



# UNION COUNTY BOARD OF CHOSEN FREEHOLDERS

WEDNESDAY, JANUARY 28, 2009

## MINUTES OF THE REGULAR MEETING

Chairman Alexander Mirabella presided. Roll call showed Vice Chairman Daniel P. Sullivan, Freeholder Angel G. Estrada, Freeholder Bette Jane Kowalski, Freeholder Rick Proctor, Freeholder Deborah P. Scanlon and Freeholder Rayland Van Blake were in attendance. Freeholder Chester Holmes and Freeholder Nancy Ward were absent.

Also present were County Counsel Robert E. Barry, Esq., County Manager George W. Devanney and Clerk of the Board Nicole L. DiRado.

The Prayer and Salute to the Flag were led by the Clerk of the Board.

The Statement of Compliance with the Open Public Meetings Act was read by the Clerk of the Board.

Freeholder Nancy Ward entered the meeting at this point

### PRESENTATION

Chairman Mirabella called upon Union County Police Chief Daniel Vaniska to join him in presenting John Ciborowski, a teacher in Kenilworth, with a Resolution commending and congratulating him for rescuing a man from a burning vehicle in the Watchung Reservatio and presenting him with the Civilian Excellent Police Service Award from the Union County Police Department. Chairman Mirabella stated that mr. Ciborowski participated in a heroic act and congratulated him on going above and beyond the call of duty of a resident or a teacher in rescuing the gentleman from the burning vehicle. Mr. Ciborowski stated that the motorist was trapped and he was able to pull him from the car before it was completely torched. He stated that he does not consider himself a hero, but a citizen and a human being. Chief Vaniska stated that many times on-lookers may ride-by, call 911 or stop and watch, however, Mr. Ciborowski stopped and got involved and it made a crucial difference. He stated that not only is the Resolution fitting and appropriate, but law enforcement recognizes him and he congratulated him on their behalf. Chief Vaniska stated that because of the swift act, decision and courage Mr. Ciborowski made, saved a person from a burning car.

County Manager Devanney called upon Kevin Lynott of the Elizabethtown Gas Company to make a presentation to the Board. Mr. Lynott presented the Board with a check in the amount o f \$10,000 to support MusicFest 2009. He stated that Union County offers residents and surrounding communities a variety of entertainment free of charge, which is pertinent in these economic times. He stated that Elizabthtown Gas Company wants to make a contribution to help MusicFest. He commended County Manager Devanney on all his hard work.



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Chairman Mirabella thanked Mr. Lynott and the Elizabethtown Gas Company for their contribution and for all their support, especially in these hard economic times.

County Manager Devanney asked Vice Chairman Sullivan to join him on calling upon Barry Kirschner, Executive Director of the Valerie Fund. Mr. Kirschner presented the Board with a framed photo of a young girl and stated that this was a sample of what the Board's generosity has provided to over 5,000 children who are fighting cancer and blood disorders. He stated that Union County raised almost \$80,000 at MusicFest 2008 and this has been an enormous help with prescriptions and transportations to those families in need. He thanked them for their support and generosity and stated that Union County should be proud.

Chairman Mirabella stated that it is rewarding to raise these funds and we now have a foundation of \$10,000. He commends County Manager Devanney for all his efforts. He stated that it is important that the residents of Union County are aware that these services are available. Chairman Mirabella stated that the Board will proudly display the photo.

### APPROVAL OF COMMUNICATIONS

Note and File

Oaths of Office

Chairman Mirabella asked for a motion to approve the Communications. On a motion made by Freeholder Estrada and seconded by Freeholder Kowalski, roll call showed eight members of the Board voted in the affirmative with Freeholder Holmes absent.

### APPROVAL OF MINUTES

Chairman Mirabella called for a motion to approve the minutes of:

1. December 18, 2008 Agenda Setting Session Minutes
2. December 18, 2008 Regular Meeting Minutes
3. December 18, 2008 Executive Session Minutes
4. January 4, 2009 Reorganization & Installation Minutes
5. January 22, 2009 – Agenda Setting Session Minutes

On a motion made by Vice Chairman Sullivan and seconded by Freeholder Estrada, roll call showed eight members of the Board voted in the affirmative on the December 18, 2008 Agenda Setting Session Minutes and Regular Meeting Minutes with Freeholder Holmes absent; eight members of the Board voted in the affirmative on the January 4, 2009 Reorganization and Installation Minutes with Freeholder Holmes absent and six members of the Board voted in the affirmative on the January 22, 2009 Agenda Setting Session Minutes with Freeholder Kowalski and Freeholder Proctor abstaining and Freeholder Holmes absent.



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### ORDINANCES FOR FINAL READING

**ORDINANCE NUMBER 677-2009** (The title of the Ordinance was read by the Clerk of the Board).

**AN ORDINANCE PROVIDING THE CONSENT OF A BOARD OF CHOSEN FREEHOLDERS OF THE COUNTY OF UNION TO THE ISSUANCE BY THE UNION COUNTY IMPROVEMENT AUTHORITY OF THE ITS MORTGAGE REVENUE BONDS, SERIES 2009(OAKWOOD PLAZA – ELIZABETH) IN AN AGGREGATE PRINCIPAL AMOUNT NOT EXCEEDING \$20,000,000 FOR THE ISSUANCE BY THE UNION COUNTY IMPROVEMENT AUTHORITY OF ITS MORTGAGE REVENUE BONDS, SERIES 2009 AFFORDABLE RESIDENTIAL DEVELOPMENT ORDINANCE PROVIDING THE CONSENT OF THE BOARD OF CHOSEN FREEHOLDERS OF THE COUNTY OF UNION TO THE KNOWN AS OAKWOOD PLAZA (“THE PROJECT”).**

**WHEREAS**, the Union County Improvement Authority (the “Authority”) has been duly created by an ordinance of the Board of Chosen Freeholders (the “Board of Chosen Freeholders”) of the County of Union, New Jersey (the “County”), as a public body corporate and politic of the State of New Jersey (the “State”) pursuant to and in accordance with the County Improvement Authorities Law, constituting Chapter 183 of the Pamphlet Laws of 1960 of the State, as amended and supplemented from time to time (the “Act”); and

**WHEREAS**, the Authority has been requested by the purchaser, Community Investment Services to provide financing for the acquisition and renovation of an affordable residential development located at 380 Irvington Avenue, City of Elizabeth, Union County, New Jersey, Block 11, Lots 45 and 1199A, known as Oakwood Plaza (the “Project”); and

**WHEREAS**, the Project is expected to provide dwelling accommodations for occupancy by persons and families of low and moderate income; and

**WHEREAS**, the Authority is desirous of assisting in the financing of the Project, to the extent permitted by law, if such assistance will assure the continued availability of dwelling accommodations for occupancy by persons and families of low and moderate income; and

**WHEREAS**, the Authority expects to obtain funds to assist the financing of the Project through the issuance of its bonds in an amount not to exceed \$20,000,000 (the “Bonds”) issued pursuant to a Bond Resolution to be adopted by the Authority entitled “**RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF COUNTY GUARANTEED MORTGAGE REVENUE BONDS, SERIES 2009 (OAKWOOD PLAZA-ELIZABETH) (TAXABLE) OF THE UNION COUNTY IMPROVEMENT AUTHORITY IN THE AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$20,000,000 IN CONNECTION WITH THE AUTHORITY’S FINANCING OF A LOW AND MODERATE INCOME HOUSING PROJECT IN THE CITY OF ELIZABETH, COUNTY OF UNION AND AUTHORIZING AND APPROVING THE EXECUTION AND**



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**DELIVERY OF A LOAN AGREEMENT AND RELATED INSTRUMENTS ANNEXED THERETO, A TRUST INDENTURE AND RELATED INSTRUMENTS ANNEXED THERETO, A PURCHASE AGREEMENT AND RELATED INSTRUMENTS ANNEXED THERETO, AND DETERMINING OTHER MATTERS IN CONNECTION THEREWITH** (the “Bond Resolution”) ; and

**WHEREAS**, in accordance with Section 13 (“Section 13”) of the Act (N.J.S.A. 40:37A-56), prior to the issuance of the Bonds, the Authority shall make a detailed report with respect to such financing to the Board of Chosen Freeholders of the County, which report shall include copies or a description of, without limitation, the various financing documents; and

**WHEREAS**, in accordance with N.J.S.A. 40A:5A-6 and N.J.S.A. 40:37A-80 the Authority shall make application, on behalf of the Authority, the County, and the City of Elizabeth (the “City”) to the Local Finance Board in the Division of Local Government Services of the Department of Community Affairs of the State (the “Local Finance Board”) for the Local Finance Board’s review of the financing, including, inter alia, the Bond Resolution, the County Guaranty Agreement, the County Guaranty, the City Deficiency Agreement, and Continuing Disclosure Agreements (the “Financing Documents”); and

**WHEREAS**, in accordance with the terms of Section 37 of the Act (N.J.S.A. 40:37A-80) and the County Guaranty, the County shall be obligated, if necessary, to levy ad valorem taxes upon all the taxable property within the County without limitation as to rate or amount to make the timely payment of the principal of (including mandatory sinking fund installments, if any) and interest on the Bonds; and

**WHEREAS**, in order to induce the prospective purchasers of the Bonds to purchase same, the Bonds shall otherwise be secured by a guarantee ordinance adopted by the County unconditionally and irrevocably guaranteeing a portion of the principal of (including mandatory sinking fund installments, if any) and interest on the Bonds, all pursuant to Section 37 of the Act (N.J.S.A. 40:37A-80); and

**WHEREAS**, the Authority believes: (i) it is in the public interest to accomplish such purpose; (ii) aid purpose is for the health, wealth, convenience or betterment of the inhabitants of the County and the City; (iii) the amounts to be expended for said purpose are not unreasonable or exorbitant; and (iv) the proposal is an efficient and feasible means of providing services for the needs of the inhabitants of the County and the City and will not create an undue financial burden to be placed upon the Authority, the City or the County.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF CHOSEN FREEHOLDERS OF THE COUNTY OF UNION, NEW JERSEY** as follows:

**Section 1.** In accordance with Section 13 and all other applicable law, the Board of Freeholders hereby consents to (i) the Project and the financing of same, (ii) the execution and delivery by the Authority of the Bond Resolution, the Bond Documents, the Oakwood Project County Guaranty Agreement, Continuing Disclosure Agreements, and such other documents as necessary and reasonable for the transaction (the “Financing Documents”), which documents shall be filed with the Clerk of the



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Board prior to the issuance of any Bonds, (iii) the adoption by the Authority of the Bond Resolution, and (iv) the issuance, sale and delivery of the Bonds to effect such purpose. The consent hereto given to the Financing Documents contemplates the insertion of the final financing terms.

**Section 2.** This ordinance shall take effect at the time and in the manner provided by law.

**Section 3.** Upon the adoption hereof, the Clerk of the Board of Chosen Freeholders shall forward certified copies of this ordinance to the County Manager, County Counsel, County Bond Counsel, the Executive Director of the Authority, and the Law Office of John G. Hudak, Esq., LLC, Bond Counsel to the Authority.

\* \* \* \* \*

THE MEETING IS OPEN TO THE PUBLIC FOR THE PURPOSE  
OF COMMENTING ON ORDINANCE NUMBER 677-2009 ONLY.

Bruce Paterson, Garwood, asked if the City of Elizabeth was paying the principal of the Oakwood Plaza project. He also asked if this is a City project. County Manager Devanney called upon the Mayor of Elizabeth J. Christian Bollwage to respond to Mr. Paterson. Mayor Bollwage stated that it is a City project which will have a private developer. Mr. Paterson asked if the City of Elizabeth will be paying off the bonds. Mayor Bollwage stated that the tenants of the structure will be paying off the bonds.

Tina Renna, Cranford, stated that since this Ordinance pertains to a City project, why would tenants be involved and she asked for the name of the developer. Mayor Bollwage stated that the name of the developer is CIS Strategies and added that the rents will help in paying off the debts.

THE PUBLIC COMMENT PORTION IS CONCLUDED.

Chairman Mirabella moved Ordinance Number 677-2009 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 Van Blake. Roll call showed eight members of the Board voted in the affirmative with Freeholder Holmes absent.

**ORDINANCE NUMBER 678-2009** (The title of the Ordinance was read by the Clerk of the Board).

**GUARANTY ORDINANCE OF THE COUNTY OF UNION, NEW JERSEY REGARDING THE PAYMENT OF THE PRINCIPAL OF AND INTEREST ON CERTAIN MORTGAGE REVENUE BONDS, SERIES 2009 (OAKWOOD PLAZA – ELIZABETH) OF THE UNION COUNTY IMPROVEMENT AUTHORITY IN AN AGGREGATE PRINCIPAL AMOUNT NOT EXCEEDING \$20,000,000 FOR THE PURPOSE OF PROVIDING ADDITIONAL SECURITY IN CONNECTION WITH THE AUTHORITY'S PROJECT.**

**WHEREAS**, the Union County Improvement Authority (the “Authority”) has been duly created by an ordinance of the Board of Chosen Freeholders (the “Board of Chosen Freeholders”) of the County of



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Union, New Jersey (the “County”), as a public body corporate and politic of the State of New Jersey (the “State”) pursuant to and in accordance with the County Improvement Authorities Law, constituting Chapter 183 of the Pamphlet Laws of 1960 of the State, as amended and supplemented from time to time (the “Act”); and

**WHEREAS**, the Authority has been requested by the purchaser, Community Investment Services to provide financing for the acquisition and renovation of an affordable residential development located at 380 Irvington Avenue, City of Elizabeth, Union County, New Jersey, Block 11, Lots 45 and 1199A, known as Oakwood Plaza (the “Project”); and

**WHEREAS**, the Project is expected to provide dwelling accommodations for occupancy by persons and families of low and moderate income; and

**WHEREAS**, the Authority is desirous of assisting in the financing of the Project, to the extent permitted by law, if such assistance will assure the continued availability of dwelling accommodations for occupancy by persons and families of low and moderate income; and

**WHEREAS**, the Authority expects to obtain funds to assist the financing of the Project through the issuance of its bonds in an amount not to exceed \$20,000,000 (the “Bonds”) issued pursuant to a Bond Resolution to be adopted by the Authority entitled “**RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF COUNTY GUARANTEED MORTGAGE REVENUE BONDS, SERIES 2009 (OAKWOOD PLAZA-ELIZABETH) (TAXABLE) OF THE UNION COUNTY IMPROVEMENT AUTHORITY IN THE AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$20,000,000 IN CONNECTION WITH THE AUTHORITY’S FINANCING OF A LOW AND MODERATE INCOME HOUSING PROJECT IN THE CITY OF ELIZABETH, COUNTY OF UNION AND AUTHORIZING AND APPROVING THE EXECUTION AND DELIVERY OF A LOAN AGREEMENT AND RELATED INSTRUMENTS ANNEXED THERETO, A TRUST INDENTURE AND RELATED INSTRUMENTS ANNEXED THERETO, A PURCHASE AGREEMENT AND RELATED INSTRUMENTS ANNEXED THERETO, AND DETERMINING OTHER MATTERS IN CONNECTION THEREWITH**” (the “Bond Resolution”) ; and

**WHEREAS**, in accordance with Section 13 (“Section 13”) of the Act (N.J.S.A. 40:37A-56), prior to the issuance of the Bonds, the Authority shall make a detailed report with respect to such financing to the Board of Chosen Freeholders of the County, which report shall include copies or a description of, without limitation, the various financing documents; and

**WHEREAS**, in accordance with N.J.S.A 40A:5A-6 and N.J.S.A. 40:37A-80 the Authority shall make application, on behalf of the Authority, the County, and the City of Elizabeth (the “City”) to the Local Finance Board in the Division of Local Government Services of the Department of Community Affairs of the State (the “Local Finance Board”) for the Local Finance Board’s review of the financing, including, inter alia, the Bond Resolution, the County Guaranty Agreement, the County Guaranty, the City Deficiency Agreement, and Continuing Disclosure Agreements (the “Financing Documents”); and



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**WHEREAS**, in accordance with the terms of Section 37 of the Act (N.J.S.A. 40:37A-80) and the County Guaranty, the County shall be obligated, if necessary, to levy ad valorem taxes upon all the taxable property within the County without limitation as to rate or amount to make the timely payment of the principal of (including mandatory sinking fund installments, if any) and interest on the Bonds; and

**WHEREAS**, in order to induce the prospective purchasers of the Bonds to purchase same, the Bonds shall otherwise be secured by this guaranty ordinance adopted by the County unconditionally and irrevocably guaranteeing a portion of the principal of (including mandatory sinking fund installments, if any) and interest on the Bonds, all pursuant to Section 37 of the Act (N.J.S.A. 40:37A-80); and

**WHEREAS**, the Authority believes: (i) it is in the public interest to accomplish such purpose; (ii) said purpose is for the health, wealth, convenience or betterment of the inhabitants of the County and the City; (iii) the amounts to be expended for said purpose are not unreasonable or exorbitant; and (iv) the proposal is an efficient and feasible means of providing services for the needs of the inhabitants of the County and the City and will not create an undue financial burden to be placed upon the Authority, the City or the County.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF CHOSEN FREEHOLDERS OF THE COUNTY OF UNION, NEW JERSEY** (not less than two-thirds of the full membership thereof affirmatively concurring) as follows:

**Section 1.** This guaranty ordinance shall be adopted by the governing body of the County in the manner provided for adoption of a bond ordinance as provided in the Local Bond Law, constituting Chapter 169 of the Pamphlet Laws of 1960 of the State, as amended (the "Local Bond Law"), codified as N.J.S.A. 40A:2-1, et seq.

**Section 2.** Pursuant to and in accordance with the terms of the Act, specifically Section 37 of the Act (N.J.S.A. 40:37A-80), the County is hereby authorized to and hereby shall unconditionally and irrevocably guarantee the punctual payment of the principal of (including mandatory sinking fund installments, if any) and interest on the Bonds in an aggregate principal amount not exceeding \$20,000,000, which Bonds are to be issued to finance the Project as described in the preamble hereof, on such terms and conditions as may be agreed to by and between the County and the Authority. Upon the endorsement of the Bonds referred to in Section 3 below, the County shall be unconditionally and irrevocably obligated to pay the principal of (including mandatory sinking fund installments, if any) and interest on the Bonds, when due, in the same manner and to the same extent as in the case of bonds issued by the County and, accordingly, the County shall be unconditionally and irrevocably obligated to levy ad valorem taxes upon all the taxable property within the County for the payment thereof without limitation as to rate or amount when required under the provisions of applicable law.

**Section 3.** The Chairman of the Board of Chosen Freeholders, the County Manager, the Finance Director of the County, or the County Treasurer (each an "Authorized Officer") shall, by manual or facsimile signature, execute an endorsement on each of the Bond evidencing this guaranty by the County



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as to the punctual payment of the principal of (including mandatory sinking fund installments, if any) and interest thereon. The endorsement on each Bonds shall be in substantially the following form, and absent the fully executed endorsement in such following form on any such Bond, such Bond shall not be entitled to the benefits of this guaranty ordinance:

### **GUARANTY OF THE COUNTY OF UNION.**

The payment of the principal of (including mandatory sinking fund installments, if any) and interest on the within Bond is hereby fully, unconditionally and irrevocably guaranteed by the County of Union, New Jersey (the "County"), and the County shall be unconditionally and irrevocably obligated to pay the principal of (including mandatory sinking fund installments, if any) and interest on this Bond, when due, in the same manner and to the same extent as in the case of bonds issued by the County and, accordingly, the County shall be unconditionally and irrevocably obligated to levy ad valorem taxes upon all the taxable property within the County for the payment hereof without limitation as to rate or amount when required under the provisions of applicable law.

**IN WITNESS WHEREOF**, the County has caused this Guaranty to be executed by the manual or facsimile signature of an Authorized Officer.

