

UNION COUNTY BOARD OF CHOSEN FREEHOLDERS

MINUTES FOR THE REGULAR MEETING

FEBRUARY 22, 2006

Chairman Alexander Mirabella presided. Roll call showed Vice Chair Bette Jane Kowalski, Freeholder Angel G. Estrada, Freeholder Chester Holmes, Freeholder Adrian Mapp, Freeholder Deborah P. Scanlon, Freeholder Daniel P. Sullivan and Freeholder Nancy Ward in attendance. Freeholder Rick Proctor 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 lead by the Clerk of the Board.

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

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

Mayor Cohen thanks the Chairman and says that he too has a presentation. Mayor Cohen then presented Chairman Mirabella with a key to the Township of Berkeley Heights in appreciation for the opportunity to bring the freeholder meeting to the residence. He also thanked The Chairman for participating in the Jets rally to The Township of Berkeley Heights. The Mayor valued all the efforts made for the economic development initiatives of the Chairman for the Township.

Chairman Mirabella welcomes the first mobile meeting of 2006. Taking the meeting to the community is an important part of community and government coming together. With Chairman Mirabella presents Mayor David Cohen of Berkeley Heights Township the County Flag. And a resolution declaring Berkeley Heights the County Seat for February 22, 2006. The Chairman asks Freeholders Sullivan, Freeholders Scanlon and Freeholder Estrada to help to present the County Flag to the Mayor.

Chairman Mirabella then asks Union County Police Department Chief Danny Vaniska to present a plaque and resolution to Berkeley Heights Chief of Police Dave Zagar for their accomplishment of receiving accreditation for the Department. The Chairman asks Freeholder Holmes, a former Rahway police officer, to assist in presenting the plaque and resolution to the Police Chief.

The Chairman asks Officer Jean Marie Mocarski, Sergeant Michael Mathis, Officer Brian Jordan and Officer Edwin Ammerlaan to step forward and receive Certificates of Appreciation for their efforts during a recent drunk driving incident took place in Berkeley Heights. The driver was seen by the off duty police officer and the other officers came quickly to the scene and were able to apprehend the driver.

Chairman Mirabella presents a Resolution to Mayor Cohen in support of the Jets relocation to Berkeley Heights. The Chairman thanked Angie Devaney, the Township of Berkeley Heights' Administrator, the Committee members, and the Freeholders for working so diligently to help Berkeley Heights achieve their goal. Mayor Cohen thanked The Chairman, the County Manager, and all the Freeholders for their participation.

By: T & M Associates

Re: Snyder Avenue/Stanford Drive Park Development

T&M Associates presented plans for the area at Snyder Avenue/Stanford Drive Park Redevelopment. Plans include a large synthetic field for various uses. Also there will be a softball field and a parking lot for approximately one hundred and thirty five (135) cars. There will also be a retaining wall and fence area. Wetlands will be preserved.

Freeholder Sullivan asked what the total site's area would be. Mr. Ed Klum, representing T&M Associates answered that it will be sixteen (16) acres including the four (4) acres of wetlands. Freeholder Sullivan wanted to know if it would impact the homes in that area. Mr. Klum responded that there would be no impact. Chairman Mirabella asked if the fields were lit. Mr. Klum responded yes, there is one light source that can be used for both fields. There were no questions asked by the public concerning this presentation.

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Chairman Mirabella suspended the rule to abstain on Resolution 2006-207 d and e. Motion was made by Scanlon and seconded by Sullivan, eight Freeholders in the affirmative with Freeholder Proctor absent.

There was no objection to the Chairman's request to change his vote from affirmative on 2006-207 d and e to an abstention.

COMMUNICATIONS:

OATHS OF OFFICE: (Note & file)

Chairman Mirabella called for a roll call to approve the Communications. On a motion by Freeholder Estrada and seconded by Vice Chair Kowalski the roll showed eight (8) in the affirmative. Freeholder Proctor was absent.

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

Tina Renna, Walnut Avenue, Cranford. Regarding Resolution 2006-269, Sinclair v. County of Union. Ms. Renna feels as if the County is disregarding care of the prisoners. She stated that nineteen things were cited in the report regarding this incident and only eighteen (18) items were fixed or replaced within a year. County Manager Devanny asks Director Guzzo of the Human Services Department to answer Ms. Renna's questions regarding the facilities. Director Guzzo is aware of the report cited and made clear that it is a process to maintain these facilities repairs, and the State sent a letter of commendation to the County for its progress.

