



UNION COUNTY BOARD OF CHOSEN FREEHOLDERS

EXECUTIVE SESSION MINUTES REGULAR MEETING – JANUARY 28, 2009

Present: Chairman Alexander Mirabella, Vice Chairman Daniel P. Sullivan, Freeholder Angel G. Estrada, Freeholder Chester Holmes, Freeholder Bette Jane Kowalski, Freeholder Rick Proctor, Freeholder Rayland Van Blake and Freeholder Nancy Ward were present. Freeholder Deborah P. Scanlon was absent.

Also Present: County Manager George W. Devanney, Deputy County Manager M. Elizabeth Genievich, County Counsel Robert E. Barry, Esq., and Clerk of the Board Nicole L. DiRado.

The following items were discussed:

1. Ongoing Litigation: Tipari v. The County of Union

Guest: Norm Albert, Esq., First Deputy County Counsel

Mr. Albert and County Counsel provided an overview of the case and status as to potential settlement. A recommendation was made to settle the matter at a sum of \$65,000.

The Board supports the recommendation and settlement.

2. Personnel Matters

A discussion relative to the layoff plan as it pertains to the Office of the Prosecutor ensued.

EXECUTIVE SESSION MINUTES AGENDA MEETING – FEBRUARY 5, 2009

Present: Chairman Alexander Mirabella, Vice Chairman Daniel P. Sullivan, Freeholder Angel G. Estrada, Freeholder Chester Holmes, Freeholder Bette Jane Kowalski, Freeholder Deborah P. Scanlon, Freeholder Rayland Van Blake and Freeholder Nancy Ward were present. Freeholder Rick Proctor was absent.

Also Present: County Manager George W. Devanney, Deputy County Manager M. Elizabeth Genievich, County Counsel Robert E. Barry, Esq., and Clerk of the Board Nicole L. DiRado.

The following item was discussed:

1. Personnel Matters

Guests: Theodore Romankow, Esq., Union County Prosecutor; Ann Frawling, Assistant Prosecutor; Lawrence Caroselli, Director, Department of Finance; Denise Laspata, Director, Division of Personnel

A discussion relative to the layoff plan and how it affects the Office of the Prosecutor ensued. The layoff plan proposes an elimination of 9 vacant positions from the Office of the Prosecutor. Prosecutor Romankow outlined how his office would be affected by losing the positions. He asked that the funding for the positions be eliminated, but the position be maintained. The Board believes that a consistent standard be applied throughout the County; if the funding is being eliminated, then the position should be as well.

EXECUTIVE SESSION MINUTES
AGENDA MEETING – FEBRUARY 19, 2009

Present: Chairman Alexander Mirabella, Vice Chairman Daniel P. Sullivan, Freeholder Angel G. Estrada, Freeholder Chester Holmes, Freeholder Bette Jane Kowalski, Freeholder Deborah P. Scanlon, Freeholder Rick Proctor, Freeholder Rayland Van Blake and Freeholder Nancy Ward were present.

Also present were County Manager George W. Devanney, Deputy County Manager M. Elizabeth Genievich, First Deputy County Counsel, Norman W. Albert, Esq., and Deputy Clerk of the Board Annie Croom.

The following items were discussed:

1. Personnel Matters:

Minutes redacted relative to a personnel matter exempt under N.J.S.A. 47:1A-10.

2. Potential Land Acquisition: Roselle Golf Club, Roselle, New Jersey

Guests: Victoria Drake, Administrator, Open Space, Recreation and Historic Preservation Trust Fund and Al Faella, Director of Parks and Community Renewal.

The County Manager Devanney provided an update regarding the Roselle Golf Club. Mr. Devanney stated that the appraisals are in at \$5.5 million and \$6.3 million. Mr. Devanney said the Borough of Roselle Council met last night and he's waiting for communication from Roselle. Mr. Devanney said the Roselle Golf Club wanted to know if the County is still interested in purchasing the property, and he has been able to put them off, he wants to see if the Borough of Roselle will sub-divide because they doesn't want all of their taxes lost.

County Manager Devanney stated that the Union County Improvement Authority could purchase the property and send out RFP'S because they could get it at a lower price. County Manager Devanney said some of the property could be used for Open Space and some could be sold to developers. County Manager Devanney informed the Board that this might be the way to go.