**Section 4.** The Authorized Officers are each hereby authorized to enter into, execute and deliver in the name of the County and on its behalf, a guaranty agreement or similar instrument (the "Guaranty Agreement") setting forth such matters with respect to the guaranty authorized by this guaranty ordinance as the County or the Authorized Officer (after consultation with counsel to the County) deems appropriate, and the Clerk of the Board of Chosen Freeholders is hereby authorized, if necessary, to attest to the signature of the Authorized Officer and to affix the seal of the County to the Guaranty Agreement.

**Section 5.** It is hereby found, determined and declared that:

(a) This guaranty ordinance may be adopted notwithstanding any statutory debt or other limitations, including particularly any limitation or requirement under or pursuant to the Local Bond Law, but the aggregate principal amount of the Bonds which shall be entitled to the benefits of this guaranty ordinance, being an amount not to exceed \$20,000,000, shall, after their issuance, be included in the gross debt of the County for the purpose of determining the indebtedness of the County under or pursuant to the Local Bond Law.

(b) The principal amount of the Bonds entitled to the benefits of this guaranty ordinance and included in the gross debt of the County shall be deducted and is hereby declared to be and to constitute a deduction from such gross debt under and for all the purposes of the Local Bond Law (i) from and after the time of issuance of the Bonds until the end of the fiscal year beginning next after the completion of the Project, and (ii) in any annual debt statement filed pursuant to the Local Bond Law as of the end of said fiscal year or any subsequent fiscal year if the revenues or other receipts or moneys of the Authority in such year are sufficient to pay its expenses of operation and maintenance in such year and all amounts payable in such year on account of the principal of (including mandatory sinking fund



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installments, if any) and interest on all such guaranteed Bonds, all bonds of the County issued as provided in Section 36 of the Act (N.J.S.A. 40:37A-79) and all bonds of the Authority issued under the Act.\

**Section 6.** The following matters are hereby determined, declared, recited and stated:

(a) The maximum principal amount of Bonds which are hereby and hereunder guaranteed as to the punctual payment of the principal thereof (including mandatory sinking fund installments, if any) and interest thereon is and the maximum estimated cost of the Project to be financed in accordance with the transaction contemplated hereby is \$20,000,000.

(b) The purpose described in this guaranty ordinance is not a current expense of the County and no part of the cost thereof has been or shall be assessed on property specially benefitted thereby.

(c) A supplemental debt statement of the County has been duly made and filed in the office of the Board of Chosen Freeholders and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State, and such debt statement shows that while the gross debt of the County, as defined in the Local Bond Law, is increased by this guaranty ordinance by \$20,000,000 in accordance with the provisions of the Act, the net debt of the County is not increased, and the obligation of the County authorized by or incurred pursuant to the terms of this guaranty ordinance will, be within all debt limitations prescribed by the Local Bond Law.

(d) All other items to be contained in a bond ordinance adopted pursuant to the Local Bond Law are hereby determined to be inapplicable to the County's guaranty of the Bonds hereby.

**Section 7.** The Authorized Officers are hereby further authorized to execute such other certificates or agreements relating to this guaranty ordinance that may be required by the Authority to comply with the terms of the financing documents relating to the Bonds, including, without limitation, (i) any agreements or certificates detailing the time and method that payment under this guaranty ordinance shall be made by the County, (ii) any letters of representations or similar undertakings to be executed in connection with the sale of the Bonds, setting forth certain representations, warranties and covenants of the County as an inducement to the purchaser of the Bonds, (iii) any certificates deeming "final" (for the purposes of Rule 15c2-12 of the United States Securities and Exchange Commission) any preliminary or final Official Statements of the Authority relating to the Bonds, (iv) any continuing disclosure agreement or other instrument undertaking the secondary market disclosure obligations of the County required by said Rule 15c2-12. Such further agreements, instruments or certificates shall not abrogate the County's responsibilities hereunder.

**Section 8.** The Authorized Officers are hereby further authorized to (i) manually execute and deliver and the Clerk of the Board of Chosen Freeholders is hereby further authorized to attest by manual signature to such execution and to affix, imprint, engrave or reproduce the corporate seal of the County to any agreement (including any agreement providing for the replenishment by the County of the bond



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reserve fund relating to the Bonds or any deficiency agreement, support agreement or other agreement providing for the payment by the County of any shortfall of revenues necessary to pay debt service on the Bonds), document, instrument or closing certificate deemed necessary, desirable or convenient by the Authorized Officers, in their respective sole discretion, after consultation with counsel to the County, to be executed in connection with the execution and delivery of this guaranty ordinance and the consummation of the transactions contemplated hereby, which determination shall be conclusively evidenced by the execution of each such agreement, document, instrument or closing certificate by the party authorized under this guaranty ordinance to execute such agreement, document, instrument or closing certificate and (ii) perform such other actions as the Authorized Officers deem necessary, desirable or convenient in relation to the execution and delivery thereof.

**Section 9.** The provisions of this guaranty ordinance are severable. To the extent any clause, phrase, sentence, paragraph or provision of this guaranty ordinance shall be declared invalid, illegal or unconstitutional, the remaining provisions shall continue to be in full force and effect.

**Section 10.** All capitalized words and terms used but not defined in this guaranty ordinance shall have the meanings ascribed to such words and terms, respectively, in the preambles hereto.

**Section 11.** This guaranty ordinance shall take effect at the time and in the manner provided by law.

**Section 12.** Upon the adoption hereof, the Clerk of the Board of Chosen Freeholders shall forward certified copies of this ordinance to the County Manager, County Counsel, County Bond Counsel, the Executive Director of the Authority, and the Law Office of John G. Hudak, Esq., LLC, Bond Counsel to the Authority.

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THE MEETING IS OPEN TO THE PUBLIC FOR THE PURPOSE  
OF COMMENTING ON ORDINANCE NUMBER 678-2009 ONLY.

Tina Renna, Cranford, stated that she did not understand how this could be a City project if they are not paying back the bonds and asked why tenants are involved. She questioned the use of Oakwood Plaza. Mayor Bollwage stated that he will address all the questions at the end of roll call with the permission of Chairman Mirabella. Chairman Mirabella granted his permission to respond at the end of roll call.

Bruce Paterson, Garwood, asked if CIS Strategies is a Limited Liability Company (LLC). Mayor Bollwage stated that it is a dual corporation doing dual developing.

THE PUBLIC COMMENT PORTION IS CONCLUDED.

Chairman Mirabella moved Ordinance Number 678-2009 for Final Reading and authorized the Clerk of the Board to advertise the same in accordance with the law. The motion was seconded by Vice Chairman



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Sullivan, roll call showed eight members of the Board voted in the affirmative with Freeholder Holmes absent.

**ORDINANCE NUMBER 679-2009** (The title of the Ordinance was read by the Clerk of the Board).

**ORDINANCE AUTHORIZING THE EXECUTION AND ACKNOWLEDGMENT AND DELIVERY BY THE COUNTY OF UNION OF CERTAIN AGREEMENTS IN RELATION TO CERTAIN MORTGAGE REVENUE BONDS, SERIES 2009 (OAKWOOD PLAZA – ELIZABETH) OF THE UNION COUNTY IMPROVEMENT AUTHORITY.**

**WHEREAS**, the Union County Improvement Authority (the “Authority”) has been duly created by an ordinance of the Board of Chosen Freeholders (the “Board of Chosen Freeholders”) of the County of Union, New Jersey (the “County”), as a public body corporate and politic of the State of New Jersey (the “State”) pursuant to and in accordance with the County Improvement Authorities Law, constituting Chapter 183 of the Pamphlet Laws of 1960 of the State, as amended and supplemented from time to time (the “Act”); and

**WHEREAS**, the Authority has been requested by the purchaser, Community Investment Services to provide financing for the acquisition and renovation of an affordable residential development located at 380 Irvington Avenue, City of Elizabeth, Union County, New Jersey, Block 11, Lots 45 and 1199A, known as Oakwood Plaza (the “Project”); and

**WHEREAS**, the Project is expected to provide dwelling accommodations for occupancy by persons and families of low and moderate income; and

**WHEREAS**, the Authority is desirous of assisting in the financing of the Project, to the extent permitted by law, if such assistance will assure the continued availability of dwelling accommodations for occupancy by persons and families of low and moderate income; and

**WHEREAS**, the Authority expects to obtain funds to assist the financing of the Project through the issuance of its bonds in an amount not to exceed \$20,000,000 (the “Bonds”) issued pursuant to a Bond Resolution to be adopted by the Authority entitled “**RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF COUNTY GUARANTEED MORTGAGE REVENUE BONDS, SERIES 2009 (OAKWOOD PLAZA-ELIZABETH) (TAXABLE) OF THE UNION COUNTY IMPROVEMENT AUTHORITY IN THE AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$20,000,000 IN CONNECTION WITH THE AUTHORITY’S FINANCING OF A LOW AND MODERATE INCOME HOUSING PROJECT IN THE CITY OF ELIZABETH, COUNTY OF UNION AND AUTHORIZING AND APPROVING THE EXECUTION AND DELIVERY OF A LOAN AGREEMENT AND RELATED INSTRUMENTS ANNEXED THERETO, A TRUST INDENTURE AND RELATED INSTRUMENTS ANNEXED THERETO, A PURCHASE AGREEMENT AND RELATED INSTRUMENTS ANNEXED THERETO, AND DETERMINING OTHER MATTERS IN CONNECTION THEREWITH**” (the “Bond Resolution”) ; and



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**WHEREAS**, in accordance with Section 13 (“Section 13”) of the Act (N.J.S.A. 40:37A-56), prior to the issuance of the Bonds, the Authority shall make a detailed report with respect to such financing to the Board of Chosen Freeholders of the County, which report shall include copies or a description of, without limitation, the various financing documents; and

**WHEREAS**, in accordance with N.J.S.A 40A:5A-6 and N.J.S.A. 40:37A-80 the Authority shall make application, on behalf of the Authority, the County, and the City of Elizabeth (the “City”) to the Local Finance Board in the Division of Local Government Services of the Department of Community Affairs of the State (the “Local Finance Board”) for the Local Finance Board’s review of the financing, including, inter alia, the Bond Resolution, the County Guaranty Agreement, the County Guaranty, the City Deficiency Agreement, and Continuing Disclosure Agreements (the “Financing Documents”); and

**WHEREAS**, in accordance with the terms of Section 37 of the Act (N.J.S.A. 40:37A-80) and the County Guaranty, the County shall be obligated, if necessary, to levy ad valorem taxes upon all the taxable property within the County without limitation as to rate or amount to make the timely payment of the principal of (including mandatory sinking fund installments, if any) and interest on the Bonds; and

**WHEREAS**, in order to induce the prospective purchasers of the Bonds to purchase same, the Bonds shall otherwise be secured by the guarantee ordinance adopted by the County unconditionally and irrevocably guaranteeing a portion of the principal of (including mandatory sinking fund installments, if any) and interest on the Bonds, all pursuant to Section 37 of the Act (N.J.S.A. 40:37A-80); and

**WHEREAS**, the Authority believes: (i) it is in the public interest to accomplish such purpose; (ii) said purpose is for the health, wealth, convenience or betterment of the inhabitants of the County and the City; (iii) the amounts to be expended for said purpose are not unreasonable or exorbitant; and (iv) the proposal is an efficient and feasible means of providing services for the needs of the inhabitants of the County and the City and will not create an undue financial burden to be placed upon the Authority, the City or the County.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF CHOSEN FREEHOLDERS OF THE COUNTY OF UNION, NEW JERSEY , as follows:**

**Section 1.** The County Manager and the Chief Financial Officer of the County (collectively, the “Authorized Officer”) are hereby each severally authorized and directed, upon the satisfaction of all the legal conditions precedent to the execution or acknowledgment and delivery by the County of the Financing Documents to be so executed or acknowledged by the County.

**Section 2.** The Clerk of the Board of Chosen Freeholders is hereby authorized and directed, upon the execution or acknowledgment of the Financing Documents in accordance with the terms of Section 1 hereof, to attest to the Authorized Officer’s execution or acknowledgment of such documents and is hereby further authorized and directed to thereupon affix the seal of the County to such documents.



## UNION COUNTY BOARD OF CHOSEN FREEHOLDERS

**Section 3.** Upon the execution or acknowledgment and attestation of and if required, the placing of the seal on the Financing Documents as contemplated by Sections 1 and 2 hereof, the Authorized Officer is hereby authorized and directed to (i) deliver the fully executed or acknowledged, attested and sealed documents to the other parties thereto and (ii) perform such other actions as the Authorized Officer deems necessary, desirable or convenient in relation to the execution and delivery thereof.

**Section 4.** The Board of Chosen Freeholders of the County of Union hereby authorize the performance of any act, the execution or acknowledgment and delivery of any other document, instrument or closing certificates, which the Authorized Officer, deems necessary, desirable or convenient in connection with this contemplated transaction, and the Board hereby directs the Authorized Officer to execute or acknowledge, and cause the Clerk of the Board to attest and affix the seal to any such documents, instruments or closing certificates, the authorization of which actions shall be conclusively evidenced by the execution or acknowledgment, attestation, affixation and delivery, as the case may be, thereof by such persons. Such closing certificates shall include, without limitation, (a) a determination that any information provided by the County in connection with the preparation and distribution of the (i) any preliminary official statement or supplement with relation to the Bonds is “deemed final” for the purposes and within the meaning of Rule 15c2-12 promulgated by the Securities and Exchange Commission pursuant to the Securities and Exchange Act of 1934, as amended (“Rule 15c2-12”) and (ii) any official statement or supplement with relation to the Bonds constitutes a final Official Statement for the purposes and within the meaning of Rule 15c2-12, (b) a determination that the County Continuing Disclosure Agreement complies with Rule 15c2-12, (c) a determination that any information provided by or on behalf of the County or relating to the County, the Project, the Financing Documents or the transactions contemplated thereby in connection with the preparation and distribution of any such Preliminary Official Statement or the Official Statement complies with Section 10 and Rule 10b-5 of the Securities Exchange Act, and (d) any representations, warranties, covenants, certificates or instruments required by any issuer of a municipal bond insurance policy or any other form of credit enhancement securing all or a portion of the Bonds or the issuer of a rating on all or a portion thereof.

**Section 5.** A public hearing shall be held on this ordinance on Wednesday, January 28th 2009 at the meeting room of the Board of Chosen Freeholders, Administration Building, Elizabeth, New Jersey.

**Section 6.** The Clerk of the Board is hereby directed to publish and post notice of this ordinance as required by law.

**Section 7.** Upon the adoption hereof, the Clerk of the Board shall forward certified copies of this ordinance to the County Manager, Chief Financial Officer, County Counsel, Bond Counsel to the County, the Authority, and Bond Counsel to the Authority.

**Section 8.** This ordinance shall take effect at the time and in the manner prescribed by law.

\* \* \* \* \*



## UNION COUNTY BOARD OF CHOSEN FREEHOLDERS

THE MEETING IS OPEN TO THE PUBLIC FOR THE PURPOSE  
OF COMMENTING ON ORDINANCE NUMBER 679-2009 ONLY.

Mayor Bollwage thanked the Board and explained Ordinance 677-2009, 678-2009 and 679-2009. He stated that there are 360 families living in squalid conditions and the City has asked the Board to guarantee \$20,000,000 in bonds. He explained that these funds typically come from Urban funds, State Legislators and Casino funds, however, these sources will be paid over the course of four or five years and we need one lump sum now to purchase the property. This has already been approved by the Local Finance Board, he added. Mayor Bollwage stated that there has been new housing in Elizabeth, such as the HOPE VI program, which has been successful in the Port section of Elizabeth where nearly \$30,000,000 in federal government grants (HOPE VI) were used to transform and revitalize the Pioneer Homes and Migliore Manor public housing developments. He explained that the City will hire an attorney for the tenants and they will work directly with the developers to ensure all their needs and concerns are addressed by the project. He also mentioned that residents having no crime record will have first choice. He said that he will brief the residents of Union County as they move forward. He also commented that it is rare that government gets involved with funding city projects and he is proud of that accomplishment. He thanked the Board for their support.

There were no questions.

THE PUBLIC COMMENT PORTION IS CONCLUDED.

Chairman Mirabella moved Ordinance Number 679-2009 for Final Reading and authorized the Clerk of the Board to advertise the same in accordance with the law. The motion was seconded by Vice Chairman Sullivan. Roll call showed eight members of the Board voted in the affirmative with Freeholder Holmes absent.

\* \* \* \* \*

**ORDINANCE NUMBER 680-2009.** (The title of the Ordinance was read by the Clerk of the Board).

**AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED “AN ORDINANCE ADOPTING A CODIFICATION OF THE LAW, ORDINANCES, POLICIES AND RESOLUTIONS OF UNION COUNTY, STATE OF NEW JERSEY; PROVIDING FOR THE MAINTENANCE OF SAID CODE; AND SAVING FROM REPEAL CERTAIN LEGISLATION NOT INCLUDED THEREIN” ADOPTED BY THE BOARD OF CHOSEN FREEHOLDERS OF THE COUNTY OF UNION ON AUGUST 19, 1993.**

**AN ORDINANCE TO AMEND THE LAWS OF UNION COUNTY.**

**BE IT ORDAINED** by the Board of Chosen Freeholders of the County of Union that the “Laws of Union County” are hereby amended as outlined in the attached Schedule A:



# UNION COUNTY BOARD OF CHOSEN FREEHOLDERS

## SCHEDULE A

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## **PART I - ADMINISTRATIVE CODE**

### **Chapter 1, UNION COUNTY GOVERNMENT STRUCTURE**

[HISTORY: Adopted by the Board of Chosen Freeholders of the County of Union 4-28-1976 by Ord. No. 1; amended in its entirety by Ord. No. 9-1984. Subsequent amendments noted where applicable.]

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### **ARTICLE III, Board of Chosen Freeholders**

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#### **§ 1-13. Powers of Board.**

C. Shall appoint a County Counsel to serve for a term of three years ~~at the pleasure of the Board~~, who shall head the Office of County Counsel, and such Deputy and Assistant County Counsel as the County Counsel shall recommend and the Board approves.

[Amended 8-21-1997 by Ord. No. 454; 6-10-1999 by Ord. No. 499]



## UNION COUNTY BOARD OF CHOSEN FREEHOLDERS

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### ARTICLE XIX, Department of Engineering, Public Works and Facilities

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[Added 7-18-1991 by Ord. No. 337; amended 4-14-1994 by Ord. No. 390; 6-26-1997 by Ord. No. 452; 12-11-1997 by Ord. No. 458; 6-25-1998 by Ord. No. 478; 7-22-1999 by Ord. No. 503; 6-20-2002 by Ord. No. 553; 12-20-2007 by Ord. No. 664; 3-27-2008 by Ord. No. 667-2008]

#### § 1-114. General purpose; departmental organization.

A. There shall be a Department of Engineering, Public Works and Facilities for the purpose of planning, constructing, repairing and maintaining all property and infrastructure owned and operated by Union County.

B. Department head. The Director of the Department of Engineering, Public Works and Facilities shall be the head of the Department and shall be responsible to the County Manager for the Department's operation. The Director of the Department of Engineering, Public Works and Facilities may also be the director of a division within the Department Engineering, Public Works and Facilities.

C. There may be a Deputy Director who shall be responsible to the Director of the Department of Engineering, Public Works and Facilities.

~~C.D.~~ The Department of Engineering, Public Works and Facilities shall include the following divisions:

- (1) The Division of Public Works.
- (2) The Division of Engineering.
- (3) The Division of Facilities Management

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### ARTICLE XXIII, Office of the County Counsel

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[Amended 11-30-1985 by Ord. No. 232; 9-10-1987 by Ord. No. 275; 6-14-1988 by Ord. No. 297; 7-18-1991 by Ord. No. 337; 6-20-2002 by Ord. No 553]

#### § 1-139. Functions and responsibilities of the County Counsel.

A.—The County Counsel shall be the head of the Office of County Counsel and shall be responsible to the Board for its operation. He shall be appointed by the Board and shall serve ~~at the pleasure of the Board or for such term as may be fixed but not to exceed four years.~~ for a term of three years. The County Counsel shall have at least five (5) years' experience as a practicing attorney licensed to practice in the State of New Jersey.

