

UNION COUNTY BOARD OF CHOSEN FREEHOLDERS

MINUTES OF THE REGULAR MEETING

JANUARY 26, 2005

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

PRAYER AND SALUTE TO THE FLAG was led by the Clerk of the Board.

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

The Chairman called for a motion to approve the minutes. On a motion by Freeholder Scanlon, seconded by Freeholder Estrada, roll call showed eight members of the Board voted in the affirmative on the Minutes of January 6, 2005, and the Minutes of January 13, 2005, with Freeholder Holmes absent; and seven members of the Board voted in the affirmative on the Minutes of January 20, 2005 with Chairman Proctor abstaining and Freeholder Holmes absent.

APPROVAL OF THE FOLLOWING MINUTES: January 6, 2005, Agenda and Executive Meetings; January 13, 2005, Regular and Executive Meetings and January 20, 2005, Executive Meeting.

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

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C O M M U N I C A T I O N S :

OATHS OF OFFICE: (Note & file)

The Chairman stated that there would be a presentation at this time and called upon Freeholder Bette Jane Kowalski. Freeholder Kowalski presented Resolution 1261-2004 to Donna Barnes, Janet Cariello and Pamela Fisezi, fourth grade teachers at Harding School in Kenilworth. The Resolution was in recognition of their dedication in teaching their students about Kenilworth, Union County history and the Four Centuries in a Weekend program, and for their consistent support of the Four Centuries in a Weekend program. Freeholder Kowalski read the Resolution aloud, and the teachers thanked the Board for the recognition.

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The first order of business was the First Reading of Ordinance No. 608-2005.

BOND ORDINANCE NO. 608-2005

BOND ORDINANCE TO AUTHORIZE THE ACQUISITION OF REAL PROPERTY IN THE TOWNSHIP OF BERKELEY HEIGHTS FOR OPEN SPACE CONSERVATION AND RECREATIONAL PURPOSES IN, BY AND FOR THE COUNTY OF UNION, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$13,075,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO APPROPRIATE A CONTRIBUTION FROM THE TOWNSHIP OF BERKELEY HEIGHTS, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS.

BE IT ORDAINED by the Board of Chosen Freeholders of the County of Union, State of New Jersey, as follows:

Section 1. The County of Union, State of New Jersey (the "County") is hereby authorized to acquire real property located at 11-31 and 26-32 Stanford Drive and 244-276 Snyder Avenue in the Township of Berkeley Heights, New Jersey (the "Township") for open space conservation and recreational purposes. Said property to be acquired is designated as Block 1901, Lots 1, 2, 3, and 51-56 (inclusive) on the Tax Assessment Map of the Township. Said improvement shall include real estate transaction expenses and all work, materials and appurtenances necessary and suitable therefor.

Section 2. The sum of \$13,075,000 is hereby appropriated to the payment of the cost of making the improvement described in Section 1 hereof (hereinafter referred to as "purpose"). Said appropriation shall be met from the proceeds of the sale of the bonds authorized, and the contribution from the Township and the down payment appropriated, by this ordinance. Said improvement shall be made as a general improvement and no part of the cost thereof shall be assessed against property specially benefitted.

Section 3. It is hereby determined and stated that (1) said purpose is not a current expense of said County, and (2) it is necessary to finance said purpose by the issuance of obligations of said County pursuant to the Local Bond Law (Chapter 2 of Title 40A of the New Jersey Statutes, as amended; the "Local Bond Law"), and (3) the estimated cost of said purpose is \$13,075,000, and (4) \$5,000,000 of said sum is to be provided by a contribution from the Township hereinafter appropriated, and (5) \$385,000 of said sum is to be provided by the down payment hereinafter appropriated to finance said purpose, and (6) the estimated maximum amount of bonds or notes necessary to be issued for said purpose is \$7,690,000, and (7) the cost of such purpose, as hereinbefore stated, includes the aggregate amount of \$75,000 which is estimated to be necessary to finance the cost of such purpose, including architect's fees, accounting, engineering and inspection costs, legal expenses and other expenses, including interest on such obligations to the extent permitted by Section 20 of the Local Bond Law.

Section 4. It is hereby determined and stated that the sum of \$5,000,000 received or to be received as a contribution from the Township is hereby appropriated to the payment of the cost of such purpose.

Section 5. It is hereby determined and stated that the sum of \$385,000 in the County of Union Open Space, Recreation and Historic Preservation Trust Fund is now available to serve as the down payment on said purpose. The sum of \$385,000 is hereby appropriated from such moneys to the payment of the cost of said purpose.

Section 6. To finance said purpose, bonds of said County of an aggregate principal amount not exceeding \$7,690,000 are hereby authorized to be issued pursuant to the Local Bond Law. Said bonds shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law. All matters with respect to said bonds not determined by this ordinance shall be determined by resolutions to be hereafter adopted.

