

UNION COUNTY BOARD OF CHOSEN FREEHOLDERS

MINUTES OF THE REGULAR MEETING

OCTOBER 12, 2006

Chairman Alexander Mirabella presided. Roll call showed Vice Chair Bette Jane Kowalski, Freeholder Angel G. Estrada, Freeholder Adrian O. Mapp, Freeholder Rick Proctor, Freeholder Deborah P. Scanlon, Freeholder Daniel P. Sullivan, and Freeholder Nancy Ward present. Freeholder Chester Holmes was absent. County Manager George W. Devanney, County Counsel Robert E. Barry, Esq., and Clerk of the Board Nicole L. DiRado were also present.

The **PRAYER AND SALUTE TO THE FLAG** were lead by the Clerk of the Board.

Compliance with the **OPEN PUBLIC MEETINGS ACT** was read by the Clerk of the Board.

APPROVAL OF MINUTES: September 28, 2006 – Regular Meeting; October 5, 2006 – Agenda Meeting

Chairman Mirabella called for a motion to approve the Minutes of the September 28, 2006, Regular Meeting and the October 5, 2006 Agenda Meeting. On a motion by Vice Chair Kowalski and seconded by Freeholder Proctor, the roll call showed eight votes in the affirmative for the minutes of the September 28, 2006 and eight votes in the affirmative for the minutes of October 5, 2006 Agenda Meeting. Freeholder Chester Holmes was absent.

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P R E S E N T A T I O N :

Chairman Mirabella announced that he had several presentations to make.

Chairman Mirabella stated that this meeting was being recorded and would be available for the municipalities to air.

The Chairman acknowledged the hard work of the people who were working with the Open Space Trust Fund to create the Kids Recreation Trust Fund Grant Program. He explained that the Kids Trust Fund provides a scholarship program for needy children, and provides funds for equipment for recreation programs and provides matching funds for field and recreation improvements. The Chairman thanked the Trust Fund Freeholder Standing Committee who worked diligently to put our children and families first. Chairman Mirabella thanked Freeholder Scanlon for being the Chair of this committee and Victoria Durbin and her staff, Mike Brennan and Kelly Coyle, for their efforts. The Chairman stated that the 2006 award is approximately \$2 million due to an overwhelming increase in participation from the municipalities making it the largest grant awarded since the program's inception. This year, twenty of the twenty one municipalities in the County were awarded grant money.

Chairman Mirabella, Freeholder Scanlon, Freeholder Sullivan and Freeholder Estrada presented Mayor Bollwage, Councilman William Gallman, Jr. and Paul Adessa from the Recreation Office in Elizabeth a check for \$350,000 representing their Kids Recreation Trust Fund award. The award is for the implementation of an indoor/outdoor recreation facility, equipped with a basketball court an indoor soccer field an outdoor soccer field (with turf), and a computer and game room. The Kids Recreation Trust Fund money presented will help to meet the needs of expanding recreational opportunities and community development in the City of Elizabeth.

Chairman Mirabella and Freeholder Scanlon presented Mayor Bonaccorso of Clark with their Kids Recreation Trust Fund check for \$35,254.49. The monies will be used for updating the existing athletic equipment. Mayor Bonaccorso thanked the Board for the great award and for their diligence in the work they did for the Esposito Park. The people of Clark will be looking forward to this new and terrific park in Clark.

Chairman Mirabella, Freeholder Scanlon and Vice Chair Kowalski presented Cranford's Deputy Mayor George McDonough and Recreation Director Frank D'Antonio with their award for \$16,230 for the creation of a "Teen Room" in the community center to give kids a more inviting atmosphere and for equipment to fund on-going athletic programs. Deputy Mayor McDonough thanked the County and the Board of Chosen Freeholders for their continual support for Cranford's two greatest assets, their children and their parks.

Chairman Mirabella and Freeholder Scanlon presented to Council President Donna Dolce Fanwood's Kids Recreation Trust Fund check for \$9,800 to update existing athletic equipment.

Chairman Mirabella and Freeholder Scanlon presented a check for \$152,225 to Garwood's Mayor Dennis McCarthy & Councilwoman Kathy Villaggio for a field expansion and club house renovations. Mayor McCarthy thanked the Board of Chosen Freeholders for the award and told them that the money would be put to good use for the kids in the Borough of Garwood.

Chairman Mirabella and Freeholder Scanlon presented Councilwoman Carmella Colosimo & Recreation Director Scott Pentz of Kenilworth with their Kids Recreation Trust Fund award of \$35,000, to be used for repairs to surface upgrade on fields and basketball courts. The award would also be used for playground equipment upgrades. Councilwoman Colosimo thanked the Board on behalf of Kenilworth, especially the children.

Chairman Mirabella, Freeholder Scanlon and Freeholder Ward presented Linden's Mayor John T. Gregorio, Gary Luciano and Joe Bodek with a Kids Recreation Trust Fund award of \$113,780. The \$113,780 will be for the purpose of a playground surface upgrade. The city is also interested in adding Groundscape Rubber Mulch to six area parks: *Sunnyside, St. Marks, Hattie Johnson, Hagel Ave., Dunn* and *7th Ward*, in order to create a safer play environment and increase life expectancy of the play surfaces. The award will also be used to purchase equipment for existing athletic programs. Mayor Gregorio thanked the County and the Board of Chosen Freeholders for their hard work and generous award. Mayor Gregorio stated that Linden takes care of its seniors and children and he stated that he was very pleased with the generous award.

Chairman Mirabella and Freeholder Scanlon presented Mountainside's James Lieb with a check for \$102,500. Mountainside will use these funds to purchase three additional poles for completion of an on-going lighting project to extend play into evenings on Pony League field, to resurface the .9 mile fitness trail located at Borough Hall and to update the tennis courts constructed in the 1960's. Mountainside will also use the award to acquire equipment for existing athletic programs. James Lieb thanked the Board for their continued support of the Mountainside recreation programs.