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## Chapter 71, INSURANCE CONTRACTS

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[HISTORY. Adopted by the Board of Chosen Freeholders of the County of Union as indicated in article histories. Amendments noted where applicable.]

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### ARTICLE III, ~~Approval of Insurance Contracts~~

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[Adopted 3-24-1988 by Res. No. 344-88; amended 4-10-2003 by Ord. No. 569]



## UNION COUNTY BOARD OF CHOSEN FREEHOLDERS

### ~~§ 71-5. Procedures.~~

~~The Board of Chosen Freeholders of the County of Union does hereby establish as policy for the placement of all insurance policies for the County of Union that all resolutions adopted by the Board of Chosen Freeholders awarding insurance contracts be approved by the Board of Chosen Freeholders prior to the effective date of said insurance policy after appropriate review and recommendation to the Board of Chosen Freeholders for the award of said policies by the Citizens Insurance Review Committee.~~

### ~~§ 71-6. Citizen's Insurance Review Committee.~~

~~There shall be created a Citizens Insurance Review Committee (CIRC) composed of five members appointed annually by the Board whose duties shall include:~~

- ~~(1) To meet with and advise the Department of Administrative Services on the overall insurance program for the County.~~
- ~~(2) To review all insurance proposals submitted by the broker of record and make recommendations thereon to the Department of Administrative Services and the Board of Freeholders.~~
- ~~(3) To make recommendations on new or different methods to provide adequate protection from risk.~~
- ~~(4) To provide such other assistance that may be sought by the Department of Administrative Services and to, after review, make specific recommendations to the Board as to the award of such insurance contracts. The members of such committees shall be paid a stipend for such services as may be provided in the County budget each year for that purpose.~~

## Chapter 100, PERSONNEL

[HISTORY: Adopted by the Board of Chosen Freeholders of the County of Union as indicated in article histories. Amendments noted where applicable.]

### GENERAL REFERENCES

- Administrative Code -- See Part I.
- Alcohol and controlled substances -- See Ch. 15.
- Benefits -- See Ch. 26.
- Qualifications for Department Heads -- See Ch. 44.

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## ARTICLE XVI, Employee Handbook

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The County of Union Employee Handbook, Resolution No. ~~72-99, adopted 1-21-1999~~ 2009-31 adopted 1-4-2009, is on file in the office of the Clerk of the Board. A copy of this Handbook can be obtained by contacting the Division of Personnel Management and Labor Relations.



# UNION COUNTY BOARD OF CHOSEN FREEHOLDERS

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## ARTICLE XVII,

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The County of Union Drug and Alcohol Abuse Policy, Resolution No. 2009-32, adopted 1-4-2009, is no file in the office of the Clerk of the Board. A copy of this Policy can be obtained by contacting the Division of Personnel Management and Labor Relations.

## Chapter 107, RECREATION AND PARKS

[HISTORY: Adopted by the Board of Chosen Freeholders of the County of Union as indicated in article histories. Amendments noted where applicable.]

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## ARTICLE V, County of Union Lead Free Ammunition Policy

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~~{Adopted 12-10-2004 by Ord. No. 607}~~

### ~~§ 107-10. Findings & Establishment of Ordinance.~~

~~{Amended 3-10-2005 by Ord. No. 611}~~

~~A.— Establishment. There is hereby established the County of Union Lead Free Amunition Ordinance, which prohibits the use of ammuration containing lead at the Lenape Park Trap and Skeet Range.~~

~~B.— Findings. The County of Union is the Owner and, through the Union County Department of Parks, Recreation, and Facilities, the operator of the Lenape Park Trap and Skeet Range. The Trap and Skeet Range has been operating at this location since 1927 and provides a unique recreational activity to the citizens of Union County and the surrounding communities. The Board is committed to sustaining the health of its citizens and maintaining the health and functions of the wetlands within the Lenape Park Trap and Skeet Range and therefore declares the continued discharge of lead ammunition into the wetlands located at Lenape Park must cease.~~

### ~~§ 107-11. Definitions.~~

~~For purposes of this ordinance, the following terms and phrases shall have the following meaning:~~

~~A.— “Person” shall mean the masculine or feminine or plural and may include a partnership, firm, corporation, or other legal entity as circumstances dictate.~~

~~B.— “Lead ammunition” shall mean any projectial fired from a firearm which contains lead.~~

~~C.— “Non lead ammunition” shall mean any projectial fired from a firearm which does not contain lead.~~

~~D.— “Firearm” shall mean any pistol, shotgun or other device used to fire a projectial.~~

~~E.— “Discharge” shall mean the firing of a firearm.~~

~~F.— “Shooting activity” shall mean any activity which uses a firearm.~~

### ~~§ 107-12. Violations.~~

~~The following acts shall be considered a violation of this ordinance and subject to the penalties provided herein:~~



## UNION COUNTY BOARD OF CHOSEN FREEHOLDERS

~~A. Possession of lead ammunition at the Lenape Park Trap and Skeet Range.~~

~~B. Use of any lead ammunition at the at the Lenape Park Trap and Skeet Range in any shooting activity.~~

~~C. Causing or permitting any person to use lead ammunition in any shooting activity at the at the Lenape Park Trap and Skeet Range.~~

~~It is a separate violation of this section for an action proscribed above as to each discharge of any lead ammunition.~~

### **§ 107-13. Penalties.**

~~A person who violates any provision of this ordinance, for a first offense, shall be fined a sum of five hundred dollars (\$500.00) for each violation; for a second and subsequent offense shall be fined a sum five hundred dollars (\$500.00), revocation of the privilege to use the at the Lenape Park Trap and Skeet Range and/or imprisonment in the county jail for a term not exceeding ninety (90) days for each violation. In lieu of imprisonment, the Court may consider requiring community service.~~

### **§ 107-14. Enforcement.**

~~{Amended 3-10-2005 by Ord. No. 611}~~

~~The County of Union's Director of the Department of Parks, Recreation, and Facilities is hereby charged with the responsibility for the enforcement of this ordinance and may serve notice to any person in violation thereof; however, such notice shall not be a prerequisite for the issuance of a summons. The Director will notify the Union County Police Department ("County Police") of any violation(s), who shall investigate said violation(s). The County Police is independently authorized to issue any summons for violations of this ordinance, as appropriate. The County Counsel and/or municipal prosecutors are hereby authorized to prosecute violators in any legal proceedings as may be required.~~

### **§ 107-15. Severability.**

~~Should any part or provision of this ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of this ordinance as a whole or any remaining part thereof.~~

### **§ 107-16. Effective Date.**

~~This ordinance shall take effect at the time and in the manner provided by law.~~

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## **ARTICLE V, County of Union Policy of Protective Head Gear at County Skateboard Facilities**

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### **§ 107-10. Findings & Establishment of Ordinance.**

C. Establishment. There is hereby established the County of Union Protective Head Gear Ordinance, which requires the use of protective Head Gear whenever utilizing a Skateboard Facility owned or operated by the County of Union, or maintained on County Park Property.

D. Findings. The County of Union, through the Department of Parks and Community Renewal is the Owner, or Operator of skateboard facilities at County Parks. The Board is committed to sustaining the



## UNION COUNTY BOARD OF CHOSEN FREEHOLDERS

health and safety of its citizens and users and therefore declares the use of protective head gear whenever utilizing a Skateboard Facility owned or operated by the County of Union.

### **§ 107-11. Definitions.**

For purposes of this ordinance, the following terms and phrases shall have the following meaning:

G. “Person” shall mean the masculine or feminine or plural regardless of age.

B. “Utilization” of a Skateboard Facility shall include any person inside the gated area of the Skateboard Facility.

### **§ 107-12. Violation.**

No person shall utilize a Skateboard Facility owned or operated by the County of Union, or maintained on County Park Property without wearing a properly fitted and fastened helmet which meets the standards of the American National Standards Institute (ANSI Z90.4 bicycle helmet standard), the Snell Memorial Foundation’s 1990 Standard for Protective Headgear for Use in Bicycling, the American Society for Testing and Materials (ASTM) standard or other such standard, as appropriate.

### **§ 107-13 Penalties.**

A person who violates any provision of this ordinance, for a first offense, shall be fined a sum of One hundred dollars (\$100.00) for each violation; for a second and subsequent offense shall be fined a sum of Two hundred dollars (\$200.00), for each violation, and revocation of the privilege to use any Skateboard Facility within the County.

### **§ 107-14. Enforcement.**

The County of Union’s Director of the Department of Parks and Community Renewal or his designees is hereby charged with the responsibility for the enforcement of this ordinance and may serve notice to any person in violation thereof; however, such notice shall not be a prerequisite for the issuance of a summons. The Director shall notify the Union County Police Department (“County Police”) of any violation(s), who shall investigate said violation(s). The County Police is independently authorized to issue any summons for violations of this ordinance, as appropriate. The County Counsel and/or municipal prosecutors are hereby authorized to prosecute violators in any legal proceedings as may be required.

### **§ 107-15. Severability.**

Should any part or provision of this ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of this ordinance as a whole or any remaining part thereof.

### **§ 107-16. Effective Date.**

This ordinance shall take effect at the time and in the manner provided by law.

\* \* \* \* \*



## UNION COUNTY BOARD OF CHOSEN FREEHOLDERS

THE MEETING IS OPEN TO THE PUBLIC FOR THE PURPOSE  
OF COMMENTING ON ORDINANCE NUMBER 680-2009 ONLY.

Tina Renna, Cranford, stated that she would like an explanation of the laws that are being amended and she thanked Mayor Bollwage for his explanation of Ordinances 678-2009 and 679-2009 and she commented that it is a great project and she commends the City of Elizabeth.

County Counsel Barry stated that he did not have the revisions of the employee handbook, however, he stated that they will be adding some items to the handbook regarding alcohol and drug use and visitor parking. These items were discussed at the Policy Committee Meeting, he stated.

Freeholder Kowalski interjected and stated that another revision made to the employee handbook will remove the age limit for retirees' who are entitled to a reimbursement for unused sick days.

County Counsel Barry stated that another addition to the employee handbook creates a term of office for County Counsel and a change in regulations requiring protective head gear at skateboard parks. He added that some are deletions, such as Trap and Skeet as it is no longer in existence.

Chairman Mirabella stated that Ordinances 680-2009 and 681-2009 are similar, which can be confusing.

THE PUBLIC COMMENT PORTION IS CONCLUDED.

Chairman Mirabella moved Ordinance Number 680-2009 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 Scanlon. Roll call showed eight members of the Board voted in the affirmative with Freeholder Holmes absent.

### ORDINANCES FOR FIRST READING

County Counsel Barry explained that Ordinance 681-2009 addresses the benefit section of 25 years and addresses parking violations at Runnells Specialized Hospital.

**ORDINANCE NUMBER 681-2009** (The title of the Ordinance was read by the Clerk of the Board).

**AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED "AN ORDINANCE ADOPTING A CODIFICATION OF THE LAW, ORDINANCES, POLICIES AND RESOLUTIONS OF UNION COUNTY, STATE OF NEW JERSEY; PROVIDING FOR THE MAINTENANCE OF SAID CODE; AND SAVING FROM REPEAL CERTAIN LEGISLATION NOT INCLUDED THEREIN", ADOPTED BY THE BOARD OF CHOSEN FREEHOLDERS OF THE COUNTY OF UNION ON AUGUST 19, 1993**

**AN ORDINANCE TO AMEND THE "LAWS OF UNION COUNTY"**



# UNION COUNTY BOARD OF CHOSEN FREEHOLDERS

**BE IT ORDAINED** by the Board of Chosen Freeholders of the County of Union that the “Laws of Union County” are hereby amended as outlined in the attached Schedule A:

(See attached)

Note: All text that is underlined is inserted/new language.  
All text that is ~~struck through~~ is deleted language.

## **SCHEDULE A**

### **PART I - ADMINISTRATIVE CODE**

#### **Chapter 26, BENEFITS**

[HISTORY: Adopted by the Board of Chosen Freeholders of the County of Union: Art. I, 5-14-1987 as Res. No. 396-1987; Art. II, 4-12-1973 as Res. No. 299-1973; Art. III, 6-28-1979 as Res. No. 516-1979; Art. IV, 8-26-1982 as Res. No. 419-1982; Art. V, 11-25-1986 as Res. No. 845-1986; Art. VI, 4-11-2001 as Res. No. 391-2001; Art. VII, 2-13-2003 as Res. No. 153-2003. Amendments noted where applicable.]

#### **ARTICLE V, Retiree Health Insurance Benefits Package**

[Adopted 11-25-1986 as Res. No. 845-86; Amended 12-20-2007 by Ord. No. 664; amended 3-27-08 by Ord. No. 667]

##### **§ 26-8. Retiree subsidy.**

- B) Constitutional Officers, Department Directors and Division Heads
- a. Consistent with the State of New Jersey’s policy and criteria for health benefits for state employees who have served twenty-five years in the State pension system, the County shall remove the existing cap on the retiree health benefit subsidy excluding Medicare premiums, for all individuals holding the position of Constitutional Officer, Department Director or equivalent, or Division Head or equivalent at the time of retirement and who a) retire on a disability pension; b) retire on or after January 1, 2008 and have twenty-five (25) years or more of



## UNION COUNTY BOARD OF CHOSEN FREEHOLDERS

service in either the Police & Firemen's Retirement System or the Public Employees Retirement System with a minimum period of five (5) years of service with the County of Union with no age limitation; c) retire on or after January 1, 2008 and have a minimum of twenty-five (25) years of service with the County of Union with no age limit; ~~or e)~~ or d) retire on or after January 1, 2008 and have reached the age of 62 years or older with at least 15 years of service in either the Police & Firemen's Retirement System or the Public Employees Retirement System with a minimum period of five (5) years of service with the County of Union.

### Chapter 132, TOWING

[Ordinance No.393-1994, adopted 8/11/1994 amended by Ordinance 682-2009 adopted 2/11/2009, sets forth standards, regulations and rates for police-requested and nonpreference towing and storage services. A complete copy of this ordinance, all rules and regulations, and any future amendments, are on file in the Office of the Clerk of the Board and the headquarters of the County Police.]

### Chapter 138, VEHICLES AND TRAFFIC

[HISTORY: Adopted by the Board of Chosen Freeholders of the County of Union: Part 1, 5-6-1982 by Ord. No. 160; Part 2, 11-23-1971 as Res. No. 690-71. Amendments noted where applicable.]

#### GENERAL REFERENCES

Safety standards -- See Ch. 115.  
Transportation policy -- See Ch. 133.

### Part 1, General Regulations

#### ARTICLE II, Prohibited Parking, Stopping and Standing; Time Limit Parking

##### § 138-7. Reserved parking.

A. Unauthorized parking; restricted access.



## UNION COUNTY BOARD OF CHOSEN FREEHOLDERS

- B1. The practice of persons parking in spaces under the Union County Administration Building produces the potential for a most serious safety hazard in the event of a fire or accident in this area. This location is hereby designated as an area which may be used only by persons who have been issued special vehicle identification cards issued by the Department of Public Safety and/or Clerk of the Board, No other persons are authorized to utilize such area. Any person who shall violate the provisions of this section shall, upon conviction, be punished by a fine not to exceed \$100 for each and every offense. [Added 6-25-1998 by Ord. No. 474]
- B.2. Under Paragraph A of this section, Runnells Specialized Hospital has established designated parking lots, including designated visitor parking areas. Visitor parking is hereby designated as an area which may be used only by visitors. Any person, including hospital employees and vendors, who violate the provisions of this section shall, upon conviction, be punished by a fine not to exceed \$100 for each and every offense.

Freeholder Kowalski moved Ordinance Number 681-2009 for First Reading and authorized the Clerk of the Board to advertise the same in accordance with the law. The public hearing and final reading is scheduled for Wednesday, February 11, 2009. The motion was seconded by Freeholder Scanlon. Roll call showed eight members of the Board voted in the affirmative with Freeholder Holmes absent.

\* \* \* \* \*

**ORDINANCE NUMBER 682-2009.** (The title of the Ordinance was read by the Clerk of the Board).

**AN ORDINANCE AMENDING AN ORDINANCE SETTING THE STANDARDS, REGULATIONS AND RATES FOR POLICE-REQUESTED AND NON - PREFERENCE TOWING AND STORAGE SERVICES FOR THE COUNTY OF UNION.**

**WHEREAS**, this Board adopted Ordinance No. 393-1994 dated August 11, 1994 Setting the Standards, Regulations and Rates for Police Requested and Non Preference Towing and Storage Services for the County of Union:

**BE IT ORDAINED** by the Board of Chosen Freeholders of the County of Union that Ordinance No. 393-1994 is hereby amended as outlined below.

Note: All text that is underlined is inserted/new language.  
All text that is ~~struck through~~ is deleted language.



# UNION COUNTY BOARD OF CHOSEN FREEHOLDERS

## TOWING

- § 1. Purpose.
- § 2. Definitions.
- § 3. License required.
- § 4. Licensing standards.
- § 5. License fees.
- § 6. Term of license.
- § 7. Number of operators; rotation.
- § 8. ~~General rules and regulations.~~ Zones
- ~~§ 8.~~ § 9. General rules and regulations.
- ~~§ 9.~~ § 10. License suspension or revocation.
- ~~§ 10.~~ § 11. License transfer.
- ~~§ 11.~~ § 12. Rates.
- ~~§ 12.~~ § 13. Department of Motor Vehicles Information.
- § 14. ~~License issuing authority.~~ County Takeover of Storage Operations.
- § 15. ~~Violation and penalties.~~ Implementation.
- ~~§ 16.~~ § 18. Effective date.
- § 16. License-issuing authority.
- § 17. Violation and penalties.

### § 1. Purpose.

The purpose of this chapter is to provide standards, regulations and rates for police-requested and nonpreference towing and storage services requiring a response thereto by the licensees. Said services shall be rotated weekly amongst qualified towers and provided under the supervision of the Department of Public Safety of the County of Union and the Police Department of the County of Union. All towing operators who wish to be licensed under this ordinance must also provide all the requisite paperwork prior to the commencement of any towing of vehicles.

The County of Union reserves the right to take over the storage portion of this license at any time. This chapter also addresses the process in such an instance.



## UNION COUNTY BOARD OF CHOSEN FREEHOLDERS

### § 2. Definitions.

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

**BASIC TOWING SERVICE** - Means the removal and transportation of a vehicle from a highway, street or other public or private road, or a parking area, or from a storage facility, and other services normally incident thereto. This does not mean moving a vehicle within a storage area or between storage areas or from a storage area to just outside of a storage area.

**CATEGORY I VEHICLE** - All vehicles 0 to 6,000 pounds GVW.

**CATEGORY II VEHICLE** - All vehicles 6,000 to 26,000 pounds GVW.

**CATEGORY III VEHICLE** - All vehicles 26,000 pounds and over GVW.

**CRUISING** - The operation of an unengaged tow truck along the public streets in any fashion intended or calculated to solicit business.

**EXTRA TOWING SERVICE** - Would include recovery of a vehicle from a position:

- 1) either partially or completely overturned
- 2) beyond the right-of-way or berm
- 3) where it is impaled upon any other object within the right-of-way

and those towing situations where there exists a spillage of vehicle contents or cargo onto the travel portion of the roadway resulting in a protracted clean up operation utilizing either additional manpower or specialized equipment.

**GROSS VEHICLE WEIGHT** - The registration weight, the manufacturer's gross vehicle weight rating or actual weight, whichever is greatest.

**INSIDE STORAGE FACILITY** - Means a vehicle storage facility that is completely indoors and protected from the elements, having one or more openings in the walls for storage and removal of vehicles and that is secured by locking device on each opening.

**LICENSEE** - Towing operator.

**NONPREFERENCE TOWING AND STORAGE SERVICES** - Means any request for towing and/or storage services initiated by the Department of Public Safety of the County of Union or the Police Department of the County of Union, regardless of the ultimate place to which the vehicle is towed and/or stored.