Section 7. To finance said purpose, bond anticipation notes of said County of an aggregate principal amount not exceeding \$7,690,000 are hereby authorized to be issued pursuant to the Local Bond Law in anticipation of the issuance of said bonds. In the event that bonds are issued pursuant to this ordinance, the aggregate amount of notes hereby authorized to be issued shall be reduced by an amount equal to the principal amount of the bonds so issued. If the aggregate amount of outstanding bonds and notes issued pursuant to this ordinance shall at any time exceed the sum first mentioned in this section, the moneys raised by the issuance of said bonds shall, to not less than the amount of such excess, be applied to the payment of such notes then outstanding.

Section 8. Each bond anticipation note issued pursuant to this ordinance shall be dated on or about the date of its issuance and shall be payable not more than one year from its date, shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law and may be renewed from time to time pursuant

to and within limitations prescribed by the Local Bond Law. Each of said bond anticipation notes shall be signed by the Chairman of the Board of Chosen Freeholders, by the County Manager and by the County Treasurer and shall be under the seal of said County and attested by the Clerk or Deputy Clerk of the Board of Chosen Freeholders. Said officers are hereby authorized to execute said notes in such form as they may adopt in conformity with law. The power to determine any matters with respect to said notes not determined by this ordinance and also the power to sell said notes, is hereby delegated to the County Treasurer who is hereby authorized to sell said notes either at one time or from time to time in the manner provided by law.

Section 9. It is hereby determined and declared that the period of usefulness of said purpose, according to its reasonable life, is a period of forty years computed from the date of said bonds.

Section 10. It is hereby determined and stated that the Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the office of the Clerk of the Board of Chosen Freeholders of said County, and that such statement so filed shows that the gross debt of said County, as defined in Section 43 of the Local Bond Law, is increased by this ordinance by \$7,690,000 and that the issuance of the bonds and notes authorized by this ordinance will be within all debt limitations prescribed by said Local Bond Law.

Section 11. Any funds received from the Township, the State of New Jersey or any of its agencies or any funds received from the United States of America or any of its agencies in aid of such purpose (other than the Township contribution hereinbefore appropriated which shall be applied to the cost of such purpose, but shall not

be applied to the payment of outstanding bond anticipation notes and the reduction of the amount of bonds authorized), shall be applied to the payment of the cost of such purpose, or, if bond anticipation notes have been issued, to the payment of the bond anticipation notes, and the amount of bonds authorized for such purpose shall be reduced accordingly.

Section 12. The capital budget is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency therewith and the resolutions promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services, is on file with the Clerk of the Board of Chosen Freeholders and is available for public inspection.

Section 13. The County intends to issue the bonds or notes to finance the cost of the improvement described in Section 1 of this bond ordinance. If the County incurs such costs prior to the issuance of the bonds or notes, the County hereby states its reasonable expectation to reimburse itself for such expenditures with the proceeds of such bonds or notes in the maximum principal amount of bonds or notes authorized by this bond ordinance.

Section 14. The full faith and credit of the County are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this ordinance. Said obligations shall be direct, unlimited and general obligations of the County, and the County shall levy ad valorem taxes upon all the taxable real property within the County for the payment of the principal of and interest on such bonds and notes, without limitation as to rate or amount.

Section 15. This ordinance shall take effect twenty days after the first publication thereof after final passage.

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Chairman Proctor moved Bond Ordinance No. 608-2005 for First Reading and authorized the Clerk of the Board to advertise the same in accordance with the law. (Final Reading: 2/10/2005) Seconded by Freeholder Scanlon, roll call showed eight members of the Board voted in the affirmative with Freeholder Holmes absent.

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

Vincent Lehotsky, Rahway, commented in opposition to Resolution 112-05 and also commented on some discarded signs he saw in Rahway River Park that could have been used to warn people not to feed the geese.

Bruce Paterson, Garwood, commented on Resolution 108-2005 questioning the amount and the vendor selected, and asked a question regarding the amount of work being done for the money. Chairman Proctor responded to his question, explaining that if no acquisitions are done then no survey services would be needed from the vendor. The dollar amount in the resolution represents the upper limit than can be spent on the service if needed.

Mr. Paterson then commented on Resolution 112-2005 asking why the problem had not been taken care of last year when the same firm had been hired, and if the cost for this service would be the same every year. The County Manager responded that the service has to be done annually to control the goose population. He also said that the cost last year was less than allocated due to success in controlling the goose population in prior years. He stated that performing this work annually keeps down the costs. The number in the resolution is the maximum that can be spent for this service, it may come in at less.

PUBLIC COMMENT PORTION CONCLUDED

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The Chairman called for a motion to move Resolutions 108-2005 through 128-2005 and Resolution 130-2005 through 172-2005.

On a motion by Freeholder Sullivan, seconded by Freeholder Estrada, roll call showed eight members of the Board voted in the affirmative on all the Resolutions with Freeholder Ward and Vice Chairman Mirabella voting in the negative on Resolution 112-

2005 and with Freeholder Ward voting in the negative on Resolution 115-2005 and Freeholder Holmes absent.

THE FOLLOWING RESOLUTIONS ARE BEING OFFERED FOR ADOPTION:

108-2005 **FREEHOLDER ESTRADA**, authorizing the County Manager to enter into an agreement with **Harbor Consultants, Cranford, New Jersey**, to provide the general engineering services for the purpose of providing the County of Union with survey services to future acquisitions to the Open Space, Recreation and Historic Preservation Trust Fund in an amount not to exceed **\$30,000**.

