

**MINUTES OF THE CAUCUS AND REGULAR MEETINGS OF THE BOARD OF
COUNTY COMMISSIONERS HELD ON TUESDAY, OCTOBER 10, 2023
AT 2:00 AND 3:00 P.M. RESPECTIVELY
IN THE COUNTY ADMINISTRATION BUILDING
4 MOORE ROAD
CAPE MAY COURT HOUSE, NEW JERSEY**

CAUCUS

The meeting convened with Director Desiderio presiding and the following members answering roll call:

Commissioners Barr, Bulakowski, Morey, Pierson (Virtual) and Desiderio (5)

STATEMENT OF DIRECTOR

“This is a notice read pursuant to the requirements of the “Open Public Meetings Act.” At least 48 hours advance notice of this meeting has been provided by posting of the same in writing on the bulletin boards in the County Administration Building, and the County Clerk’s Office and mailing a copy of the notice to the Cape May County Herald and the Atlantic City Press and filing the same with the County Clerk, all being done on Thursday, January 5, 2023.”

MOMENT OF SILENCE

FLAG SALUTE-Led by Commissioner Pierson

COMMISSIONER DISCUSSIONS: Commissioner Pierson spoke briefly on the conflict between Israel and Palestine and asked everyone to keep Israel in your hearts and prayers.

672-23 Resolution authorizing the Board to recess and enter executive session excluding the public on October 10, 2023 at 2:00 p.m. or as soon thereafter as possible or as practicable.

Matters falling within attorney-client privilege, pursuant to N.J.S.A. 10:4-12(b)(7).

(This Resolution authorizes the Board of County Commissioners to conduct a meeting excluding the public at the stated time in accordance with the Open Public Meetings Act, N.J.S.A. 10:4-1, et seq.)

Commissioners	Ayes	Nays	Abstain	Absent	Motion	Second
Mr. Barr	X					X
Mr. Bulakowski	X				X	
Mr. Morey	X					
Mr. Pierson	X					
Mr. Desiderio	X					

DIRECTOR’S CALL OF MEETING TO ORDER

The meeting convened with Director Desiderio presiding and the following members answering roll call:

Commissioners Barr, Bulakowski, Morey, Pierson (Virtual) and Desiderio (5)

FLAG SALUTE- led by General Pierson

MOMENT OF SILENCE

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REPORTS:

- 1) ENGINEER: Mr. Church updated the Commissioners on the status of several road projects, including Lafayette Street and Beach Avenue drainage improvements, Fishing Creek Road and Church Road. The Fishing Creek pump station project is about halfway completed. The advertisement for the resurfacing of 3rd Avenue in Stone Harbor will be done tomorrow and state approval to advertise for the Upper Thorofare project has been granted. This project involves state grant money and will be completed in phases. Finally, he hopes to advertise for the zoo parking lot improvement project by mid-November.
- 2) COUNTY COUNSEL: No report.
- 3) COUNTY TREASURER: No report.

COMMISSIONER REPORTS:

- 1) COMMISSIONER MOREY: No Report.
- 2) COMMISSIONER PIERSON: No Report.
- 3) COMMISSIONER BARR: No Report.
- 4) COMMISSIONER BULAKOWSKI: No Report.
- 5) COMMISSIONER DESIDERIO: No report.

MOTION TO APPROVE MINUTES OF THE 09/26/2023 MEETINGS

Commissioner Bulakowski moved/Commissioner Barr seconded.

Commissioners	Ayes	Nays	Abstain	Absent	Motion	Second
Mr. Barr	X					X
Mr. Bulakowski	X				X	
Mr. Morey	X					
Mr. Pierson	X					
Mr. Desiderio	X					

COMMUNICATIONS: None.

CONSENT AGENDA

Motion to open Public Comment for Consent Agenda

Commissioners	Ayes	Nays	Abstain	Absent	Motion	Second
Mr. Barr	X					X
Mr. Bulakowski	X				X	
Mr. Morey	X					
Mr. Pierson	X					
Mr. Desiderio	X					

Numerous members of the public spoke today regarding the resolution on the agenda to issue a contract to Allaire Health Services for the operation and lease of Crest Haven Nursing and Rehabilitation Center. Once again, the comments centered around the impact privatization will have on the residents and employees. Some felt their concerns and suggestions for increasing revenue have fallen on deaf ears and urged the Commissioners to table the agenda in order to try options presented in earlier meetings. Quality of care at private facilities is also a major concern of everyone that spoke against awarding the contract to Allaire. Several cited online reviews depicting Allaire-run facilities as 1 or 2 star ratings, compared to Crest Haven’s recent 4 star CMS rating. One speaker touched on the lack of affordable housing in the county due to the influx of vacation home rentals, and how this will affect those losing their jobs. Another asked that the taxpayers are not used as an excuse as two-thirds of the taxpayers in the County would say to keep Crest Haven a public facility if asked. Multiple union members cited a lack of communication on the part of the County wondering why a 10 year issue was not addressed prior to the issuance of the RFP.

