



UNION COUNTY BOARD OF CHOSEN FREEHOLDERS

THURSDAY, FEBRUARY 26, 2009

MINUTES OF THE REGULAR MEETING AGENDA

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

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.

Chairman Mirabella called upon Freeholder Scanlon and Freeholder Holmes to join him in presenting a Resolution to Dr. Thomas Bistocchi, Superintendent of Union County Vocational & Technical Schools. Chairman Mirabella stated that he believes that Dr. Bistocchi is the best superintendent in the State of New Jersey and his staff is doing a fantastic job with the schools. Dr. Bistocchi stated that most of the Vocational Schools have begun and thrived with the Freeholder Board. He stated that he has witnessed an increase in growth with most of the Freeholders that sit on the current Board. Chairman Mirabella thanked the students for the baked goods and the flowers that were provided by the students of the cooking and horticulture classes. Dr. Bistocchi introduced the students and Assistant Superintendent Peter Capodice.

Dr. Bistocchi asked the Board to review a document prior to the School Board of Estimates meeting and the progress report on the ratings of the Union County Vocational and Technical schools, which is attached.

Chairman Mirabella congratulated the students and the staff. Dr. Bistocchi thanked the Freeholder Board for their continued support.

Chairman Mirabella called upon Freeholder Scanlon, Freeholder Sullivan and Freeholder Ward as they are of the Irish/American Heritage to join her in presenting Resolutions congratulating Joe Dugett, Grand Marshal, Deborah Capasso, Chairwoman and Michael Panella, Adjutant who are marching in the 13th Annual St. Patrick's Day Parade. Freeholder Scanlon stated that it is an honor to introduce the Parade Committee. Grand Marshal Dugett thanked the Board for their support in the past thirteen years and stated that he is



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honored and proud to be this year's Grand Marshal. He urged the public to attend the Parade on March 14th at 1:00pm. He stated that the location of the Parade is in Union and they have a tradition to begin the Parade precisely at 1:00 starting with the right foot. He stated that it is a fun-filled family event with activities for children.

Freeholder Scanlon introduced Deborah Capasso as the first Chairwoman of the St. Patrick's Day Parade and said that she has done a fine job putting the parade together. She also added that it takes one year to plan. Chairwoman Capasso urged everyone to attend the parade and stated that it is a family fun day.

Adjutant Mike Panelli stated that he and Freeholder Scanlon served on the Board of Education together and thanked the Board for their support and stated that the attendance and activities have grown over the years. He urged the public to attend.

APPROVAL OF COMMUNICATIONS

Note and File

Oaths of Office

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

APPROVAL OF MINUTES

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

1. January 22, 2009 – Executive Session Minutes
2. January 28, 2009 – Executive Session Minutes
3. February 5, 2009 – Executive Session Minutes
4. February 11, 2009 – Regular Meeting Minutes
5. February 19, 2009 – Special Meeting Minutes
6. February 19, 2009 – Agenda Setting Minutes
7. February 19, 2009 – Executive Session Minutes

On a motion made by Freeholder Holmes and seconded by Freeholder Estrada, roll call showed seven members of the Board voted in the affirmative with Freeholder Kowalski and Freeholder Proctor abstaining from the January 22, 2009 Executive Session Minutes; eight members of the Board voted in the affirmative with Freeholder Scanlon abstaining from the January 28, 2009 Executive Session Minutes; eight members of the Board voted in the affirmative with Freeholder Proctor abstaining from the February 5, 2009 Executive Session Minutes; eight members of the Board voted in the affirmative with Freeholder Proctor



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abstaining from the Regular Meeting Minutes of February 11, 2009 and nine members of the Board voted in the affirmative on the Special Meeting Minutes, Agenda Setting Minutes and the Executive Session Minutes of February 19, 2009.

ORDINANCE FOR FINAL READING

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.

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.



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§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.

§ 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.



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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.

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.



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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 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



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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.
 - (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.



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- (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.
- (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)



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~~(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.

~~(24)~~

~~(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.

~~(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:



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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.
- 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



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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)~~

~~(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;



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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.

(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.



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- (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.
- 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.



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- (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.
- (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:
- vehicles stored after 1 p.m. will not be charged for storage that day.
 - 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:
- Application fee: ~~one~~ three hundred fifty dollars ~~(\$150)~~ (\$350).
 - License ~~(s)~~ fee(s): ~~five~~ fifteen hundred dollars ~~(\$500)~~ (\$1500.00) ~~per licensed operator.~~ for one license;



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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.

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>

§ 9. General rules and regulations.



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- (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.
- (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.



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- (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.
- (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)



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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
 - (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



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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)~~

~~(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



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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:

Service	Rate
Towing Charge Category I (all vehicles 0 to 6,000 Lbs GVW)	\$40.00 <u>\$150.00</u>
Category II (all vehicles 6,001 to 26,000 lbs. GVW)	60.00 <u>\$175.00</u>
Category III (all vehicles 26,001 lbs. and over GVW)	\$75.00 <u>\$325.00</u> /single unit
	\$115.00 <u>\$450.00</u> /combination unit
Winching Cable (to be used only when vehicle has left the roadway)	\$1.50 <u>\$3.50</u> 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 <u>\$250.00</u>
Release Brake	



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Cylinder		\$15.00 <u>\$75.00</u> each
Bumper Removal		\$20.00
Release Air Brakes		\$15.00 <u>\$75.00</u>
Drop Drive Shaft		\$15.00 <u>\$75.00</u>
Axle		\$15.00 <u>\$75.00</u> each
Inside Storage	Category I (above)	\$15.00 <u>\$15.00</u> per day
“ “	Category II (above)	\$25.00 <u>\$25.00</u> per day
“ “	Category III (above)	\$40.00 <u>\$40.00</u> per day
Outside Storage	Category I (above)	\$10.00 <u>\$35.00</u> per day
“ “	Category II (above)	\$20.00 <u>\$50.00</u> per day
“ “	Category III (above)	\$30.00 <u>\$100.00</u> per day
Jump Starts		\$25.00 <u>\$75.00</u>
Tire Changes		\$50.00 <u>\$75.00</u>
Lockouts		\$25.00 <u>\$75.00</u>

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.~~

E. 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.



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~~F.~~

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.