**OUTSIDE STORAGE FACILITY** - Means a vehicle storage facility that is not indoors and is secured by a fence, wall or other man-made barrier that is at least eight (8) feet high.

**OWNER** - A person, firm, corporation or other entity who owns, leases and/or operates, parks or abandons a vehicle on the roads and highways within the County of Union, which vehicle by reason of being disabled or being unlawfully upon said roads requires towing services.



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**POLICE** - The Police Department of the County of Union and/or state police and/or municipal police or such other police as may have jurisdiction upon the roadways on which the vehicle may be found in said County of Union.

**TOWING OPERATOR** - A person, firm, corporation or other entity engaged in the business of providing tow truck services and storage services for vehicles towed, which services are made available to the general public upon such rates, charges and fees as determined by the Board of Chosen Freeholders of the County of Union, and which towing operator is licensed under the provisions of this chapter.

**TOW TRUCK** - A vehicle driven by mechanical power and employed for the purpose of towing, transporting, conveying or removing any and all kinds of vehicles or parts of vehicles which have been impounded, are required to be towed or are unable to be operated under their own power, for which a service charge or fee is exacted.

### § 3. License required.

No towing operator shall operate on the roads, parks and playgrounds owned, maintained or controlled by the County of Union without obtaining a license in accordance with the provisions of this chapter. Specifically exempted from this license requirement is the towing, transporting, conveying or removing of vehicles from private property, except in the case of a police emergency within the County, or by towing operators which are directly and privately engaged or designated by the owner of the vehicle to be towed, transported, conveyed or removed upon the streets of the County of Union.

### § 4. Licensing standards.

A. Equipment requirements. No license shall be issued to a towing operator who does not own or lease, for utilization in its business, the following equipment, which equipment must comply with all federal and state laws and shall be inspected by the Union County Police Chief or his authorized representative prior to a license being issued and a report of said inspection furnished to the Department of Public Safety. Said equipment shall be designated as follows:

- (1) ~~Two (2)~~ One (1) heavy-duty wreckers capable of removing any Category III vehicles, such as: buses, tractor trailers, dump trucks and recreational vehicles.
- (2) ~~Two (2)~~ One (1) conventional wreckers capable of removing any Category II vehicles, including cube vans and step vans.
- (3) ~~Three (3)~~ Two (2) flatbeds for Category I vehicles, including passenger vehicles, motorcycles and mopeds.
- (4) Safety equipment to be carried on all trucks shall include: a universal towing sling, (1) snatch block for three-eighths- to one-half-inch cable, two (2) high-test safety chains; auxiliary safety light kit to place on rear of towed vehicle; four-lamp or three-lamp revolving amber light or lamp bars of at least five hundred (500) candle power pointed to the rear, mounted so as not to be obstructed by



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the towed vehicle(s) and said lights must be engaged during the removal of the vehicle(s); at least three flares or other suitable warning devices visible for a distance of not less than one thousand (1,000) feet from the disabled vehicle(s); toolbox with assortment of hand tools; rear working lights and rear marker lights; cab lights; body-clearing lights located to clear towed vehicle; blocking choke for wrecker while working; safety cones; shovel and broom; steering wheel lock or tie-down; two-day radio communication system; sand, and an operational fire extinguisher designed for vehicular fires.

- (5) All tow trucks must be properly lettered on both sides as provided by law.
  - (6) All trucks will be maintained and operated in accordance with all existing traffic regulations and in a safe and prudent manner.
  - (7) The towing operator must own or lease an operational fax machine capable of transmitting correspondence via telephone lines.
  - (8) The towing operator will submit a detailed list of all wreckers, tow trucks and service vehicles as well as supplemental/auxiliary equipment owned or leased which will be used in performance of this chapter. A copy of the vehicle registration, insurance cards, and leases, must also be provided with the list. The list must contain the following information: type of vehicle, year/make, capacity and condition of the vehicle.
- B. Other facilities. Each towing operator shall have an indoor, secured storage area sufficient to house ten (10) vehicles and provide twenty-four-hour security for the same for the storing of impounded vehicles involved in criminal matters. These vehicles may contain, or are themselves, evidence needed for potential criminal or civil cases. These vehicles shall not be removed from the safe and secure inside storage area until written permission is obtained from the respective Union County Law Enforcement agency.
- C. General area. The towing operator shall provide a separate outside storage yard, fenced and secured, for the exclusive use of Union County Law Enforcement agencies and large enough to accommodate at least  ~~fifty (50)~~   twenty five (25)  passenger vehicles and  ~~ten (10)~~   two (2)  tractor/trailers (with electrical supply if needed) as well as  ~~fifteen (15)~~   five (5)  motorcycles, recreational vans, etc.) at any given point in time.
- D. General standards.
- (1) The storage facilities shall have proper sign identification upon same and shall be kept clean so as to be reasonably accommodating to persons of the County or others who may come upon said premises.
  - (2) All storage areas must be entirely lit from dusk through dawn and must be entirely enclosed and secured by a sturdy fence of at least eight (8) feet.



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- (3) The towing operator must NOT store vehicles towed for Union County Law Enforcement agencies on top of one another, must not park any said vehicles on public roadways or sidewalks nor must the towing operator block any public roadways or sidewalks with said vehicles.
- (4) All towing operators and their drivers shall be fully trained and knowledgeable in the operation of all required equipment and shall be subject to background investigations by the Union County Police Department. Accordingly, the towing operator must submit a roster of all employees who will perform services under this chapter. The following information will be provided: name, address, date of birth, social security number, driver's license expiration date, type of license, signature of employee, name and address of an individual to contact in case of emergency. The towing operator must also supply photocopies of all New Jersey Commercial Driver's Licenses of all employees who will operate responding vehicles with the employee roster.
- (5) All new employees shall be registered with the Union County Police Chief prior to performing any services under this contract. Information on employees shall be updated every ninety (90) days in order to keep current with changes in personnel.
- (6) All responding employees must possess a valid New Jersey Commercial driver's license, with proper endorsements, necessary to legally tow all types of motor vehicles.
- (7) The responding employee(s) must be equipped with and trained in the basic tools necessary to perform minor roadside repairs.
- (8) The responding employee(s) must be equipped with and trained in the necessary tools and equipment to perform all facets of the safe and efficient removal of all types of motor vehicles under this chapter regardless of the physical condition of the vehicle.
- (9) The responding employee(s) must be equipped with and trained in the necessary equipment needed to completely remove, and MUST remove, all debris from the scene of the accident.
- (10) All responding employees must wear safety vests when engaged in the towing/repair of motor vehicles while on public roadways.
- (11) All responding employees must present a neat appearance at all times in a uniform identifiable with the towing operator.
- (12) All responding employees must follow the directions of the Union County Police Department with regard to the preservation of evidence needed for potential criminal and civil cases.



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- (13) All drivers will relay information to the police on the following: crime, disabled vehicles, accidents, disasters, etc.
- (14) Tow truck drivers will request police assistance during the course of servicing when they find it necessary to turn around, back up, tow in the opposite direction, cross the median, etc.
- (15) All towing operators must be available for service on a twenty-four-hour, seven-day-a-week basis without exception.
- (16) In all dealings with the public in connection with this contract, the towing operator and its employees are expected always to act in a professional manner and at all times to be courteous and respectful towards members of the public as well as representatives from the County of Union. While members of the public, especially those whose cars may have been towed or impounded, may at times resort to strong language, threats and unbecoming behavior toward the towing operator and its employees, the towing operator and its employees are expected to exercise restraint and not to respond in kind, and thereby reflect unfavorably on the County of Union and or the Union County Police Department. No employee of the towing operator shall represent to any member of the public that he is an employee of the County of Union. Reports of discourteous behavior by the towing operator or its employees which can be sustained and documented may be considered by the County as sufficient cause for termination of the contract.
- ~~(17) The towing operation will be responsible for all vehicles and contents in their custody that were towed off the roadway under the direction of the police.~~
- ~~(18)~~
- (17) The towing operator will notify the police on a weekly basis and in accordance with §4 D (22) if they are in custody of any unclaimed vehicles.
- ~~(19)~~
- (18) The towing operator will cooperate with other operators in the case of emergency services at the scene of accidents and/or disasters.
- ~~(20)~~
- (19) The towing operator will dispatch, within the time permitted by this chapter, tow truck(s) when requested by the desk officer to respond to a police-requested call for service.
- ~~(21)~~
- (20) The police officer investigating the incident is in complete charge of the incident scene, and all drivers shall comply with the officer's instructions.



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~~(22)~~

(21) All towing operators shall maintain and produce proof to the County Police of the following insurance coverage: garage keepers' liability policy in the amount of one million dollars (\$1,000,000.00) for any one (1) claimant and two million dollars (\$2,000,000.00) for more than one (1) claimant with one million dollars (\$1,000,000.00) coverage for property damage for any one (1) event. Additionally, the following insurance is required:

- A. Automobile Liability Insurance in an amount of not less than one million (\$1,000,000.00) combined single limit for bodily injury and property damage liability. A certificate of such current insurance shall be provided to the County, and the towing operator must obtain prior written approval from the County before any cancellation or major change may be made in the policy.
- B. Workers Compensation Insurance insuring the obligation of the towing operator under the New Jersey Workers Compensation and Occupational Disease Laws as respects work performed under this contract. Insurance shall be extended to include any obligations under the United States Longshoreman's and Harbor Workers Act or any Maritime Act when applicable.
- C. General Liability Insurance shall be provided on a Comprehensive Form with a combined single limit of one million (\$1,000,000.00) per Occurrence for Bodily Injury Liability and Property Damage Liability and shall protect the interest of the County with respect to work emanating from the contract with the County. This insurance shall include the following:
  1. Personal Injury Liability
  2. Blanket Contractual Liability, applying to assumption of liability under any written contract,
  3. Products Liability and
  4. Completed Operations Liability.
- D. Certificates of Insurance shall contain a provision that insurance afforded under the policies will not be cancelled without at least 30 days prior written notice being given to the County of Union.
- E. The County of Union must be notified, in writing, of any cancellation, revision or interruption relative to any of the insurance policies required under this contract. Prior written approval of any such cancellation, revision or interruption of coverage must be given by the County of Union.
- F. The towing operator's policies must be endorsed to provide collision coverage for vehicles in tow.



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- G. The County of Union must be listed as an additional insured and the insurance certificates must indicate such coverage.
- H. The failure of the towing operator to maintain the required insurance coverage set forth in these specifications shall be grounds for cancellation of the license issued under this chapter.
- I. Insurance coverage shall indemnify the County against any loss due to injuries, accidents or damages of any character whatsoever, where any such damage is the result of an act or omission of the towing operator, or due to the execution of the work called for under the contract.
- J. The providing of any insurance required herein does not relieve the towing operator of any of the responsibilities or obligations assumed by the towing operator, under this chapter or for which the towing operator may be liable by law or otherwise.
- K. Failure to provide and continue in force such insurance as required above shall be deemed a material breach of the towing operator's participation under this chapter and shall be treated as a reason for immediate termination of same.

~~(23)~~

~~(22)~~The towing operator must maintain as accurate file of all vehicles towed or serviced at the request of the Union County Police which file must be forwarded to the Union County Police on a weekly basis for examination and comparison. The towing operator shall record all vehicles towed on Union County Police approved invoices which clearly state the name of the owner, vehicle make, model and identification number along with all other pertinent information. The invoice shall also clearly state all services performed and provided with a copy of a Police Tow Sheet after one has been processed through the Records and Traffic Bureaus.

~~(24)~~

~~(23)~~The towing operator must maintain an accurate inventory of ALL towed vehicles stored in its impound site. The Union County Police will periodically inspect and compare the impound storage list to insure accuracy. Discrepancies will be investigated by the Union County Police.

~~(25)~~

~~(24)~~The towing operator must maintain an Impound File which is identical to that kept by the Union County Traffic Bureau.

~~(26)~~



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~~(25)~~ The towing operator must maintain all records by means of a computer system to facilitate an expedient and efficient means of retrieving information and must maintain all records at one central location. These records shall be kept for a seven (7) year period.

~~(27)~~

~~(26)~~ The towing operator must maintain a record of all property found anywhere in a towed vehicle, including the trunk and glove compartment, if open, or key available and shall be responsible to safeguard and release contents to the owner or to the County, if the County takes over the storage services portion of the license.

~~(28)~~

~~(27)~~ Authorized representatives of the Union County Police or their designees shall have access to any of the records required to be kept by the towing operator.

~~(29)~~

~~(28)~~ The towing operator upon receiving a vehicle, shall immediately contact the owner of the vehicle by telephone and in writing and within one (1) business day, inform the owner that:

The towing operator is in possession of the vehicle;

The costs the owner has incurred;

The procedure for obtaining a release of the vehicle;

The consequences for failure to retrieve the vehicle within the proper time frame.

~~(30)~~

~~(29)~~ The towing operator must maintain accurate records of owner notification(s) and attempted notifications.

~~(31)~~

~~(30)~~ The towing operator must NOT release any vehicle from an impound site unless a valid Union County Police "Vehicle Release Form" is submitted to the towing operator.

~~(31)~~ The towing operator shall provide telephonic notification to the Union County Police immediately upon release of a vehicle.

~~(32)~~ The towing operator must report any unusual or questionable attempts to release any vehicle from impound to the Union County Police. Questionable release documents must be verified by telephone with the Union County Police Record Bureau or office issuing the document.



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- (33) The towing operator must follow the proper procedures and directions of all applicable laws for the disposal of vehicles not retrieved by the owner. Any vehicles which are not released according to proper procedure shall be reported to the Union County Police Traffic Bureau and shall be identified in writing on the weekly report.
- (34) All towing operators shall be located within the County of Union in order to ensure response within ~~twenty (20)~~ thirty (30) minutes to calls, as needed.
- (35) All towing operators shall be obligated to tow county vehicles from within the County in the event that they become disabled or involved in an incident at no cost to the County. All County owned vehicles are to be towed to either the Westfield location (300 North Avenue) or the Elizabeth location (Cherry Street and Rahway Avenue). Dump trucks are to be towed to either the Scotch Plains location (2171 South Avenue) or the Kenilworth/Gallop Hill service yard (21 North 31st Street).
- (36) The towing operator must provide towing, storage and basic mechanical service on a 24-hour, 7 day-a-week basis, including holidays and must have an employee on duty at all times with access to the primary telephone system, fax machine and the base station of the mobile radio system.
- (37) The towing operator must have its facilities available to the public a minimum of eight (8) hours per day (9:00 a.m. – 5:00 p.m.), six (6) days a week (Monday through Saturday) and during limited daylight hours on Sundays and Holidays for the reclaiming of towed vehicles.
- (38) The towing operator must handle removal of all abandoned and junk vehicles for the Union County Police.
- (39) The towing operator must have the capability of towing/removing abandoned vehicles without wheels, locked (including steering), or any/all other conditions.
- (40) The towing operator must have the capability of towing/removing of all heavy equipment regardless of size and weight.
- (41) The towing operator shall remove any vehicle which the Union County Police Department may lawfully direct them to do so and shall store same at their lot(s) until said vehicle(s) is reclaimed by the lawful owner, or is otherwise disposed of according to law.
- (42) The towing operator shall be responsible for any vehicle and the contents thereof towed off the roadway under the direction of the police and after receiving said vehicles in their custody and control, and shall reimburse the owner of such vehicle removed for any such damage or loss sustained to any vehicle or its contents while the said vehicle is in the towing service company's custody and control.



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If the County exercises its right to takeover the storage services portion of this license, the towing operator shall remain responsible for any vehicle and the contents thereof after receiving said vehicle and until received and inspected by the County as set forth herein. The County will inspect the vehicle upon its receipt at the County's storage location and document any damages and/or contents in the vehicle at such time. The towing operator shall reimburse the owner of such vehicle for any such damage or loss sustained to any vehicle or its contents while said vehicle is in the towing service company's custody and control as documented by the County inspection.

- (43) The towing operator shall not make any repairs to any vehicle towed or removed as provided for hereunder without first receiving written authorization of the owner thereof or its authorized agent.
- (44) The towing operator shall use at a minimum the manufacturer's suggested towing or removal method for removal of damaged or impounded passenger cars or light vehicles, including pick-up trucks, mini-vans, motorcycles and vans, including but limited to a hook, tow, dolly, winch, sling, wheel lift, underreach, or flatbed.
- (45) The towing operator must, in addition to the removal of all debris from an accident scene, which includes sweeping the roadway, preserve any evidence the Union County Police determines necessary for potential criminal and civil cases.
- (46) The towing operator must be capable of providing general vehicle repair services on foreign and domestic motor vehicles and must warrant those repairs.
- (47) Storage locations must be in compliance with all applicable codes and municipal ordinances and must be zoned for all of the uses for which they are, or will be, dedicated.
- (48) All storage locations must satisfy all licensing requirements promulgated by the State of New Jersey and the municipality regarding all aspects of their use, and/or intended use, including but not limited to the towing, storage, repair and sale of motor vehicles.
- (49) The towing operator must submit with the license application, certifications from the Zoning Officers of the municipalities in which the vehicles are to be stored, stating that the storage of Motor Vehicles at this location is permitted under Local Zoning regulations.
- (50) All areas of the facility where the public enters in order to retrieve their motor vehicles must have a clean rest room and waiting room.
- (51) The towing operator must maintain a storage location within the County to facilitate reasonable towing distance.



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(52) The towing operator shall submit with the license application proof of ownership or rental of the storage location. In the case of ownership, a copy of the deed shall be submitted. In the case of rental, a fully executed lease agreement covering at least six months beyond the term of the license issuance shall be submitted. Said lease shall state that the storage of towed vehicles will be allowed under the lease provisions. All leased property must comply with the zoning and licensing requirements detailed in Subparagraphs § 4 D (47) and (48).

(53) Storage fees shall be charged in accordance with the following:

- a. vehicles stored after 1 p.m. will not be charged for storage that day.
- b. vehicles claimed prior to 11 a.m. will not be charged for storage that day.

(54) The towing operator is required to submit a detailed site list and must respond to a questionnaire provided by the Union County Police which describes each garage and storage site owned or leased by the towing operator which will be used in performance under this chapter.

### § 5. License fees.

A. The following schedule of fees is hereby adopted for obtaining and maintaining a towing operator's license ~~pursuant to~~ under this chapter:

(1) Application fee: ~~one~~ three hundred fifty dollars ~~(\$150)~~ (\$350).

(2) License ~~(s)~~ fee(s): ~~five~~

fifteen hundred dollars ~~(\$500)~~ (\$1500.00) ~~per licensed operator.~~ for one license;

twenty two hundred and fifty dollars (\$2250.00) for two licenses;

three thousand dollars (\$3000.00) for three licenses;

B. Fees paid pursuant to this section shall not be refundable for any reason.

### § 6. Term of license.

Licenses issued pursuant to this chapter shall be for a term of ~~one (1) year~~ twenty-four months. ~~(September 1 – August 31)~~ The initial term shall be from May 1, 2009 through April 30, 2011 and shall follow every two (2) years thereafter. All license applications must be received by ~~August 31~~ February 1st of every odd numbered calendar year for the next license ~~year~~ term.

### § 7. Number of operators; rotation.

A. In order to assure provision of safe and efficient towing service throughout the County to benefit the public good, all qualified operators pursuant to this chapter shall be issued a towing license.



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- B. Each towing operator shall be placed on a rotational list as compiled by the County of Union Police Chief. Such towing operator shall be called upon to respond to the needs of the Police Department of the County of Union on a weekly rotational basis.

### § 8. Zones

- A. The County shall be divided into three (3) zones in order to ease compliance with the response time. Each zone shall have its own rotational list. Towing operators can elect to be included in multiple zones but are required to be able to comply with the stated response time and must purchase a separate license for each zone. Towing operators only need to complete one application regardless of the number of zones requested.