Roll call showed eight members of the Board voted in the affirmative with Freeholder Holmes absent.

109-2005 **FREEHOLDER KOWALSKI**, authorizing the County Manager, through the Division of Cultural & Heritage Affairs, to apply for private and public funding grants for the purpose of developing and implementing programs and services in the arts, education, history and preservation.

Roll call showed eight members of the Board voted in the affirmative with Freeholder Holmes absent.

110-2005 **FREEHOLDER KOWALSKI**, designating the Division of Cultural & Heritage Affairs as the **Official County Cultural and Heritage Agency**.

Roll call showed eight members of the Board voted in the affirmative with Freeholder Holmes absent.

111-2005 **FREEHOLDER KOWALSKI**, authorizing the County Manager, through the Division of Cultural & Heritage Affairs to hire, engage and compensate the providers of such goods and services on a case-by-case basis for services not to exceed **\$5,000 each**.

Roll call showed eight members of the Board voted in the affirmative with Freeholder Holmes absent

112-2005 **FREEHOLDER KOWALSKI**, authorizing the County Manager to engage the services of **Goose Control Technology of New Jersey, Metuchen, New Jersey**, for the purpose of managing the Canada goose population which inhabit the Union County Park System in an amount not to exceed **\$115,500**.

Roll call showed six members of the Board voted in the affirmative with Freeholder Ward and Vice Chairman Mirabella voting in the negative and Freeholder Holmes absent.

113-2005 **FREEHOLDER KOWALSKI**, to enable the Department of Parks and Recreation to engage the services of certain non-professional individuals and make purchase of livestock as circumstances dictate, per single performance, act, class or instance in an amount no to exceed **\$5,000 each**.

Roll call showed eight members of the Board voted in the affirmative with Freeholder Holmes absent.

114-2005 **FREEHOLDER KOWALSKI**, authorizing the County Manager to enter into an agreement with **Union County Utilities Authority (UCUA)** to enable the Department of Parks and Recreation to dispose of refuse at their site for the contract period of January 1, 2005 – December 31, 2005, in an amount not to exceed **\$50,000**.

Roll call showed eight members of the Board voted in the affirmative with Freeholder Holmes absent.

115-2005 **FREEHOLDER KOWALSKI**, establishing a **“POLICY”** enabling the County Manager to provide up to fifty per cent (50%) of the cost of deer management programs conducted by municipalities on county-owned property in a total amount not to exceed **\$15,000**.

Roll call showed seven members of the board voted in the affirmative with Freeholder Ward voting in the negative and Freeholder Holmes absent.

116-2005 **FREEHOLDER KOWALSKI**, to certify to the **New Jersey Department of Health, Division of Mental Health Services**, that there have been no changes to the plan previously submitted by Runnells Specialized Hospital for the delivery of mental health services and that the County will continue to operate a psychiatric facility during the calendar year 2005. These certifications allow Runnells to participate in the state’s 90% reimbursement program for mental health services to indigent persons for the calendar year 2005.

Roll call showed eight members of the Board voted in the affirmative with Freeholder Holmes absent.

117-2005 **FREEHOLDER KOWALSKI**, granting Runnells Specialized Hospital permission to write off the outstanding balance in the amount of **\$109.50**, as it has been determined that this balance is uncollectable.

Roll call showed eight members of the Board voted in the affirmative with Freeholder Holmes absent.

118-2005 **FREEHOLDER KOWALSKI**, granting Runnells Specialized Hospital permission to write off the outstanding balance in the amount of **\$328.50**, as it has been determined that this balance is uncollectable.

Roll call showed eight members of the Board voted in the affirmative with Freeholder Holmes absent.

119-2005 **FREEHOLDER KOWALSKI**, granting Runnells Specialized Hospital permission to write off the outstanding balance in the amount **\$840**, as it has been determined that this balance is uncollectable.

Roll call showed eight members of the Board voted in the affirmative with Freeholder Holmes absent.

120-2005 **FREEHOLDER KOWALSKI**, granting Runnells Specialized Hospital permission to write off the outstanding balance in the amount **\$4,073**, as it has been determined that this balance is uncollectable.

Roll call showed eight members of the Board voted in the affirmative with Freeholder Holmes absent.

121-2005 **FREEHOLDER KOWALSKI**, authorizing the County Manager to enter into a contract with **McKesson Medical/Surgical Products, Golden Valley, MN**, to provide comprehensive medical/surgical product procurement and inventory management control for Runnells Specialized Hospital, for the contract period of January 1, 2005 – December 31, 2005, in an amount of **\$517,500**.

Roll call showed eight members of the Board voted in the affirmative with Freeholder Holmes absent.

122-2005 **FREEHOLDER KOWALSKI**, authorizing the County Manager to enter into a contract with **KCI, San Antonio, Texas**, for the rental of the “Vacuum Assisted Closure System” and required supplies for wound therapy patients at Runnells Specialized Hospital, for the contract period of January 1, 2005 – December 31, 2005, in an amount not to exceed **\$70,000**.