Chairman Mirabella and Freeholder Scanlon presented Tzu-Lin Toner, Director of Community Affairs, and Arlene Regan, Chair of the Recreation Master Plan Committee of New Providence, with their Kids Recreation Trust Fund award of \$100,000. The award will be used for the installation of two synthetic turf fields, the reconfiguration of current fields for multipurpose use and the improvement of natural turf fields through maintenance. Tzu-Lin Toner thanked the Board for their continued support and generosity.

Chairman Mirabella, Freeholder Scanlon and Freeholder Mapp presented Plainfield's Mayor Sharon Robinson-Briggs, Councilman Harold Gibson, Barbara James, AJ Jalloh and members of Plainfield public with an award check for \$234,490. Plainfield will use the award for the multi-park improvement program at Seidler's Field including, permanent fencing, permanent bleachers and netting around goal posts. The award will also be used for scholarships for recreational purposes and equipment for existing athletic programs. Mayor Robinson-Briggs enthusiastically thanked the Board of Chosen Freeholders for the continuous support and advocacy for the children of Plainfield and the children of Union County.

Chairman Mirabella, Freeholder Scanlon, Freeholder Proctor awarded Rahway's Councilwoman Nancy Saliga and Councilman Sal Mione with a Kids Recreation Trust Fund award of \$257,350. Rahway plans to use the \$257,350 for the exterior lighting of a Pop Warner Football Field and two basketball courts (Madden Field and Capo Bianco Plaza), scholarships for recreational purposes and athletic equipment. Councilman Mione thanked the Freeholders and the administration that made it possible to contribute to the children of Rahway.

Chairman Mirabella and Freeholder Scanlon presented a check to Mayor Joe DeIorio, Councilman Larry Dinardo and Bill Hein, President of Pop Warner of Roselle Park, with a Kids Recreation Trust Fund award of \$69,151. The award will be used to expand the Pop Warner field house with a second floor and make structural park improvements. Further funds will be used to upgrade the athletic equipment and to provide scholarships for recreational purposes. Mayor DeIorio thanked the Chairman and the entire Board for their help on behalf of the children of Roselle Park.

Chairman Mirabella and Freeholder Scanlon presented Ray Peiorio of the Recreation Office of Scotch Plains with Scotch Plains' Kids Recreation Trust Fund check for \$50,000. Scotch Plains will use the award for the purpose of renovating South Side Park from the existing little league field to a full-sized soccer field equipped with lighting and field turf. Mr. Peiorio thanked the entire Board.

Chairman Mirabella and Freeholder Scanlon presented Mayor Clara Harelik of Springfield with a Kids Recreation Trust Fund grant award of \$28,030. Springfield will use their award to install an

IPEMA-certified, ADA accessible play structure for Chisolm Park and equipment updates for athletics. Mayor Harelik thanked the Board of Chosen Freeholders and Union County for their hard work and efforts to bring Springfield awards of this kind. The Mayor also stated that it would upgrade ADA equipment for children. Mayor Harelik also stated that Miesel Park will have its grand opening/ribbon cutting ceremony next Wednesday, October 18th and she asked the Board to be there.

Chairman Mirabella stated that he would also like to present Mayor Harelik a Resolution for being named Mayor of the Year by the Gateway Regional Chamber of Commerce.

Chairman Mirabella and Freeholder Scanlon presented Union's Committeeman Cliff People with a check for \$75,000. The Kids Recreation Trust Fund check will be used to expand recreational opportunities for Township children. The following projects will be funded with the Kids Recreation Trust Award: Andrew Street Park – resurfacing basketball courts, new backboards and rims, new playground equipment, 4ft. fencing and safety surfaces; Brookside and Herbert Davis Park – new playground equipment w/safety surfaces and new vinyl fencing; Sayrebrook Park – new playground equipment and safety surfaces; and Chestnut Hill Park – resurfacing basketball court, new poles, backboards and rims. Committeeman People thanked the Board.

Chairman Mirabella and Freeholder Scanlon presented Westfield with an award check of \$150,000 to Jim Gildea, Business Administrator. The Kids Recreation Trust Fund award will be used a renovations to Memorial Park, including: parking, handicap accessibility, five tennis court replacements, four youth softball fields, expanded soccer fields, youth basketball court, drainage and irrigation systems, permanent restrooms, safety fencing, playground upgrades and walking/jogging trails. Mr. Gildea thanked the Board and Chairman Mirabella for the award and stated that this will help to get the second phase of the project started in Westfield completed.

Chairman Mirabella and Freeholder Scanlon presented Mayor David Wright of Winfield with a Kids Recreation Trust Fund check for \$3,000. The \$3,000 will be put to use for an asphalt application for basketball court renovation project and equipment park upgrades. Mayor Wright thanked the Board for the money given to complete a project that began last year. Mayor Wright also stated that in all his years of service to the public he felt that this Board of Chosen Freeholders was the most supportive of the municipalities and thanked them for making a difference.

Chairman Mirabella presented Gary Whyte with a Resolution for his efforts with the condition Fibrodysplasia Ossificans Progressiva or (FOP). Chairman Mirabella stated that New Jersey has become more aware of this condition thanks to the efforts of Mr. Whyte. Mr. Whyte thanked the Board for recognizing FOP and was thrilled that Union County proclaimed the week of October 12, 2006 through October 20, 2006 as Fibrodysplasia Ossificans Progressiva awareness week. Mr. Whyte with stated that he has a video that he was unable to show at this time (due to technical problems). Mr. Whyte with made comments regarding the support of NY Giants with his campaign and stated that he and the children had an amazing experience the day they went to visit the team.

Chairman Mirabella asked Director Al Faella to unveil the new Union County Website. Director Faella, Elvira Lozano and Kathy Villagio made a presentation on the new and improved website. Director Faella pointed out that the website is easier to navigate. The Director stated that the website was more informative, features a job connections button that brings you to available job listings in the Union County area that will be updated weekly. Director Faella stated that they added several features to make the website more user friendly. There is also more historical and general information available on the website especially useful for students. Director Faella stated that all the improvements were designed to help people find the information they were looking for more easily. Chairman Mirabella thanked Director Faella for his presentation and for his hard work on the website project. The Chairman stated that the website changes that Director Faella, Elvira Lozano and Kathy Villagio delivered exceeded his expectations and the Chairman said that he was thrilled with the design, ease of use and how the entire website operates currently.