The Board supported the recommendation.

3. Personnel/ Collective Bargaining Matter-Layoff – Pension Deferral Bill

The County Manager advised the Board on the status of Senate Bill S14 and Assembly Bill A3688. Mr. Devanney said the Senators will be voting on the bill this Monday and its relation to the budget, layoffs and negotiations with bargaining units. County Manager Devanney said the League of Municipalities has taken a strong stand on the bill. He also stated that he's trying to avoid a general layoff. Mr. Devanney said the budget will be introduced on March 12, 2009 and if the State Senate votes it down the County will have to re-introduce. County Devanney stated he would update the Board in fiscal committee and executive session on February 26, 2009.

EXECUTIVE SESSION MINUTES
REGULAR MEETING – FEBRUARY 26, 2009

Present: Chairman Alexander Mirabella, 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 present.

Also Present: County Manager George W. Devanney, Deputy County Manager M. Elizabeth Genievich, County Counsel Robert E. Barry, Esq., and Clerk of the Board Nicole L. DiRado.

The following item was discussed:

2. Personnel Matters

Guests: Lawrence Caroselli, Director, Department of Finance; Joseph Salemme, Conventus Consulting, Labor Negotiator

County Manager Devanney outlined the plan to make up a \$4 million budget gap which would be created if the state legislature does not approve the pension deferral plan. First, \$2 million would be raised through taxes. The additional \$2 million would be achieved through layoffs.

Currently, the tax increase is \$12.5 million, or \$67 on the average household. The additional \$2 million would raise taxes an average of \$10 more.

The following proposal, which is the second layoff plan to be submitted to the state, does not trigger a general layoff and would be effective June 1:

Department of Park & Community Development

- Golf Operations: completely privatize golf operations, including maintenance. This would save \$500,000 prorated. Anyone in golf maintenance would be offered a job because an offer to current employees would become a contingency in the contract.
- Division of Park Planning: eliminate 4 positions in this division. The services could be contracted out and would save \$90,000, prorated.

Department of Engineering & Public Works

- Division of Mosquito Control: eliminate the division. Although the county is mandated to perform this function, it is only needed for 6 months and could be contracted out. The employees would fall back on prior civil service titles and could be trained to perform other functions. \$218,000 would be saved.
- Division of Facilities Management: restructuring within the division would create zones eliminating 3-4 building superintendants saving \$78,000, and 8 maintenance workers, saving \$154,000

Department of Park & Community Development and Department of Engineering & Public Works

- Construction Trades: Consolidate the construction trades into public works. Eleven people would be laid off, although they have bumping rights. Prorated, \$297,000 would be saved

Department of Human Services

- Youth Services Bureau: The services provided can be outsourced. Seven positions would be eliminated, saving \$200,000.

Department of Correctional Services

- Contract Compliance: contract compliance and purchasing may be able to be absorbed into the Department of Human Services. This would eliminate 3-4 additional positions.

A total of \$1.7 million will be saved through the second layoff plan, affecting an additional 86 positions. An additional savings of \$300,000 in vacancies would be realized.

Additional employees have decided to retire, saving \$100,000.

Unemployment, hospitalization and social security responsibilities on the County's part were also discussed.

Freeholder Proctor expressed great opposition to the elimination of Mosquito Control, stating public health issues. Freeholders Kowalski and Holmes agreed with his objections.

EXECUTIVE SESSION MINUTES
FISCAL AFFAIRS COMMITTEE HEARING
WEDNESDAY, MARCH 4, 2009

Roll Call: Chairman Alexander Mirabella, Vice Chairman Daniel P. Sullivan, Freeholder Angel G. Estrada, Freeholder Chester Holmes and Freeholder Bette Jane Kowalski were present. Freeholder Rick Proctor Freeholder Deborah P. Scanlon, Freeholder Rayland Van Blake and Freeholder Nancy Ward were absent.

Also Present: County Manager George W. Devanney, Deputy County Manager M. Elizabeth Genievich, County Counsel Robert E. Barry, Esq., and Clerk of the Board Nicole L. DiRado.