Roll call showed eight members of the Board voted in the affirmative with Freeholder Holmes absent.

123-2005 **FREEHOLDER KOWALSKI**, authorizing the County Manager to enter into a contract with **Hill Rom, Bates, Indiana**, for the rental of therapeutic beds for Runnells Specialized Hospital, for the contract period of January 1, 2005 – December 31, 2005, in an amount not to exceed **\$55,000**.

Roll call showed eight members of the Board voted in the affirmative with Freeholder Holmes absent.

- 124-2005** **FREEHOLDER KOWALSKI**, authorizing the County Manager to enter into a contract with **Welco-CGI Gas Technologies, Pine Brook, New Jersey**, for the purchase of portable oxygen and related products for Runnells Specialized Hospital, for the contract period of January 1, 2005 – December 31, 2005, in an amount not to exceed **\$20,000**.

Roll call showed eight members of the Board voted in the affirmative with Freeholder Holmes absent.

- 125-2005** **FREEHOLDER KOWALSKI**, authorizing the County Manager to enter into a contract with **Air Products & Chemicals, Inc., Pittsburgh, PA**, for the purchase of liquid oxygen for Runnells Specialized Hospital, for the contract period of January 1, 2005 – December 31, 2005, in an amount not to exceed **\$12,000**.

Roll call showed eight members of the Board voted in the affirmative with Freeholder Holmes absent.

- 126-2005** **FREEHOLDER KOWALSKI**, authorizing the County Manager to enter into a contract with **Sammons Preston Rehab Products, Bolingbrook, IL**, for the purchase of occupational and physical therapy supplies for Runnells Specialized Hospital, for the contract period of January 1, 2005 – December 31, 2005, in an amount not to exceed **\$20,500**.

Roll call showed eight members of the Board voted in the affirmative with Freeholder Holmes absent.

- 127-2005** **FREEHOLDER KOWALSKI**, amending **Resolution No. 1048-2004**, to the contract with **Greenleaf Landscape Systems, Red Bank, New Jersey**, for lawn and landscape maintenance for Runnells Specialized Hospital, to reflect the correct account number for the contract period of January 1, 2005 – December 31, 2005.

Roll call showed eight members of the Board voted in the affirmative with Freeholder Holmes absent.

- 128-2005** **FREEHOLDER KOWALSKI**, authorizing the County Manager to enter into an agreement with **Direct Supply, Milwaukee, WI**, for the purchase of hospital/medical supplies and equipment for Runnells Specialized Hospital, for the contract period of January 1, 2005 – December 31, 2005, in an amount not to exceed **\$61,000**.

Roll call showed eight members of the Board voted in the affirmative with Freeholder Holmes absent.

129-2005 VOID

130-2005 FREEHOLDER KOWALSKI, authorizing the County Manager to enter into a contract with **Donna Templeton, Nurse Practitioner, Center for Acupuncture & Holistic Health, Inc, Chatham, New Jersey**, to provide professional services to the patients/residents of Runnells Specialized Hospital, for the contract period of January 1, 2005 – December 31, 2005, in an amount not to exceed **\$106,080**.

Roll call showed eight members of the Board voted in the affirmative with Freeholder Holmes absent.

131-2005 FREEHOLDER KOWALSKI, authorizing the County Manager to enter into a contract with **Michele Parker, DPM/Podiatrist, Hillside, New Jersey**, to provide professional podiatric services to the patients/residents of Runnells Specialized Hospital, for the contract period of March 1, 2005 – February 28, 2006. **{This is a Fee For Service Contract}**

Roll call showed eight members of the Board voted in the affirmative with Freeholder Holmes absent.

132-2005 FREEHOLDER MAPP, appointing **Ina White, Springfield, New Jersey**, to serve on the Union County Senior Citizen and Disabled Residency Transportation Advisory Board effective January 1, 2005 – December 31, 2007.

Roll call showed eight members of the Board voted in the affirmative with Freeholder Holmes absent.

133-2005 FREEHOLDER SCANLON, authorizing the County Manager to donate the sum of **\$4,000**, to the **St. Patrick's Day Parade Committee** for the year 2005.

Roll call showed eight members of the Board voted in the affirmative with Freeholder Holmes absent.

134-2005 FREEHOLDER SCANLON, sets forth a **“POLICY”** that prior to completion of a project partially or completely funded with funds from the County of Union which will likely be dedicated by a commemorative plaque that the department head of the department responsible for the project or public work shall proposed in sufficient time to the standing committee on policy the composition and content of a proposed commemorative plaque for their consideration and approval.

Roll call showed eight members of the Board voted in the affirmative with Freeholder Holmes absent.

135-2005 FREEHOLDER SULLIVAN, adopting the 2005 Temporary Capital Budget.

Roll call showed eight members of the Board voted in the affirmative with Freeholder Holmes absent.

136-2005 FREEHOLDER SULLIVAN, appointing Councilman Victor DeFilippo, Garwood, New Jersey and Thomas Mezzo (Alternate) Garwood, New Jersey, to serve on the Union County Transportation Advisory Board effective January 1, 2005 – December 31, 2005.