PUBLIC COMMENT PORTION CONCLUDED

Chairman Mirabella called for a motion to approve resolutions 2006-249 thru 2006-273. On a motion made by Sullivan and seconded by Freeholder Estrada the roll was eight (8) in the affirmative. Freeholder Proctor was absent.

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THE FOLLOWING RESOLUTIONS ARE BEING OFFERED FOR ADOPTION:

2006-249 **FREEHOLDER HOLMES**, providing for an annual appropriation to the **Union County Utilities Authority, (UCUA) Rahway, New Jersey**, to enable the Department of Parks, Recreation and Facilities to dispose of the refuse at their site in an amount of **\$52,000**.

On a motion made by Freeholder Sullivan and seconded by Freeholder Estrada the roll was eight (8) in the affirmative. Freeholder Proctor was absent.

2006-250 **FREEHOLDER ESTRADA**, amending the 2006 Temporary Budget to accept the following grants:

- a. New Jersey Department of Environmental Protection, pursuant to and in accordance with a program entitled: **“Municipal Storm Water Regulations Program”** in the amount of **\$10,000**.
- b. The New Jersey Department of Health and Senior Services, pursuant to and in accordance with a program entitled: **“Local Core Capacity Infrastructure for Bioterrorism Preparedness”** in the amount of **\$89,532**.
- c. US Environmental Protection Agency, pursuant to and in accordance with a program entitled: **“Air Pollution Control Program”** in the amount of **\$45,264**.

On a motion made by Freeholder Sullivan and seconded by Freeholder Estrada the roll was eight (8) in the affirmative. Freeholder Proctor was absent.

2006-251 **FREEHOLDER ESTRADA**, authorizing the County Manager to apply, accept and enter into all necessary agreements with **NJ Council on the Arts** for funding in the amount of **\$11,000**, with a required county match of **\$11,000**, for an “**Arts and Lunch**” pilot program in which the Division on Aging will partner with the Division of Cultural & Heritage Affairs to bring arts to seniors at specific nutrition sites.

On a motion made by Freeholder Sullivan and seconded by Freeholder Estrada the roll was eight (8) in the affirmative. Freeholder Proctor was absent.

2006-252 **FREEHOLDER ESTRADA**, amending **Resolution No. 1172-2005** increasing **FFY 2005 Community Services Block Grant (CSBG)** funds in the amount of **\$193,027**, for a total grant agreement of **\$791,537**, for the contract period of October 1, 2004 – September 30, 2006, to do all that is necessary to execute the amended grant agreement with **New Jersey Department of Community Affairs** and to authorize the expenditure of funds.

On a motion made by Freeholder Sullivan and seconded by Freeholder Estrada the roll was eight (8) in the affirmative. Freeholder Proctor was absent.

2006-253 **FREEHOLDER ESTRADA**, authorizing the County Manager to enter into a lease agreement with **Immaculate Conception Church, Elizabeth, New Jersey**, for the rental of 75 parking spaces located at **425 Union Street, Elizabeth, New Jersey**, for the Division of Social Services employee parking, for the contract period of January 1, 2006 – December 31, 2006 in the amount of **\$40 per space or \$3,000 per month**, in an amount not to exceed **\$36,000 per year**.

On a motion made by Freeholder Sullivan and seconded by Freeholder Estrada the roll was eight (8) in the affirmative. Freeholder Proctor was absent.

2006-254 **FREEHOLDER ESTRADA**, authorizing the execution of the Individual Offender Fund Application allowing the **Youth Services Commission Administrator** to sign the Service Request/Service Conclusion Notification Form, binding the County to adhere to the County Certification & Agreement Form as well as the Service Provider adhering to the County’s contractual guidelines.

On a motion made by Freeholder Sullivan and seconded by Freeholder Estrada the roll was eight (8) in the affirmative. Freeholder Proctor was absent.

2006-255 **FREEHOLDER SULLIVAN**, authorizing the County Manager, through the Division of Planning and Community Development to enter into an agreement with **The RBA Group, Inc., Morristown, New Jersey**, to provide professional services for the North Jersey Transportation Planning Authority (NJTPA) grant funded transportation planning study entitled: “Union County Comprehensive Bicycle Master Plan” for the contract period of March 1, 2006 – June 30, 2007 in an amount not to exceed **\$120,000**.

On a motion made by Freeholder Sullivan and seconded by Freeholder Estrada the roll was eight (8) in the affirmative. Freeholder Proctor was absent.

2006-256 **VICE CHAIR KOWALSKI**, amending **Resolution No. 83-2006** to reflect that **Dr. Michael Aromando, DVM, MS, Chester, New Jersey**, will be doing business under his trade name **Town and Country Veterinary House Calls, Chester, New Jersey**, for the year 2006.