#### B. Zones

<u>Zone 1:</u>	<u>Zone 2:</u>	<u>Zone 3:</u>
<u>Plainfield</u>	<u>Berkeley Heights</u>	<u>Rahway</u>
<u>Fanwood</u>	<u>New Providence</u>	<u>Linden</u>
<u>Scotch Plains</u>	<u>Mountainside</u>	<u>Winfield</u>
<u>Westfield</u>	<u>Summit</u>	<u>Clark</u>
<u>Garwood</u>	<u>Springfield</u>	<u>Roselle</u>
<u>Cranford</u>	<u>Union</u>	<u>Hillside</u>
<u>Roselle Park</u>	<u>Kenilworth</u>	<u>Elizabeth</u>

### § 8 9. General rules and regulations.

- (1) No towing operator shall engage in cruising as defined in this chapter.
- (2) No towing operator shall solicit or attempt to divert patrons of another towing operator whether or not licensed under this section, nor shall a towing operator solicit or divert prospective patrons of a given repair service to any other repair service, nor shall any police officer designee or suggest any towing operator to perform service.
- (3) No flashing lights or sirens shall be used by a towing operator except as granted by the Chief of Union County Police in and/or under the provisions of N.J.S.A. 39:1 et seq.
- (4) The Board of Chosen Freeholders hereby designates the Union County Police Department, generally, its specific designee and the Police Chief, particularly, as the supervising authority to enforce the provisions of this chapter as well as the rules and regulations adopted hereunder with the ultimate authority vesting in the Board of Chosen Freeholders of the County of Union.



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- (5) Prior to issuance of the initial license and license renewal during the month of ~~August~~ February of every odd numbered calendar year, each towing operator licensed under this section shall be inspected for fitness by a representative of the County Police Department and shall appropriately complete a new application for each license term ~~year~~.
- (6) Each licensed towing operator at all times shall maintain and carry the necessary equipment to remove disabled or locked vehicles or equipment necessary to the operator to open vehicles to enable public safety personnel to remove entrapped passengers.
- (7) No towing operator, licensed under this chapter shall respond to the scene of an accident except upon notification by the Union County Police Department. The officer investigating accidents which require towing service shall obtain authorization, in writing, when able, on forms provided by the Police Department, from the driver or owner of cars or other vehicles when any specifically named towing service, whether licensed or unlicensed, is requested.
- (8) ~~Towing operators shall arrive at the scene to which dispatched within twenty (20) minutes to at least three (3) simultaneous requests for service by the Union County Police Department.~~ Primary response MUST be given to the Union County Police at ANY given point in time. In the event that the towing contractor scheduled to respond to a request for service, does not perform or does not respond within the time period set forth in these specifications, the Union County Police will call the next towing service on the list for that particular job, and return to the scheduled rotating order thereafter. Failure to arrive within the allotted time will be considered a violation of the provisions of the license agreement by the towing operator to penalties up to and including revocation of the license.
- (9) Where no storage designation by an owner or the police has been made, licensed towing operators are authorized to remove the vehicle to the towing operator's place of business.
- (10) Where a vehicle is towed to premises controlled by the Police Department for the purpose of utilizing the vehicle or its contents as evidence or for other purposes, such vehicle shall not be released from police custody unless the owner of the vehicle furnishes the Police Department with a receipt that towing service fees have been paid.
- (11) In all cases where cars are to be towed for illegal parking summonses, such summonses shall be issued prior to towing.
- (12) No towing operator operating under the license issued hereunder shall employ, directly or indirectly, any sworn officers of the Union County Police Department.



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- (13) The Union County Police Department shall maintain a log record of calls to licensed towing operators under this chapter. Said record shall be available for inspection by any licensed towing operator upon reasonable notice. Additionally, the Union County Police Department shall maintain records of fees charged to towed vehicle owners. Such fees shall be kept as records by the Union County Police Department, and then all such records shall be forwarded to the Department of Public Safety not less than semiannually, which latter records may be inspected by the towing operators or the public generally.
- (14) Such additional rules and regulations as may be promulgated by the Board of Chosen Freeholders pursuant to this chapter shall take effect after notification of such rules and regulations upon all the holders of licenses as towing operators. Service shall be made by certified mail, return receipt requested, to the licensee at the address listed in its most recent application. The towing operator shall be given a reasonable opportunity to be heard on such changes.
- (15) At the direction of the Union County Police Department, the towing operator shall remove junk and/or abandoned vehicles from the roadway or any other public property, including but not limited to County parking lots, parks and playgrounds.
- (16) A junk vehicle shall be defined as a motor vehicle incapable of being operated safely or of being put in a safe operational condition except at a cost in excess of the value thereof. If the vehicle is unclaimed by the owner or other person having legal right thereto for a period of fifteen (15) business days, the towing operator shall notify the Chief of Police or designee that the vehicle has been held for the statutory time and that the vehicle is ready for sale.
- (17) An abandoned vehicle shall be defined as a motor vehicle which cannot be certified for a junk title certificate pursuant to N.J.S.A. 39:10A-3. If the vehicle is unclaimed by the owner or other person having legal right thereto for a period of twenty (20) business days, the towing operator shall notify the Chief of Police or designee that the vehicle has been held for the statutory time and that the vehicle is ready for sale.
- (18) Proceeds from the sale of junk or abandoned vehicles shall be used to satisfy any towing or storage charges which may have accumulated on the vehicle. Excess proceeds shall be paid to the County Treasurer. If the proceeds are insufficient to cover the accumulated costs, such excess costs shall be waived by the towing operator and no further funds will be due from the County or the purchaser of the vehicle. This waiver does not apply to the owner or other person entitled to the vehicle who shall remain liable for the towing operators bill. This section will be administered in accordance with N.J.S.A. 39:10A-1 et seq.
- (19) The towing operator covenants and agrees to comply with any federal and state laws and local ordinances governing:
- (a) the operation of vehicles



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- (b) towing cars
- (c) storage areas

(20) All charges made by the towing service company shall be paid by the owner, or any person, firm or corporation claiming the right to possession of any vehicle removed or stored by the towing operator as provided for herein, and the County of Union shall not be liable for the payment of any sum of the towing operator which may be due on account of any towing, removal or storage.

~~(21) All fees associated with towing and/or storage services collected pursuant to this license and due to the County shall be paid by licensee and forwarded to the Union County Police with the files and invoices of all vehicles towed and serviced on a weekly basis in accordance with §4 D (22).~~

~~(21)~~

~~(22) The rotational system established under this chapter will continue until supplemented by subsequent ordinances. The County reserves the right to terminate this rotational system if the Appellate Division rules favorably on behalf of the County in connection with the matter entitled: "NERI Corporation, et al. v. Board of Chosen Freeholders, County of Union, et al. and Sevell's Auto Body Co., Inc." A-4742-93T3.~~

~~(22)~~

~~(23) The failure on the part of the towing operator to comply with any of these specifications is just cause for revocation of the license. Any towing operator found to have submitted fraudulent or inaccurate information or violated any New Jersey Department of Insurance Rules or Regulations may be subject to the revocation of the license(s) and/or prosecution pursuant to §17 of this chapter [The County may revoke the license if the towing operator has submitted fraudulent or inaccurate information or has violated any New Jersey Department of Insurance Rules or Regulations.~~

~~(23)~~

~~(24) Any towing operator with a record of a felony criminal conviction shall not be qualified to receive a license. The County of Union may waive this requirement for just cause.~~

~~(24)~~

~~(25) The award of any license is subject to County inspection and approval of the towing operator's facilities and equipment and the receipt by the County of a satisfactory Better Business Bureau Report.~~

~~(25)~~



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~~(26)~~The County of Union requires the submission of a Background Information Form, available from the Police Department of the County Police, which details the ownership of the corporation, partnership or proprietorship submitting the license application.

~~(26)~~

~~(27)~~The towing operator must render all services with its equipment and personnel as well as storing all impounds on his sites. Subcontracting is expressly prohibited!

~~(27)~~

~~(28)~~This contract shall be governed by the laws of the State of New Jersey.

## § 9 10. License suspension or revocation.

The Board of Chosen Freeholders shall have the right to suspend or revoke any license issued under this chapter for good cause, upon written complaint of the Chief of Police of the County of Union following his determination that there is probable cause for revocation or suspension based upon violation of this chapter. Written notice of such complaint and the basis of the complaint shall be given upon ten (10) day notice to the towing operator, and said operator shall have an opportunity to be heard.

## § 10 11. License transfer.

No controlling interest in a license issued pursuant to this chapter shall be assigned, transferred or, sold, except on specific approval of the Board of Chosen Freeholders of the County of Union, and, upon cessation of activity or authority under the license through revocation or otherwise, the license shall be determined null and void. In no event shall any such license be posted as collateral. At the time of application for said license, the towing operator shall complete and submit, on County forms, a statement of ownership. Any controlling interest transfer of ownership in a licensee's business be it actual transfer of stock ownership, without County approval, shall render the license void. In the event of sale or transfer, the new applicant, if any, shall make a new application and pay fees and be approved by the County of Union, New Jersey.

## § 11 12. Rates.

A. The following rates are applicable within the purpose and intent of this chapter:

<b>Service</b>	<b>Rate</b>
Towing Charge Category I (all vehicles 0 to 6,000 Lbs GVW)	<del>\$40.00</del> <u>\$150.00</u>
Category II (all vehicles 6,001 to 26,000 lbs. GVW)	<del>60.00</del> <u>\$175.00</u>
Category III (all vehicles 26,001 lbs.and over GVW)	<del>\$75.00</del> <u>\$325.00</u> /single unit



# UNION COUNTY BOARD OF CHOSEN FREEHOLDERS

~~\$115.00~~ \$450.00/combination unit

Winching Cable (to be used only when vehicle has left the roadway)  
~~\$1.50~~ \$3.50 per cable foot

~~Heavy Duty~~  
~~Underreach~~ (Categories II & III  


---

 Vehicles Only) ~~\$200.00~~

Recovery-Winching  
 Heavy Duty (Category II & III  
 Vehicles Only) –  
 - per hour -

One Person-One  
 Tow Truck ~~\$100.00~~ \$250.00

Release Brake  
 Cylinder ~~\$15.00~~ \$75.00 each

~~Bumper Removal~~ ~~\$20.00~~

Release Air Brakes ~~\$15.00~~ \$75.00

Drop Drive Shaft ~~\$15.00~~ \$75.00

Axle ~~\$15.00~~ \$75.00 each

~~Inside Storage~~ ~~Category I (above)~~ ~~\$15.00~~ per day

~~“ “~~ ~~Category II (above)~~ ~~\$25.00~~ per day

~~“ “~~ ~~Category III (above)~~ ~~\$40.00~~ per day

Outside Storage ~~Category I (above)~~ ~~\$10.00~~ \$35.00 per day

“ “ ~~Category II (above)~~ ~~\$20.00~~ \$50.00 per day

“ “ ~~Category III (above)~~ ~~\$30.00~~ \$100.00 per day

Jump Starts ~~\$25.00~~ \$75.00



## UNION COUNTY BOARD OF CHOSEN FREEHOLDERS

Tire Changes ~~\$50.00~~ \$75.00

Lockouts ~~\$25.00~~ \$75.00

B. The County shall be entitled to a fee of fifty percent (50%) of the payment received for any and all towing and/or storage services provided under this license. There is no exemption from this requirement for any towing and storage services resulting from a motor vehicle accident.

C. In the event the County exercises its right to takeover the storage services subject to §13, the County shall be entitled to a fee of forty percent (40%) of the payment received for any and all towing services provided under this license. There is no exemption from this requirement for any towing and storage services resulting from a motor vehicle accident.

~~B.~~

D. The towing operator must only charge the rates set forth in this contract and in conformity with these provisions. No other charges or fees are permitted.

~~C.~~

E. The towing operator must NOT exceed those rates regulated by the New Jersey State Department of Insurance set forth in N.J.A.C. 11:3-38.1 et seq.

~~D.~~

F. The towing operator must provide a current and complete rate schedule to all customers and must conspicuously display the rate schedule at all impound sites.

~~E.~~

G. The towing operator must tow the motor vehicle from the location of the police request to the towing operator's impound site(s). This shall constitute a single tow rate.

~~F.~~

H. The towing operator is expressly prohibited from charging the owner of the vehicle for towing the vehicle from the original impound site to another site affiliated with the towing operator.

~~G.~~

I. The towing operator is prohibited from charging a release fee for releasing vehicles after normal business hours.

~~H.~~

J. The towing operator must accept Visa and Mastercard credit cards and major auto club membership cards (i.e. AAA) twenty-four (24) hours a day, every day of the year.



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I.

K.The towing operator must not charge the owner any additional fees for pulling the vehicle onto the flatbed truck. “Winching” fees are only permitted to pull the vehicle back onto the roadway and put the vehicle in proper position to “hook” the vehicle to the tow truck.

J.

L.Mileage fees are not permitted. Additionally, NO OTHER FEES OR CHARGES ARE PERMITTED except as set forth above. In the event of an extraordinary circumstance which would invoke undue hardship to the towing company, [Captain Grady of] the Union County Police ~~Department or his~~ Chief or his authorized representative must be notified at (908) 654-9800 and give his written approval before the imposition of any assessment.

### **§ 12 13. Department of Motor Vehicles Information.**

The Police Department of the County of Union shall provide, when requested, towing operators with the Department of Motor Vehicles information regarding registered owners and lienholders. Vehicle information requested and given shall be in conformance with N.J.S.A. 39:1-1 et seq., and shall not in any way violate the confidentiality that is reposed in the Police Department.

### **§ 14. County Takeover of Storage Operations**

A. In the event that the County exercises its right to takeover the storage services portion of this license, the County will provide the licensee with a written notice of same thirty (30) days prior to such takeover.

B. The County will notify the licensee of the County’s storage location. Licensee shall be required to deliver any vehicle towed under this license to the County’s storage location. The County will be solely responsible for the storage of the vehicles and solely entitled to the fees associated with the storage services provided.

C. Vehicles towed as a result of a motor vehicle accident shall not be stored in the County’s storage location.

D. Upon receipt of the vehicle by the County at its storage facility, the County shall inspect the vehicle and document the current condition and contents of the vehicle, including any existing damages and shall retain a record for its file.\*

### **§ 13 15. Implementation.**

Upon the adoption of this chapter, the Clerk of the Board of Union County Chosen Freeholders shall give thirty (30) days’ public notice of the receipt of ~~the~~ license application (s) pursuant to this chapter. Public notice shall be given by publication in an appropriate newspaper circulated within the County. All towing operators, consistent with this chapter, who meet the requirements established by this chapter, shall be eligible for the issuance of a license upon payment of the required fees.



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### § 14 16. License-issuing authority.

The license-issuing authority shall be the Board of Chosen Freeholders of the County of Union.

### § 15 17. Violations and penalties.

Any person, firm or corporation violating the provisions of this chapter shall, upon conviction thereof, be subject to a fine of not more than five hundred dollars (\$500) or to imprisonment for not more than ninety (90) days or both, in the discretion of the Judge of the Municipal Court.

### § 16 18. Effective date.

This ordinance shall take effect at the time and in the manner provided by law. The Clerk of the Board of Chosen Freeholders shall publish a notice in the appropriate newspaper of such introduction and of a public hearing on [August 11, 1994.] February 26, 2009.

Freeholder Kowalski moved Ordinance Number 682-2009 for First Reading and authorized the Clerk of the Board to advertise the same in accordance with the law. The public hearing and final reading is scheduled for Wednesday, February 11, 2009. The motion was seconded by Freeholder Estrada. Roll call showed eight members of the Board voted in the affirmative with Freeholder Holmes absent.

### PUBLIC COMMENT PORTION

The meeting is open to the public for the purpose of commenting on Resolutions on the Agenda only.

John Berry, Kenilworth, commented on Resolution 2009-109, asking what necessitates outside Counsel; he questioned Resolution 2009-117 for \$25,000 paid for attorneys and Resolution 2009-118 for a total contract of \$50,000 for attorneys. He also questioned the money amount for law books in Resolution 2009-106.

County Counsel Barry stated that Resolution 2009-109 is on-going litigation. He stated that it involves seven Union County employees that are entitled to counsel, but if there is ever any conflict, County Counsel is required to represent the Board, rather than the employees. He stated that outside counsel prosecutes the case for personnel matters and these are primarily disciplinary actions. He added personnel counsel also includes labor disputes because County Counsel acts as the public hearing officer, they cannot also represent employees.

County Counsel Barry stated that in reference to Resolution 2009-118, this law firm will be contracted to provide legal services as they are experts in the field of golf operations, therefore, outside counsel is needed.

Bruce Paterson, Garwood, commented on Resolution 2009-76, awarding a contract to Harbor Consultants for the Galloping Hill Golf Course in the amount of \$170,000. He asked if this Resolution should read "not to exceed" \$170,000 or is this the complete bid. Mr. Paterson commented on 2009-80 for a Master Plan for Clark Reservoir and stated that he felt that \$147,500 was a high amount. He asked



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why Resolution 2009-104 is on the Agenda as there is no cost to the County; on 2009-110 he questioned the leasing of Runnells Specialized Hospital's roof and on Resolution 2009-118 he asked if the contract amount of \$50,000 should read "not to exceed."

County Manager Devanney addressed Mr. Paterson's questions and concerns. He stated that Resolution 2009-76 is for work that began under the Improvement Authority and now it is under the County of Union; regarding 2009-80, Harbor Consultants was the lowest bidder; regarding to 2009-104, this was for the Board's approval and pertaining to Resolution 2009-110, he explained that there is a short cellular tower on top of the hospital which has enough power for one satellite dish. He stated that the tower has been leased for the past eighteen years and the term of the lease has expired and now they need to re-bid. Resolution 2009-118 should read "not to exceed."

County Counsel Barry stated that in reference to Resolution 2009-76, the contract amount for Harbor Consultants should also read "not to exceed."

Tina Renna, Cranford, asked if Resolution 2009-79 in the amount of \$900,000 has been assigned to particular projects; on 2009-90f, she questioned the amount of approximately \$500,000 for 24 months for security addition to the Sheriff's Department, County Police and Public Safety. Ms. Renna stated that Forbes Magazine ranks Union County as having the highest property taxes and suggests combining some of the County's law enforcement departments. She made comments pertaining to the promotion of six new captains.

County Manager Devanney stated that we have acquired an additional \$900,000 through the Office of Union County Open Space, Recreation and Historic Preservation Trust Fund for property acquisition and hopefully there will be two more grants in February.

Edward Schimkowitz, Cranford, made comments to the proposed closing of the Oak Ridge Golf Course. He stated that he was not aware that there were problems with the golf course and thought the contracts on tonight's Agenda for the golf course are extreme. He stated the County has owned it since the 1960's and it has never been run like a business. He feels the County is "jumping the gun" if they close the Course. He cannot understand how a population of 540,000 in Union County cannot sustain three golf courses.

County Manager Devanney stated that there are two items on tonight's Agenda and the construction of a driving range should have a revenue of about \$600,000. The firm of Decotiis, Fitzpatrick, Cole and Wisler, LLP will conduct a feasibility study on the clubhouse operations and a Request for Proposal to solicit a public/private partnership to operate the clubhouse. County Manager Devanney agreed with Mr. Schimkowitz stating that it has not been run like a business and unfortunately, the possibility of closing the course may be the result.

Judy Winter, Cranford, stated that there is a driving range at Hyatt Hills Golf Course in Clark that is never busy and asked why another one is being constructed.



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Lovinia Ruby, Cranford, stated that she was happy to hear that the County is looking to put a driving range at the Galloping Hill Golf Course. She stated that the Oak Ridge Golf Course is a flatter course and is used primarily by senior citizens. She stated that Ash Brook Golf Course is longer. She also mentioned that she was a member of the Union County Art Center Committee and they received funding for a new kitchen and said that if the kitchen was restored at Oak Ridge Golf Course and suggested that children can use it for parties and this could bring in revenue. She stated that the funds from the proposed Stimulus package could also help. She urged the Board to save the golf course.