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Chairman stated that the first order of business is the Final Reading of Ordinance No. 638-2006. Clerk of the Board Nicole L. DiRado read Ordinance No. 638-2006 by title.

ORDINANCE NO. 638-2006

was introduced and passed on first reading by the Board of Chosen Freeholders at a REGULAR MEETING on **September 28th, 2006** and said Ordinance has been published with Notice of Introduction there of and of the time and place fixed for its further consideration and the Board has duly held a hearing thereof and has given all persons interested an opportunity to be heard. NOW, THEREFORE, BE IT RESOLVED, by the Board of Chosen Freeholders that said Ordinance be and the same hereby is finally passed and adopted, and be it FURTHER RESOLVED, that the Ordinance published herewith has been finally adopted on **October 12th 2006**, and the 20 day period of limitations within which a suit, action or proceeding questioning the validity of such Ordinance can be commenced has begun to run from the date of first publication of this statement. Nicole L. Tedeschi, Clerk of the Board of Chosen Freeholders

**AN ORDINANCE OF THE COUNTY OF UNION
PROHIBITING REGISTERED SEX OFFENDERS
FROM LOITERING WITHIN 300 FEET OF ANY
COUNTY-OWNED, PLAYGROUNDS, BALL FIELDS
OR RECREATIONAL AREAS**

WHEREAS, the Board of Chosen Freeholders of the County of Union desires to protect the health, safety and welfare of children within the County of Union by prohibiting registered sex offenders from loitering within 300 feet of any County-owned playgrounds, ball fields or recreational areas; and

WHEREAS, it is the intent of the Board of Chosen Freeholders to protect and insure the health, safety and welfare of children within the County and not to penalize registered sex offenders.

NOW, THEREFORE, BE IT ORDAINED by the Board of Chosen Freeholders of the County of Union, as follows:

The Laws of Union County, Chapter 115 – “Safety Code” shall be amended as specified below:

Chapter 115, Safety Code

(Articles I through VII remain unchanged. Article VIII below is a new section in its entirety.)

ARTICLE VIII, REGISTERED SEX OFFENDER PROHIBITION ZONES

[Adopted 10-12-2006 by Ord. No. 638]

§ 115-55. Findings and Declarations.

The Board of Chosen Freeholders finds and declares that the health, safety, and welfare of the children will be enhanced by prohibiting registered sex offenders from loitering within 300 feet of any playground, ball field or recreational area within the County of Union.

§ 115-56. Definitions.

As used in this chapter the following terms shall have the meaning indicated:

REGISTERED SEX OFFENDER – Any person over the age of 18 who is required to register pursuant to N.J.S.A. 2C:7-1, et seq., the New Jersey Sex Offender Registration and Notification Statute (“Megan’s Law”).

LOITERING – Whether on foot or in a motor vehicle, a person who wanders or remains idle in essentially one location, sits, lounges, loafs, walks about aimlessly, or repeatedly frequents the same location, or repeatedly circles in a motor vehicle.

PROHIBITED AREA – The area within 300 feet of any County owned playground, ball field or recreational area. The prohibited area includes but is not limited to the following places:

- Ball fields (including those fields utilized for baseball, softball, football, soccer and the like)
- Playgrounds (any and all County-owned playgrounds contained in any County-owned park)
- Recreational areas (including but not limited to the following County-owned facilities: swimming pools, Warinanco Skating Center, Watchung Stables, boat houses, dog parks, County golf courses, Trailside Nature and Science Center)

PROHIBITED AREA MAP – A map approved and adopted pursuant to this Section depicting the prohibited area.

§ 115-57. Adoption of Prohibited Area Map.

The prohibited area map prepared by the Union County Engineer and adopted by the Board of Chosen Freeholders by a resolution and as may be amended from time to time by resolution, depicting the locations and areas within the County property which comprise playgrounds, ball fields and recreational areas and all areas within 300 feet from such properties, shall be kept on file with the County Clerk and shall serve as an official finding and record of the prohibited area.

§ 115-58. Loitering Prohibited.

A registered sex offender shall not loiter within any prohibited area.

§ 115-59. Exceptions.

- A. Any person who is required to serve a sentence at a jail, prison, juvenile facility or other correctional institution or facility which is located within a prohibited area.
- B. Any person who is both a record title owner and an occupant of a residence within the prohibited area as of the date of the adoption of this Chapter.

§ 115-60. Enforcement.

This section shall be enforced by the Union County Police Department. The Chief of Police shall cause a copy of this section and the prohibited area map to be provided to each registered sex offender who has registered under Megan's Law and who is residing within the County of Union.

§ 115-61. Defenses.

It shall be no defense to prosecution for a violation of this section that the actor was unaware that the prohibited conduct occurred within a prohibited area, nor shall it be a defense to prosecution under this section that no juveniles were present within any prohibited area at the time of this offense. To the extent that a registered sex offender has not registered under Megan's Law, it shall not be a defense to prosecution under this section that the registered sex offender was not provided with a copy of this section or the prohibited area map.

§ 115-62. Use of Prohibited Area Map.

In a prosecution under this section, a true copy of the prohibited area map shall, upon proper authentication, be admissible and shall constitute *prima facie* evidence of the location and boundaries of the prohibited area. Nothing in this section shall be construed to preclude the prosecution from introducing or relying upon any other evidence or testimony to establish any element of this offense; nor shall this section be construed to preclude the use or admissibility of any map or diagram other than the one which has been approved by the Board of Chosen Freeholders.

§ 115-63. Violations and Penalties.