~~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.



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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.

§ 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.

THE MEETING IS OPEN TO THE PUBLIC FOR THE PURPOSE
OF COMMENTING ON ORDINANCE NUMBER 682-2009 ONLY.

There were no comments.

THE PUBLIC COMMENT PORTION IS CONCLUDED.



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Freeholder Holmes moved Ordinance Number 682-2009 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 Estrada. Roll call showed nine members of the Board voted in the affirmative.

PUBLIC COMMENT PORTION

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

Bruce Paterson, Garwood, stated that he was grateful for the double sided printing of the Agendas as it is a savings to the County. He commented on Resolution 2009-223 and its subparts asking if these are insurance policies and questioned the “not to exceed” amount, stating that he has never seen insurance policies in that format; he also asked if Resolution 2009-243 should be considered a Laudatory and he also had questions pertaining to the President’s Award.

Chairman Mirabella stated that Resolution 2009-243 is a Laudatory and the President’s Award is being given by the President of the Union Township Chamber of Commerce.

Director of the Division of Purchasing Michael Yuska responded to Mr. Paterson’s question regarding Resolution 2009-223. He stated that they are insurance policies and contracts are typically done in this fashion. He said the County tries to remain below the “not to exceed” amounts because the County can qualify for discounts throughout the year.

Chairman Mirabella stated that those numbers are at the high end.

Director Yuska stated that if more money is needed, then it will require the Board’s approval.

Mr. Paterson asked if the insurance policies have been written to date. Scott Readlinger, the insurance broker from Hale Insurance Company stated that the contract amounts were negotiated at the Re-organization meeting. He said currently, these are firm amounts, however, they are trying to get these them discounted.

RESOLUTIONS

Chairman Mirabella called for a motion to adopt Resolutions 2009-187 through 2009-253.

THE FOLLOWING RESOLUTIONS ARE BEING OFFERED FOR ADOPTION:

2009-187 **FREEHOLDER ESTRADA**, an amendment to the **Temporary 2009 Budget** pursuant to the provisions of Chapter 96, P.L. 1951 (N.J.S.A. 40A:4-20) as a result



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of notification received from the following agencies in the aggregate amount of **153,332,169:**

- . New Jersey State Council on the Arts in the amount of **\$5,800** for a grant entitled: **“State Senior Art Show Grant.”**
- . Trinitas Hospital in the amount of **\$66,950** for a program entitled: **“Jail Diversion.”**
- . State of New Jersey, Office of Homeland Security and Preparedness in the amount of **\$103,669** for a program entitled: **“USAI FY 08 Grant.”**
- . State of New Jersey, Office of Homeland Security and Preparedness in the amount of **\$220,056** for a program entitled: **“UASI FY 09 Grant.”**
- . State of New Jersey in the amount of **\$28,050** for a program entitled: **“Respite Care Program – Unappropriated.”**

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

2009-188 FREEHOLDER ESTRADA, approving transfers of **2008 appropriations**, pursuant to the authority of N.J.S.A. 40A: 4-59.

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

2009-189 FREEHOLDER ESTRADA, amending Resolution No. 2009-6, which authorized certain signatures for checks, wire transfers and other disbursements to add **Antoinette Muscaritolo** and delete John Voytac who is retiring as of February 28, 2009.

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

2009-190 FREEHOLDER ESTRADA, authorizing the County Manager to make available to the **Haitian Flag Day Committee** the sum of **\$4,000**.

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

2009-191 FREEHOLDER ESTRADA, authorizing the County Manager to make available to the **Union County St. Patrick’s Day Parade Committee** the sum of **\$4,000**.



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

- 2009-192** **FREEHOLDER HOLMES**, authorizing the County Manager to enter into a contract with **Standard Textile, Cincinnati, Ohio**, pursuant to HealthCare Group Purchasing N.J.S.A. 30:9-87 and 88 for the purchase of linen, privacy curtains and draperies for the contract period of January 1, 2009 through December 31, 2009 in an amount not to exceed **\$100,000**.

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

- 2009-193** **FREEHOLDER HOLMES**, amending Resolution No. 2008-956, to amend the list of **Associate Attending Practitioners/Psychiatry**, who provide coverage for weekends, holidays, emergencies, for the Cornerstone Units at Runnells Specialized Hospital for the contract 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 nine members of the Board voted in the affirmative.

- 2009-194** **FREEHOLDER HOLMES**, amending Resolution No. 2009-65, to correct the dates and amount of the 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 December 31, 2009 in the amount of **\$19,329.33**.

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

- 2009-195** **FREEHOLDER KOWALSKI**, authorizing the County Manager to enter into an agreement with **Unitronix Data System, Raritan, New Jersey**, for the purpose of purchasing thirty-five (35) A.O.S.S. WEB Licenses for the Division of Social Services.

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

- 2009-196** **FREEHOLDER KOWALSKI**, to endorse and adopt the 2008-2013 **Union County Child Care Plan** as developed by the Union County Child Care Committee and approved by the Union County Human Services Advisory Council on February 4, 2009. The Plan will direct policy around child care through 2013 and be used to seek additional funding for early childhood development programs.



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

- 2009-197** **FREEHOLDER KOWALSKI**, amending Resolution No. 2007-984, in order to increase and extend the subcontract with **Family & Children's Services, Elizabeth, New Jersey**, for the grant period January 1, 2009 through June 30, 2009, in the amount of **\$35,000** for program services based on the Juvenile Justice Commission Points of Continuum in the area of Prevention.