Daniel Pagdan, Elizabeth, stated that he is bewildered by the thought of removing twenty-seven holes to replace them with a driving range. He stated that serious golfers are not interested in driving ranges and said that Monmouth County has fifteen golf courses, none of which are closing. Chairman Mirabella stated that there are other golf courses that are not being fully utilized. He commented that it is a tough decision and these are tough economic times.

Ellis Hester, Plainfield, also commented on the proposed closing of Oak Ridge Golf Course. He too stated that it is a good course for senior citizens. He stated that it is being well-used, but has not been maintained. He suggested advertising and issuing coupons and said Union County fees are the highest in the State. He said that Union County residents should have reduced rates. He also mentioned that seniors are retired and cannot afford these prices. He commented on the driving ranges in Springfield and Greenbrook that went out of business and stated that he feels that the \$3.00 registration fee should be removed and he is against a six-hole golf course.

Kathy Torpe, Clark, made comments pertaining to an article in the newspaper about the possible closing of Oak Ridge Golf Course. She stated that if it is used as a park, there would be no entry fee, whereas, if it remains a golf course there are green fees. Chairman Mirabella stated that maintaining a golf course is more costly and he stated that Union County has golf courses that are not being used to full capacity. Ms. Torpe urged the Board to reconsider closing the golf course.

Rhoda, (inaudible) Scotch Plains, stated that Monmouth County has fifteen golf courses and Somerset has five. She was concerned as to where the Union County golfers would play.

Bruce Paterson, Garwood, asked if the \$10 million budget would be balanced if the Oak Ridge Golf Course is purchased by the Office of Union County Open Space, Recreation and Historic Preservation Trust Fund. Chairman Mirabella stated that the County already owns the land.

Freeholder Kowalski interjected and wanted to respond to Mr. Shimkowitz's comments. She stated that she was puzzled as to where Mr. Shimkowitz got his information. She stated that she has never made any public statements regarding Oak Ridge Golf Course as it is still under consideration.

John Ford, Edison, made comments pertaining to Oak Ridge Golf Course. He stated that he has played on that course for many years. He said that he believes part of the golf course is located in Edison. He stated that the surrounding towns that are located in Middlesex County should be able to play at the same



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rate as Union County residents. He also suggested keeping the rates the same during the week and weekends and suggested advertising to draw players to the course.

### RESOLUTIONS

Chairman Mirabella called for a motion to adopt Resolutions 2009-60 through 2009-129.

THE FOLLOWING RESOLUTIONS ARE BEING OFFERED FOR ADOPTION:

**2009-60**      **FREEHOLDER HOLMES**, approving a pre-qualified list of firms for the provision of Engineering Services for the period of January 1, 2009 through December 31, 2009.

On a motion made by Vice Chairman Sullivan and seconded by Freeholder Scanlon, roll call showed eight members of the Board voted in the affirmative with Freeholder Holmes absent.

**2009-61**      **FREEHOLDER HOLMES**, authorizing the 2009 annual membership to the Health Care Association of New Jersey, Hamilton, New Jersey, for the membership period of January 1, 2009 through December 31, 2009 in the amount of 13,970.

On a motion made by Vice Chairman Sullivan and seconded by Freeholder Scanlon, roll call showed eight members of the Board voted in the affirmative with Freeholder Holmes absent.

**2009-62**      **FREEHOLDER HOLMES**, authorizing the 2009 annual membership to the New Jersey Hospital Association / American Hospital Association, Philadelphia, Pennsylvania, for the membership period of January 1, 2009 through December 31, 2009 in the amount of \$18,169.

On a motion made by Vice Chairman Sullivan and seconded by Freeholder Scanlon, roll call showed eight members of the Board voted in the affirmative with Freeholder Holmes absent.

**2009-63**      **FREEHOLDER HOLMES**, amending Resolution No. 2008-957, to amend the list of practitioners who provide evening coverage for the Cornerstone Units for the period of January 1, 2009 through December 31, 2009.

On a motion made by Vice Chairman Sullivan and seconded by Freeholder Scanlon, roll call showed eight members of the Board voted in the affirmative with Freeholder Holmes absent.

**2009-64**      **FREEHOLDER HOLMES**, authorizing the County Manager to enter into a contract with Pino Consulting Group, Inc., West Windsor, New Jersey, to provide assistance in the preparation of 2008 Medicare and Medicaid Cost



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Reports for Runnells Specialized Hospital for the contract period of February 1, 2009 through December 31, 2009 in the amount of \$21,000.

On a motion made by Vice Chairman Sullivan and seconded by Freeholder Scanlon, roll call showed eight members of the Board voted in the affirmative with Freeholder Holmes absent.

**2009-65**      **FREEHOLDER HOLMES**, authorizing the County Manager to enter into a contract with Peminic, New Milford, New Jersey, for software maintenance & support of the “Incident Report System” and the “Patient Relations Manager” for Runnells Specialized Hospital for the contract period of January 1, 2009 through January 31, 2009 in the amount of \$1,829.33.

On a motion made by Vice Chairman Sullivan and seconded by Freeholder Scanlon, roll call showed eight members of the Board voted in the affirmative with Freeholder Holmes absent.

**2009-66**      **FREEHOLDER HOLMES**, appointing Yves Aubourg to the Advisory Council on Aging to fill an unexpired term from January 1, 2008 through December 31, 2010.

On a motion made by Vice Chairman Sullivan and seconded by Freeholder Scanlon, roll call showed eight members of the Board voted in the affirmative with Freeholder Holmes absent.

**2009-67**      **FREEHOLDER KOWALSKI**, authorizing the County Manager to exercise its option to renew a contract pursuant to competitive contracting law, N.J.S.A. 40A:11-4 for the contract period January 1, 2009 through December 31, 2009 to Community Access Unlimited, Elizabeth, New Jersey, for the operation of the Union County Children’s Shelter at a per diem amount of \$269 for a total contract amount not to exceed \$589,110 for Year Three, with an additional two year option to renew the contract at the prices quoted in the agency’s competitive contract proposal.

On a motion made by Vice Chairman Sullivan and seconded by Freeholder Scanlon, roll call showed eight members of the Board voted in the affirmative with Freeholder Holmes absent.

**2009-68**      **FREEHOLDER KOWALSKI**, amending Resolution No. 2008-963, to increase the total amount of the 2009 Personal Assistance Services Program (PASP) Spending Plan by \$5,000, to include Runnells Specialized Hospital of Union County to provide PASP assessments in 2009 under an Internal Agreement for the total amount of \$766,859.

On a motion made by Vice Chairman Sullivan and seconded by Freeholder Scanlon, roll call showed eight members of the Board voted in the affirmative with Freeholder Holmes absent.



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**2009-69**      **FREEHOLDER KOWALSKI**, amending Resolution No. 2008-243, a contract with Digitech Services, Inc., Glasgow, Kentucky, to reflect a change in the account number only.

On a motion made by Vice Chairman Sullivan and seconded by Freeholder Scanlon, roll call showed eight members of the Board voted in the affirmative with Freeholder Holmes absent.

**2009-70**      **FREEHOLDER KOWALSKI**, authorizing the County Manager to extend the lease agreement on a month-to-month basis for two months with Hersh Towers Corporation, c/o ACHS Management Corporation, New York, New York, for leased office space and real estate taxes for the Eastern Center Office, Division of Workforce Development Operations located at 125 Broad Street, Elizabeth, New Jersey, from January 1, 2009 through June 30, 2009 on a month to month basis for a sum not to exceed \$12,414.

On a motion made by Vice Chairman Sullivan and seconded by Freeholder Scanlon, roll call showed eight members of the Board voted in the affirmative with Freeholder Holmes absent.

**2009-71**      **FREEHOLDER KOWALSKI**, amending the current employee 401 (a) plan to reflect certain provisions of the Economic Growth and Tax Relief Reconciliation Act of 2001 (EGTRRA) and therefore, bring the plan to compliance with federal requirements at no additional cost to the County. The employee 401 (a) plan benefits County employees not covered under the Public Employee Retirement System (PERS) and is administered by Mutual of America, Parsippany, New Jersey.

On a motion made by Vice Chairman Sullivan and seconded by Freeholder Scanlon, roll call showed eight members of the Board voted in the affirmative with Freeholder Holmes absent.

**2009-72**      **FREEHOLDER KOWALSKI**, establishing County Funds to comply with State Legislative mandates (A-175 and S-1914) which place the responsibility for burial costs for indigent, unidentified or unclaimed deceased residents of Union County on the County of Union. This resolution sets aside an amount not to exceed \$60,000 to cover burials at a maximum cost of \$1,550 per burial for the period of January 1, 2009 through December 31, 2010.

On a motion made by Vice Chairman Sullivan and seconded by Freeholder Scanlon, roll call showed eight members of the Board voted in the affirmative with Freeholder Holmes absent.

**2009-73**      **FREEHOLDER KOWALSKI**, authorizing the County Manager to enter into a contract with Jewish Family Services, Elizabeth, New Jersey, for the purposes of providing ongoing care management services to clients eligible for the Global



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Options Program (GO) {formerly CCPED} for the period of January 1, 2009 through December 31, 2009 in an amount not to exceed \$145,920.

On a motion made by Vice Chairman Sullivan and seconded by Freeholder Scanlon, roll call showed eight members of the Board voted in the affirmative with Freeholder Holmes absent.

**2009-74**      **FREEHOLDER KOWALSKI**, authorizing the County Manager to enter into a contract with The Lichtman Associates, Princeton, New Jersey, for the purposes of performing feasibility study of the old County Jail in an amount not to exceed \$50,000.

On a motion made by Vice Chairman Sullivan and seconded by Freeholder Scanlon, roll call showed eight members of the Board voted in the affirmative with Freeholder Holmes absent.

**2009-75**      **FREEHOLDER KOWALSKI**, amending Resolution Number 2008-706, a contract with Newtech Recycling, Bridgewater, New Jersey, authorizing the encumbrance of additional funds in the amount of \$100,000 for the collection, demanufacturing and recycling / disposal of electronic equipment collected at various electronic recycling events sponsored by the County. The quoted price of \$0.15/lb for monitors and televisions and \$0.12 / lb for all other electronic equipment remains the same. Residents, municipalities and boards of education are also encouraged to drop their electronics off at the facility on Mondays.

On a motion made by Vice Chairman Sullivan and seconded by Freeholder Scanlon, roll call showed eight members of the Board voted in the affirmative with Freeholder Holmes absent.

**2009-76**      **FREEHOLDER KOWALSKI**, authorizing the County Manager to enter into an agreement with Harbor Consultants Inc., Cranford, New Jersey, for the purpose of supplying the County of Union with engineering, architecture, landscape architecture, mechanical engineering and golf course design. These services include all the items necessary for the Practice Facility and Driving Range at Galloping Hill Golf Course, in an amount not to exceed \$170,000.

On a motion made by Vice Chairman Sullivan and seconded by Freeholder Scanlon, roll call showed eight members of the Board voted in the affirmative with Freeholder Holmes absent.

**2009-77**      **FREEHOLDER SCANLON**, authorizing the County Manager to enter into an agreement with Appraisal Associates, Cranford, New Jersey, to provide the County of Union with general appraisal services related to land negotiations for future acquisitions under the auspices of the Open Space, Recreation and Historic Preservation Trust Fund in an amount not to exceed \$25,000.



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On a motion made by Vice Chairman Sullivan and seconded by Freeholder Scanlon, roll call showed eight members of the Board voted in the affirmative with Freeholder Holmes absent.

**2009-78**      **FREEHOLDER SCANLON**, authorizing the County Manager to enter into an agreement with Ard Appraisal Company, Clark, New Jersey, to provide the County of Union with general appraisal services related to land negotiations for future acquisitions under the auspices of the Open Space, Recreation and Historic Preservation Trust Fund in an amount not to exceed \$25,000.

On a motion made by Vice Chairman Sullivan and seconded by Freeholder Scanlon, roll call showed eight members of the Board voted in the affirmative with Freeholder Holmes absent.

**2009-79**      **FREEHOLDER SCANLON**, authorizing the County Manager to accept a Green Acres Park funding award in the amount of \$900,000 to provide matching funding in connection with the Union County Open Space and Recreation Plan. {The additional \$900,000 was awarded in conjunction with the Open Space, Recreation and Historic Preservation Trust fund and brings the total awarded by the State of New Jersey Green Acres program to \$7,650,000 for land acquisition.}

On a motion made by Vice Chairman Sullivan and seconded by Freeholder Scanlon, roll call showed eight members of the Board voted in the affirmative with Freeholder Holmes absent.

**2009-80**      **FREEHOLDER SCANLON**, authorizing the County Manager to enter into a contract with Harbor Consultants, Inc., Cranford, New Jersey, to provide a Master Plan of the property commonly known as the Clark Reservoir, along with County-owned properties adjacent to the reservoir in an amount not to exceed \$147,500.

On a motion made by Vice Chairman Sullivan and seconded by Freeholder Scanlon, roll call showed eight members of the Board voted in the affirmative with Freeholder Holmes absent.

**2009-81**      **FREEHOLDER SCANLON**, amending Resolution No. 2008-884, a contract with PMK Group, a business unit of the Birdsall Services Group, Cranford, New Jersey, in an additional amount of \$5,600 to prepare and obtain a Freshwater Wetland General Permit Authorization of the additional groundwater investigation at Esposito Farm Park, Madison Hill Road, Clark, New Jersey, for a new total contract amount not to exceed \$114,955 in conjunction with the Open Space, Recreation and Historic Preservation Trust Fund.

On a motion made by Vice Chairman Sullivan and seconded by Freeholder Scanlon, roll call showed eight members of the Board voted in the affirmative with Freeholder Holmes absent.



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**2009-82**      **FREEHOLDER VAN BLAKE**, authorizing the County Manager to award a contract to Bevan, Mosca, Guiditta & Zarillo, PC, New Jersey, for the advancement and coordination of the County's major infrastructure projects / lobbying services for the contract period January 1, 2009 through December 31, 2009 in an amount of \$72,000.

On a motion made by Vice Chairman Sullivan and seconded by Freeholder Scanlon, roll call showed eight members of the Board voted in the affirmative with Freeholder Holmes absent.

**2009-83**      **FREEHOLDER VAN BLAKE**, authorizing the County Manager to award a contract to Edmunds & Associates, Northfield, New Jersey, to provide software maintenance and technical support for the County's financial accounting and electronic requisition system for the contract period January 1, 2009 through December 31, 2009 in an amount not to exceed \$19,635.

On a motion made by Vice Chairman Sullivan and seconded by Freeholder Scanlon, roll call showed eight members of the Board voted in the affirmative with Freeholder Holmes absent.

**2009-84**      **FREEHOLDER WARD**, appointing the following members to the Union County Air Traffic and Noise Advisory Board for a term commencing January 1, 2009 through December 31, 2010:

- . Lynn Brown to represent the Borough of Fanwood
- . Anthony Sytko to represent the Borough of Garwood
- . Robert Beiner to represent the Borough of Kenilworth
- . Ronald McGetrick to represent the Borough of New Providence
- . Jacob Magiera (Delegate) and Anita Szary (Alternate) to represent the Borough of Roselle Park
- . John B. Nicholas to represent the City of Summit

On a motion made by Vice Chairman Sullivan and seconded by Freeholder Scanlon, roll call showed eight members of the Board voted in the affirmative with Freeholder Holmes absent.

**2009-85**      **VICE CHAIRMAN SULLIVAN**, amending Resolution Number 5009-53 to appoint John Malcolm and Ed Zarnock to the Labor Advisory Board for a term commencing January 1, 2009 through December 31, 2011.

On a motion made by Vice Chairman Sullivan and seconded by Freeholder Scanlon, roll call showed eight members of the Board voted in the affirmative with Freeholder Holmes absent.



## UNION COUNTY BOARD OF CHOSEN FREEHOLDERS

**2009-86**      **VICE CHAIRMAN SULLIVAN**, appointing the following members to the Union County Transportation Advisory Board commencing January 1, 2009 through December 31, 2009:

- . Hugh Welsh to represent the Township of Cranford
- . Jack Molenaar to represent the Borough of Fanwood
- . Anthony Sytko to represent the Borough of Garwood
- . Carol Westervelt to represent the Borough of Kenilworth
- . Robert W. Messler (Delegate) and Michael Disko, Jr. (Alternate) to represent the Borough of Mountainside
- . Andre Luboff to represent the Borough of New Providence
- . Tony Hall to represent the Borough of Rahway
- . Sanford Weinger to represent the Township of Springfield
- . Rosemary Bariexca (Delegate) and Ludwig Anton Evers (Alternate) to represent the City of Summit
- . John Morgan (Delegate) and George Lanzano (Alternate) to represent the Town of Westfield

On a motion made by Vice Chairman Sullivan and seconded by Freeholder Scanlon, roll call showed eight members of the Board voted in the affirmative with Freeholder Holmes absent.

**2009-87**      **CHAIRMAN MIRABELLA**, supporting the blueprint for a better New Jersey through and for the arts as outlined by the Arts Plan for New Jersey.

On a motion made by Vice Chairman Sullivan and seconded by Freeholder Scanlon, roll call showed eight members of the Board voted in the affirmative with Freeholder Holmes absent.

**2009-88**      **CHAIRMAN MIRABELLA**, amending Resolution No. 2008-220, (BA. No. 3) a bid award to Aces Imaging System, Inc., Mt. Laurel, New Jersey, requesting additional funds for microfilming services for the period of 2009 through 2010 in an amount not to exceed \$23,400.

On a motion made by Vice Chairman Sullivan and seconded by Freeholder Scanlon, roll call showed eight members of the Board voted in the affirmative with Freeholder Holmes absent.

**2009-89**      **CHAIRMAN MIRABELLA**, approving the Union County Clerk's Five Year Plan for the use of the Document Trust Fund.

On a motion made by Vice Chairman Sullivan and seconded by Freeholder Scanlon, roll call showed eight members of the Board voted in the affirmative with Freeholder Holmes absent.



## UNION COUNTY BOARD OF CHOSEN FREEHOLDERS

2009-90

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

- a. Department of Parks and Community Renewal, Division of Park Maintenance: **Environ Systems, Union, New Jersey**, to purchase and deliver blowers and trimmers in the amount of **\$7,782**.
- b. Department of Parks and Community Renewal, Division of Information Technologies: **Maffey's Security Group, Elizabeth, New Jersey**, to exercise a 24-month extension option to provide duress and burglar alarm installation services for various County properties in the amount of **\$164,800**.
- c. Department of Parks and Community Renewal, Division of Information Technologies: **Rahway Typewriter Co., Inc., Rahway, New Jersey**, to exercise a 24-month extension option to repairs various makes and models of printers throughout the County that are not under warranty in the amount of **\$45,000**.
- d. Department of Parks and Community Renewal: **Buckman's, Inc., Pottstown, Pennsylvania**, to provide pool chemicals to Ulrich Pool, Rahway and Wheeler Pool, Linden, for 24 months (two seasons) in the amount of **\$56,800**.
- e. Department of Parks and Community Renewal: **Country Feed & Grain, LLC, Haskell, New Jersey**, to provide senior horse feed mixture for the aging horses owned by the County for 24 consecutive months in an amount not to exceed **\$51,000**.
- f. Runnells Specialized Hospital: **Labor Management Concepts, Inc., North Arlington, New Jersey**, to exercise the option to extend the contract for an additional 24 consecutive months to provide security services at Runnells Specialized Hospital with a 1.5% increase as allowed by NJSA 40A:11-15 in the amount of **\$534,733.18**.

On a motion made by Vice Chairman Sullivan and seconded by Freeholder Scanlon, roll call showed eight members of the Board voted in the affirmative with Freeholder Holmes absent.

2009-91

**CHAIRMAN MIRABELLA**, approving the following 2009 list of pre-qualified medical service centers from the RFQ for the provision of pre-employment physicals: **Complete Care, Scotch Plains, New Jersey and Multi-Care Industrial Medicine, Clark, New Jersey**.