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The president of the local chapter of the NAACP questioned why the County chose Allaire. Mr. Lindsey explained there was an evaluation team that looked at numerous factors, including Allaire's commitment to the residents and employees, the quality of care provided at its other facilities, its history with transitioning other public facilities into private ones, and references. He also stated the County is ready to have discussions with the employees regarding the transition as soon as the union agrees.

David Beckett, attorney for AFSCME, reiterated the union's position on engaging in discussions has always been on saving Crest Haven while the County's has been on the impact to the employees. He received the summary of the evaluation and urged the Board to do more research on Allaire Health Services, citing recent 1 and 2 star CMS ratings for 2 of their facilities in North Jersey. He stated there is a clear trajectory downward regarding quality of care when Allaire takes control of a facility. The union is still suggesting the County "put the brakes on this" to meet with the union to work out the issues and to spend time to do real research. Mr. Beckett reminded the Board Crest Haven is way underpriced in relation to other nursing facilities and questioned the lack of advertising to fill the empty beds post pandemic. He warned the Commissioners this could be their legacy.

Mr. Lindsay explained the money spent on marketing ran through the County's budget, not Crest Haven's. In terms of Allaire, they are a "turn-around" facility. They are considered special focus, meaning Allaire comes into a facility for a specific period of time to turn the facility around and then gets out. It is not lost on the County as to quality control and there are measures implemented into the agreement to ensure that they are followed. Mr. Lindsay assured the public that the County has done its due diligence.

Commissioner Morey stated his focus on this transition is to introduce a heavy dose of partnership, wherein the County is invested in a positive outcome for Crest Haven. He believes the agreement is structured, or adjustments will be made, that is partnership oriented. The three main goals are the facility's performance, focusing on having an outstanding place for residents, present and future, and mitigating adverse impacts to the staff members. He understands there will be adverse effects, but the County wants to minimize and mitigate them as much as possible. The County is in a position, as a result of the agreement, to be in partnership with Allaire to ensure the success of the facility. Not all privatizations are created equal and there are things the County can do to make this one a success. He hopes the dialogue with the union happens very quickly as he is empathetic to the tremendous amount of anxiety being felt by the employees.

Commissioner Barr spoke on a personal level as to what it is like to rely on someone else to get out of bed every day. He understands what it is to rely on someone else for care. He also understands the Board has an obligation to everyone in the County and said they have spent hours working on this to make sure the residents and employees are going to be okay. Mr. Barr has spent hours talking with people in NJ, PA and the Health Department trying to make sure they are doing the right thing. The Board has maintained its license which means the County will "have skin in this game." If Allaire is not doing what they should do, the County is somewhat responsible as well. The Board has an obligation not to spend money when they think they can do better. Some privatizations do work, this can work, and they will see to it that it does. He understands people are scared, but this makes sense.

Commissioner Bulakowski thanked Commissioner Barr for sharing his personal experience. He addressed those in the audience and said the Board has heard their stories about their families and the hurdles they are facing. He knows they can't put themselves in their shoes but wants them to understand the Board is in unison negotiating the best they can do for the residents and for the employees. He thanked them for their years of service, diligence and care for the patients.

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Director Desiderio reiterated the 3 objectives of the Board as to the privatization of Crest Haven: responsibility to the taxpayers, the quality of uninterrupted care for the residents, and to mitigate employee impacts. He stated they are all important to the Board. He reminded everyone that the Board is not closing Crest Haven. They have commitments that no one will lose their job and he asked the union to sit down with them.