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

- 2009-198** **FREEHOLDER KOWALSKI**, amending Resolution No. 2007-984, in order to increase and extend the subcontract with **Proceed, Inc., Elizabeth, New Jersey**, for the grant period January 1, 2009 through June 30, 2009 in the amount of **\$20,000** for program services based on the Juvenile Justice Commission Points of Continuum in the area of Prevention.

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

- 2009-199** **FREEHOLDER KOWALSKI**, amending Resolution No. 2007-984, in order to increase and extend the subcontract with **United Family and Children's Society, Plainfield, New Jersey**, for the grant period January 1, 2009 through June 30, 2009 in the amount of **\$65,000** for program services based on the Juvenile Justice Commission Points of Continuum in the area of Prevention.

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

- 2009-200** **FREEHOLDER KOWALSKI**, amending Resolution No. 2007-984 in order to increase and extend the subcontract with **Venture & Venture, Inc., New Brunswick, New Jersey**, for the grant period January 1, 2009 through June 30, 2009 in the amount of **\$17,769** for program services based on the Juvenile Justice Commission Points of Continuum in the area of Prevention.

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

- 2009-201** **FREEHOLDER KOWALSKI**, amending Resolution No. 2008-1054, for four subcontracts' account appropriation numbers with the following agencies: **Prevention Links, Family & Children Services, CarePlus, Inc., and Union**



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County Probation Division, listed in the Youth Services Commission Spending Plan for the grant period January 1, 2009 through June 30, 2009.

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

- 2009-202 FREEHOLDER KOWALSKI**, authorizing the County Manager to enter into an agreement with **Liberty Document Security, LLC, Union, New Jersey**, for mobile paper shredding services in the amount of **\$9,550**.

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

- 2009-203 FREEHOLDER KOWALSKI**, authorizing the County Manager to enter into a contract with **Camelot Auctions, Cranbury, New Jersey**, for the purchase of horses and related equipment for the Watchung Stables Troop program in an amount not to exceed **\$20,000**.

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

- 2009-204 FREEHOLDER KOWALSKI**, authorizing the County Manager to waive field use fees in the amount of **\$192** for an **Amateur Softball Association of New Jersey Inc.**, benefit tournament (ASA Annual Dick Archer Memorial Slow-Pitch Soft).

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

- 2009-205 FREEHOLDER KOWALSKI**, amending Resolution Number 2006-1185, adopting an amendment to the Paratransit Fare Collection Policy.

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

- 2009-206 FREEHOLDER VAN BLAKE**, authorizing the County Manager to enter into a contract with **William Kubal, Bolington, Illinois**, to provide on-site and follow up instruction on HUD's Integrated Disbursement and Information System (IDIS) in an amount not to exceed **\$17,500**.

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



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2009-207 **FREEHOLDER VAN BLAKE**, authorizing the County Manager to enter into a contract with **Edward J. Bloustein School of Planning and Public Policy, Rutgers University of New Brunswick, New Jersey**, to gather information and provide technical assistance with the Union County Foreclosure Task Force for the period of March 1, 2009 through February 28, 2010 in the amount of **\$25,000**.

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

2009-208 **FREEHOLDER VAN BLAKE**, authorizing the County Manager to enter into a contract with **Development Directions, LLC, Rahway, New Jersey**, to administer the Multi-Jurisdictional Housing Rehabilitation Program for the period of January 1, 2009 through December 31, 2009 in an amount not to exceed **\$160,000**.

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

2009-209 **FREEHOLDER VAN BLAKE**, amending Resolution No. 2008-1058, a contract with **Development Directions, LLC, Rahway, New Jersey**, to administer the Senior Home Improvement Program for a period of March 1, 2008 through December 31, 2009 at no additional cost.

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

2009-210 **FREEHOLDER VAN BLAKE**, authorizing the County Manager to enter into a contract with **Development Directions, LLC, Rahway, New Jersey**, to administer the Housing Assistance Program (Section 8) for the period of January 1, 2009 through December 31, 2009 in an amount not to exceed **\$293,000** or 85 % of the approved allocation whichever is greater.

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

2009-211 **FREEHOLDER VAN BLAKE**, authorizing the County Manager to enter into a contract with **Development Directions, LLC, Rahway, New Jersey**, for the purpose of administering the Lead Housing Reduction Demonstration Grant Program for the period of January 1, 2009 through December 31, 2010 in an amount not to exceed **\$520,000**.

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



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2009-212 **CHAIRMAN MIRABELLA**, authorizing the County Manager to make any and all purchases of goods and/or services required in the process of preparing and conducting elections for the period of 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 nine members of the Board voted in the affirmative.

2009-213 **CHAIRMAN MIRABELLA**, authorizing the County Manager to enter into a contract with **Wisolmerski Associates, Inc., Pembroke Pines, Florida**, to provide system support, updating recording and indexing systems for the contract period of January 1, 2009 through December 31, 2009 in the amount of **\$36,515**.

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

2009-214 **CHAIRMAN MIRABELLA**, amending Resolution No. 2008-1142, to change the amount of allocation to the **Multi-Jurisdictional County Gang, Gun and Narcotics Task Force** grant account to purchase special equipment for use in confidential and undercover investigations in the amount of **\$375,000**.

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

2009-215 **CHAIRMAN MIRABELLA**, authorizing the County Manager to enter into a professional services agreement with **Trinitas Hospital, Elizabeth, New Jersey**, to provide individual therapy sessions to victims of sexual assault as well as non-offending parents, non-offending stepparents and non-offending caregivers of child sexual abuse victims in Union County for the period of July 1, 2008 through April 30, 2010 in the amount of **\$11,850**.

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

2009-216 **CHAIRMAN MIRABELLA**, authorizing the County Manager to apply for and accept grant funding in the amount of **\$40,483** from the **New Jersey Division of Criminal Justice** to implement a Project Safe Neighborhoods Program in Union County for the period of January 1, 2009 through June 30, 2009.