## UNION COUNTY BOARD OF CHOSEN FREEHOLDERS

On a motion made by Vice Chairman Sullivan and seconded by Freeholder Scanlon, roll call showed eight members of the Board voted in the affirmative with Freeholder Holmes absent.

**2009-92**      **CHAIRMAN MIRABELLA**, amending Resolution Number 2008-1169, to include a sunset date of March 2, 2009 for eligible exclusionary employees having the opportunity to retire with fully paid health benefits (excluding Medicare).

On a motion made by Vice Chairman Sullivan and seconded by Freeholder Scanlon, roll call showed eight members of the Board voted in the affirmative with Freeholder Holmes absent.

**2009-93**      **CHAIRMAN MIRABELLA**, authorizing the County Manager to enter into an agreement with **Dr. Stephen Parker, Roselle Park, New Jersey**, to provide medical examinations for Sheriff's Officer Candidates for the period of January 1, 2009 through December 31, 2009 in the **amount of \$5,000**.

On a motion made by Vice Chairman Sullivan and seconded by Freeholder Scanlon, roll call showed eight members of the Board voted in the affirmative with Freeholder Holmes absent.

**2009-94**      **CHAIRMAN MIRABELLA**, authorizing the County Manager to enter into an agreement with **Kanen Psychological, Ridgewood, New Jersey**, to provide psychological exams for Sheriff's Office Candidates for the period of January 1, 2009 through December 31, 2009 in the **amount of \$5,000**.

On a motion made by Vice Chairman Sullivan and seconded by Freeholder Scanlon, roll call showed eight members of the Board voted in the affirmative with Freeholder Holmes absent.

**2009-95**      **CHAIRMAN MIRABELLA**, authorizing the County Manager to enter into an agreement with Iselin Veterinary Hospital, Iselin, New Jersey, to provide on-call veterinary care for the Sheriff's K-9 unit for the period of January 1, 2009 through December 31, 2009 in the amount of \$5,000.

On a motion made by Freeholder Sullivan and seconded by Freeholder Scanlon, roll call showed seven members of the Board voted in the affirmative with Freeholder Proctor abstaining and Freeholder Holmes absent.

**2009-96**      **CHAIRMAN MIRABELLA**, authorizing the County Manager to enter into agreements with the following municipalities for the contract period January 1, 2009 through December 31, 2009 for the purpose of participating the **Sheriff's Labor Assistance Program: Borough of Roselle, Borough of Roselle Park, Township of Clark, Township of Scotch Plains, Township of Westfield, Elizabeth Avenue Partnership and the Historic Midtown of Elizabeth Special Improvement District**.



## UNION COUNTY BOARD OF CHOSEN FREEHOLDERS

On a motion made by Vice Chairman Sullivan and seconded by Freeholder Scanlon, roll call showed eight members of the Board voted in the affirmative with Freeholder Holmes absent.

**2009-97**      **CHAIRMAN MIRABELLA**, authorizing the County Manager to accept a grant from the **New Jersey Office of Homeland Security and Preparedness** for the purpose of purchasing Bio-Injection Systems for the Union County LINCS Agency and the local health departments in the amount of **\$56,488**. (2007 UASI Grant)

On a motion made by Vice Chairman Sullivan and seconded by Freeholder Scanlon, roll call showed eight members of the Board voted in the affirmative with Freeholder Holmes absent.

**2009-98**      **CHAIRMAN MIRABELLA**, authorizing the County Manager to accept a grant from the New Jersey Office of Homeland Security and Preparedness for the purpose of purchasing video teleconferencing equipment in the amount of **\$84,378**.

On a motion made by Vice Chairman Sullivan and seconded by Freeholder Scanlon, roll call showed eight members of the Board voted in the affirmative with Freeholder Holmes absent.

**2009-99**      **CHAIRMAN MIRABELLA**, authorizing the County Manager to accept a grant from the **New Jersey Office of Homeland Security and Preparedness** for the purpose of updating the County's pictometry aerial images in the amount of **\$63,190**.

On a motion made by Vice Chairman Sullivan and seconded by Freeholder Scanlon, roll call showed eight members of the Board voted in the affirmative with Freeholder Holmes absent.

**2009-100**      **CHAIRMAN MIRABELLA**, authorizing the County Manager to accept a grant from the **New Jersey Office of Homeland Security and Preparedness** for the purpose of Points of Distribution (POD) Kits for local health departments in the amount of **\$15,999**.

On a motion made by Vice Chairman Sullivan and seconded by Freeholder Scanlon, roll call showed eight members of the Board voted in the affirmative with Freeholder Holmes absent.

**2009-101**      **CHAIRMAN MIRABELLA**, authorizing the County Manager to accept a grant from the **New Jersey Office of Homeland Security and Preparedness** for the purpose of purchasing the necessary equipment to set up and manage Points of Distribution (POD) sites throughout the County in the amount of **\$26,665**.

On a motion made by Vice Chairman Sullivan and seconded by Freeholder Scanlon, roll call showed eight members of the Board voted in the affirmative with Freeholder Holmes absent.



## UNION COUNTY BOARD OF CHOSEN FREEHOLDERS

**2009-102**      **CHAIRMAN MIRABELLA**, authorizing the County Manager to accept a grant from the **New Jersey Office of Homeland Security and Preparedness** for the purpose of purchasing radios to add to the current radio cache for the LINCS agency in the amount of **\$7,564**.

On a motion made by Vice Chairman Sullivan and seconded by Freeholder Scanlon, roll call showed eight members of the Board voted in the affirmative with Freeholder Holmes absent.

**2009-103**      **CHAIRMAN MIRABELLA**, authorizing the County Manager to accept a grant from the **New Jersey Office of Homeland Security and Preparedness** for the purpose of purchasing Bio Injection Systems for the County LINCS agency and local health departments in the amount of **\$69,440**. (2006 UASI Grant)

On a motion made by Vice Chairman Sullivan and seconded by Freeholder Scanlon, roll call showed eight members of the Board voted in the affirmative with Freeholder Holmes absent.

**2009-104**      **CHAIRMAN MIRABELLA**, authorizing the County Manager to enter into a **Memorandum of Agreement with the United States Coast Guard, the Port Authority of NY & NJ** and other partnering governmental agencies for the purpose of acquiring specialized equipment in emergency responder vessels that support maritime security, law enforcement, safety and environmental safety missions in the Port of NY & NJ area at no cost to the County.

On a motion made by Vice Chairman Sullivan and seconded by Freeholder Scanlon, roll call showed eight members of the Board voted in the affirmative with Freeholder Holmes absent.

**2009-105**      **CHAIRMAN MIRABELLA**, authorizing the Office of the County Counsel to engage and compensate experts such as court reporters, expert witnesses, examining physicians and other litigation support services as well as deductible costs of Prosecutors liability insurance and other specialists which are essential to the defense of the County of Union in an amount not to exceed **\$60,000**.

On a motion made by Vice Chairman Sullivan and seconded by Freeholder Scanlon, roll call showed eight members of the Board voted in the affirmative with Freeholder Holmes absent.

**2009-106**      **CHAIRMAN MIRABELLA**, authorizing the County Manager to enter agreements with **Thompson West, Stamford, Connecticut**, for the purchase of such law books and materials as is necessary for various departments, constitutional officers and agencies within the County of Union in an amount not to exceed **\$131,877.50**.

On a motion made by Vice Chairman Sullivan and seconded by Freeholder Scanlon, roll call showed eight members of the Board voted in the affirmative with Freeholder Holmes absent.



## UNION COUNTY BOARD OF CHOSEN FREEHOLDERS

**2009-107**      **CHAIRMAN MIRABELLA**, authorizing the County Manager to enter a contract with **Gann Law Books, Newark, New Jersey**, for the purchase of such law books and materials as is necessary for various departments, constitutional officers and agencies within the County of Union in an amount not to exceed **\$35,160**.

On a motion made by Vice Chairman Sullivan and seconded by Freeholder Scanlon, roll call showed eight members of the Board voted in the affirmative with Freeholder Holmes absent.

**2009-108**      **CHAIRMAN MIRABELLA**, authorizing the County Manager to enter a contract with **various vendors** for the purchase of such law books and materials as is necessary for various departments, constitutional officers and agencies in a total amount not to exceed **\$71,177.50**.

On a motion made by Vice Chairman Sullivan and seconded by Freeholder Scanlon, roll call showed eight members of the Board voted in the affirmative with Freeholder Holmes absent.

**2009-109**      **CHAIRMAN MIRABELLA**, amending Resolution 2008-843, to increase the appropriation to **Edward Kologi, Esq., Linden, New Jersey**, special counsel in the matter entitled **Eduardo C. Tapari v. UC, et als**, for an additional sum of **\$10,000** for a new total contract amount not to exceed **\$50,000**.

On a motion made by Vice Chairman Sullivan and seconded by Freeholder Scanlon, roll call showed eight members of the Board voted in the affirmative with Freeholder Holmes absent.

**2009-110**      **CHAIRMAN MIRABELLA**, fixing the minimum rental price to be incorporated into the bid specifications for the leasing of the roof area of Runnells Specialized Hospital.

On a motion made by Vice Chairman Sullivan and seconded by Freeholder Scanlon, roll call showed eight members of the Board voted in the affirmative with Freeholder Holmes absent.

**2009-111**      **CHAIRMAN MIRABELLA**, amending Resolution Number 2009-9, appointing **Freeholder Rick Proctor** as liaison to the Emergency Management Advisory Council.

On a motion made by Vice Chairman Sullivan and seconded by Freeholder Scanlon, roll call showed eight members of the Board voted in the affirmative with Freeholder Holmes absent.

**2009-112**      **CHAIRMAN MIRABELLA**, appointing **M. Elizabeth Genievich, Lawrence M. Caroselli and Frank Guzzo** as Commissioners to the Self-Insurance Fund.



## UNION COUNTY BOARD OF CHOSEN FREEHOLDERS

On a motion made by Vice Chairman Sullivan and seconded by Freeholder Scanlon, roll call showed eight members of the Board voted in the affirmative with Freeholder Holmes absent.

**2009-113**      **CHAIRMAN MIRABELLA**, appointing **Robert E. Barry, County Counsel** for a term of three (3) years commencing March 1, 2009 through February 29, 2012.

On a motion made by Vice Chairman Sullivan and seconded by Freeholder Scanlon, roll call showed eight members of the Board voted in the affirmative with Freeholder Holmes absent.

**2009-114**      **CHAIRMAN MIRABELLA**, approving the settlement of pending litigation entitled **Tyrone Hamilton v. Union County, et al**, Docket No. L-000874 08 as recommended by the Department of Law.

On a motion made by Vice Chairman Sullivan and seconded by Freeholder Scanlon, roll call showed eight members of the Board voted in the affirmative with Freeholder Holmes absent.

**2009-115**      **CHAIRMAN MIRABELLA**, appointing **Georgette Corvelli** to Secretary of the Self-Insurance Fund with an annual stipend of **\$5,000**.

On a motion made by Vice Chairman Sullivan and seconded by Freeholder Scanlon, roll call showed eight members of the Board voted in the affirmative with Freeholder Holmes absent.

**2009-116**      **CHAIRMAN MIRABELLA**, awarding a contract to **Daniel Antonelli, Esq., Union, New Jersey**, to provide Mental Health Patient Counsel Services for the contract period January 1, 2009 through December 31, 2009 in the amount of **\$10,000**.

On a motion made by Vice Chairman Sullivan and seconded by Freeholder Scanlon, roll call showed eight members of the Board voted in the affirmative with Freeholder Holmes absent.

**2009-117**      **CHAIRMAN MIRABELLA**, awarding a contract to **Garrubbo, Capece & Millman, Westfield, New Jersey**, to serve as personnel counsel from January 1, 2009 through December 31, 2009 in an amount not to exceed **\$25,000**.

On a motion made by Vice Chairman Sullivan and seconded by Freeholder Scanlon, roll call showed eight members of the Board voted in the affirmative with Freeholder Holmes absent.

**2009-118**      **CHAIRMAN MIRABELLA**, awarding a contract to **Decotiis, Fitzpatrick, Cole & Wisler, LLP, Teaneck, New Jersey**, to provide legal services to the County of Union in connection with Golf Course Operations and Development for the period of January 1, 2009 through December 31, 2009 in an amount not to exceed **\$50,000**.



## UNION COUNTY BOARD OF CHOSEN FREEHOLDERS

On a motion made by Vice Chairman Sullivan and seconded by Freeholder Scanlon, roll call showed eight members of the Board voted in the affirmative with Freeholder Holmes absent.

THE FOLLOWING RESOLUTIONS ARE LAUDATORY IN CONTENT:

**2009-119 FREEHOLDER ESTRADA**, extending deepest condolences to the family of **Sarah Lee Burgess, (former clerk, Union County Sheriff's Office)** in this, their time of sorrow.

On a motion made by Vice Chairman Sullivan and seconded by Freeholder Scanlon, roll call showed eight members of the Board voted in the affirmative with Freeholder Holmes absent.

**2009-120 FREEHOLDER HOLMES**, acknowledging and commending the **East Rahway Ministerial Association** for organizing the 5th Annual Rahway Ecumenical Service which recognizes and celebrates the accomplishments of Dr. Martin Luther King, Jr.

On a motion made by Vice Chairman Sullivan and seconded by Freeholder Scanlon, roll call showed eight members of the Board voted in the affirmative with Freeholder Holmes absent.

**2009-121 FREEHOLDER HOLMES**, commending **The Seven Friends** (Kim Nesbitt-Good, Mattie Smith, Barbara Hayes, Selena Newton, Nancy Bates, Sarah Hazel and Roberta "Kitty" Groom) for their community involvement and contributions to the City of Elizabeth.

On a motion made by Vice Chairman Sullivan and seconded by Freeholder Scanlon, roll call showed eight members of the Board voted in the affirmative with Freeholder Holmes absent.

**2009-122 FREEHOLDER HOLMES AND FREEHOLDER PROCTOR**, congratulating **Rhonda McClary** who will be celebrating her 104th Birthday on January 22, 2009.

On a motion made by Vice Chairman Sullivan and seconded by Freeholder Scanlon, roll call showed eight members of the Board voted in the affirmative with Freeholder Holmes absent.

**2009-123 FREEHOLDER HOLMES AND FREEHOLDER VAN BLAKE**, congratulating the **Alpha Kappa Alpha Sorority, Incorporated**, on celebrating their 75th Anniversary.

On a motion made by Vice Chairman Sullivan and seconded by Freeholder Scanlon, roll call showed eight members of the Board voted in the affirmative with Freeholder Holmes absent.

**2009-124 FREEHOLDER KOWALSKI**, congratulating **Gerard Paradiso** and **Sharon Reilly Tobin** on receiving the 2008 Martin Luther King, Jr. Award.



## UNION COUNTY BOARD OF CHOSEN FREEHOLDERS

On a motion made by Vice Chairman Sullivan and seconded by Freeholder Scanlon, roll call showed eight members of the Board voted in the affirmative with Freeholder Holmes absent.

**2009-125**      **FREEHOLDER KOWALSKI AND THE ENTIRE BOARD**, honoring **John Langan** for his years of service to Union County as a member of the Parks and Recreation Advisory Board.

On a motion made by Vice Chairman Sullivan and seconded by Freeholder Scanlon, roll call showed eight members of the Board voted in the affirmative with Freeholder Holmes absent.

**2009-126**      **FREEHOLDER VAN BLAKE AND FREEHOLDER HOLMES**, proclaiming the month of February, 2009 as “**Black History Month**” for the purpose of encouraging the residents of this County to become more knowledgeable about the numerous historically important contributions made by Black Americans.

On a motion made by Vice Chairman Sullivan and seconded by Freeholder Scanlon, roll call showed eight members of the Board voted in the affirmative with Freeholder Holmes absent.

**2009-127**      **CHAIRMAN MIRABELLA**, congratulating the **2009 Union County Baseball Hall of Fame Inductees**, who will be honored at the 73rd Annual Hot Stove League Baseball Dinner on February 8, 2009.

On a motion made by Vice Chairman Sullivan and seconded by Freeholder Scanlon, roll call showed eight members of the Board voted in the affirmative with Freeholder Holmes absent.

**2009-128**      **CHAIRMAN MIRABELLA**, extending deepest condolences to the family of **Sam J. Colucci, (former Roselle Mayor)** in this, their time of sorrow.

On a motion made by Vice Chairman Sullivan and seconded by Freeholder Scanlon, roll call showed eight members of the Board voted in the affirmative with Freeholder Holmes absent.

**2009-129**      **CHAIRMAN MIRABELLA**, extending deepest condolences to the family of **Marilyn Joan Padulsky, Roselle Park, New Jersey**, in this, their time of sorrow.

On a motion made by Vice Chairman Sullivan and seconded by Freeholder Scanlon, roll call showed eight members of the Board voted in the affirmative with Freeholder Holmes absent.

PUBLIC COMMENT PORTION



## UNION COUNTY BOARD OF CHOSEN FREEHOLDERS

The meeting is open to the public for the purpose of commenting on Resolutions from the floor only.

Bruce Paterson, Garwood, stated that the Rahway Police Department showed a nice act of bravery and would like to read about what they've done and asked if it is posted on the County's website.

Chairman Mirabella called for a motion to suspend the rules. On a motion made by Freeholder Proctor and seconded by Freeholder Estrada, roll call showed eight members of the Board voted in the affirmative with Freeholder Holmes absent.

### RESOLUTIONS FROM THE FLOOR

Chairman Mirabella called for a motion to adopt Resolutions 2009-130 through 2009-145.

THE FOLLOWING RESOLUTIONS ARE FROM THE FLOOR

**2009-130**            **CHAIRMAN MIRABELLA**, congratulating the **2009 Union County Baseball Hall of Fame Inductees**, who will be honored at the 73rd Annual Hot Stove League Baseball Dinner on February 8, 2009: **Anthony Candelino, Elizabeth; Ben Candelino, Elizabeth; Dom Guida, Summit and Bill Howard, Berkeley Heights.**

On a motion made by Freeholder Proctor and seconded by Freeholder Scanlon, roll call showed eight members of the Board voted in the affirmative with Freeholder Holmes absent.

**2009-131**            **FREEHOLDER PROCTOR AND FREEHOLDER HOLMES**, congratulating **Vladimir Calderon, Judy DiMaio, Guy Ewings, Jr. and Brian O'Neill, Auxiliary Police Officers, Rahway Police Department**, on receiving the "Letter of Recognition" Award for their outstanding acts of bravery in the line of duty on January 4, 2008.

On a motion made by Freeholder Proctor and seconded by Freeholder Scanlon, roll call showed eight members of the Board voted in the affirmative with Freeholder Holmes absent.

**2009-132**            **FREEHOLDER PROCTOR AND FREEHOLDER HOLMES**, congratulating **Master Sergeant Joseph Chirichillo and Dispatcher Athena Mimikos, Rahway Police Department**, on receiving the "Special Commendations" Award for their outstanding acts of bravery in the line of duty on October 16, 2008.

On a motion made by Freeholder Proctor and seconded by Freeholder Scanlon, roll call showed eight members of the Board voted in the affirmative with Freeholder Holmes absent.

**2009-133**            **FREEHOLDER PROCTOR AND FREEHOLDER HOLMES**, congratulating **Police Officers Thomas McComb, Marie Deering and Jeffrey Urban, Rahway**



## UNION COUNTY BOARD OF CHOSEN FREEHOLDERS

**Police Department**, on receiving the “Commendation” Award for their outstanding acts of bravery in the line of duty on February 2, 2008.

On a motion made by Freeholder Proctor and seconded by Freeholder Scanlon, roll call showed eight members of the Board voted in the affirmative with Freeholder Holmes absent.

- 2009-134 FREEHOLDER PROCTOR AND FREEHOLDER HOLMES**, congratulating **Police Officer Marie Deering and Dispatcher Joseph Gesumaria, Rahway Police Department**, on receiving the “Commendation” Award for their outstanding acts of bravery in the line of duty on January 8, 2008.