The following item was discussed:

1. Personnel Matters & Collective Bargaining Matters

Guests: Lawrence Caroselli, Director, Department of Finance, Alfred Faella, Director, Department of Parks and Community Renewal, Sebastian D'Elia, Public Information Officer, Armando Sanchez, Director, Division of Golf Operations

The County Manager updated the Board as to the status of the golf operations management plan. The RFP for the management of the golf courses is ready to go out on Friday. A complete privatization of the golf courses would eliminate the need for seasonal employees. Also, if the pension deferral plan does not pass the legislature, additional layoffs will take place, which will include positions in golf maintenance.

When the RFP is released, the county has to notify the affected unions and give them an opportunity to submit a proposal, which would essentially render the need to privatize moot. Such a proposal might include reduced salaries and wages.

EXECUTIVE SESSION MINUTES
REGULAR MEETING – MARCH 5, 2009

Present: Chairman Alexander Mirabella, 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 present.

Also Present: County Manager George W. Devanney, Deputy County Manager M. Elizabeth Genievich, County Counsel Robert E. Barry, Esq., and Clerk of the Board Nicole L. DiRado.

The following item was discussed:

3. Potential Real Estate Acquisition: Roselle Golf Club

Guests: Al Faella, Director, Department of Parks & Community Renewal and Victoria Drake, Administrator, Open Space, Recreation and Historic Preservation Trust Fund

Neither the mayor nor the council in Roselle support the County's purchase of the Roselle Golf Club. This property is the largest taxpayer in Roselle. They believe the property could be developed. The County Manager will let Roselle know that the County is interested in being a partner should the city want to build a park near their proposed development. There is also a potential for purchase in the future in the event Roselle cannot move forward.

EXECUTIVE SESSION MINUTES
REGULAR MEETING – APRIL 16, 2009

Present: Chairman Alexander Mirabella, Vice Chairman Daniel P. Sullivan, Freeholder Angel G. Estrada, Freeholder Chester Holmes, Freeholder Bette Jane Kowalski, Freeholder Rick Proctor, Freeholder Rayland Van Blake and Freeholder Nancy Ward were present. Freeholder Deborah P. Scanlon was absent.

Also Present: County Manager George W. Devanney, Deputy County Manager M. Elizabeth Genievich, County Counsel Robert E. Barry, Esq., and Clerk of the Board Nicole L. DiRado.

The following items were discussed:

4. Contract Negotiations: HPAE

Guests: Lawrence Caroselli, Director, Department of Finance; Joe Sharp, Administrator, Runnells Specialized Hospital; and Joseph Salemme, Conventus, LLC

Details of contract negotiations with the HPAE were discussed. The contract term is 2008-2011. The Board supports the contract.

5. Contract Negotiations: CIGNA

Guest: Tom Giordano, Brown & Brown; Lawrence Caroselli, Director, Department of Finance; Joseph Salemme, Conventus, LLC

Brown & Brown, the County's insurance broker, is recommending that the new health insurance contract be awarded to Cigna effective July 1, 2009.

If Horizon's contract is to be renewed, the cost would go up 9% (negotiated down from 17%). Cigna's cost will save the County 4% in health care costs in the budget. Cigna has a participation match rate of over 90%; the industry standard is 85%.

The County will continue to use a third party administrator.

The Board supports the new provider.

6. Contract Negotiations: Union County Improvement Authority

Guests: Jonathan Williams, Esq., DeCotiis, Fitzpatrick, Cole & Wisler, Lawrence Caroselli, Director, Department of Finance

The UCIA updated the Freeholder Board on on-going negotiations in which they are involved including the Elizabeth Ferry Project, the Oakwood Plaza development, the Union County Animal Shelter and the Berkeley Aquatic real estate transaction.

EXECUTIVE SESSION MINUTES
AGENDA MEETING – APRIL 23, 2009

Present: Chairman Alexander Mirabella, Vice Chairman Daniel P. Sullivan, Freeholder Angel G. Estrada, Freeholder Chester Holmes, Freeholder Bette Jane Kowalski, Freeholder Rick Proctor, and Freeholder Rayland Van Blake. Freeholder Deborah P. Scanlon and Freeholder Nancy Ward were absent.