Any person violating any of the provisions of this section shall, upon conviction of a first offense, be punished by a fine of not less than \$100.00, nor more than \$1,250.00 and/or by imprisonment or community service not exceeding 90 days.

§ 115-64. Repeat Offender.

In addition to any fine or other penalty imposed for a violation of this ordinance, any person who is convicted of violating this section within one (1) year of the date of a previous violation of this Section shall be sentenced to an additional fine of \$1,250.00.

§ 115-65. Effect on Other Ordinances.

All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

§ 115-66. Severability.

If any portion of this ordinance shall be determined to be invalid, such determination shall not affect the validity of the remaining portions of said ordinance.

This ordinance shall take effect upon final passage and publication in accordance with law.

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**MEETING OPEN TO THE PUBLIC FOR THE
PURPOSE OF COMMENTING ON
ORDINANCE NO. 638-2006 ONLY**

There were no comments from the public.

Chairman Mirabella thanked Freeholder Scanlon for her help in creating this ordinance which helps to enforce the law and keep children safe.

PUBLIC COMMENT PORTION CONCLUDED

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Freeholder Scanlon moved Ordinance No. 638-2006 for Final Reading and authorized the Clerk of the Board to advertise the same in accordance with the law. The motion was seconded by Freeholder Proctor and roll call showed eight votes in the affirmative. Freeholder Holmes was absent.

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**MEETING OPEN TO THE PUBLIC FOR THE
PURPOSE OF COMMENTING ON
RESOLUTIONS ON THE AGENDA ONLY**

Bruce Paterson, Garwood: Mr. Paterson stated he was pleased with Resolution 2006-980 and thanked the Board for the money that was awarded.

PUBLIC COMMENT PORTION CONCLUDED

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Chairman Mirabella asked for a motion to adopt Resolution 2006-972 through 2006-1009. On a motion made by Freeholder Sullivan and Seconded by Freeholder Scanlon roll call showed eight votes in the affirmative. Freeholder Holmes was absent.

THE FOLLOWING RESOLUTIONS ARE BEING OFFERED FOR ADOPTION:

2006-972 **FREEHOLDER ESTRADA**, requesting the Director of the Division of Local Government Services to make the corrections, changes and transfers in the **title, text** and amount of items appearing in the budget for the County of Union for the year 2006.

On a motion made by Freeholder Sullivan and Seconded by Freeholder Scanlon roll call showed eight votes in the affirmative. Freeholder Holmes was absent.

2006-973 **FREEHOLDER ESTRADA**, authorizing a contract with **Pino Consulting Group, Inc., (PCG) West Windsor, New Jersey**, for the purpose of conducting Revenue Enhancement review to maximize Union County's reimbursements. The vendor was the only responder to an RFP and the contract is at no cost to the County.

On a motion made by Freeholder Sullivan and Seconded by Freeholder Scanlon roll call showed eight votes in the affirmative. Freeholder Holmes was absent.

2006-974 **FREEHOLDER ESTRADA**, modifying the 2006 Union County Adopted Budget in the amount of **\$13,560** as a result of notification received from the New Jersey Department of Law and Public Safety, Division of Criminal Justice for a program entitled: **"Sex Offender Registry Program."**

On a motion made by Freeholder Sullivan and Seconded by Freeholder Scanlon roll call showed eight votes in the affirmative. Freeholder Holmes was absent.

2006-975 **FREEHOLDER ESTRADA**, modifying the 2006 Union County Adopted Budget in the amount of **\$43,750** as a result of notification received from the New Jersey Department of Law and Public Safety, Division of Criminal Justice for a program entitled: **“Project Vision.”**

On a motion made by Freeholder Sullivan and Seconded by Freeholder Scanlon roll call showed eight votes in the affirmative. Freeholder Holmes was absent.

2006-976 **FREEHOLDER ESTRADA**, modifying the 2006 Union County Adopted Budget in the amount of **\$117,990** as a result of notification received from the New Jersey Department of Law and Public Safety, Division of Criminal Justice for a program entitled: **“Multi-Jurisdictional Narcotics Task Force.”** In addition, appropriating **\$117,990** from the matching grant entitled: **“Match – Multi-Jurisdictional Narcotics Task Force.”**

On a motion made by Freeholder Sullivan and Seconded by Freeholder Scanlon roll call showed eight votes in the affirmative. Freeholder Holmes was absent.

2006-977 **FREEHOLDER ESTRADA**, modifying the 2006 Union County Adopted Budget in the amount of **\$79,960** as a result of notification received from the New Jersey Department of Law and Public Safety, Division of Traffic Safety for a program entitled: **“Comprehensive Traffic Safety Program.”**

On a motion made by Freeholder Sullivan and Seconded by Freeholder Scanlon roll call showed eight votes in the affirmative. Freeholder Holmes was absent.

2006-978 **FREEHOLDER ESTRADA**, renewing the contract with the **Union County Educational Services Commission, New Providence, New Jersey**, for educational services and supervision of the educational programs at both the Juvenile Detention Center (for the period of September 1, 2006 through August 31, 2007) and Children’s Shelter (for the period of September 1, 2006 through December 31, 2006) in an amount of **\$341,470**.

On a motion made by Freeholder Sullivan and Seconded by Freeholder Scanlon roll call showed eight votes in the affirmative. Freeholder Holmes was absent.

2006-979 **FREEHOLDER HOLMES**, requesting the U.S. Congress for an extension to the enrollment period for **Medicare Part D for 2007** from December 31, 2006 to March 15, 2007 to allow enrollees enough time to review the drug prescription plans offered by Medicare and make a well informed decision as to the appropriate prescription drug coverage they need.

On a motion made by Freeholder Sullivan and Seconded by Freeholder Scanlon roll call showed eight votes in the affirmative. Freeholder Holmes was absent.

2006-980 **FREEHOLDER SCANLON**, amending **Resolution No. 481-2005** for an additional grant funding in an amount not to exceed **\$2,000,000** for the 2006 **“Kids Recreation Trust Fund” Matching Grant Program** from the Union County Open Space, Recreation & Historic Preservation Trust Fund, and authorizing the County Manager to award said grants to municipalities in accordance with the grant criteria and the Grant Program Agreement.