On a motion made by Freeholder Proctor and seconded by Freeholder Scanlon, roll call showed eight members of the Board voted in the affirmative with Freeholder Holmes absent.

- 2009-135 FREEHOLDER PROCTOR AND FREEHOLDER HOLMES**, congratulating **Police Officers Jeffrey Urban and James Guinta, Rahway Police Department**, on receiving the “Commendation” Award for their outstanding acts of bravery in the line of duty on February 25, 2008.

On a motion made by Freeholder Proctor and seconded by Freeholder Scanlon, roll call showed eight members of the Board voted in the affirmative with Freeholder Holmes absent.

- 2009-136 FREEHOLDER PROCTOR AND FREEHOLDER HOLMES**, congratulating **Police Officer Thomas McComb, Rahway Police Department**, on receiving the “Commendation” Award for his outstanding acts of bravery in the line of duty on October 12, 2008.

On a motion made by Freeholder Proctor and seconded by Freeholder Scanlon, roll call showed eight members of the Board voted in the affirmative with Freeholder Holmes absent.

- 2009-137 FREEHOLDER PROCTOR AND FREEHOLDER HOLMES**, congratulating **Police Officers Thomas McComb, Robert Zarzycki and Dispatcher Jarret Wilson, Rahway Police Department**, on receiving the “Life Saving” Award for their outstanding acts of bravery in the line of duty on August 9, 2008.

On a motion made by Freeholder Proctor and seconded by Freeholder Scanlon, roll call showed eight members of the Board voted in the affirmative with Freeholder Holmes absent.

- 2009-138 FREEHOLDER PROCTOR AND FREEHOLDER HOLMES**, congratulating **Corporal Nicolas Robles and Police Officer Tara Hannan, Rahway Police Department**, on receiving the “Life Saving” Award for their outstanding acts of bravery in the line of duty on December 24, 2007.



## UNION COUNTY BOARD OF CHOSEN FREEHOLDERS

On a motion made by Freeholder Proctor and seconded by Freeholder Scanlon, roll call showed eight members of the Board voted in the affirmative with Freeholder Holmes absent.

- 2009-139**      **FREEHOLDER PROCTOR AND FREEHOLDER HOLMES**, congratulating **Lieutenant Richard Tomshaw, Rahway Police Department**, on receiving the “Life Saving” Award for his outstanding acts of bravery in the line of duty on October 25, 2008.

On a motion made by Freeholder Proctor and seconded by Freeholder Scanlon, roll call showed eight members of the Board voted in the affirmative with Freeholder Holmes absent.

- 2009-140**      **FREEHOLDER PROCTOR AND FREEHOLDER HOLMES**, congratulating **Corporal Nicolas Robles and Detective Jonathan Tilton, Rahway Police Department**, on receiving the “Life Saving” Award for their outstanding acts of bravery in the line of duty on February 28, 2008.

On a motion made by Freeholder Proctor and seconded by Freeholder Scanlon, roll call showed eight members of the Board voted in the affirmative with Freeholder Holmes absent.

- 2009-141**      **FREEHOLDER PROCTOR AND FREEHOLDER HOLMES**, congratulating **Police Officers Gary Roman and Scott Rayack, Rahway Police Department**, on receiving the “Life Saving” Award for their outstanding acts of bravery in the line of duty on October 18, 2008.

On a motion made by Freeholder Proctor and seconded by Freeholder Scanlon, roll call showed eight members of the Board voted in the affirmative with Freeholder Holmes absent.

- 2009-142**      **FREEHOLDER PROCTOR AND FREEHOLDER HOLMES**, congratulating **Police Officer James Guinta, Rahway Police Department**, on receiving the “Excellent Duty” Award for his outstanding acts of bravery in the line of duty on February 2, 2008.

On a motion made by Freeholder Proctor and seconded by Freeholder Scanlon, roll call showed eight members of the Board voted in the affirmative with Freeholder Holmes absent.

- 2009-143**      **FREEHOLDER PROCTOR AND FREEHOLDER HOLMES**, congratulating **Detective Richard Long, Rahway Police Department**, on receiving the “Excellent Duty” Award for his outstanding acts of bravery in the line of duty on November 21, 2007.

On a motion made by Freeholder Proctor and seconded by Freeholder Scanlon, roll call showed eight members of the Board voted in the affirmative with Freeholder Holmes absent.



## UNION COUNTY BOARD OF CHOSEN FREEHOLDERS

**2009-144**      **FREEHOLDER PROCTOR AND FREEHOLDER HOLMES**, congratulating **Police Officer Tara Hannan, Rahway Police Department**, on receiving the “Excellent Duty” Award for her outstanding acts of bravery in the line of duty on October 16, 2008.

On a motion made by Freeholder Proctor and seconded by Freeholder Scanlon, roll call showed eight members of the Board voted in the affirmative with Freeholder Holmes absent.

**2009-145**      **CHAIRMAN MIRABELLA AND THE ENTIRE BOARD**, congratulating **Judge Walter Barisonek, Assignment Judge, Union County Vicinage**, on his retirement and commending him for his years of service to Union County.

On a motion made by Freeholder Proctor and seconded by Freeholder Scanlon, roll call showed eight members of the Board voted in the affirmative with Freeholder Holmes absent.

### PUBLIC COMMENT PORTION

The meeting is open to the public for the purpose of commenting on any matter.

Kathy Torpe, Clark, stated should Oak Ridge Golf Course close, what would happen to the leagues that are presently in place. Chairman Mirabella stated that they would most likely be accommodated at Ash Brook and Galloping Hill Golf Courses.

John Berry, Kenilworth, stated that he was in favor of cost cutting, but he asked about having a study done before closing the facility. Chairman Mirabella stated that based on a fair analysis of usage of the course, operating expenses and loss of revenue may result in closing the Oak Ridge Golf Course in order to close the budget gap.

Chairman Mirabella stated that there will be a cut in workforce in Union County and discussions will take place at the budget hearings and we will listen to County residents to see how we could move forward.

Alice Halpfel, Elizabeth, congratulated Chairman Mirabella on his appointment. She made comments pertaining to the proposed construction of a TD Bank to be located at the intersection of North and Morris Avenues. She stated that she has been talking to the President of TD Bank in Maine and has asked him to retract his offer. She would like to see the County of Union purchase the site to keep as open space. She referred to Resolution 2009-79 where the County has been awarded \$900,000 in Green Acres Park funding. Chairman Mirabella stated that the County is always looking to preserve open space. These funds are already allocated for another project, but new funds may become available.

Tina Renna, Cranford, stated that she has not received an answer as to why there were promotions made to the title of Captain in the Sheriff's office. Chairman Mirabella stated that they took the recommendation and support of Sheriff Froehlich.



## UNION COUNTY BOARD OF CHOSEN FREEHOLDERS

Tina Renna, Cranford, stated that President Obama gathered his staff and has asked for an open government. She said that she has submitted four OPRA requests on MusicFest and things are not adding up.

Jackie Wasserman, Springfield, asked why new equipment and housing was purchased if they plan on closing the Oak Ridge Golf Course. She stated that play had increased last year.

Paula Bornstein, Elizabeth, made comments pertaining to the proposed construction of TD Bank at the North and Morris Avenues intersection. She stated that they are happy to hear that the County may still be interested in purchasing the site if it becomes available, but they are troubled if it does not. She stated that the residential homes that are located in the area are opposed to the project. She said it is the fifth most dangerous intersection in New Jersey and it will pose a dangerous threat, especially to woman using the ATM machine at night. Ms. Bornstein stated that left hand turns from Morris Avenue into the bank's entrance will be very dangerous. She urges government to take a few steps more by contacting TD Bank and the Liberty Hall Foundation. She mentioned that CVS Pharmacy has been dropped from the plan and it could be brought back to the Planning Department now that the site plan has changed. She stated that TD Bank's offer to purchase the land is not much different than the County's offer, however, OCC is ready to grant them a license.

Chairman Mirabella asked County Manager Devanney if he knew of the status of the transaction. He stated that they spoke to the President of Kean and if the deal falls through, the County may be interested again, however, by the time they have the property appraised again, the acquisition will already have taken place with TD Bank. He added that the County does not have jurisdiction. It sits with Union Township, he added.

Daniel Pagdan, Elizabeth, stated that County roads run through that area and the County Planning Board is an independent body.

County Manager Devanney stated that the County gave the Planning Board their comments. Mr. Pagdan stated that there should be a way to make an offer as there is no contract in place.

Chairman Mirabella stated that he will look into this matter again.

Bruce Paterson, Garwood, stated that the County Manager's proposed budget has an increase of 5% within 12-13 months. He stated that a County in New Jersey had a 0% increase and another had a .5% increase. He stated that there are some labor negotiations plus the possible closing of the golf course and realizes that there are hard decisions to be made.

Judy Winter, Cranford, asked why MusicFest has to be a three day event. She stated that she lives in close proximity to Nomahegan Park and the noise and traffic are unbearable.

Chairman Mirabella interjected and stated that it was a two day event. Ms. Winter stated that the money could be used towards keeping the Oak Ridge Golf Course open.



## UNION COUNTY BOARD OF CHOSEN FREEHOLDERS

Rita Lieberman, Elizabeth, commented about the possible TD Bank construction. She mentioned that the traffic pattern will be hazardous and this was assessed prior to the expansion of Kean University taking over the former Pingry School and a City of Elizabeth school. She stated that she takes her daughter to school at the Jewish Center, which takes 15-20 minutes without the construction of the bank. She mentioned that she lives in close proximity to the school and if this construction occurs it will take even longer. She said that it will be dangerous for children going to school and urged the Board to re-assess the traffic patterns.

Ellis Hester, Plainfield, asked if anyone on the Board plays golf. He stated that a former Freeholder was going to attend the Freeholder meeting however, he is in Florida. Chairman Mirabella said that he already received a telephone call from him. Mr. Hester asked if he is wasting his time by attending the Freeholder Meetings.

Chairman Mirabella stated that they still need to discuss the matter, but it appears to be going in the direction of the golf course closing.

Mr. Hester suggested that the County either sell the golf course or show some incentives, but urges the Board not to close the facility.

Daniel Pagdan, Elizabeth, stated that golfers should be able to take their identification cards to enter any County golf course.

### FREEHOLDER REPORTS AND COMMENTS

Freeholder Estrada addressed the golfers that were in attendance. He stated that the County is in a dilemma and said that he has been a Freeholder for nine years and in that time, the Oak Ridge Golf Course has not been profitable. He stated that the County did purchase the equipment to ensure that it is up to par for golfers. He said that in the future it may be utilized as a golf course again. He stated that we have never received as many opinions and suggestions than ever before and he agrees that whatever decision is made, will have an adverse impact. He thanked the golfers for attending the meeting.

Freeholder Estrada stated that in reference to the proposed construction of TD Bank, the Open Space, Recreation and Historical Preservation Trust Fund had a meeting and so far there has not been a contract in place, however, he believes that their attorney would not go through the process if they were not ready to close. He stated that Kean is well aware that we are interested in the site, but we cannot place an offer. He said as a commercial bank, they could incur more of an expense than the County can. He stated that as far as making turns into the bank's entrance, to his knowledge, no left turns would be allowed from the eastbound side of Morris Avenue. He stated that if the deal falls through they will be ready to place another offer.

Freeholder Ward echoed the comments of Freeholder Estrada. She thanked everyone for attending the meeting and stated that by coming to the meetings, it is never a waste of time. She said that the Board



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needs to hear their suggestions and opinions and the Board is there to represent the County residents. She said that the Board remembers their comments and concerns at the budget hearings. She stated that their comments could influence their decisions.

Freeholder Kowalski stated that she had hoped the decisions that the Board needs to make this year would be easier. She said that everyone knows someone that has lost a job or a home due to foreclosure. She said that there have been cuts in federal funds for human services and hard choices need to be made. She thanked the public for educating the Board and said that they will look at all aspects before final decisions are made. She said that some places will need cutbacks and we will try to be fair.

Freeholder Kowalski congratulated Honorable Walter Barisonek upon his retirement as an Assignment Judge and thanked him for his services.

Freeholder Kowalski mentioned the Resolution on tonight's Agenda congratulating Gerard Paradiso and Sharon Reilly Tobin on receiving the Martin Luther King, Jr. Award. She said they take much time in helping fellow citizens.

Freeholder Van Blake made comments pertaining to the current economic times. He stated there is a human service issue countrywide and said that no community is immune to having homeless people. He stated that the following evening Union County will be counting the homeless which is essential in receiving funds for aid.

Freeholder Scanlon echoed her colleagues regarding the tough budget and the possible closing of the Oak Ridge Golf Course. She stated that as far as the proposed construction of a TD Bank, which would be located in her hometown of the Township of Union, she said that she has spoken to the Planning Department, Zoning Department, Mayor Clifton People, Jr. and the Council Members. She stated that TD Bank's offer was greater than the County's and the County is bound to a certain amount that they can offer. She stated if the property becomes available again, the Board will place another offer.

Freeholder Scanlon stated that Union County provides a training program for Home Health Aides to become certified. She said the classes have been filled to capacity and mentioned that healthcare has been on the rise for the past 23 years.

County Manager Devanney stated that his Executive Budget was released last week and there are hard choices to be made and the County has been trying to properly attempt to make cuts in various areas, not only looking at one area to balance the budget. He stated that some of these variations may inflict pain, such as the closing of the golf course, layoffs, service cuts and tax increases. He stated that the average increase of real estate taxes on the average home will be \$66.00. The County is trying to remain well rounded, he said. He said there is revenue anticipated in the budget and if we do not receive some revenue, then we will not know the full extent of the layoffs.

County Manager Devanney stated that the driving range and privatization of the clubhouse projects began last year under the Improvement Authority and now it is under the County. He stated that the County



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lost \$650,000 in 2008 and over \$1,000,000 in 2007. He said that the course has only been at 52% capacity and has been run as if it is at 100%. He stated that in order to keep it in operating condition with the clubhouse and drainage issues it will cost \$750,000,000. He stated that there is no intent to sell and it will remain as open space. In approximately thirty days they will go for a Master Plan on the park system, which will include a needs assessment, which might determine that the golf course is needed. He said the clubhouse is closed because it is not structurally sound and added that the clubhouse is deep in historic value and will not be destroyed.

County Manager Devanney stated that they have received input on advertising tee-times, memberships and could have prime tee-times and will decrease intervals from ten to nine minutes which will increase the rounds by 3,000. He said he believes it could be a profit center. County Manager Devanney received a letter from the Golf Course Association, which is attached.

County Manager Devanney stated that their goal is to close the Oak Ridge Golf Course and privatize Ash Brook and Galloping Hill Golf Courses as they are all in decline. He stated that we have done much research and is not taking this matter lightly.

Freeholder Sullivan states that he is a member of the New Jersey Transportation Plan Authority (NJTPA) and said that they have received federal approval for access to region's core with a train tunnel which will run under the Hudson River to New York City. He stated that the old tunnel was built in the turn of the 1900's and is filled to capacity. He said that \$8 billion was finally funded and \$3 billion is from the State. He said that any project that creates employment is always welcomed. Freeholder Sullivan said that President Obama's Stimulus Package for transportation is good news for Union County residents.

Freeholder Sullivan spoke about the TD Bank proposed construction and stated that it has been discussed many times in meetings with the Open Space, Recreation and Historical Preservation Trust Fund. He said that the Board is ready to make another offer if the deal falls through. He said the downfall of the economic times in this case may be in our benefit as the property may not be worth what it was when TD Bank first made an offer, resulting in a possible withdrawal.

Freeholder Sullivan addressed the Oak Ridge Golf Course issue and stated that he is a golfer and plays at the Oak Ridge Golf Course and it's very hard to consider closing it. He stated that when the County Manager puts the budget together everything needs to be addressed and the Board makes the last decision. He said the Hyatt Hills Golf Course cost residents \$30,000,000 to create. He said this course was supposed to give money to the residents of Clark and Cranford and they have not. They are having problems with the final structure which has caused golfers to require a place to practice. He said they do not want only a driving range. He stated that the reason why the Springfield Township driving range sold is because the land was too valuable and the owner's wanted to sell.

Chairman Mirabella stated that they will take a long look at all decisions that need to be made during the budget process and he said that he is convinced that there will be more cuts than what is outlined. He said that he believes that County Manager Devanney will come up with a fair budget.



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Chairman Mirabella stated that Director Faella will be working harder once the stimulus dollars are released. Chairman Mirabella stated that he and Freeholder Estrada toured the Elizabethport and spoke to business owners for job training. He said they also spoke to the people who run the port authority and terminals primarily in Union County and said that they want to take advantage of the Stimulus funds which will help with the foreclosure task force in keeping residents in their homes.

Chairman Mirabella thanked everyone who attended the meeting and commented on how well they presented themselves.

### EXECUTIVE SESSION

To the extent known, the following item will be discussed:

1. Ongoing Litigation: Tapari v. County of Union

County Counsel Barry stated that pursuant to provisions of the Open Public Meetings Act a public body may enter into Executive Session for the purpose of discussing certain enumerated subjects. This Board will now enter Executive Session for the purpose of discussing ongoing litigation of Tapari v. County of Union.

The minutes of the Executive Session shall be separated from the minutes of the Open Public Session. The minutes of the Executive Session, redacted as appropriate and necessary, shall be available in approximately 30 days. The Clerk of the Board shall retain the original minutes until such time as the confidential limitations have been removed, at which time they shall be made available.

Upon the Board's return, it will not take formal action on the matters discussed.

Upon a majority vote of the members present, the Board may now retire to Executive Session.

Chairman Mirabella called for a motion to enter Executive Session. On a motion made by Freeholder Van Blake and seconded by Freeholder Proctor, roll call show eight members of the Board voted in the affirmative with Freeholder Holmes absent.

Chairman Mirabella called for a motion to re-enter the Freeholder meeting. On a motion made by Freeholder Van Blake and seconded by Freeholder Proctor, roll call showed eight members of the Board voted in the affirmative with Freeholder Holmes absent.

County Counsel Barry stated that in addition to the discussions pertaining to the ongoing litigation of Tapari v. County of Union, they also briefly discussed personnel matters.

### ADJOURNMENT



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Chairman Mirabella called for a motion to adjourn the meeting. On a motion made by Freeholder Estrada and Freeholder Proctor, roll call showed six members of the Board voted in the affirmative with Freeholder Holmes, Freeholder Scanlon and Vice Chairman Sullivan were absent.

The voucher list through January 21, 2009 will be available for public perusal in the Office of the Clerk of the Board.

### UNION COUNTY BOARD OF CHOSEN FREEHOLDERS' 2009 MEETING SCHEDULE

Please note that meetings are regularly held on Thursday evenings. Agenda Setting Sessions and Regular Meetings are held at 7:00pm in the Freeholders' Meeting Room, Administration Building, 10 Elizabethtown Plaza, 6th Floor, Elizabeth, New Jersey, unless otherwise specified. In the event an Agenda Setting Session and Regular Meeting are held on the same night, the Agenda



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Setting Session will commence at 7:00pm and the Regular Meeting will commence as soon as possible after the Agenda Setting Session. Persons requiring a sign language interpreter should contact the Office of the Clerk of the Board at 908-527-4140.

### AGENDA SETTING SESSIONS

February 5  
February 19

March 5  
March 19

April 2  
April 23

May 7  
May 28                      Double Meeting

June 11                      Summer Session

July 9                        Summer Session

August 6                    Summer Session

September 3  
September 17

October 1  
October 15                Double Meeting

November 5

December 3                Double Meeting  
December 17              Double Meeting

### REGULAR MEETINGS

Wednesday, February 11  
February 26

March 12  
March 26

April 16  
April 30

May 14  
May 28

June 25

July 16

August 20

September 10  
September 24

October 8  
October 15

November 12

December 3  
December 17



# UNION COUNTY BOARD OF CHOSEN FREEHOLDERS

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

NLD:mb