On a motion made by Freeholder Sullivan and seconded by Freeholder Estrada the roll was eight (8) in the affirmative. Freeholder Proctor was absent.

2006-257 **VICE CHAIR KOWALSKI**, authorizing **Change Order No. 1 (Final)** to a Construction Contract with **Fai-Gon Electric, Inc., Piscataway, New Jersey**, for the lighting of the four (4) Tennis Courts, Cedar Brook Park, Plainfield, New Jersey. This change order will reflect as-built quantities and a **reduction** in the contract price in the amount of **\$3,294.77**, for a new total contract amount of **\$61,955.23**.

On a motion made by Freeholder Sullivan and seconded by Freeholder Estrada the roll was eight (8) in the affirmative. Freeholder Proctor was absent.

2006-258 **CHAIRMAN MIRABELLA**, authorizing the County Manager to renew the following Policies as recommended by the **Citizens Insurance Review Committee (CIRC) dated February 22, 2006**:

- a. New Policy – **Public Official Bond for Soman Sivasankaran (Sr. Accountant)** with **The Hartford Bond Division, Hartford, Connecticut**, from March 1, 2006 through February 28, 2007 in an amount not to exceed **\$400**.
- b. New Policy – **Public Official Bond for Steven H. Merman (County Division Head/Director Division of Planning & Community Development)** with **The Hartford Bond Division, Hartford, Connecticut**, from March 1, 2006 through February 28, 2007 in an amount not to exceed **\$400**.

On a motion made by Freeholder Sullivan and seconded by Freeholder Estrada the roll was eight (8) in the affirmative. Freeholder Proctor was absent.

2006-259 **CHAIRMAN MIRABELLA**, 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: (CH. MIRABELLA)**

- a. DIVISION OF EMERGENCY MANAGEMENT: **Radiac Research Corporation, Brooklyn, New York**, Household Hazardous Waste Collection Program for 2005/2006 (Optional 3rd and final year) in an amount of **\$132,535**.
- b. DIVISION OF POLICE: **Atlas Flasher & Supply Co., Inc., Mickleton, New Jersey**, to purchase two (2) message signs for the Traffic Safety Unit in an amount of **\$30,950**.
- c. DEPARTMENT OF ENGINEERING: **Daidone Electric Inc., Newark, New Jersey**, Intersection Improvements – Township of Springfield and Hillside in an amount of **\$832,998.90. {Grant funding}**

On a motion made by Freeholder Sullivan and seconded by Freeholder Estrada the roll was eight (8) in the affirmative. Freeholder Proctor was absent.

2006-260 **CHAIRMAN MIRABELLA**, approving **Change Order No. 1 (Final)** to the contract with **J.H. Reid General Contractor, South Plainfield, New Jersey**, for the purpose of improvements to the Milton Lake Dam. This request is a **decrease** in the original contract amount by **\$72,358.50**, for a new contract amount of **\$809,941.50**.

On a motion made by Freeholder Sullivan and seconded by Freeholder Estrada the roll was eight (8) in the affirmative. Freeholder Proctor was absent.

2006-261 **CHAIRMAN MIRABELLA**, authorizing the County Manager to enter into a Professional Engineering Design Service Contract to **Hardesty & Hanover Engineering, LLP, West Trenton, New Jersey**, for the design of the South First Street Bridge over the Elizabeth River in the City of Elizabeth, New Jersey, in an amount not to exceed **\$592,387. {Federal Funding}**

On a motion made by Freeholder Sullivan and seconded by Freeholder Estrada the roll was eight (8) in the affirmative. Freeholder Proctor was absent.

2006-262 **CHAIRMAN MIRABELLA**, authorizing the County Manager to enter into a contract with **EMARK Industries, West Falls, New York**, to supply goods and services for a “Bullet Recovery System” specified as per N.J.S.A. 40A:11-5(3) in an amount not to exceed **\$38,500**.

On a motion made by Freeholder Sullivan and seconded by Freeholder Estrada the roll was eight (8) in the affirmative. Freeholder Proctor was absent.

- 2006-263** **CHAIRMAN MIRABELLA**, authorizing the County Manager to enter into a contract with **Royal Printing Services, West New York, New York**, for the purpose of printing the Union County Ballots for the School Board Elections to be held in April 2006 in an amount of **\$77,800**.

On a motion made by Freeholder Sullivan and seconded by Freeholder Estrada the roll was eight (8) in the affirmative. Freeholder Proctor was absent.