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



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2009-217 **CHAIRMAN MIRABELLA**, authorizing the County Manager to engage the services of litigation support experts and compensate such experts which may include, but shall not be limited to experts in the fields of ballistics, forensics, DNA, psychiatry and psychology and such other specialties which are essential to an effective prosecution for the period of October 1, 2008 through December 31, 2009 in the amount of **\$185,000**.

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

2009-218 **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 Administrative Services, Division of Motor Vehicles: Nobel Equipment & Supplies, Linden, New Jersey, to purchase and deliver chain saws and pruners in the amount of **\$7,527**.
- b. Department of Human Services, Division on Aging: Delivery Concepts East, Hampstead, North Carolina, to provide and deliver a food transport vehicle for the nutrition kitchen in the amount of **\$40,588**.
- c. Department of Parks and Community Renewal, Bureau of Data Processing & Telecommunications: Battery Zone, Inc., Somerset, New Jersey, to furnish and deliver radio batteries for 24 consecutive months in an amount not to exceed **\$22,207.50**.
- d. Department of Parks and Community Renewal: 1st Direct Products, LLC, Americus, Georgia, to provide and deliver pedal boats in an amount not to exceed **\$47,525** for Echo Lake Park.
- e. Department of Parks and Community Renewal: Fertl-Soil Supply, Inc., Scotch Plains, New Jersey, in an amount not to exceed **\$26,592**; Lesco, Inc., Cleveland, Ohio, in an amount not to exceed **\$32,785.65** and Grass Roots Turf Products, Inc., Randolph, New Jersey, in an amount not to exceed **\$5,005.25** to purchase fertilizer for a total amount not to exceed **\$64,382.90**.

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



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2009-219 **CHAIRMAN MIRABELLA**, amending Resolution Number 2008-1163, a resolution approving membership in the **Somerset County Co-Op**, to add additional vendors.

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

2009-220 **CHAIRMAN MIRABELLA**, authorizing the County Manager to enter into an agreement with **Kean University, Union, New Jersey**, for the continuation of the employee tuition reimbursement program for the **Undergraduate Certificate Program in Public Administration** for the period of January 1, 2009 through December 31, 2009, in an amount not to exceed **\$7,500**.

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

2009-221 **CHAIRMAN MIRABELLA**, authorizing the County Manager to enter into an agreement with **Kean University, Union, New Jersey**, for the continuation of the employee tuition reimbursement program for candidates pursuing the **Graduate Enhancement Program in Public Administration** for the period of January 1, 2009 through December 31, 2009, in an amount not to exceed **\$18,000**.

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

2009-222 **CHAIRMAN MIRABELLA**, authorizing the County Manager to enter into an agreement with **Kean University, Union, New Jersey**, to provide tuition reimbursement at one-half of the tuition costs and fees exclusive of books and materials for participation in **Graduate Certificate Program in Public Administration** for the period of January 1, 2009 through December 31, 2009 in an amount not to exceed **\$18,000**.

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

2009-223 **CHAIRMAN MIRABELLA**, authorizing the County Manager to renew the following **Policies** as recommended by the County's insurance broker:

- . **Runnells Specialized Hospital Health Care Policies** with Princeton Insurance, Princeton, New Jersey as follows:



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- . **Hospital General Liability and Professional Liability** from March 1, 2009 through February 28, 2010 in an amount not to exceed **\$329,396**. (No increase)
- . **Hospital General Umbrella Liability and Excess Layer Liability** from March 1, 2009 through February 28, 2010 in an amount not to exceed **\$251,328**. (\$20,847 less than last year)
- . **Runnells Specialized Hospital Property, Boiler/Machinery and Crime Coverage** with Chubb Insurance, Warren, New Jersey, from March 1, 2009 through February 28, 2010 in an amount not to exceed **\$64,403**. (\$1,978 increase from last year)
- . **Runnells Specialized Hospital Directors and Officers Liability with Employment Practices** with Chubb Insurance, Warren, New Jersey, from March 1, 2009 through February 28, 2010 in an amount not to exceed **\$22,917.42**. (No increase)
- . **Auto Insurance Policy for Fleet of Vehicles and Mobile Equipment** with PMA Insurance Group, Mt. Laurel, New Jersey, from March 1, 2009 through February 28, 2010 in an amount not to exceed **\$932,778**. (\$42,822 increase from last year).
- . **Excess Worker's Compensation Policy** with PMA Insurance Group, Mt. Laurel, New Jersey, from March 1, 2009 through February 28, 2010 in an amount not to exceed **\$575,873**. (\$30,000 increase from last year)
- . **Claims Management Services for Worker's Compensation and First Party Auto Property Damage Subrogation (Third Party Administrators)** with PMA Insurance Group, Mt. Laurel, New Jersey, from March 1, 2009 through February 28, 2010 in an amount not to exceed **\$270,500**. (\$5,000 increase from last year)
- . **Public Employee Blanket Crime Bond Policy** with National Union Fire Insurance Company AIG, New York, New York, from March 1, 2009 through February 28, 2010 in an amount not to **\$9,830**. (No increase)
- . **Special Excess Liability Policy** with Insurance Company of the State of Pennsylvania c/o Continental, Mormorstein & Malone, Paramus, New Jersey, from March 1, 2009 through February 28, 2010 in an amount not to exceed \$718,904 plus NJPLIGA surcharge of \$10,064 for a total of **\$728,968**. (No increase)



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- . **General Liability Claims Management of the Self-Insured Liability** with Dietz and Hammer TPA, (D&H Alternative Risk Solutions, Inc.) Newton, New Jersey, from March 1, 2009 through February 28, 2012 in a yearly amount not to exceed **\$97,480**. (\$480 increase from last year)
- . **Blanket Property Policy** with the Hartford Insurance Company, Rockaway, New Jersey, from March 1, 2009 through February 28, 2010 in an amount not to exceed **\$493,271**. (\$21,020 increase from last year)
- . **Contractor Equipment Policy—Inland Marine** with the Hartford Insurance Company, Rockaway, New Jersey, from March 1, 2009 through February 28, 2010 in an amount not to exceed **\$42,276**. (No increase)

Public Official Bonds for the following County Employees with the Hartford Bond Division, Hartford, Connecticut:

- . **George W. Devanney, County Manager** from March 16, 2009 through March 15, 2010 in an amount not to exceed **\$200**.
- . **Steven H. Merman** from March 1, 2009 through February 28, 2010 in an amount not to exceed **\$400**.
- . **Alan J. Falcone** from March 23, 2009 through March 22, 2010 in an amount not to exceed **\$1,750**.