Roll call showed eight members of the Board voted in the affirmative with Freeholder Holmes absent.

137-2005 FREEHOLDER SULLIVAN, an amendment to the 2005 Temporary Capital Budget in an amount of \$3,100,000, for a program entitled “Union County Rail Freight Project” for a total amount of \$98,743,553 pursuant to the provisions of Chapter 96, P.L. 1951 (N.J.S.A. 40A:4-20).

Roll call showed eight members of the Board voted in the affirmative with Freeholder Holmes absent.

138-2005 FREEHOLDER WARD, appointing Councilman Victor DeFilippo, Garwood, New Jersey, (Delegate), effective January 1, 2005 – December 31, 2005, re-appointing John B. Nicholas, Summit, New Jersey (Delegate) and David Santoriello, Summit, New Jersey, (Alternate) to serve on the Union County Air Traffic Noise Advisory Board effective January 1, 2005 – December 31, 2006.

Roll call showed eight members of the Board voted in the affirmative with Freeholder Holmes absent.

139-2005 CHAIRMAN PROCTOR, 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 Kean University’s Graduate Certificate in Public Administration Program for the period of January 1, 2005 – December 31, 2005, in an amount not to exceed \$18,000.

Roll call showed eight members of the Board voted in the affirmative with Freeholder Holmes absent.

- 140-2005** **CHAIRMAN PROCTOR**, authorizing the County Manager to award the proposed contracts obtained through advertised public bidding in accordance with **Local Public Contracts Law 40A:11-1 et seq:**
- a. **Department of Engineering & Public Works, Trinity Construction, Inc., Jackson, New Jersey, Repairs to the, Walter E. Ulrich Memorial Pool Bathhouse in an amount not to exceed \$120,000.**
 - b. **Division of Building Services and the Division on Aging, Waste Management of New Jersey, Baltimore, MD, to provide Solid Waste Disposal Service for various locations throughout the County (2nd Year Option) in an amount not to exceed \$76,856.28.**
 - c. **Division of Building Services, Positive Attitude Industries, Marlboro, New Jersey, to provide Janitorial Chemicals for use in various county buildings for a period of 24 months in amount not to exceed \$282,924.75.**
 - d. **Division of Police, Morse Watchmans, Oxford, CT, to purchase an Electronic Key Management System in an amount of \$38,505.**
 - e. **Division on Aging, Nutrition Kitchen, Delivery Concepts East, Hamstead, NC, to purchase four (4) Van Ovens in an amount not to exceed \$20,368.**
 - f. **Division on Aging, Nutrition Kitchen, Todd Devin Food Equipment, Yardley, PA, to purchase one (1) Steam Cooker & one (1) Steam Kettle in an amount of \$18,357.**
 - g. **Office of the Sheriff, Focus Camera, Inc., Brooklyn, NY, to purchase Photographic Equipment & Supplies in an amount of \$4,720.50.**

Roll call showed eight members of the Board voted in the affirmative with Freeholder Holmes absent.

- 141-2005** **CHAIRMAN PROCTOR**, authorizing an amendment to the **Union County 2002 Annual Transportation Plan (ATP)** as follows: delete the Intersection of Chestnut Street and Colfax Avenue, Roselle Park; delete the intersection of Mountain Avenue and Glenside Avenue, New Providence; delete the intersection of Terrill Road and North Avenue, Plainfield and Fanwood.

Roll call showed eight members of the Board voted in the affirmative with Freeholder Holmes absent.

- 142-2005** **CHAIRMAN PROCTOR**, amending **Resolution No. 785-2003, (Amendment No. 1)** to the contract with **Dewberry-Goodkind, Inc., Bloomfield, New Jersey**, for Construction Administration Services for the replacement of South Street Bridge over the Salt Brook, New Providence, **reducing** the contract amount by **\$12,654.97**, for a new contract amount of **\$165,395.68**.

Roll call showed eight members of the Board voted in the affirmative with Freeholder Holmes absent.

- 143-2005** **CHAIRMAN PROCTOR**, authorizing **Change Order No. 1, (Final)** to the contract with **Foggia Supreme Electric, Inc., East Hanover, New Jersey**, for Traffic Signal and Intersection Improvements, Roselle, New Jersey, **reducing** the contract amount by **\$29,894.12**, for a new contract amount of **\$786,716.53**.

Roll call showed eight members of the Board voted in the affirmative with Freeholder Holmes absent.

- 144-2005** **CHAIRMAN PROCTOR**, amending **Resolution No. 1246-2001, (Amendment No. 1, Final)** a professional service contract with **O'Brien & Gere Engineers, Inc., Edison, New Jersey**, for the purpose of providing Operation and Maintenance (O&M) Manuals and Emergency Action Plans (EAP's) for Union County Dams in an additional amount of **\$9,000**, for a new contract amount of **\$64,000**.

Roll call showed eight members of the Board voted in the affirmative with Freeholder Holmes absent.