On a motion made by Freeholder Sullivan and Seconded by Freeholder Scanlon roll call showed eight votes in the affirmative. Freeholder Holmes was absent.

2006-981 **FREEHOLDER SCANLON**, authorizing the County Manager to enter into an agreement with the **PMK Group, Cranford, New Jersey**, to perform a Limited Site Investigation (LSI) and wetlands delineation at the Hazelwood Cemetery property located in Clark, New Jersey, based on the results and recommendations of the Preliminary Assessment Report of this property in an amount not to exceed **\$20,990**.

On a motion made by Freeholder Sullivan and Seconded by Freeholder Scanlon roll call showed eight votes in the affirmative. Freeholder Holmes was absent.

2006-982 **FREEHOLDER SULLIVAN**, hereby calling for the resignation of **Dennis Hastert, Speaker of the House of Representative** from his position as Speaker, as well as a Congressman of Illinois.

On a motion made by Freeholder Sullivan and Seconded by Freeholder Scanlon roll call showed eight votes in the affirmative. Freeholder Holmes was absent.

2006-983 **VICE CHAIR KOWALSKI AND FREEHOLDER HOLMES**, authorizing the County Manager to enter into a contract with **Rabbi Moshe A. Abramowitz, Elizabeth, New Jersey**, to continue to provide religious services for the Jewish residents/patients at Runnells Specialized Hospital for the contract period of November 1, 2006 through October 31, 2007 in an amount of **\$6,000**.

On a motion made by Freeholder Sullivan and Seconded by Freeholder Scanlon roll call showed eight votes in the affirmative. Freeholder Holmes was absent.

2006-984 **VICE CHAIR KOWALSKI AND FREEHOLDER HOLMES**, authorizing the County Manager to enter into a contract with **Leevon N. Coles, Plainfield, New Jersey**, to continue to provide religious services for the Protestant residents/patients at Runnells Specialized Hospital for the contract period of November 1, 2006 through October 31, 2007 in an amount of **\$8,000**.

On a motion made by Freeholder Sullivan and Seconded by Freeholder Scanlon roll call showed eight votes in the affirmative. Freeholder Holmes was absent.

2006-985 **VICE CHAIR KOWALSKI AND FREEHOLDER HOLMES**, amending **Resolution No. 2006-635** to amend the **list of pre-qualified practitioners** who provide professional medical services for the patients/residents of Runnells Specialized Hospital for the contract period of July 1, 2006 through June 30, 2007.

On a motion made by Freeholder Sullivan and Seconded by Freeholder Scanlon roll call showed eight votes in the affirmative. Freeholder Holmes was absent.

2006-986 **VICE CHAIR KOWALSKI AND FREEHOLDER HOLMES**, approving the dissolving of an **outstanding patient balance** owed to Runnells Specialized Hospital in an amount of **\$184**, as it is uncollectible.

On a motion made by Freeholder Sullivan and Seconded by Freeholder Scanlon roll call showed eight votes in the affirmative. Freeholder Holmes was absent.

2006-987 **VICE CHAIR KOWALSKI AND FREEHOLDER HOLMES**, amending **Resolution No. 1190-2005** to the contract with **Direct Supply, Milwaukee, Wisconsin**, through NJHA pursuant to N.J.S.A. 30:9-87 and 88, for the purchase of hospital supplies and equipment for Occupational Therapy for the contract period of January 1, 2006 through December 31, 2006 in an additional amount of **\$3,000** for a new total contract amount of **\$66,000**.

On a motion made by Freeholder Sullivan and Seconded by Freeholder Scanlon roll call showed eight votes in the affirmative. Freeholder Holmes was absent.

2006-988 **VICE CHAIR KOWALSKI AND FREEHOLDER HOLMES**, amending **Resolution No. 2006-333** for additional funds in the amount of **\$25,000** for the purpose of reimbursing **Overlook Hospital, Summit, New Jersey**, for emergency services provided to the residents/patients at Runnells Specialized Hospital for the contract period of January 1, 2006 through December 31, 2006 for a new total contract amount of **\$50,000**.

On a motion made by Freeholder Sullivan and Seconded by Freeholder Scanlon roll call showed eight votes in the affirmative. Freeholder Holmes was absent.

2006-989 **VICE CHAIR KOWALSKI**, authorizing the County Manager to execute the **Union County Youth Services Commission "Revised By-Laws"** in order the allow the County of Union to make local decisions regarding provision of appropriate intervention services for Union County youth who are at risk of incarceration or adjudicated delinquent.

On a motion made by Freeholder Sullivan and Seconded by Freeholder Scanlon roll call showed eight votes in the affirmative. Freeholder Holmes was absent.

2006-990 **VICE CHAIR KOWALSKI AND FREEHOLDER HOLMES**, authorizing the County Manager to enter into a contract with **Zimmet Healthcare Services Group, LLC, Morganville, New Jersey**, to provide Medicare and Insurance billing reimbursement and compliance consulting services to Runnells Specialized Hospital for the contract period of November 11, 2006 through October 31, 2007 in an amount not to exceed **\$25,000**.

On a motion made by Freeholder Sullivan and Seconded by Freeholder Scanlon roll call showed eight votes in the affirmative. Freeholder Holmes was absent.