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 Mirabella abstaining.

2009-224 CHAIRMAN MIRABELLA, concurring with the **Township of Springfield**, granting permission to St. James the Apostle Parish for road closures and hanging of a banner for the Annual St. James Church Festival. The banner is to be hung from May 5, 2009 to May 9, 2009 across Mountain Avenue and Shunpike Road and South Springfield Avenue. Closure for South Springfield Avenue will be May 5, 6, 7, 8, 6:00 p.m. - 10:00 p.m. and May 9, 2:00 p.m. to 10:00 p.m.

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

2009-225 CHAIRMAN MIRABELLA, amending Resolution No. 2008-780, to the contract with **Netta Architects, Springfield, New Jersey**, for the purpose of providing additional architectural design services for the Union County



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Courthouse Complex, New Tower Stairwell Construction and the Existing Building Stairwell Modernization Project in the amount of **\$109,600** for a new contract amount of **\$1,768,030**.

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

- 2009-226** **CHAIRMAN MIRABELLA**, amending Resolution No. 2006-751, to the contract with **M. Disko Associates, Union, New Jersey**, for an additional sum of **\$5,560** to provide additional engineering services for the West Brook Flood Control Project Phase IV for a new total amount of **\$255,960**.

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

- 2009-227** **CHAIRMAN MIRABELLA**, authorizing Change Order No. 1, to the contract with **Simplex Grinnell, Rockaway, New Jersey**, for additional equipment required to secure and support the current Oriscello Correctional Facility, 2120 Fire Alarm System Project in an additional amount of **\$89,200** for a new contract amount of **\$535,200**.

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

- 2009-228** **CHAIRMAN MIRABELLA**, authorizing the County Manger to enter into a lease agreement for the premises known as the **Parking Authority of the City of Elizabeth, New Jersey**, Lots numbered 17 (Employee Parking Lot #2) and 6 (Jury Parking) for the period of January 1, 2009 through December 31, 2009 in an amount not to exceed **\$311,880**.

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

- 2009-229** **CHAIRMAN MIRABELLA**, amending Resolution No. 82-2005, to the contract with **Dewberry-Goodkind, Inc., Bloomfield, New Jersey**, for the purpose of providing additional engineering services for the Monroe Street Bridge (Ra24) over the Rahway River in the amount of \$93,430 for a new contract amount of **\$412,630**.

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



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2009-230 **CHAIRMAN MIRABELLA**, authorizing the County Manager to award a professional engineering service contract to **Dewberry-Goodkind, Inc., Bloomfield, New Jersey**, for Phase 3/construction inspection services for the Monroe Street Bridge (Ra24) over the Rahway River, Rahway, New Jersey in an amount not to exceed **\$217,000**.

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

2009-231 **CHAIRMAN MIRABELLA**, appointing **Christopher Scaturro as Coordinator of Emergency Management** for the Union County Department of Public Safety effective March 1, 2009 through February 29, 2012.

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

2009-232 **CHAIRMAN MIRABELLA**, amending Resolution No. 2008-1160, to increase the appropriation to **Bauch Zucker Hatfield, LLC, Springfield, New Jersey**, special counsel in the matter entitled **Robert Travisano v. UC, et als** for an additional sum of **\$15,000** for a new total contract amount not to exceed **\$45,000**.

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

2009-233 **CHAIRMAN MIRABELLA**, amending Resolution No. 2009-109, to increase the appropriation to **Edward Kologi, Esq., Linden, New Jersey**, special counsel in the matter entitled **Eduardo Tapari v. UC, et als** for an additional sum of **\$5,000** for a new total contract amount not to exceed **\$55,000**.

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

2009-234 **CHAIRMAN MIRABELLA**, amending Resolution No. 2008-842, to increase the appropriation to **Edward Kologi, Esq., Linden, New Jersey**, special counsel in the matter entitled **Robert Travisano v. UC, et als** for an additional sum of **\$10,000** for a new total contract amount not to exceed **\$60,000**.

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

2009-235 **CHAIRMAN MIRABELLA**, amending Resolution No. 2008-589, to increase the appropriation to **LaCorte, Bundy, Varady & Kinsella, Union, New Jersey**,



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special counsel in the matter entitled Paul Takacs v. UC, et als for an additional sum of **\$10,000** for a new total contract amount not to exceed **\$20,000**.

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

2009-236 CHAIRMAN MIRABELLA, authorizing the County Manager to enter into Memorandums of Understanding with municipalities wishing to participate in **Union County's First Alert System**.

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

2009-237 CHAIRMAN MIRABELLA, supporting **Senate Bill S14 and Assembly Bill A3688** which adjust local employers' contributions to PERS and PFRS for State fiscal years 2009 through 2011.

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

2009-238 CHAIRMAN MIRABELLA, authorizing the County Manager to enter into a contract with **Janus Solutions, Hopewell, New Jersey**, to pursue, implement, manage and administer grant funded projects for a period of January 1, 2009 through December 31, 2009 in the amount of **\$69,000**.

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

2009-239 CHAIRMAN MIRABELLA, authorizing the Office of the Clerk of the Board to apply for the PARIS Grant 2009-2010 from the **New Jersey Department of State, Division of Archives & Records Management** in an amount not to exceed **\$750,000**.