- 145-2005** **CHAIRMAN PROCTOR**, authorizing the County Manager to endorse the Department of Engineering and Public Works participation in the **Union County Magnet High School Internship Training Program** which will provide a collaborative learning experience for qualified students in both a school and workplace setting. **{At no cost to the County of Union}**

Roll call showed eight members of the Board voted in the affirmative with Freeholder Holmes absent.

146-2005 **CHAIRMAN PROCTOR**, authorizing the County Manager to enter into an agreement with the **New Jersey Department of Transportation (NJDOT)** for State Aid 2005. The 2005 allotment of **\$4,014,000** will be applied to the 2005 Resurfacing Project which is budgeted in the 2004 Capital Budget and 2005 Grant Force Accounts in the following manner: **\$3,000,000** for 2005 Resurfacing; two Grant Force Accounts – **\$929,040** for Traffic Signs and Markings and **\$84,960** for Traffic Control Standards.

Roll call showed eight members of the Board voted in the affirmative with Freeholder Holmes absent.

147-2005 **CHAIRMAN PROCTOR**, authorizing the County Manager to award a professional service contract to the **PMK Group, Cranford, New Jersey**, for the purpose of providing professional engineering and consulting services to assist Union County in the preparation of a request for bid for the supply and delivery of natural gas to the City Gate for various Union County locations, as well as to Union County Co-Operative Pricing System Member Facilities for the contract period of January 1, 2005 – December 31, 2005, in an amount not to exceed **\$12,500**.

Roll call showed eight members of the Board voted in the affirmative with Freeholder Holmes absent.

148-2005 **CHAIRMAN PROCTOR**, authorizing the County Manager to enter into a contract with **ARAMARK Correctional Services, Inc., Oakbrook Terrace, Illinois**, to provide Off-Site Inmate Commissary Services and Inmate Trust Fund Accounting System **pursuant to N.J.S.A. 40A:11-4.1 et seq.** for the contract period of January 1, 2005 – December 31, 2007.

Roll call showed eight members of the Board voted in the affirmative with Freeholder Holmes absent.

149-2005 **CHAIRMAN PROCTOR**, authorizing and directing the County Manager to apply to the **State of NJ, Department of Environmental Protection** for the **County Environmental Health Act (CEHA) Grant**, which will be used to fund the County's Hazardous Materials, Water, Solid Waste, Air and Noise program in the amount of **\$245,000** with a mandatory **\$100,000** in-kind matching funds.

Roll call showed eight members of the Board voted in the affirmative with Freeholder Holmes absent.

150-2005 **CHAIRMAN PROCTOR**, amending **Resolution No. 646-2004**, to change the funding source for the payment of the S.A.L.T. rent to **St. Mary's Roman Catholic Church, Plainfield, New Jersey**, from an operating account to the Community Prosecutor Enhancement Grant Account for the contract period of January 1, 2005 – June 30, 2005, in the amount of **\$1,760 per month**, with no additional county funds to be expended.

Roll call showed eight members of the Board voted in the affirmative with Freeholder Holmes absent.

151-2005 **CHAIRMAN PROCTOR**, declaring a certain vehicle (**2000 Chevrolet Impala**) utilized for enforcement activities no longer needed for such purpose and authorizing the County Manager to dispose of the vehicle in accordance with **N.J.S.A. 40A:11-36**.

Roll call showed eight members of the Board voted in the affirmative with Freeholder Holmes absent.

152-2005 **CHAIRMAN PROCTOR**, authorizing the County Manager to execute Certificate of Title and such documents as may be necessary to transfer the surplus vehicle to the **City of Elizabeth Police Department**.

Roll call showed eight members of the Board voted in the affirmative with Freeholder Holmes absent.

153-2005 **CHAIRMAN PROCTOR**, amending **Resolution No. 1105-2004**, increasing the appropriation to **Edward Kologi, Linden, New Jersey**, special counsel in the matter entitled **Weresow v. County of Union, et al.** in an additional amount of **25,000**, for a new total contract amount not to exceed **\$72,500**.

Roll call showed eight members of the Board voted in the affirmative with Freeholder Holmes absent.

154-2005 **CHAIRMAN PROCTOR**, amending **Resolution No. 1103-2004**, increasing the appropriation to **Ruderman & Glickman, Springfield, New Jersey**, special counsel in the matter entitled **Weresow v. County of Union, et al.** in an additional amount of **\$25,000**, for a new total contract amount not to exceed **\$152,000**.

Roll call showed eight members of the Board voted in the affirmative with Freeholder Holmes absent.

155-2005 **CHAIRMAN PROCTOR**, amending **Resolution No. 1253-2004**, increasing the appropriation to **Brownstein, Booth & Associates, Union City, New Jersey**, special counsel in the matter entitled **Blanchard v. County of Union, et al.** in an additional amount of **\$10,000**, for a new total contract amount not to exceed **\$25,000**.

Roll call showed eight members of the Board voted in the affirmative with Freeholder Holmes absent.

156-2005 **CHAIRMAN PROCTOR**, amending **Resolution No. 896-2004**, increasing the appropriation to **Thomas C. Jardim, Esq., Morristown, New Jersey**, special counsel in the matter entitled **Nazario v. County of Union, et al.** in an additional amount of **\$5,000**, for a new total contract amount not to exceed **\$15,000**.