Also Present: County Manager George W. Devanney, Deputy County Manager M. Elizabeth Genievich, County Counsel Robert E. Barry, Esq., and Clerk of the Board Nicole L. DiRado.

The following items were discussed:

1. Contract Negotiations with the US Department of Health and Human Services

Guest: Brian Riordan, Department of Correctional Services; Lawrence Caroselli, Director, Department of Finance; Frank Guzzo, Director, Department of Human Services

Director Guzzo has been in negotiations with the US Department of Health and Human Services to house children who enter the US illegally and are detained by the federal government. This would be the 5th center in the United States, and the only one in the Northeast. Attached is a presentation prepared by Director Guzzo.

The contract would guarantee 15 beds at a rate of \$200 per day whether they use the beds or not; \$1.094 million will be realized by the County annually. An additional three beds will be made available for females on an as needed basis. The contract is likely to grow because of enforcement issues regarding new immigration laws. If services other than those we operate are needed (i.e.: services in native languages) the government will pay for them separately. Although the children do not have health insurance, the Juvenile Detention Center does offer a managed care unit and any services required beyond that will be billed directly by Trinitas to the US DHHS.

Director Guzzo contacted the other centers and they have not experienced any problems with the children or working with the federal government.

Currently, the County funds 76 beds as required by law in the budget. However, because of substantially reduced population in the Facility, we were staffed for a population of 60. Even with our staffing for 60, given our reduced population, the addition of these children will not in any way impair our operations and will provide significant revenue to offset costs.

The contract will commence June 1.

2. Contract Negotiations with the US Department of Homeland Security

Guest: Brian Riordan, Department of Correctional Services; Lawrence Caroselli, Director, Department of Finance; Frank Guzzo, Director, Department of Human Services

The old Juvenile Detention Center is going to be retrofitted to accommodate an adult prison population to ensure the construction upgrades to the Jail are done safely. Once the construction is complete, 138 new beds will have been created and available.

Director Guzzo has been in negotiations with the US Department of Homeland Security to house federal inmates in our facility. Although the contract does not guarantee a specific number of beds per day, they will pay \$105 per day. Other counties have successfully turned their jails into profit centers; the County of Union should explore the opportunity as well.

Director Riordan also discussed additional staffing needs to operate the jail to be located at the former JDC. It will be a self-functioning jail housing a medical center, kitchen, visitors' area, education facilities, recreation opportunities and reception area. It is anticipated that a maximum 40 new positions will be needed to ease overtime for the construction. The cost of the new hires is expected to be \$1.6 million whereas the overtime cost to staff the facility is \$3.9 million.

EXECUTIVE SESSION MINUTES
AGENDA MEETING – MAY 7, 2009

Present: Chairman Alexander Mirabella, Vice Chairman Daniel P. Sullivan, Freeholder Chester Holmes, Freeholder Bette Jane Kowalski, Freeholder Rick Proctor, Freeholder Deborah P. Scanlon and Freeholder Nancy Ward were present. Freeholder Angel G. Estrada and Freeholder Rayland Van Blake were absent.

Also Present: County Manager George W. Devanney, Deputy County Manager M. Elizabeth Genievich, County Counsel Robert E. Barry, Esq., and Clerk of the Board Nicole L. DiRado.

The following items were discussed:

1. Potential Land Acquisition

Guests: Vikki Drake, Administrator, Open Space, Recreation & Historic Preservation Trust Fund, Al Faella, Director and Ron Zuber, Deputy Director, Department of Parks & Community Development

Two pieces of property adjacent to existing County parkland has come to the attention of the County as potential acquisitions.

The first piece of property is located in Plainfield adjacent to the Peterson Farm. There is a home on the property, which would be torn down. The County's appraisals came in at \$200,000 and \$225,000. The Board supports allowing the County Manager to negotiate up to \$225,000.

The second piece of property, which is smaller than one acre, is located on Park Drive, Cranford, near the back of Nomahegan Park. There is a home on the property, which would also be torn down. Cranford brought the property to the County's attention because they would like the property for a pump station, which NJ DEP would never allow. The property is of interest to the County because it is adjacent to Nomahegan Park. The owner is asking for approximately \$1.2 million. The appraisals came in at \$495,000 and \$500,000. The Board has asked the County Manager to send a letter offering to purchase the property for \$495,000.

