

MEMORANDUM

A. C. I. A.
DEC 19 2011
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Date: December 8, 2011

To: John C. Lamey, Jr., Executive Director
Atlantic County Improvement Authority

From: Honorable Dennis Levinson
Atlantic County Executive

Re: Minutes of the Regular Board Meeting on December 7, 2011

I. The Minutes of the above referenced meeting were submitted pursuant to N.J.S.A. 40:41A-37 et seq., on December 8, 2011.

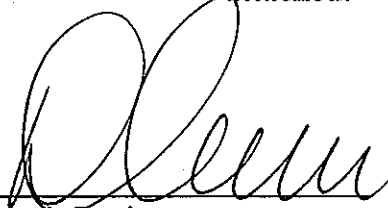
- (a) by the end of the fifth business day following the meeting.
- (b) _____ as soon as practicable following the meeting where emergency action has been taken.
- (c) _____ beyond the statutory period for submission.

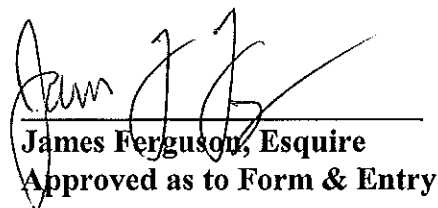
II. I hereby return the Minutes of the above referenced meeting to the Authority and to the Board of Freeholders, on the date set forth above, which is:

- (a) within ten days of delivery.
- (b) _____ within twenty-four (24) hours of delivery where the action taken at the meeting was deemed by the Authority to be in response to an emergency situation.

III. The following action is taken on the Minutes:

- (a) Approved in all respects.
- (b) _____ Vetoed in all respects. A written explanation of the reasons for the veto is attached.
- (c) _____ Approved in part and vetoed in part. The specific items which are vetoed and a written explanation of the reasons for the veto or vetoes is attached.


Dennis Levinson
Atlantic County Executive


James Ferguson, Esquire
Approved as to Form & Entry

cc: Jim Ferguson, Atlantic County Counsel

ATTACHMENTS: _____ Minutes
_____ Veto Message

RECEIVED
DEC 12 2011
COUNTY EXECUTIVE

**RESOLUTION OF THE ATLANTIC
COUNTY IMPROVEMENT AUTHORITY
APPROVING THE EXPENDITURES CONTAINED IN THE
FINANCIAL REPORT FOR NOVEMBER 2011**

WHEREAS, the Atlantic County Improvement Authority, hereafter, the "Authority", is a political subdivision of the State of New Jersey and an instrumentality of Atlantic County, established pursuant to N.J.S.A. 40:37A-44 et seq.; and


WHEREAS, the Authority is subject to rules and regulations promulgated by the State of New Jersey, Department of Community Affairs, Division of Local Government Services, including N.J.A.C. 5:31-4.1(c) regarding the approval and payment of claims which requires the "governing body (of the Authority) shall approve or disapprove all claims in accordance with Regulations adopted by the Authority;" and

WHEREAS, such claims and the expenditures thereto for the month of November 2011, are contained in the Financial Report submitted hereto for approval by the Board of Commissioners.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the Atlantic County Improvement Authority, that the expenditures contained in the Financial Report for the month of November 2011, are approved pursuant to N.J.A.C. 5:31-4.1(c).



Roy M. Foster, Chairperson



Edwin G. Blake, Secretary

ADOPTED: January 4, 2012

ATLANTIC COUNTY IMPROVEMENT AUTHORITY

I, _____, Assistant Secretary of the Atlantic County Improvement Authority, State of New Jersey, do hereby certify that the foregoing is a correct and true copy of a resolution adopted by the Board at a meeting duly held on the 4th day of January 2012.