2006-991 **CHAIRMAN MIRABELLA**, authorizing the County Manager to award the proposed contracts obtained through advertised public bidding in accordance with **Local Public Contracts Law N.J.S.A. 40A:11-1 et seq:**

- a. OFFICE OF THE SHERIFF: **Hertrich Fleet Services, Inc., Milford, Delaware**, to purchase two (2) Ford Econoline Prisoner Vans with transport insert in an amount of **\$63,872**.
- b. DIVISION OF MOTOR VEHICLES: **Preferred Petroleum Products & Service, Newark, New Jersey**, to provide maintenance and repair services for the fuel dispensing units located at various locations within the County of Union in an amount not to exceed **\$85,604**.
- c. DEPARTMENT OF HUMAN SERVICES: **Summit Truck Body, Inc., Summit, New Jersey**, to provide collision repairs, body work, and paint services for heavy duty buses and shuttle vans in an amount of **\$123,000**.
- d. DIVISION OF MOTOR VEHICLES: **Summit Truck Body, Inc., Summit, New Jersey**, to provide collision repairs, body work, and paint services for heavy-duty trucks in an amount not to exceed **\$125,000**.
- e. DIVISION OF MOTOR VEHICLES: **Air Brake and Equipment, Hillside, New Jersey**, to provide repairs for heavy-duty trucks in an amount not to exceed **\$248,910**.

On a motion made by Freeholder Sullivan and Seconded by Freeholder Scanlon roll call showed eight votes in the affirmative. Freeholder Holmes was absent.

2006-992 **CHAIRMAN MIRABELLA**, authorizing the County Manager to apply for, and accept funding from the **State of New Jersey, Office of Victim Witness Advocacy**, in the amount of **\$450,819** in order to continue to improve and enhance services to victims of crime in Union County for the period of July 1, 2006 through June 30, 2007. A County in-kind match of **\$112,705** required.

On a motion made by Freeholder Sullivan and Seconded by Freeholder Scanlon roll call showed eight votes in the affirmative. Freeholder Holmes was absent.

2006-993 CHAIRMAN MIRABELLA, authorizing the County Manager to apply for, and accept funding from the **State of New Jersey, Division of Criminal Justice, Edward Byrne Memorial Justice Assistance Grant Program, Megan's Law and Local Law Enforcement Assistance** component in the amount of **\$12,744** for the purpose of continuing the enforcement of Megan's Law in Union County for the period of September 1, 2006 through February 8, 2008. A County cash match of **\$4,248** is required.

On a motion made by Freeholder Sullivan and Seconded by Freeholder Scanlon roll call showed eight votes in the affirmative. Freeholder Holmes was absent.

2006-994 CHAIRMAN MIRABELLA, authorizing the County Manager to apply for, and accept funding from the **New Jersey Division of Criminal Justice, Project Vision Grant Program** in the amount of **\$43,750** to continue a program to protect at-risk youth from the threat of gangs, guns and drugs in Plainfield, New Jersey, for the period of September 1, 2006 through August 31, 2007. There is no County match required.

On a motion made by Freeholder Sullivan and Seconded by Freeholder Scanlon roll call showed eight votes in the affirmative. Freeholder Holmes was absent.

2006-995 CHAIRMAN MIRABELLA, authorizing the County Manager to execute the **New Jersey Department of Transportation (NJDOT) Jurisdictional Agreement #4551**, detailing jurisdictional responsibilities for drainage at the intersection of US Route 22 and New Providence Road (Cr 645) in Mountainside, New Jersey.

On a motion made by Freeholder Sullivan and Seconded by Freeholder Scanlon roll call showed eight votes in the affirmative. Freeholder Holmes was absent.

2006-996 CHAIRMAN MIRABELLA, urging the Legislature and Governor Jon Corzine to protect full funding for County and Municipal **PARIS Grant** and to protect these crucial, fundamental and viable programs.

On a motion made by Freeholder Sullivan and Seconded by Freeholder Scanlon roll call showed eight votes in the affirmative. Freeholder Holmes was absent.

2006-997 CHAIRMAN MIRABELLA, authorizing the County Manager to award the proposed contracts obtained through advertised public bidding in accordance with **Local Public Contracts Law N.J.S.A. 40A:11-1 et seq:**

- a. DEPARTMENT OF INFORMATION TECHNOLOGY: TBS Network Intelligence, Inc., Parsippany, New Jersey, to furnish, deliver, configure, provide training and install a Video System in an amount of **\$110,246**.

- b. DEPARTMENT OF HUMAN SERVICES: Arcola Sales and Service Corp., Carlstadt, New Jersey, to furnish three (3) Ford E450 Buses with wheelchair lifts in an amount of **\$183,150**.

On a motion made by Freeholder Sullivan and Seconded by Freeholder Scanlon roll call showed eight votes in the affirmative. Freeholder Holmes was absent.

THE FOLLOWING RESOLUTIONS ARE LAUDATORY IN CONTENT:

- 2006-998** **FREEHOLDER PROCTOR**, congratulating **John Surmay, Health Official, Elizabeth, New Jersey**, for being the recipient of the “Frank J. Osborne Award” for Meritorious achievement in Public Health.

On a motion made by Freeholder Sullivan and Seconded by Freeholder Scanlon roll call showed eight votes in the affirmative. Freeholder Holmes was absent.

- 2006-999** **FREEHOLDER SCANLON**, congratulating **Columbia M. Feudale, Union, New Jersey**, who will be celebrating her 100th Birthday on October 7, 2006.

On a motion made by Freeholder Sullivan and Seconded by Freeholder Scanlon roll call showed eight votes in the affirmative. Freeholder Holmes was absent.

- 2006-1000** **FREEHOLDER SCANLON**, acknowledging and commending the **Elizabeth YWCA of Eastern Union County**, for their tireless efforts on behalf of all the women in Union County who have been subjected to domestic violence.

On a motion made by Freeholder Sullivan and Seconded by Freeholder Scanlon roll call showed eight votes in the affirmative. Freeholder Holmes was absent.

- 2006-1001** **VICE CHAIR KOWALSKI**, acknowledging **Schering-Plough Corporation**, for hosting a reception and for its leadership role in promoting partnerships between the private and public sectors which encourage support for the arts, history and humanities in Union County.

On a motion made by Freeholder Sullivan and Seconded by Freeholder Scanlon roll call showed eight votes in the affirmative. Freeholder Holmes was absent.

- 2006-1002** **VICE CHAIR KOWALSKI**, commending the staff of **Jersey Gardens Outlet Mall**, for their dedicated efforts to promote National Arts and Humanities Month.