Roll call showed eight members of the Board voted in the affirmative with Freeholder Holmes absent.

157-2005 **CHAIRMAN PROCTOR**, authorizing the sale of two lots, each approximately one (1) acre , containing approximately three hundred feet of frontage on Horseshoe Road, presently owned by the County of Union in Block 3303, known as Lots 1.02 and 1.03, in the Township of Berkeley Heights and establishing a minimum bid price for each parcel.

Roll call showed eight members of the Board voted in the affirmative with Freeholder Holmes absent.

158-2005 **CHAIRMAN PROCTOR**, appointing **Elia Pelios, Esq, Somerville, New Jersey**, as special counsel to represent Union County Corrections Officer M. Patella in the matter entitled **Orlando Nazario v. County of Union, et al.** in an amount not to exceed **\$5,000**.

Roll call showed eight members of the Board voted in the affirmative with Freeholder Holmes absent.

159-2005 **CHAIRMAN PROCTOR**, appointing **Alan Roth, Esq, Springfield, New Jersey**, as special counsel to represent Daniel Warchol in the matter entitled **Weinstock, Ficacci & Testa v. UC Division of Environmental Health and Emergency Management, et als.** in an amount not to exceed **\$5,000**.

Roll call showed eight members of the Board voted in the affirmative with Freeholder Holmes absent.

160-2005 **CHAIRMAN PROCTOR**, appointing **Batista & Batista, Hillside, New Jersey**, as special counsel to represent William Kane in the matter entitled **Weinstock, Ficacci & Testa v. UC Division of Environmental Health and Emergency Management, et als.** in an amount not to exceed **\$5,000.**

Roll call showed eight members of the Board voted in the affirmative with Freeholder Holmes absent.

161-2005 **CHAIRMAN PROCTOR**, appointing **Alan Roth, Esq, Springfield, New Jersey**, as special counsel in connection with personnel matters for the County of Union, in an amount not to exceed **\$75,000.**

Roll call showed eight members of the Board voted in the affirmative with Freeholder Holmes absent.

162-2005 **CHAIRMAN PROCTOR**, amending **Resolution No. 5-2005**, to reflect the Clerk of the Board holding change funds in the amount of **\$50.00** for **OPRA** payments, the total amount for change funds for the year 2005 is now **\$3,435.**

Roll call showed eight members of the Board voted in the affirmative with Freeholder Holmes absent.

163-2005 **CHAIRMAN PROCTOR**, authorizing the **Office of the County Clerk**, to process expenditures for the 2005 Courthouse Centennial Exhibition against the Union County Initiative Account in an amount not to exceed **\$15,000.**

Roll call showed eight members of the Board voted in the affirmative with Freeholder Holmes absent.

164-2005 **CHAIRMAN PROCTOR**, allowing the County to apply for the **New Jersey PARIS Grant**, to implement an imaging and archiving system County-wide as well as make improvements to existing storage and imaging systems in the amount of **\$1.5 million.**

Roll call showed eight members of the Board voted in the affirmative with Freeholder Holmes absent.

THE FOLLOWING RESOLUTIONS WERE LAUDATORY IN CONTENT:

165-2005 **FREEHOLDERS ESTRADA AND MAPP**, acknowledging the efforts and work of several members of the community who attended and participated in the **Youth Service Bureau's** annual youth conference sponsored by the **New Jersey Training School on November 16, 2004**.

Roll call showed eight members of the Board voted in the affirmative with Freeholder Holmes absent.

166-2005 **FREEHOLDER ESTRADA**, congratulating **Ms. Heather Hays**, as she leaves the position of President/Executive Director of the Children's Museum of Central New Jersey, the emerging, non-profit, hands-on interactive children's museum which she founded.

Roll call showed eight members of the Board voted in the affirmative with Freeholder Holmes absent.

167-2005 **FREEHOLDER ESTRADA**, extending deepest condolences to the family of **Bernard A. Heeney Jr., (Westfield Municipal Clerk)** in this, their time of sorrow.

Roll call showed eight members of the Board voted in the affirmative with Freeholder Holmes absent.

168-2005 **FREEHOLDER HOLMES**, congratulating **Charles Reeseg, of Boy Scout Trop 40, Rahway, New Jersey**, on attaining his Eagle Scout Award.

Roll call showed eight members of the Board voted in the affirmative with Freeholder Holmes absent.

169-2005 **FREEHOLDER SCANLON**, congratulating **Marie Varley**, who is being honored by the Cryan Association at their 45th Anniversary Dance on Sunday, January 29, 2005.

Roll call showed eight members of the Board voted in the affirmative with Freeholder Holmes absent.

170-2005 **FREEHOLDER SCANLON**, congratulating **Jim Cosgrove**, who is being honored by the Cryan Association at their 45th Anniversary Dance on Sunday, January 29, 2005.

Roll call showed eight members of the Board voted in the affirmative with Freeholder Holmes absent.

171-2005 **VICE CHAIRMAN MIRABELLA**, congratulating **Gregory L. Ryan, Jr. Boy Scout Troop 77, Westfield, New Jersey**, on attaining his Eagle Scout Award.

