seconded a motion to enter into an intergovernmental services agreement with Atlantic Cape Community College for a Supplemental Learning Lab Program in an amount not to exceed \$48,454.00, for the period commencing July 1, 2018 and terminating June 30, 2019.

Intergovernmental services agreement for a Supplemental Learning Lab Program

The above-mentioned motion was adopted by the following roll call: AYES: Bennett, Bertino, Coursey, Dase, Fitzpatrick, Gatto, Kern, Risley and Formica. NAYS: None.

RESOLUTION NO. 391 Freeholder Coursey moved and Freeholder Gatto seconded a motion to enter into an intergovernmental services agreement with Atlantic Cape Community College for an English as a Second Language Program in an amount not to exceed \$47,516.00, for the period commencing July 1, 2018 and terminating June 30, 2019.

Intergovernmental services agreement for an English as a Second Language Program

The above-mentioned motion was adopted by the following roll call: AYES: Bennett, Bertino, Coursey, Dase, Fitzpatrick, Gatto, Kern, Risley and Formica. NAYS: None.

RESOLUTION NO. 392 Freeholder Coursey moved and Freeholder Dase seconded a motion to enter into a bid contract with various vendors to furnish and deliver bread and bakery products to members of the Atlantic County Cooperative for a total amount not to exceed \$45,007.25, for the term commencing from October 1, 2018 and terminating September 30, 2019, with a County option to renew for an additional one (1) year period, to do the work and/or supply the materials as set forth in the contract.

Bid contract to furnish and deliver bread and bakery products to members of the Atlantic County Cooperative

The above-mentioned motion was adopted by the following roll call: AYES: Bennett, Bertino, Coursey, Dase, Fitzpatrick, Gatto, Kern, Risley and Formica. NAYS: None.

RESOLUTION NO. 393 Freeholder Gatto moved and Freeholder Kern seconded a motion to enter into a bid contract with various vendors to furnish and deliver kitchen and catering supplies to members of the Atlantic County Cooperative for a total sum not to exceed \$73,493.76 for the term commencing September 1, 2018 and terminating August 31, 2019 to do the work and/or supply the materials as set forth in the contract.

Bid contract to furnish and deliver kitchen and catering supplies to members of the Atlantic County Cooperative

The above-mentioned motion was adopted by the following roll call: AYES: Bennett, Bertino, Coursey, Dase, Fitzpatrick, Gatto, Kern, Risley and Formica. NAYS: None.

RESOLUTION NO. 394 Freeholder Gatto moved and Freeholder Dase seconded a motion to authorize a indemnification and Hold Harmless Agreement concerning construction and maintenance of non-standard improvements within the right-of-way along Ventnor Avenue, located at 6400 Ventnor Avenue (Lot 14, Block 70) in the City of Ventnor between the County of Atlantic and Atlantic Region Food Corp., a corporation of the State of New Jersey.

TABLED
Indemnification and Hold Harmless Agreement concerning construction and maintenance of non-standard improvements within the right-of-way

along Ventnor Avenue, located at 6400 Ventnor Avenue (Lot 14, Block 70) in the City of Ventnor between the County of Atlantic and Atlantic Region Food Corp., a corporation of the State of New Jersey

Freeholder Coursey moved and Freeholder Gatto seconded a motion to table Resolution No. 394.

The above-mentioned motion was tabled by the following roll call: AYES: Bennett, Bertino, Coursey, Dase, Fitzpatrick, Gatto, Kern, Risley and Formica. NAYS: None.

**RESOLUTION NO. 395
Resolution of the County of Atlantic in support of a NJ Transit Rail Station on the Atlantic City line serving Galloway Township and the Atlantic City Airport**

Freeholder Dase moved and Freeholder Gatto seconded a motion to authorize a Resolution of the County of Atlantic in support of a NJ Transit Rail Station on the Atlantic City line serving Galloway Township and the Atlantic City Airport.

Mike Price, resident of Egg Harbor Township, asked for more information.

Andrew Kennedy, stated his company is responsible for developing a train station located in proximity to the Atlantic City airport.

The above-mentioned motion was adopted by the following roll call: AYES: Bennett, Bertino, Coursey, Dase, Fitzpatrick, Gatto, Kern, Risley and Formica. NAYS: None.

**RESOLUTION NO. 396
Alternate method contract for providing various legal services to Atlantic County**

Freeholder Risley moved and Freeholder Kern seconded a motion to authorize an alternate method contract with former Atlantic County Superior Court Judge Michael A. Donio for providing various legal services to Atlantic County in an amount not to exceed \$27,500.00 through December 31, 2018.

The above-mentioned motion was adopted by the following roll call: AYES: Bennett, Bertino, Coursey, Dase, Fitzpatrick, Gatto, Kern, Risley and Formica. NAYS: None.

MOTION TO COMBINE AND ADOPT RESOLUTION NOS. 397 TO 399

Freeholder Risley moved and Freeholder Coursey seconded a motion to combine and adopt Resolution Nos. 397 to 399.

**RESOLUTION NO. 397
Roadway solicitation event in the City of Pleasantville**

Authorizing consent for a roadway solicitation event by the Pleasantville Police Foundation at the intersection of Delilah Road (CR 646) and Main Street (CR 585) in the City of Pleasantville on Saturday, August 25, 2018 from 9:00 AM to 5:00 PM.