On a motion made by Freeholder Sullivan and Seconded by Freeholder Scanlon roll call showed eight votes in the affirmative. Freeholder Holmes was absent.

- 2006-1003** **VICE CHAIR KOWALSKI**, proclaiming October 2005 as “**National Arts and Humanities Month**” in Union County and further proclaiming October 21st and 22nd as “**Visit Four Centuries in a Weekend.**”

On a motion made by Freeholder Sullivan and Seconded by Freeholder Scanlon roll call showed eight votes in the affirmative. Freeholder Holmes was absent.

2006-1004 VICE CHAIR KOWALSKI, extending deepest condolences to the family of **Beatrice R. Sheld, Rahway, New Jersey**, in this, their time of sorrow.

On a motion made by Freeholder Sullivan and Seconded by Freeholder Scanlon roll call showed eight votes in the affirmative. Freeholder Holmes was absent.

2006-1005 VICE CHAIR KOWALSKI, congratulating **James C. Avery, Monroe Township, New Jersey**, on the publication of his book, "Others Thought I Could Lead" and special thanks for his service to Union County and Union County College.

On a motion made by Freeholder Sullivan and Seconded by Freeholder Scanlon roll call showed eight votes in the affirmative. Freeholder Holmes was absent.

2006-1006 CHAIRMAN MIRABELLA AND THE ENTIRE BOARD, congratulating **Robert Laux**, on his receipt of the Community Access Unlimited "Humanitarian of the Year Award."

On a motion made by Freeholder Sullivan and Seconded by Freeholder Scanlon roll call showed eight votes in the affirmative. Freeholder Holmes was absent.

2006-1007 CHAIRMAN MIRABELLA AND THE ENTIRE BOARD, congratulating **Mayor J. Christian Bollwage, Elizabeth, New Jersey**, on his receipt of the Community Access Unlimited "Public Leadership Award."

On a motion made by Freeholder Sullivan and Seconded by Freeholder Scanlon roll call showed eight votes in the affirmative. Freeholder Holmes was absent.

2006-1008 CHAIRMAN MIRABELLA AND THE ENTIRE BOARD, congratulating **Michael Fabricant**, on his receipt of the Community Access Unlimited "Geller Award."

On a motion made by Freeholder Sullivan and Seconded by Freeholder Scanlon roll call showed eight votes in the affirmative. Freeholder Holmes was absent.

2006-1009 CHAIRMAN MIRABELLA, designating the week of October 9, 2006 as "**Fire Prevention Week**" with the theme this year being "Prevent Cooking Fires: Watch What You Heat."

On a motion made by Freeholder Sullivan and Seconded by Freeholder Scanlon roll call showed eight votes in the affirmative. Freeholder Holmes was absent.

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**MEETING OPEN TO THE PUBLIC FOR
THE PURPOSE OF COMMENTING
ON RESOLUTIONS FROM THE FLOOR ONLY**

There were no comments from the public.

PUBLIC COMMENT PORTION CONCLUDED

Chairman Mirabella asked for a motion to suspend the rules. On a motion made by Freeholder Proctor and seconded by Freeholder Kowalski roll call showed eight votes in the affirmative. Freeholder Holmes was absent.

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Chairman Mirabella asked for a motion to adopt Resolution 2006-1010 from the floor. On a motion made by Freeholder Proctor and seconded by Freeholder Kowalski roll call showed eight votes in the affirmative. Freeholder Holmes was absent.

THE FOLLOWING RESOLUTION IS FROM THE FLOOR:

2006-1010 **FREEHOLDER SCANLON**, authorizing the County Manager to award the proposed contracts obtained through advertised public bidding in accordance with **Local Public Contracts Law N.J.S.A. 40A:11-1 et seq:**

- a. DEPARTMENT OF ENGINEERING AND PUBLIC WORKS: A. Juliano & Son Contractors, Inc., Sterling, New Jersey, to provide construction of recreational facilities at Peter J. Esposito Park, Clark, New Jersey, in an amount of **\$2,909,730.75. {\$1,000,000 is in the form of Green Acres provided by the New Jersey Department of Environmental Protection (NJDEP) and the Balance is from the Union County Open Space, Recreation & Historic Preservation Trust Fund.}**

On a motion made by Freeholder Proctor and seconded by Freeholder Kowalski roll call showed eight votes in the affirmative. Freeholder Holmes was absent.

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**MEETING OPEN TO THE PUBLIC FOR
THE PURPOSE OF COMMENTING
ON ANY MATTER**

Bruce Patterson, Garwood stated that he had general questions. He asked the Board what was meant by loitering. County Counsel Robert Barry stated that loitering was defined in the ordinance but generally speaking it was someone remaining in one location for an unusual amount of time. That statement includes loitering in cars for an elongated amount of time. Mr. Patterson

commented on the County Golf fee going up \$1.00 and asked if part of this fee increase was dedicated to the Kids Recreation Trust Fund. County Counsel stated that a portion of the fee increase was dedicated to the Trust Fund. Mr. Patterson said that he read an article on the Watchdog website that stated that the Fanelli law suit was settled at a pay out of \$1.5 million by the County and asked where money of this kind would come from. County Counsel stated that he could not verify that amount and did not believe that was the amount agreed upon, County Counsel believed it was much less and the author of the article is disseminating misinformation, but that the County has a self-insured fund.

PUBLIC COMMENT PORTION CONCLUDED

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FREEHOLDER REPORTS AND COMMENTS

Freeholder Ward commended the Kids Recreation Trust Fund committee and their Chair Freeholder Scanlon. Freeholder Ward stated that she concurs with Mayor Gregorio in that the awards this year reflect how the County supports the municipalities.

Freeholder Estrada stated that October 12th is the anniversary date of Christopher Columbus reaching America and beginning a new world. Freeholder Estrada stated that he felt it was important to remember the value of Christopher Columbus journey to the new world and the financing from the Spanish government. Freeholder Estrada expressed his joy for the scholarships to offer children new opportunities despite their finances. Freeholder Estrada stated that he was looking forward to continuing this process.