2. Personnel Matters

Guests: Lawrence Caroselli, Director, Department of Finance; Al Faella, Director & Ron Zuber, Deputy Director, Department of Parks & Community Renewal; Robert Cagnassola, Supplee Clooney

The County Manager updated the Board on an on-going criminal investigation involving revenues within the Department of Parks & Community Renewal. It had been discovered that over the course of several years, dating as far back as 2003, approximately \$144,000 worth of checks and cash paid to the Parks Department had not been deposited.

The County was able to identify 2009 receipts and deposit them. The remaining funds are being identified so they can be separated into the appropriate year. The County will also attempt to get replacements for stale dated checks. State and municipal checks have been refunded. The County is bonded so it can submit a claim to recuperate the remaining funds which cannot be recovered.

As a result, one employee, whose function it was to deposit receipts received by the department, has been suspended without pay and is facing possible criminal prosecution and administrative action. Another employee, a supervisor, was suspended with pay and will also face administrative action. One additional employee is being investigated for potential involvement.

The County Manager discussed a possible reorganization of the department wherein parks maintenance may be moved to the Department of Engineering, Public Works and

Facilities. Golf maintenance will remain in Parks. The County Manager may make the change effective next week prior to an administrative code change ordinance.

Robert Cagnassola of Supplee Clooney, the County's auditor, was invited in at this point to discuss the audit process and additional fail safes which should be considered moving forward to prevent this from happening again.

EXECUTIVE SESSION MINUTES
AGENDA MEETING – THURSDAY, MAY 28, 2009

Present: Chairman Mirabella presided. 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 present.

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

The following items were discussed:

1. Ongoing contract negotiations with Medco

The County is in a position where it must negotiate a new prescription coverage contract, worth \$10.9 million per year, to commence July 1, 2009. As the Board is aware, we have instituted litigation against Medco which are based upon claims under the Consumer Fraud Act. Cigna, the second highest bidder, is still \$400,000 more expensive than Medco and over 1,200 employees who take advantage of the mail order feature will have disrupted service.

{Minutes redacted under Attorney-Client privileged communication in a matter involving on-going litigation pursuant to N.J.S.A. 47:1A-1.} {Minutes redacted under Attorney-Client privilege communication on a matter involving on-going contractual negotiations pursuant to N.J.S.A. 47:1A-1.} {Minutes redacted under Attorney-Client privileged communication pursuant to N.J.S.A. 47:1A-1.}

County Manager Devanney recommends amending the terms of the contract with Medco to reflect a contract for one year, instead of three, and the new conditions as discussed by Mr. Barry. The price for one year will remain the same as it was proposed for every year of the three year contract, \$10.9 million. Medco's new contract represents a 12% increase.

2. Contract negotiations with Joseph Jingoli & Son, Inc.

The terms of the contract and the increase attributed to architectural services were discussed.

EXECUTIVE SESSION MINUTES
AGENDA MEETING – THURSDAY, JUNE 11, 2009

Present: Chairman Mirabella presided. 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 present.

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

The following items were discussed:

3. Potential Contract Negotiations with the Township of Cranford

Guests: Sebastian D’Elia, Director, Public Information

The Board agrees to donate \$5,000 to Cranford to help fund the annual Fourth of July fireworks display. An appropriate Agreement will be prepared by County Counsel’s office.

4. Ongoing contract negotiations with Cigna

Guests: Matt Presutti and Tom Giordano, Brown and Brown; Amy Malczynski, Cigna, Sebastian, D’Elia, Director, Public Information, Lawrence Caroselli, Director, Department of Finance

See the attached statement provided by Brown & Brown regarding the contract with Cigna. Changes to the contract are being made to benefit the retirees, which will account for a 2% increase in the overall contract amount.

5. Potential Real Estate Acquisitions

Guests: Victoria Durbin, Administrator, Open Space, Recreation & Historic Preservation Trust Fund; Alfred Faella, Director, Department of Parks and Community Renewal

- The County’s offer for property adjacent to Nomahegan Park on Park Drive, Cranford was rejected and the County thereby withdraws its offer. The letter from the property owner’s attorney is attached.