Pleasantville Police Chief Riggan provided an overview of the Pleasantville Police Foundation's objectives.

**RESOLUTION NO. 398
Roadway solicitation event in the Township of Egg Harbor**

Authorizing consent for a roadway solicitation event by Bargaintown Volunteer Fire Company #2 at the intersection of Ocean Heights Avenue (CR 559) and Zion Road (CR 615) in the Township of Egg Harbor on Saturday, September 1, 2018 from 9:00 AM to 3:00 PM.

**RESOLUTION NO. 399
Roadway solicitation event in the City of Northfield**

Authorizing consent for a roadway solicitation event by Northfield Volunteer Fire Company #1 at the intersection of Tilton Road (CR 563), Mill Road (CR 662), and Shore Road (CR 585), in the City of Northfield on Saturday, September 22, 2018 from 8:00 AM to 4:00 PM.

The above-mentioned motion was adopted by the following roll call: AYES: Bennett, Bertino, Coursey, Dase, Fitzpatrick, Gatto, Kern, Risley and Formica. NAYS: None.

**MOTION TO ADD
RESOLUTION NO. 400
TO THE AGENDA**

Freeholder Gatto moved and Freeholder Bennett seconded a motion to add Resolution No. 400 and 401 to the agenda.

The above-mentioned motion was adopted by the following roll call: AYES: Bennett, Bertino, Coursey, Dase, Fitzpatrick, Gatto, Kern, Risley and Formica. NAYS: None.

**RESOLUTION NO. 400
Resolution authorizing a
closed session to discuss
anticipated litigation**

Freeholder Gatto moved and Freeholder Kern seconded a motion to authorizing a closed session to discuss anticipated litigation.

Creed Pogue, resident of Estell Manor, asked who was the closed session against. County Counsel Ferguson responded.

The above-mentioned motion was adopted by the following roll call: AYES: Bennett, Bertino, Coursey, Dase, Fitzpatrick, Gatto, Kern, Risley and Formica. NAYS: None.

**RESOLUTION NO. 401
Resolution objecting to NJ
Transit Shutdown of
Atlantic City Rail Line**

Freeholder Kern moved and Freeholder Dase seconded a motion to authorize resolution objecting to NJ Transit shutdown of Atlantic City Rail Line (Sponsors: Frank D. Formica and Amy Gatto).

The above-mentioned motion was adopted by the following roll call: AYES: Bennett, Bertino, Coursey, Dase, Fitzpatrick, Gatto, Kern, Risley and Formica. NAYS: None.

**REPORTS OF SPECIAL
COMMITTEES OF THE
BOARD**

Freeholder Coursey reported that the Jail Committee met today and had a very informative meeting.

Freeholder Gatto requested of County Counsel Ferguson that LACADA have a voice regarding Resolution No. 384.

UNFINISHED BUSINESS

Freeholder Fitzpatrick asked the status of the vendor portal that's been down.

NEW BUSINESS

Freeholder Fitzpatrick inquired as to the Ordinance she proposed and submitted on August 1, 2018 not requiring a non-disclosure agreement in claims of sexual assault and sexual harassment. County Counsel Ferguson responded.

**WRITTEN
COMMUNICATIONS
AND PETITIONS**

There were no written communications received by this office for the period of August 1 through August 14, 2018.

PUBLIC COMMENTS

Chairman Formica opened the meeting to the public at 5:44 p.m.

Carl Mason, resident of Egg Harbor Township, in regards to the proposed ordinance, they should all be disclosed.

Creed Pogue, resident of Estell Manor, stated that there have been a difference of public policy opinion versus corrective of legal form. If Rule 13 needs to be changed then it should. Additionally, Rule 17 should be followed.

Weymouth Mayor Ken Haeser, Vice Chair of the Atlantic County Mayor's Association, offered support for the NJ rail line.

Eileen Toland, resident of Northfield, asked if the Freeholders will help with the Hope One Van.

Jesse Kepton, representative of Enterprise Ride Share, offered a plan B to the NJ rail line closure.

There being no further comments, Chairman Formica closed the public portion at 6:01 p.m.

**MOTION TO
COMMENCE
EXECUTIVE SESSION**

Freeholder Gatto moved and Freeholder Bertino seconded a motion to commence the executive session at 6:10 p.m.

The above-mentioned motion was adopted by the following roll call: AYES: Bennett, Bertino, Coursey, Dase, Fitzpatrick, Gatto, Kern, Risley and Formica. NAYS: None.

**MOTION TO ADJOURN
THE EXECUTIVE
SESSION AND RESUME
REGULAR MEETING**

Freeholder Gatto moved and Freeholder Fitzpatrick seconded a motion to resume the regular meeting at 6:36 p.m.

The above-mentioned motion was adopted by the following roll call: AYES: Bennett, Bertino, Coursey, Dase, Fitzpatrick, Gatto, Kern, Risley and Formica. NAYS: None.

ADJOURNMENT

Chairman Formica entertained a motion to adjourn the meeting. Freeholder Gatto moved and Freeholder Dase seconded a motion to adjourn the meeting. The motion was unanimously passed. The meeting was adjourned at 6:38 p.m.

Submitted by,

Sonya G. Harris
Clerk of the Board