- 2006-264** **CHAIRMAN MIRABELLA**, authorizing expenditure of **Grant Funds** awarded to the Union County Prosecutor's Office.

On a motion made by Freeholder Sullivan and seconded by Freeholder Estrada the roll was eight (8) in the affirmative. Freeholder Proctor was absent.

- 2006-265** **CHAIRMAN MIRABELLA**, authorizing the County Manager to enter into an agreement with the **Sheriff's Labor Assistance Program (SLAP)** to the following municipalities for the 2006 calendar year: **Borough of Roselle; Borough of Roselle Park; Township of Clark – Equal Shares; Township of Scotch Plains – Equal Shares; Township of Westfield – Equal Shares; Elizabeth Avenue Partnership; and Historic Midtown of Elizabeth, Special Improvement District**

On a motion made by Freeholder Sullivan and seconded by Freeholder Estrada the roll was eight (8) in the affirmative. Freeholder Proctor was absent.

- 2006-266** **CHAIRMAN MIRABELLA**, authorizing the County Manager to enter into an agreement with **Pen-Link, Ltd, Lincoln, Nebraska**, to purchase Pen Link 8.0 Pro Network software as an upgrade to an existing intelligence system software as an exception to Local Contract Law N.J.S.A. 40A:11-5(dd) in an amount of **\$31,000**.

On a motion made by Freeholder Sullivan and seconded by Freeholder Estrada the roll was eight (8) in the affirmative. Freeholder Proctor was absent.

- 2006-267** **CHAIRMAN MIRABELLA**, approving the settlement of pending litigation entitled **Brian Murphy v. County of Union, et al**, Docket No. UNN-L-2406-04.

On a motion made by Freeholder Sullivan and seconded by Freeholder Estrada the roll was eight (8) in the affirmative. Freeholder Proctor was absent.

- 2006-268** **CHAIRMAN MIRABELLA**, approving the settlement of pending litigation entitled **Francis Roberts v. County of Union, et al**, Docket No. UNN-L-2331-04.

On a motion made by Freeholder Sullivan and seconded by Freeholder Estrada the roll was eight (8) in the affirmative. Freeholder Proctor was absent.

2006-269 **CHAIRMAN MIRABELLA**, amending **Resolution 2006-124**, to increase the appropriation to **Brownstein, Booth & Associates of Union City**, special counsel in the matter entitled **Sinclair v. County of Union, et als.** for an additional sum of **\$10,000** for a new total contract amount not to exceed **\$45,000**.

On a motion made by Freeholder Sullivan and seconded by Freeholder Estrada the roll was eight (8) in the affirmative. Freeholder Proctor was absent.

2006-270 **CHAIRMAN MIRABELLA**, approving the following pre-qualified provision of Psychological Services: **Comprehensive Psychological Services, PA, Clark, New Jersey and Kanen Psychological Associates, P.A., Ridgewood, New Jersey.**

On a motion made by Freeholder Sullivan and seconded by Freeholder Estrada the roll was eight (8) in the affirmative. Freeholder Proctor was absent.

THE FOLLOWING RESOLUTIONS ARE LAUDATORY IN CONTENT:

2006-271 **FREEHOLDER PROCTOR**, designating the second week of March, 2006 as **“Extension Living Well Week”** in Union County.

On a motion made by Freeholder Sullivan and seconded by Freeholder Estrada the roll was eight (8) in the affirmative. Freeholder Proctor was absent.

2006-272 **FREEHOLDER SULLIVAN, CHAIRMAN MIRABELLA AND THE ENTIRE BOARD**, advising the President of the United States that the County of Union, State of New Jersey does not support the sale of operations of Port Elizabeth to Dubai Ports World, an Arab-based company.

On a motion made by Freeholder Sullivan and seconded by Freeholder Estrada the roll was eight (8) in the affirmative. Freeholder Proctor was absent.

2006-273 **CHAIRMAN MIRABELLA**, supporting the Township of Berkeley Heights in their endeavors to have the New York Jets relocate to their town.

On a motion made by Freeholder Sullivan and seconded by Freeholder Estrada the roll was eight (8) in the affirmative. Freeholder Proctor was absent.

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

Kevin Retchell, Linden spoke regarding pedophile free zones in the Union County Park system. Chairman Mirabella explained that this idea would have to go through the policy committee. Kevin also mentioned “Pay to Play” policies in Union County. The Chairman replied that Union County adheres to the same rules as set forth by the State of New Jersey.

Tina Renna, Cranford spoke regarding Resolution 2005-783 (the State v. McDermott.) She claims she has made several OPRA requests and is unable to find any dialogue discussing this particular resolution. Chairman Mirabella thanked Ms. Renna for her comments.