{Minutes redacted as same involve on-going negotiations / discussions relative to the potential acquisition of real property pursuant to N.J.S.A. 47:1A-1. Disclosure at this time could adversely affect the public interest.}

EXECUTIVE SESSION MINUTES
REGULAR MEETING – THURSDAY, JUNE 25, 2009

Present: Vice Chairman Daniel P. Sullivan presided. Freeholder Chester Holmes, Freeholder Bette Jane Kowalski, Freeholder Rick Proctor, Freeholder Deborah P. Scanlon, Freeholder Rayland Van Blake and Freeholder Nancy Ward were present. Chairman Alexander Mirabella and Freeholder Angel G. Estrada were absent.

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

The following items were discussed:

1. Potential Contract Negotiations with Kemper Sports Management

Guests: Blue Ribbon Panel Members including: Matthew DiRado, Esq., Assistant County Counsel; Al Faella, Director, Department of Parks & Community Renewal; Michael Yuska, Director, Division of Purchasing, Wayne Hasenbalg, Esq., DeCotiis, Fitzpatrick, Cole & Wisler; Seb D'Elia, Director, Office of Public Information; Lawrence Caroselli, Director, Department of Finance; Jonathan Williams, Esq., DeCotiis, Fitzpatrick, Cole & Wisler; Armando Sanchez, Director, Division of Golf Operations; Mohamed Jalloh, Esq., Assistant County Counsel

Director of Parks and Community Renewal Al Faella summarized the competitive contracting process used by the Blue Ribbon Panel to evaluate the two proposals submitted in response to the RFP for golf management operations. He further discussed the reasons the Committee recommends awarding a contract to Kemper Sports for the management of golf operations. Director Faella also reviewed the Options/Alternatives that could be awarded as provided under the RFP and the Committee's recommendation as the appropriate Option/Alternatives to be awarded.

Golf operation includes everything except maintenance: concessions, club house operations, revenue producing items, fees, marketing, and programming.

Some of Kemper's strengths include: 30 years of management experience of public facilities which have both union and civil service employees; management of First Tee programs in California; Relationships and name recognition throughout the country; and purchasing power through the operation of so many facilities. Additionally, the committee felt Kemper had a far superior ability to increase revenues and turn a profit for the County over the other firm.

The Committee recommends awarding a contract for \$421,000 to Kemper for 60 consecutive months for the golf management operations, which includes an incentive clause of 5%. The budget for the golf courses will be set annually by the County and Kemper. Five percent of net revenue goes to Kemper if they exceed

revenue projections. The incentive fee does not kick in unless the golf course is profitable.

The status of county employees was discussed; between both courses, there are 50 employees, only one is not seasonal. At this time, there will be no change in terms of the maintenance employees. The clubhouse employees would become Kemper employees. Kemper would like to keep and retrain current employees; training is at Kemper's expense.

Please refer to the attached Executive Summary prepared by the Blue Ribbon Committee and presentation materials submitted by Kemper Sports.

The Board supports the recommendation.

2. County of Rockland, et al. v. FAA

Guests: Jonathan Williams, Esq., DeCotiis, Fitzpatrick, Cole & Wisler; Seb D'Elia, Director, Office of Public Information

{Minutes redacted under Attorney-Client privileged communication in a matter involving on-going litigation pursuant to N.J.S.A. 47:1A-1.}

{Minutes redacted under Attorney-Client privileged communication pursuant to N.J.S.A. 47:1A-1.}

Mr. Williams recommends {Minutes redacted under Attorney-Client privileged communication in a matter involving on-going litigation pursuant to N.J.S.A. 47:1A-1.} {Minutes redacted under Attorney-Client privileged communication pursuant to N.J.S.A. 47:1A-1.}

Mr. Williams distributed a memorandum and asked the Board, after review, to consider its options. Vice Chairman recommended meeting again in Executive Session on July 9, 2009 to discuss further.