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

THE FOLLOWING RESOLUTIONS ARE LAUDATORY IN CONTENT:

2009-240 FREEHOLDER ESTRADA AND THE ENTIRE BOARD, proclaiming March 2009 as **"Developmental Disabilities Awareness Month"** in Union County.



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

- 2009-241 FREEHOLDER HOLMES**, congratulating **Dr. Young S. Hahn** on the occasion of his retirement after serving 30 years as the Director of Psychiatry at Runnells Specialized Hospital.

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

- 2009-242 FREEHOLDER SCANLON**, congratulating the **YMCA of Eastern Union County** for being selected by the Union Township Chamber of Commerce at their 54th Annual Dinner Dance as the recipient of the President's Award.

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

- 2009-243 FREEHOLDER SCANLON**, congratulating **Anthony D'Amore's Dunkin Donuts** for being selected by the Union Township Chamber of Commerce at their 54th Annual Dinner Dance as the recipient of the President's Award.

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

- 2009-244 FREEHOLDER SCANLON**, congratulating **Dr. Ted Jakubowski** for being selected by the Union Township Chamber of Commerce at their 54th Annual Dinner Dance as the recipient of the James T. Schaefer Civic Service Award.

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

- 2009-245 FREEHOLDER SCANLON**, congratulating **Joe Dugett**, the 2009 Grand Marshal of the 13th Annual St. Patrick's Day Parade.

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

- 2009-246 FREEHOLDER SCANLON**, congratulating **Deborah Capasso**, on being named the Chairwoman of the 13th Annual St. Patrick's Day Parade.

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



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2009-247 **FREEHOLDER SCANLON**, congratulating **Michael Panella**, on being named the Adjutant of the 13th Annual St. Patrick's Day Parade.

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

2009-248 **CHAIRMAN MIRABELLA**, congratulating **Michael Saitta**, Boy Scouts of America, Troop No. 1, New Providence, New Jersey, on attaining his Eagle Scouts Award.

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

2009-249 **CHAIRMAN MIRABELLA**, congratulating **Nicholas Esposito**, Boy Scouts of America, Troop No. 1, New Providence, New Jersey, on attaining his Eagle Scouts Award.

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

2009-250 **CHAIRMAN MIRABELLA**, congratulating **Peter Laciario**, Boy Scouts of America, Troop No. 1, New Providence, New Jersey, on attaining his Eagle Scouts Award.

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

2009-251 **CHAIRMAN MIRABELLA**, congratulating **Thomas Bird**, Boy Scouts of America, Troop No. 1, New Providence, New Jersey, on attaining his Eagle Scouts Award.

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

2009-252 **CHAIRMAN MIRABELLA AND THE ENTIRE BOARD**, proclaiming the month of February as "**National Career and Technical Education Month**" in Union County.

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



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2009-253 CHAIRMAN MIRABELLA, FREEHOLDER ESTRADA AND THE ENTIRE BOARD, proclaiming the month of March as “**American Red Cross Month**” throughout the County of Union.

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

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

PUBLIC COMMENT PORTION

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

There were no comments.

RESOLUTIONS FROM THE FLOOR

Chairman Mirabella called for a motion to adopt Resolutions 2009-254 and 2009-255.

THE FOLLOWING RESOLUTIONS ARE FROM THE FLOOR

2009-254 CHAIRMAN MIRABELLA AND THE ENTIRE BOARD, expressing the Board’s sincerest condolences to the family of **Edward Leo “Buzzy” Fox, Elizabeth, New Jersey**, in this, their time of sorrow.

On a motion made by Freeholder Van Blake and seconded by Freeholder Kowalski, roll call showed nine members of the Board voted in the affirmative.

2009-255 CHAIRMAN MIRABELLA AND THE ENTIRE BOARD, expressing the Board’s sincerest condolences to the family of **Neil R. Boyle, Mountainside, New Jersey**, in this, their time of sorrow.

On a motion made by Freeholder Van Blake and seconded by Freeholder Kowalski, roll call showed nine members of the Board voted in the affirmative.

PUBLIC COMMENT PORTION

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



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John Berry, Kenilworth, thanked the Board for the draft Agenda that has been placed on the internet. He asked if the S7 State Legislative Pension Deferral has been passed. Chairman Mirabella stated that it has not been passed yet. Mr. Berry asked how much the amount is for. County Manager Devaney stated that we will be eligible to defer up to \$10,000,000 however the County is only trying to use \$4,000,000. Mr. Berry asked about the timeline. County Manager stated that the Legislature should have it considered by early March, however, the anticipated date for the pension part is now April 1st. He stated that the budget will need to be firmed up before the adoption. Mr. Berry asked if the \$4,000,000 will consist of cuts in services. County Manager Devaney stated it is currently under deliberation.

Lavinia Ruby, Cranford, CPA, made comments pertaining to the possible closing of the Oak Ridge Golf Course and the Engineering Department and gave some suggestions regarding IRA's and Treasury Bonds. She also suggested those that make more than \$100,000 per year should have their salaries rolled back to \$100,000 until the economy improves. She stated that Oak Ridge Golf Course should be saved. She said that she met with Mr. Kasner at Hyatt Hills and claims that they have gone from 23 to 60 tournaments per year and stated that tournaments should be held at Oak Ridge Golf Course to increase revenue. She made suggestions regarding renting the equipment and facilities. She stated that she will make an appointment to speak to the Director of Golf Operations Armando Sanchez. She urged the Board to keep Oak Ridge Golf Course open.