Roll call showed eight members of the Board voted in the affirmative with Freeholder Holmes absent.

172-2005 **CHAIRMAN PROCTOR AND THE ENTIRE BOARD**, extending deepest condolences to the family of **Joan Olympia Ascione**, in this, their time of sorrow.

Roll call showed eight members of the Board voted in the affirmative with Freeholder Holmes absent.

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

Judith Ann Fabian, Crystal Terrace, Hillside, commented on problems with snow removal on a North Avenue sidewalk near Morris Avenue, noting that snow on the sidewalk compels people to walk in the street and that it is a very busy street. Freeholder Estrada and Chairman Proctor asked questions of Director Frank Dann of the Public Works department as to what parts of the roads and sidewalks were County property. They determined that the sidewalk in question was County property and the Chairman asked Director Dann and Director Sigmund of the Parks and Recreation department to look into the problem and rectify it.

Patricia Quatrocchi, Garwood, commented on The Union County Vocational/Technical Schools and the Magnet school, stating that the school as a whole is lovely, but that one set of class rooms in the Vocational Technical School area – the Cosmetology Department – appeared to be in disrepair. She stated that Cosmetology is a very necessary program and prepares young people to go out into the workforce. She asked that the Board look into the state of the classrooms.

Vincent Lehotsky, Rahway, commented on Acting Governor Cody's recent conflict with a radio host.

Bruce Paterson, Garwood, commented in opposition to raises given to Union County Department heads and to the County Manager, on the salary of the new Clerk of the Board, on tax increases and on budget increases.

PUBLIC COMMENT PORTION CONCLUDED

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The Chairman called for a motion to enter into Executive Session. He stated that the Board would take no action after the Executive Session. On a motion by Vice Chairman Mirabella, seconded by Freeholder Kowalski, roll call showed eight members of the Board voted in the affirmative, with Freeholder Holmes absent.

Freeholder Holmes entered the meeting just after the roll was called.

EXECUTIVE SESSION

Re: Insurance Matters and Pending Litigation

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The Chairman called for a motion to reenter the Regular Meeting. On a motion by Vice Chairman Mirabella, seconded by Freeholder Scanlon, roll call showed eight members of the Board voted in the affirmative with Freeholder Sullivan absent.

REPORTS: STANDING & SPECIAL COMMITTEES

The Chairman called for Freeholder Reports.

Freeholder Estrada had no comments.

Freeholder Holmes had no comments.

Freeholder Kowalski had no comments.

Freeholder Mapp had no comments.

Freeholder Ward reported that on January 16 and 17 she attended ceremonies commemorating Dr. Martin Luther King Jr. She stated that she enjoyed the events at the Elizabeth Public Library, and at the Second Macedonian Baptist Church in Elizabeth, and at the Morning Star Tabernacle Church in Linden. Freeholder Ward stated that she enjoyed being a part of a team of three Freeholders who presented a Resolution to the Linden Commemorative Committee in conjunction with the Linden Recreation Department in honor of Dr. King.

Freeholder Sullivan had no comments.

Freeholder Scanlon reported that Shade Tree Commission met last week and discussed the Asian Long Horned Beetle. There is an infestation of these insects in Rahway, Linden, and outside of the County in Carteret and Woodbridge, and that area is quarantined for five years. There are 410 trees that have been identified as being infested, but 4000 trees have to be removed because of the host-tree issue. If you have the host trees in your yard, you need to be very wary of the beetle, she stated. Host trees include Maple, Horse Chestnuts, Willow, Elm, Birch, Poplar, Ash, and several other varieties. The U.S. Department of Agriculture has made the decision to take down these 4000 trees, and they are guaranteeing to put 4000 trees back up. Not all are in Union County, the majority are in Middlesex County.

The Freeholder then gave a description of the insects: Approximately an inch to an inch-and-a-half inches long with a shiny black exterior with white spots. They typically attack one tree and then migrate to others. Signs of infestation include holes in the trees and piles of sawdust around the base of the trees. Any branches that are removed from an infested tree must be chipped on site and not moved to another location, in order to prevent the spread of the beetles. The Freeholder stated that anyone in a quarantined area doing any yard work should contact their municipality to make sure they are in compliance with state regulations. She also said 300 trees have been planted this year in Union County, replacing 162 that were removed due to decay, dying and construction. This is almost a two-to-one replacement rate, she said.

Freeholder Mirabella had no comments.

The County Manager had no comments.

The County Counsel had no comments.

Chairman Proctor had no comments.

The Chairman made a motion to adjourn the meeting. Seconded by Freeholder Scanlon the Board voted nine in the affirmative to adjourn the meeting.

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The voucher list through **January 12, 2005** will be available for public perusal in the Office of the Clerk of the Board.

The next **Regular Meeting** of the Union County Board of Chosen Freeholders will be held on **February 10, 2005 at 7:00 P.M.** in the Freeholders Meeting Room, Administration Building, 6th Floor, Elizabeth.

ADJOURNMENT

NLT/amc

**Nicole L. Tedeschi
Clerk of the Board**