Freeholder Proctor had no comments.

Freeholder Mapp mentioned an opportunity he was afforded this past weekend to attend the Black Issues Convention. Freeholder Mapp stated that he felt it was good to see kids taking advantage of information of this kind and was glad that they participated. One of the things discussed was a push by public defenders to have school zones shrunk especially in urban areas where a good deal of crime takes place and fines and punishments are more severe. The Freeholder stated that in suburbia, where private properties are much larger, the same crimes take place, but because they are outside the school zone, the punishments are not as severe.

Freeholder Sullivan congratulated the Kids Recreational Trust Fund and Freeholder Scanlon's leadership. Freeholder Sullivan expressed that it is always a good night when presentation checks are being given and good news like the opening of Esposito Park is being highlighted. Projects like Esposito Park could not have happened without awards from the Open Space, Recreation and Historic Preservation Trust Fund and the Kids Recreational Trust Fund. Freeholder Sullivan stated that he was proud to be able to provide these kinds of awards for the municipalities.

Freeholder Sullivan also commented on the meeting of the Economic Development Committee and said that they discussed at length various safety precautions for pedestrians on Route 22 especially in the Union/Springfield area.

Finally, Freeholder Sullivan thanked everyone who voted on Hastert's resignation. Freeholder Sullivan stated that he did not believe that the Resolution was calling for the resignation of Senator Hastert is a partisan issue of any kind and quoted an article from the Westfield Leader stating that Senator Thomas Kean, Jr. also called for Hastert's resignation.

Chairman Mirabella commented on a meeting that he, Freeholder Scanlon and Freeholder Sullivan participated in with Jordan Glatt, the Mayor of Summit. During the meeting they were able to accomplish a few issues regarding pedestrian safety in Summit.

Freeholder Scanlon made mention of her eighty-six year old mother and how she would never drive on Route 22 because she was told as a young driver that it was too dangerous. Freeholder Scanlon thanked Vikki Durbin, Mike Brennan and Kelly Coyle for their administrative support and thanked Freeholder Estrada, Freeholder Sullivan and Vice Chair Kowalski for their conscientious work on the Kids Recreation Trust Fund. Freeholder Scanlon stated that the original allocation was \$900K and felt that there were some difficult decisions to be made regarding the disbursement of funds. Thanks to a suggestion from Victoria Durbin they were able to add funds and award more money to the municipalities. The Freeholder stated that she very much enjoyed being part of this team and learned a great deal.

Freeholder Scanlon also mentioned that she went to the 100th birthday party for Columbia Feudale, her daughter, Lucille Hawley, used to work at the Administration Building, and she was pleased to have attended that event.

Vice Chair Kowalski wanted to add her thanks to the Kids Recreation Trust Fund committee on a well done job.

County Manager Devanney stated that he doesn't normally comment on articles written about the County, but felt the need to comment on the Early Retirement Incentive Program article that was written in the Star Ledger. The article that appeared in the Star-Ledger gives the impression that the State Division of Pension & Benefits "commissioned a study" for the express purpose of critiquing the County's E.R.I.P. The County Manager stated that in fact the State "analysis" was done as required by the Statute governing the ERIP as a pre-condition for approval.

County Manager Devanney said that notwithstanding that fact, the 2 internal documents cited by the Ledger the first one dated August 24th (Buck Consultants) and the second dated August 29th (Division of Pension & Benefits), had never been shared with the County. County Manager Devanney stated that the first time we saw them was last Thursday, October 5th and they were provided by the Ledger's reporter.

After reviewing the documents several inaccuracies and false assumptions on the part of the State were found. First, despite the clear assertion in our application and corresponding analysis that the County would pay the Additional Pension Liability (\$19 million) in a one-time lump sum payout by borrowing the funds at approximately one-half of the State's mandatory 8.25% interest rate – a fact which was evidently ignored, saves the County \$11 million. Second, the Division of Pension & Benefits' Actuary (Buck Consultants) cites the County's \$2.8M in replacement salary savings but does not include or fails to realize that the County's cost/benefit schedule includes the

following: over \$1 million per year in position elimination savings (17 positions); over \$205,000 per year in Health Benefit savings for those (17) positions; and over \$500,000 per year in FICA & Pension savings on all 183 reduced or eliminated salaries. County Manager Devanney concluded with stating that he felt that all totaled they missed over \$1.75 million in annual savings.

Chairman Mirabella thanked the Kids Recreation Trust Fund committee, Vikki Durbin, Mike Brennan, Kelly Coyle and Committee Chair Scanlon for making the Freeholder Board's visions a reality. The Chairman stated that he had great joy from working with the communities to supply needed things for the children. Chairman Mirabella pointed out that shared services works for the good of the community and would continue to find shared service opportunities in other places, such as working with the various Boards of Education and other sources. Chairman Mirabella expressed his enjoyment for having the ability to hand out checks on behalf of the Board and stated that he felt it was rewarding to see the Board's vision become a reality.

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The voucher list through **October 4, 2006** will be available for public perusal in the Office of the Clerk of the Board.

Chairman Mirabella called for a motion to adjourn. On a motion made by Freeholder Sullivan and seconded by Freeholder Scanlon, roll call showed eight votes in the affirmative. Freeholder Holmes was absent.

ADJOURNMENT

Listed below is the schedule for upcoming Freeholders meetings. Meetings are generally held on **Thursday at 7:00 pm** in the Meeting Room, Administration Building, 6th Floor, Elizabeth, New Jersey, unless otherwise specified.

AGENDA/WORK SESSIONS

7:00 P.M.

October 19
November 9*
November 30*

REGULAR/PUBLIC MEETINGS

7:00 P.M.

October 26
November 9*
November 30*

***COMBINED AGENDA SESSION AND REGULAR MEETING**

Nicole L. DiRado, RMC, MPA
Clerk of the Board

NLD/je