**RESOLUTION OF THE ATLANTIC COUNTY IMPROVEMENT AUTHORITY
AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE AN ASSIGNMENT OF THE
CONTRACT FOR LEGAL SERVICES FROM
HILL WALLACK, LLP TO COOPER LEVENSON NIEDELMAN & WAGENHEIM, P.A. FOR
THE REMAINING TERM TO EXPIRE FEBRUARY 28, 2012**

WHEREAS, the Atlantic County Improvement Authority, hereafter, the "Authority", is a political subdivision of the State of New Jersey and an instrumentality of the County of Atlantic established pursuant to N.J.S.A. 40:37A-44, et seq.; and

WHEREAS, the Authority has the right, pursuant to said Act, to hire counsel for its essential purposes; and

WHEREAS, such services are classified as Professional Services pursuant to N.J.S.A. 40A:11-5 (1)(a)(i) and as such are exempt from the public bidding requirements of the New Jersey Local Public Contracts Law.

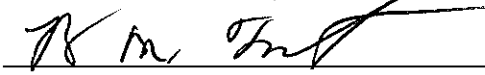
WHEREAS, there presently exists an agreement between the Authority and Hill Wallack LLP, dated March 1, 2011 (the "Contract") for the provision of legal services through February 28, 2012; and

WHEREAS, Hill Wallack has notified the Authority that it is in the process of closing its Atlantic City office and provided the Authority with the options of continuing with them and be serviced from their Princeton office, cancel the contract, or assign the contract to the new firm; and

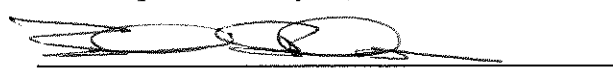
WHEREAS, Hill Wallack's work pursuant to the Contract has been principally performed by Richard DeLucry, Esquire who, effective December 12, 2011 assumed employment with the firm of Cooper Levenson Neidelman & Wagenheim, P.A.; and

WHEREAS, for logistical reasons and to eliminate the disruption of legal representation the Authority desires to continue using the services of Richard DeLucry for the balance of the Contract term and to assign the Contract from Hill Wallack to Cooper Levenson.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the Atlantic County Improvement Authority that the Executive Director is authorized to execute an assignment to the contract from HILL WALLACK, LLP to COOPER LEVENSON NIEDELMAN & WAGENHEIM, P.A. effective December 12, 2011 for the balance of the term which expires February 28, 2012.



Roy M. Foster, Chairperson



Edwin G. Blake, Secretary

ADOPTED: January 4, 2012

ATLANTIC COUNTY IMPROVEMENT AUTHORITY

I, _____, Assistant Secretary of the Atlantic County Improvement Authority, State of New Jersey, do hereby certify that the foregoing is a correct and true copy of a resolution adopted by the Board at a meeting duly held on the 4th day of January, 2012.

**RESOLUTION OF THE ATLANTIC COUNTY IMPROVEMENT AUTHORITY
AUTHORIZING THE EXECUTIVE DIRECTOR TO ENTER INTO
A CONTRACT WITH R. MAXWELL CONSTRUCTION COMPANY FOR ATLANTIC COUNTY'S ADA
IMPROVEMENT PROJECT TO ATLANTIC COUNTY EXTENSION SERVICES BUILDING AT 6260
HARDING HIGHWAY IN MAYS LANDING**

WHEREAS, the Atlantic County Improvement Authority, hereafter, the "Authority", is a political subdivision of the State of New Jersey and an instrumentality of the County of Atlantic, established pursuant to N.J.S.A. 40:37A-44 et seq.; and

WHEREAS, on November 4, 2011 the Authority entered into an agreement with the County to serve as Project Manager to procure a contractor to perform ADA renovations to the County owned "Extension Services Building" located at 6260 Harding Highway in Mays Landing and for the Authority to provide oversight in the execution of the project in accordance with the County's specifications; and

WHEREAS, the construction contract for the project is being funded by Atlantic County through its Community Development Block Grant Program and the Authority and the County have in place a Shared Service Agreement for FY 2009 and 2010 in which the County will provide the required funds for the project; and