Dave (name in audible) Springfield. Believes Springfield is the most racist town in Union County. He stated that he felt it took too long for his OPRA request to Springfield to be responded to; does not support the office of the Freeholders. He would like to reorganize school boards, police departments and school administrations and felt strongly about dual office holdings.

Mr. Thomas Getzandanner, Council Member of the City of Summit. He invites the Freeholders mobile meetings to Summit. He is delighted about the Animal Control Center he believe that shared services will help municipalities deal with the costs of a program of this kind. He believes that Open Space is important, but asked the Freeholder board to please revisit the trust to place a cap on dollars spent on preserving open space. Chairman Mirabella believes that Summit is benefiting greatly from this Trust Fund and will discuss his suggestion. However, the Chairman does not believe he will support a cap or a change in the Trust Fund policy because there is so much value to be gained from the open spaces in the community.

Pat Mochette, New Providence, Teacher in Hoboken discussed the Public School System. Mr. Mochette would like to have one place in the state to process the certification of substitute teachers for the state, each county certifies their own substitute teachers. The Chairman suggested that he speak directly to the Superintendent of Schools regarding his Certification of Substitute Teachers. County Manager Devanny suggests that Mr. Mochette reach-out to legislators to discuss this position.

PUBLIC COMMENT PORTION CONCLUDED

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FREEHOLDER REPORTS AND COMMENTS

Freeholder Holmes had no comments.

Freeholder Sullivan revisited resolution 2006-272. The resolution is opposing the sale of operating the East Coast ports. Freeholder Sullivan is specifically interested in the security of the Port of Elizabeth especially after the 9-11 attacks, this resolution provides a record of Union County’s general dissatisfaction with the Presidents initiative.

Freeholder Scanlon commented on the Shade Tree Advisory Board status which is now under the status of the Shade Tree Forestry Act. Community forestry is important. Everyone needs to do their piece to keep healthy trees in the neighborhoods and parks in Union County. Freeholder

Scanlon also made mention of the up coming Arbor Day events planned for the April 28th celebration. A program will be sponsored by Williams Nursery, of Westfield. Williams will be supplying saplings to school aged children, teaching them care and planting instructions for their trees. There will also be an essay contest associated with this program.

Vice Chair Bette Jane Kowalski thanked Mayor Cohen and the Township of Berkeley Heights for hosting the mobile meeting. Freeholder Kowalski wanted to thank the various exhibitors associated with Union County Day. Thanks to the YMCA for hosting the child safety seat inspection and for the fingerprinting/D-chip disk used for safety purposes. Other exhibitors such as Runnels Hospital at the Mt. Carmel Facility for their blood pressure screening, and Senior Scholar Program. Thanks to Stop and Shop for the use of their property for the Union County Public Information Van. Freeholder Kowalski also made specific mention of Columbia School students, Mr. Nesta's class, and the good people of the Trailside Museum and Parks and Recreation for their traveling lessons on mammals.

Freeholder Ward had no comments.

Freeholder Mapp suggested expedited copies of the 2006-272 resolution against the sales of operations of the East Coast Ports are being sent to all municipalities in Union County and other counties who have interest in putting a stop to this plan.

Freeholder Estrada had no comments.

County Manager Devanney personally took advantage of various exhibits at the Union County Day celebration. The "traveling Trailside" program's first day of going to schools has everyone excited. The County Manager thanked all the staff involved in making traveling government a great success.

Chairman Mirabella was pleased with the mobile meeting and how the entire staff of both Union County and the Township of Berkeley Heights were able to come together to make the day run seamlessly. Working together produced a great program for how County government works. The car seat program was wildly successful. Thanks again to Mayor Cohen, Elaine Perna the Deputy Mayor, Committee member Louis Pasquale, Committee man David Renner, Committeeman Joe Bruno, Chief Zagar, Captain Moran, Angie Devanney, Joe Graziano the owner of Stop and Shop Frank May, the YMCA staff and a special thanks and round of applause to Nicole Tedeschi and her staff for making the mobile meeting possible.

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The Chairman called for a motion to adjourn the meeting. On a motion by Freeholder Sullivan, seconded by Freeholder Homes, roll call showed eight (8) members of the Board voted in the affirmative, Freeholder Proctor was absent.

The voucher list through **February 15, 2006** 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 **Thursday, March 9, 2006 at 7:00 pm** in the Freeholders Meeting Room, Administration Building, 6th Floor, Elizabeth, New Jersey.

ADJOURNMENT

Nicole L. Tedeschi, Clerk of the Board