Lauren Mallard, Cranford, stated that she was raised in Pennsylvania and moved to Union County because of its parks, despite its density and urged the Board to consider not closing the golf course. She stated that the facility is 80 years old. She also commented on extra security that would be needed as teenagers would probably be loitering and there is also the possibility of vandalism. She stated that according to the budget at Hyatt Hills, it costs \$50,000 per month for the driving range. She stated that no-one will play as the weather is too cold. She said going from 63 to 36 holes would not produce the same revenue. She suggested contacting PGA professionals as they will advise the County how to do a budget. She stated that due to the economy people are taking "staycations" and will be happy playing golf, rather than taking an expensive vacation. She stated that membership fees are too expensive. She asked that the Board get expert advice prior to closing the golf course.

Kathy Torpe, Clark, asked why not seek funds from an Historical source. She stated that she sent a letter to PBS' This Old House television series to ask for funding to restore the clubhouse at the Oak Ridge Golf Course, but she has not received a reply to date. She wanted to make the Board aware that they may receive a response. She stated that she will send the Clerk of the Board a copy of the letter.

Chairman Mirabella stated that he was familiar with the television program and stated that it was a creative idea. He said that the Board will seek funding for restoring the clubhouse, despite the final decision. Ms. Torpe thanked the Board.



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Chairman Mirabella stated that on behalf of all the Freeholders, he welcomed Jerry Goldman, an old-time attendee of the Freeholder Meetings.

Jerry Goldman, Elizabeth, stated that the seasonal employees of the Oak Ridge Golf Course were not notified as to the current situation at the golf course pertaining to the possible loss of jobs. He stated that if Union County residents were notified earlier they would have been able to provide the Board with suggestions. He said that green acres tax should be used to subsidize the golf course in lieu of purchasing new property and also stated that this will help with seniors and youngsters, as this course is flatter and shorter than others. He commented about the increased rates and stated that the "old" Runnells Specialized Hospital closed due to poor insulation. He stated the deficit at Runnells Specialized Hospital is still high and asked why the County needs to be in the healthcare business. Mr. Goldman also asked if schools are playing on the County's golf course and if they are, they should be paying their fair share. He stated that it should be state subsidized for students. Chairman Mirabella began to answer Mr. Goldman's questions, however, Mr. Goldman advised him to refrain from answering as he said he is hard of hearing.

Alan Schimkowitz, Cranford, asked if the Oak Ridge Golf Course is closing. He stated that if so, the County will lose one-third of its golf courses.

Chairman Mirabella stated that Freeholder Estrada, Chairman of the Fiscal Committee has held two budget hearings thus far and there is one more scheduled for Wednesday, March 4th. He stated that afterwards the Fiscal Affairs Committee will convene and make a decision about the golf course. Freeholder Estrada stated that it's a whole process that is reviewed and the County Manager Devanney's proposal at this time appears to be leaning towards the closing of the golf course. He added that this is only his opinion at this time.

Mr. Schimkowitz asked about the timeline of the proposed closing of the golf course. He stated that the lawn will need to be manicured and mosquito control will be needed. He said the clubhouse is structurally unsound and there could be problems with vandalism. He stated that there will still be maintenance costs regardless of whether or not the course remains open. He stated that he would like to know if the course will close as he would like to get a signed petition for November's ballot.

Freeholder Estrada stated that the Board is aware of the expenses of the golf course and in his opinion, the golf course will close.

Freeholder Estrada stated that within the next two weeks, there will be articles in the newspapers having the Board's decisions relating to the golf course. Mr. Schimkowitz urged the Board to hire a management company to see if they would be able to run the golf course properly in order to make a profit before closing it.

Mr. Schimkowitz asked if the budget hearings are open to the public. Chairman Mirabella replied that all the budget hearings are open to the public.



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County Manager Devanney stated that the budget introduction may occur in early March, however, the County is still waiting to hear back from the State, hence, it may be delayed. He stated the County website will have the information.

Beverly Goldman, Elizabeth, said she loves playing golf at Oak Ridge Golf Course and urges to Board to keep it open.

Joseph Marke, Clark, stated that he hopes the golf course will remain open and stated that it costs a lot of money to renovate the Galloping Hill Golf Course. He said that he also doubts most of decisions that are being made. He stated that too much money was spent on markers and they have been placed in the wrong areas. He also said that he feels cards should be kept at a fixed rate. He urged the Board to ask the USGA for help. He stated that recently new golf courses have been built in Somerset, Morris and Cape May Counties, implying that golf is still desirable. He added that it will be very costly to restore an historic project.

Judy Winter, Cranford, asked if any studies were made to prove that a driving range will bring in revenue. Chairman Mirabella stated that some studies have been done. Ms. Winter asked for the name of the firm who conducted the study and asked about the results.

County Manager Devanney stated that a feasibility study was done last year as a result of last year's budget hearings. He stated that that the study was done through the Union County Improvement Authority and said that he's not sure if it is public record yet as it includes negotiations. Ms. Winter stated that it should be available to the public as residents of Union County are tax payers and she stated that it's difficult to make decisions on unseen information. She suggested selling advertising to sponsors.

Chairman Mirabella stated that today's economy does not support advertising. Ms. Winter suggested keeping Oak Ridge Golf Course open from Friday through Monday and close one day per week for maintenance as this would be a savings to the County, she added. Chairman Mirabella stated that maintenance would be the same regardless of whether or not the golf course was open one or two days.

Joseph Moore, made comments about the gates being closed at Ashbrook Golf Course and said this forced golfers to seek other golf courses.

Jim Bitner, Cranford, stated that he was surprised to hear that Freeholder Estrada's opinion is that the golf course is closing and that Galloping Hill Golf Course will change dramatically. He said that he was under the impression that these were only rumors. He said that according to OPRA documents the numbers are not adding up.

Mr. Bitner stated that he is supposed to meet with Director of Parks and Community Renewal regarding the golf courses and asked if it is still worth it for him to attend.



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Chairman Mirabella explained to Mr. Bitner that the comments made by Freeholder Estrada regarding the proposed closing of Oak Ridge Golf Course and the changes to Galloping Hill Golf Course were merely his own opinion. He urged Mr. Bitner to attend the meeting with Director Faella as the Board is still deliberating. Mr. Bitner stated that there is only a deficit of \$600,000 and this is not a large number in scope of the County budget. He stated that in 2007/2008 the deficit was reduced by \$500,000 and urged the Board to raise the fees in lieu of closing the course.