WHEREAS, the Authority executed a competitive procurement process and held a Public Bid opening on December 6, 2011; and

WHEREAS, upon review of the lowest bid of \$78,313 submitted by North East Construction Company, staff and Counsel of the Authority along with the County's Purchasing agent determined that the proposal contained certain fatal defects that could not be remedied and concluded the proposal was not responsive and must be rejected; and

WHEREAS, upon review of the second lowest bid in the amount of \$84,813 submitted by R. Maxwell Construction Company staff and Counsel of the Authority and the County's Purchasing agent determined that the proposal was free of material defects, and

WHEREAS; the County, as funding agency, authorized a 20 per cent contingency allowance for the project,

WHEREAS, staff recommends to the Board of Commissioners that the Authority enter into a construction contract with R. Maxwell Construction Company in accordance with their proposal.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Atlantic County Improvement Authority that the Executive Director is authorized to execute a contract with R. Maxwell Construction Company for the construction of the ADA Renovation Project at 6260 Harding Highway, Mays Landing NJ in accordance with their December 6, proposal for \$84,813 plus a 20 percent contingency allowance of \$16,962.60 for a total contract amount not to exceed \$101,775.60.



Roy Foster, Chairperson



Edwin Blake, Secretary

ADOPTED: January 4, 2012

ATLANTIC COUNTY IMPROVEMENT AUTHORITY

I, _____ Assistant Secretary of the Atlantic County Improvement Authority, State of New Jersey, do hereby certify that the foregoing is a correct and true copy of a resolution adopted by the Board at a meeting duly held on the 4th day of January, 2012.

**RESOLUTION OF THE ATLANTIC COUNTY IMPROVEMENT AUTHORITY
AUTHORIZING THE EXECUTIVE DIRECTOR TO ENTER INTO AN AMENDMENT
TO THE SHARED SERVICES AGREEMENT THE ATLANTIC COUNTY
INSTITUTE OF TECHNOLOGY FOR THEIR CAMPUS EXPANSION PROJECT**

WHEREAS, the Atlantic County Improvement Authority, hereafter, the "Authority", is a political subdivision of the State of New Jersey and an instrumentality of the County of Atlantic, established pursuant to N.J.S.A. 40:37A-44 et seq.; and

WHEREAS, the Authority's Shared Services Agreement with the Atlantic County Institute of Technology, hereafter, the "ACIT" to serve as project manager for their Campus Expansion Project expired effective December 31, 2011, and

WHEREAS, project completion and closeout are yet to be achieved and ACIT has requested that the Authority continue providing services through June 30, 2012; and

WHEREAS, through consultation with ACIT's Superintendent and Business Administrator and discussions with the Authority's on-site management staff it was determined that certain levels of service would be required from January 2012 through June of 2012; and

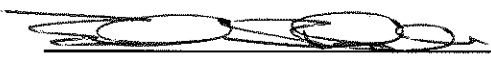
WHEREAS, this contract is classified as services provided between governmental agencies pursuant to N.J.S.A. 40A:11-5(2) and as such is exempt from the public bidding requirements of the New Jersey Local Public Contracts Law; and

WHEREAS, staff recommends the Board of Commissioners authorize the Executive Director to execute an Interlocal Service Agreement with the ACIT to perform these services for the period of January 1, 2012 to June 30, 2012 for a not to exceed fee of \$110,535.00 plus reimbursables.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Atlantic County Improvement Authority that the Executive Director is authorized to execute an amendment to the Shared Services Agreement with the Atlantic County Institute of Technology for the Authority to continue to serve as project manager for the Campus Expansion Project for the period of January 1, 2012 through June 30, 2012 for an amount not to exceed \$110,535.00 plus reimbursables.



Roy Foster, Chairperson



Edwin Blake, Secretary

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ATLANTIC COUNTY IMPROVEMENT AUTHORITY

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