Motion to close public comment for Consent Agenda and approve Resolution Nos. 673-23 through 695-23

Commissioners	Ayes	Nays	Abstain	Absent	Motion	Second
Mr. Barr	X				X	
Mr. Bulakowski	X					X
Mr. Morey	X					
Mr. Pierson	X					
Mr. Desiderio	X					

RESOLUTIONS:

- 673-23 Resolution granting and amending various Leaves of Absence to County Employees.
(This Resolution authorizes County Employees to be placed on a Leave of Absence in accordance with the County Leave of Absence Policy and the Family Medical Leave Act (FMLA).)
- 674-23 Resolution supplementing the 2023 Salary Resolution and approving appointments and salaries.
(This Resolution authorizes the hiring of new County employees, temporary assignment pay, salary changes or corrections, title changes and promotions of County employees when applicable.)
- 675-23 Resolution authorizing an Indemnification Agreement with the Township of Middle for their 25th Annual Olde Tyme Harvest Festival on October 28, 2023.
(This Resolution gives permission to the Township of Middle for the temporary closure of a portion of Mechanic Street (CR615) for their Annual Olde Tyme Harvest Festival.)
- 676-23 Resolution authorizing execution of a Shared Services Agreement between the Borough of Stone Harbor; City of Wildwood, and the County of Cape May for traffic signal maintenance.
(This Resolution authorizes a Shared Services Agreement with the Borough of Stone Harbor and City of Wildwood for traffic signal maintenance.)
- 677-23 Resolution appointing certain County employees to their permanent position in their respective offices (Human Services).

(This Resolution is appointing County employees to a permanent title from the New Jersey Civil Service Commission based upon a qualifying action.)
- 678-23 Resolution authorizing release of performance guarantee funds in the amount of \$2,725.80 to Himmelwright Investments LLC for improvements to Bay Avenue (CR #656), Ocean City.
(This Resolution authorizes release of the funds held as a performance guarantee for improvements within a County right-of-way to Himmelwright Investments LLC.)
- 679-23 Resolution authorizing an Application and Indemnification Agreement with Cape May County Zoo AAZK to hold Night Walks at the Cape May County Park, Cape May Court House location.
(This Resolution permits use of a portion of the Cape May County Park, Cape May Court House location, by Cape May County Zoo AAZK on October 7, 2023, and on October 27, 2023, between the hours of 6:30 p.m. and 9:00 p.m.)

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- 680-23 Resolution authorizing an Application and Indemnification Agreement with Rowan University Information Sessions – Staff Sergeant Gordon Fox Mental Health Program to hold an Information Session for the Zoo Community in Support of Veterans at the Cape May County Park, Cape May Court House location.
(This Resolution permits use of the Cape May County Park, Cape May Court House location, by Rowan University Information Sessions – Staff Sergeant Gordon Fox Mental Health Program on October 10, 2023, October 17, 2023, and October 24, 2023, between the hours of 10:00 a.m. and 3:00 p.m.)
- 681-23 Resolution authorizing renewal of policies with Travelers Property Casualty Company of America for Miscellaneous Workboat Coverage and Excess Marine Liabilities for the Prosecutor’s Patrol Boat in the total amount of \$18,884.00.
(This Resolution authorizes renewal of commercial insurance policies for Miscellaneous Workboat Coverage and Excess Marine Liabilities for the Prosecutor’s patrol boat for the term of August 24, 2023 through August 24, 2024.)
- 682-23 Resolution authorizing renewal with Proselect Insurance Company for Professional and General Liability Coverage for Cape May County Health Department in the amount of \$4,300.73.
(This Resolution authorizes renewal of Policy # 002NJ000008654 for Professional and General Liability for the Cape May County Health Department for the term of October 6, 2023, through October 6, 2024.)
- 683-23 Resolution accepting grant award from U.S. Department of Justice, Bureau of Justice Assistance for the FY23 Bulletproof Vest Partnership Grant in the amount of \$24,800.00.
(This Resolution is accepting a grant award from U.S. Department of Justice, Bureau of Justice Assistance for the FY23 Bulletproof Vest Partnership Grant in the amount of \$24,800.00 for the period of 4/1/23 to 8/31/25.)
- 684-23 Resolution accepting a grant award from the New Jersey Office of Homeland Security and Preparedness for FFY23 Homeland Security Grant No. EMW-2023-SS-00027 in the amount of \$190,638.14.
(This Resolution accepts FFY23 Homeland Security Grant in the amount of \$190,638.14 for the period 9/1/23 to 7/31/26.)
- 685-23 Resolution authorizing insertion of special items of revenue into the 2023 County budget pursuant to N.J.S.A. 40a:4-87
(This Resolution amends the 2023 Budget for various grant programs pursuant to N.J.S.A. 40A:4-87.)
- 686-23 Resolution granting permission to the Township of Lower to close a portion of Bayshore Road (CR603) on November 4, 2023 for their annual Veteran’s Day Parade.
(This Resolution gives permission to the Township of Lower to close a portion of Bayshore Road (CR603) for their Veteran’s Day Parade on November 4, 2023.)
- 687-23 Resolution granting permission to the Lower Township Rotary Club to close a portion of Breakwater Road (CR613) and Bayshore Road (CR603) on December 9, 2023 for their annual Christmas Parade.
(This Resolution gives permission to the Lower Township Rotary Club to close a portion of Breakwater Road (CR613) and Bayshore Road (CR603) for their Christmas Parade on December 9, 2023.)
- 688-23 Resolution authorizing Change Order No 2 in the amount of \$0.00 to Landberg Construction, LLC for 2023 Miscellaneous Drainage Improvements I on an as-needed basis throughout Cape May County.
(This Resolution authorizes a change order for traffic control by Lower Township Police Department at Townbank Road (CR648) and Sunnyside Drive.)