Ellis Hester, Plainfield, stated that he was recently golfing at the Ashbrook Golf Course and he spoke to the County employees. He said that the employees stated that Oak Ridge is closed and will not open this season. He made some suggestions to keep the golf course open. He stated that having three courses, the golf courses are presently very populated and having only two courses will just made it harder to play.

Charlie Boyd, Plainfield, retired Engineer, stated that Oak Ridge Golf Course could be profitable if it was managed correctly. He stated that there is not enough information advertised regarding the budget process and he stated that Oak Ridge Golf Course is the most pleasant facility.

Lisa Scarfuto, Cranford, asked if the Oak Ridge Golf Course will remain open space or would it become a park, if the decision was made to close the facility. Chairman Mirabella stated that it will remain open space or a park. It will not be developed for residential homes.

Vice Chairman Sullivan stated that the clubhouse at Oak Ridge and the golf course are two separate issues. He stated that the clubhouse will be renovated as it is an historic site and the golf course can operate without the clubhouse. He said, should the golf course close, it is not the result of the clubhouse. Ms. Scarfuto asked if the new budget consists of an increase in fees for golf. Vice Chairman Sullivan stated, no. She asked about the timeline of the renovations at the Galloping Hill Golf Course. Vice Chairman Sullivan stated that the renovations should be completed by mid to late summer.

Bruce Paterson, Garwood, asked if the Freeholders and County workers pay for the golf carts and such at the golf courses. He stated that he attended the budget hearings and the Department of Parks and Community Renewal suggested that Oak Ridge Golf Course was closing. He stated that the demeanor at the budget hearings have been somber and the Freeholders did show concern. Mr. Paterson commented on the fifty-three new Correction Officers that were hired. Chairman Mirabella stated that it will cost the County less hiring at entry level.

Mr. Paterson made comments about adding new programs for autism, stables and karate rather than cutting programs.

Kathy Torpey, Clark, asked if the budget hearings are advertised on the County website. Chairman Mirabella replied that they are on the website. She asked how much the County will receive from the stimulus package. Chairman Mirabella stated to date, the Board does not have the amount.



UNION COUNTY BOARD OF CHOSEN FREEHOLDERS

Nancy Towakas, Elizabeth, stated that she would rather sacrifice the resident discount than see Oak Ridge Golf Course close. She stated that Middlesex County accepts cards from Oak Ridge Golf Course. She stated that she is a member of the Clark Historical Society and asked what will be done to protect the clubhouse from vandalism and/or fire.

Laura DeMichele, Elizabeth, stated that if Oak Ridge closes this year and the Galloping Hill Golf Course will not be completed until mid to late summer, the only course remaining is Ashbrook. She stated that Hyatt Hills Golf Course has a summer camp for kids, resulting in limited play. She urged the Board to keep Oak Ridge Golf Course open until the Galloping Hill Golf Course is complete.

Ellis Hester, Plainfield, asked if there were any funds in the stimulus package that is reserved for green acres that can be used for saving the Oak Ridge Golf Course. He stated that he has heard rumors that the County may be purchasing the Roselle Country Club. He urged the Board that if it is true, to keep Oak Ridge open instead of purchasing Roselle Country Club.

Jim Binter, Cranford, stated that Chairman Mirabella and County Manager Devanney stated that they were interested in the public's participation however he claims that residents were not aware of the public budget hearings.

Chairman Mirabella stated that they are only public hearings and are not open to public comment. Mr. Binter stated if the County is seeking to purchase Roselle Country Club, asked why the public is not aware of it.

Charlie Boyd, Plainfield, stated that he would like to see a summary of issues documented with proposed closings, problems and concerns of the Board. He suggested golf tournaments with concession-stands to bring in revenue.

Director of Parks and Community Renewal Alfred Faella stated that there will be a meeting on Wednesday, March 4th in the second floor meeting room to discuss the golf issue.

Chairman Mirabella announced that it will not be the practice of this Board to extend the public's speaking time. He stated that he awarded it to Mr. Goldman out of respect and to be fair he allowed the rest of the public to speak several times tonight. He stated that they will resume the regular policy at the next Freeholder Regular Meeting.

Chairman Mirabella called for a ten minute recess.

FREEHOLDER REPORTS AND COMMENTS

There were none.

EXECUTIVE SESSION



UNION COUNTY BOARD OF CHOSEN FREEHOLDERS

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

1. Personnel Matters

Clerk of the Board Nicole DiRado 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 personnel matters.

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 stated that she will 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 may 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 Proctor and seconded by Freeholder Kowalski, roll call showed nine members of the Board voted in the affirmative.

Chairman Mirabella called for a motion to re-enter the Regular Meetings. On a motion made by Freeholder Van Blake and seconded by Freeholder Proctor, roll call showed nine members of the Board voted in the affirmative.

Chairman Mirabella called for a motion to allow an amendment to his vote on Resolution 2009-223 as it is a conflict of interest. On a motion made by Freeholder Van Blake and seconded by Freeholder Proctor, roll call showed nine members of the Board voted in the affirmative.

ADJOURNMENT

Chairman Mirabella called for a motion to adjourn the meeting. On a motion made by Freeholder Scanlon and seconded by Freeholder Holmes, roll call showed nine members of the Board voted in the affirmative.



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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 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

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

REGULAR MEETINGS

March 12
*Wednesday, March 25
New Providence Council
Chambers, 360 Elkwood Ave.

April 16
April 30

May 14
May 28

June 25

July 30

August 20

September 10
September 24

October 8
October 15

November 12

December 3



UNION COUNTY BOARD OF CHOSEN FREEHOLDERS

December 17

Double Meeting

December 17

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

NLD:mb