

NO REDACTIONS

EXECUTIVE SESSION

NOVEMBER 10, 2009

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The Board met in Executive Session Tuesday, November 10, 2009 at 7:50 p.m. with the following members present: Freeholder Rick Gardner, Freeholder Everett Chamberlain, Freeholder Angelo Accetturo, County Counsel Joseph J. Bell and County Administrator Steve Marvin. They were joined by Special Counsel Joe Houston and Purchasing Director Chris Pessolano. Mr. Houston briefed the Board on his progress concerning the review of the Northeast Branch Library acquisition. He authorized Architect Ray O'Brien and an engineer to examine the property, structures, septic plans, etc. so that the Board is fully informed of the status of the property prior to closing.

Mr. Bell and Mr. Pessolano briefed the Board concerning the Court House Renovation Project bids. The low bidder, CGT Inc., in a meeting earlier this date, had provided sufficient information to answer questions concerning this bid; specifically, New Jersey registration of a surety and information concerning the source of their equipment. Unfortunately, late this date, it was discovered that CGT did not submit with their bid, a required New Jersey Business Registration Certificate in the name of their firm. This failure to submit is a fatal defect in the bid under the Local Public Contract Law and the bid must be rejected. The second low bidder, GDS Mechanical, Inc. also had a fatal defect in their bid package for failure to list all subcontractors. Mr. Bell explained that while the two lowest bidders' rejection may be challenged by these contractors, there is clear authority by statute and sufficient caselaw on point to support rejection of these bids. Therefore, the contract must be awarded to the third lowest bidder, the Bennett Company, having bid \$5,454,000. After some discussion concerning potential for litigation, the Board's capacity to reject all bids, etc., it was decided that pending any negative developments, an award of contract will be scheduled for the next Regular Meeting. Mr. Pessolano and Mr. Houston left the meeting at approximately 8:30 p.m.

Mr. Marvin noted for the Board that he was providing them copies of the current Boards/Commissions/Committee rosters with current impending vacancies; that he, Mr. Chamberlain and Mr. Coyle will be interviewing prospective candidates for Health Officer on November 13 and 16 with a view towards selection and appointment at the next Regular Meeting; and that for 2010, the only impending personnel reappointment prior to the end of the year is that of David Hicks, County Engineer, term expiring January 11, 2010 which position is statutorily mandated and carries a five year term.

Mr. Marvin noted at a previous meeting, the Board had agreed to the concept of a payment to Maintenance Superintendent Elizabeth Zukoski in compensation for the additional duties which she has assumed. It was decided that payment would be a one-time stipend of \$3,000 for 2009 processed through Payroll with standard deductions, but not pensionable. The Board will take action upon return to Open Session.

Prospective dates and times for the Annual Reorganization Meeting were discussed and it was decided that upon return to Open Session, the Board would set said meeting for Saturday, January 2, 2010 at 4:00 p.m.

On motion by Mr. Chamberlain, seconded by Mr. Accetturo, the Board returned to open session at 8:44 p.m.

Recorded Vote: Mr. Accetturo yes, Mr. Chamberlain yes, Mr. Gardner yes