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- 689-23 Resolution authorizing Change Order No. 2 in the amount of <\$120,069.38> to South State, Inc. for Ocean Drive (CR619) Bridge over Great Channel Superstructure Repairs and Fender Replacement.
(This Resolution authorizes a change order to adjust quantities to reflect the as-built conditions.)
- 690-23 Resolution establishing a Pool of Firms for Professional Engineering Services.
(This Resolution establishes a pool of professional engineering firms, to be used on an as-needed basis, commencing October 11, 2023, for a term of one (1) year, with two (2) one-year options.)
- 691-23 Resolution awarding Contract No. C3-146 to Tetra Tech Inc. for Hazard Mitigation Plan Professional Services for County of Cape May.
(This Resolution awards Contract No. C3-146 to Tetra Tech Inc. to update the County Local Multi-Jurisdictional All-Hazards Mitigation Plan in an amount not to exceed \$161,681.00.)
- 692-23 Resolution authorizing extension of Contract No. C0-173 with Wildwood Linen Service to furnish and deliver linen rental services for various Cape May County Facilities.
(This Resolution authorizes an extension of Contract No. C0-173, with Wildwood Linen Service to furnish and deliver linen rental services for various Cape May County facilities for one year, through October 23, 2024.)
- 693-23 Resolution authorizing extension of Contract No. C0-174 with Hy-Point Dairy Farms, Inc. to furnish and deliver dairy products to Crest Haven Nursing and Rehabilitation Center and participating cooperative members.
(This Resolution authorizes an extension of Contract No. C0-174, with Hy-Point Dairy Farms, Inc. to furnish and deliver dairy products to Crest Haven Nursing and Rehabilitation Center and Cape May County Cooperative Members for one year, through October 13, 2024.)
- 694-23 Resolution awarding Contract No. C3-151 to Allaire Health Services for the Operation and Lease of County Property.
(This Resolution awards Contract No. C3-151 to Allaire Health Services for the operation and lease of Crest Haven Nursing & Rehabilitation Center, commencing on January 1, 2024, for a term of ten (10) years, with one (1) nine year option.)
- 695-23 Resolution authorizing execution of various Memoranda of Understanding for distribution of CV-Community Development Block Grant Funds.
(This Resolution authorizes execution of various Memoranda of Understanding for distribution of CV-Community Development Block Grant Funds.)

MOTION TO PAY BILLS AND CHECKS BE TRANSFERRED TO THE COUNTY

Commissioners	Ayes	Nays	Abstain	Absent	Motion	Second
Mr. Barr	X					X
Mr. Bulakowski	X				X	
Mr. Morey	X					
Mr. Pierson	X					
Mr. Desiderio	X					

PUBLIC COMMENTS:

Motion to open Public Comment

Commissioners	Ayes	Nays	Abstain	Absent	Motion	Second
Mr. Barr	X					X
Mr. Bulakowski	X				X	
Mr. Morey	X					
Mr. Pierson	X					
Mr. Desiderio	X					

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Motion to Close Public Comment and Adjourn

Commissioners	Ayes	Nays	Abstain	Absent	Motion	Second
Mr. Barr	X				X	
Mr. Bulakowski	X					X
Mr. Morey	X					
Mr. Pierson	X					
Mr. Desiderio	X					

4:15 P.M. time

APPROVED

DIRECTOR

ATTEST:

CLERK OF THE BOARD