3. Consolidated Matters of Aspen Landscaping Contracting, Inc. v. A. Juliano & Sons Contractors, Inc. and County of Union v. Colonial Surety Company, Advanced Plumbing Design, Inc. v. A. Juliano & Sons Contractors, Inc. and Colonial Surety Company v. County of Union

County Counsel's office recommends a settlement which will dismiss the County from litigation and pay one subcontractor—Aspen—the money which they are owed and the balance would be paid to the Surety for future distribution. Additionally, the County will enter into either binding arbitration or binding mediation on the outstanding matter of money owed to Juliano & Sons for the purchase of soil.

The County agrees that approximately \$520,000 is owed to subcontractors of Juliano & Sons, who were not paid. Subcontractor, Aspen Landscaping, will be paid

\$110,000. The additional \$410,000 will be given to Colonial Surety Company to distribute to the other subcontractors. This settlement will resolve all issues outstanding with subcontractors. The surety company double bonded to ensure everyone gets paid.

4. Potential Real Estate Acquisition: {Minutes redacted as same involve on-going negotiations / discussions relative to the potential acquisition of real property pursuant to N.J.S.A. 47:1A-1. Disclosure at this time could adversely affect the public interest.}

Guests: Victoria Durbin Drake, Administrator, Open Space, Recreation & Historic Preservation Trust Fund; Alfred Faella, Director, Department of Parks & Community Development

There are two one-acre parcels of property available for sale on {Minutes redacted as same involve on-going negotiations / discussions relative to the potential acquisition of real property pursuant to N.J.S.A. 47:1A-1. Disclosure at this time could adversely affect the public interest.}

The Board supports the recommendations of the County Manager in negotiating the purchase of the properties.

5. Potential Real Estate Acquisition: Oakwood Park, New Providence

Guests: Victoria Durbin Drake, Administrator, Open Space, Recreation & Historic Preservation Trust Fund; Alfred Faella, Director, Department of Parks & Community Development

The acquisition of Oakwood Park, in exchange for \$1 and the redevelopment of the field, remains controversial in New Providence. The County Manager recommends putting a July 13, 2009 end date to the County's offer. The Board supports the recommendation.

EXECUTIVE SESSION MINUTES
AGENDA MEETING – THURSDAY, JULY 9, 2009

Present: Chairman Alexander Mirabella presided. Vice Chairman Daniel P. Sullivan, Freeholder Angel G. Estrada, Freeholder Chester Holmes, Freeholder Bette Jane Kowalski, Freeholder Rayland Van Blake and Freeholder Nancy Ward were present. Freeholder Rick Proctor and Freeholder Deborah P. Scanlon were absent.

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

The following items were discussed:

1. Contract Negotiations relative to the Child Advocacy Center

Guests: Theodore Romankow, Union County Prosecutor; Victor Richle, Friends of the Child Advocacy Center

Mr. Romankow and Mr. Richle advised the Board that they located a site for the new Child Advocacy Center: Leonard Funeral Home, West Jersey Street, Elizabeth. The sale would also include a piece of property on Murray Street, which is already subdivided, and could be resold by the County. The building is in excess of 5,000 square feet with adequate parking. The cost to retrofit the building is approximately \$500,000, which the Prosecutor has secured in grant funding from the State. With these estimations, the project cost would come in considerably lower than the anticipated \$5 million.

The Board previously committed to \$2 million. The lowest asking price is \$2.2 million. The Board authorized the County Manager to have appraisals done on the property so the offer can be made prior to the July 30, 2009 regular meeting, at which time an ordinance to purchase the property could be introduced. Environmental inspections are included in the terms of the contract.

Mr. Richle and Mr. Romankow would hope to close on the property in October. Construction would take approximately one year.

2. County of Rockland, et al. v. FAA

Guests: Jonathan Williams, Esq. and Gregory Bevelock, Esq., DeCotiis, Fitzpatrick, Cole & Wisler; Lawrence Caroselli, Director, Department of Finance

The Board decided to join the appeal in the above captioned matter and expend an additional \$2,500 to be included.

3. Contract Negotiations with the Elizabeth Parking Authority

Guests: Lawrence Caroselli, Director, Department of Finance; Ronald Zuber, Deputy Director, Department of Parks & Community Renewal; Kamal Saleh, Union County Bureau of Transportation Planning; Mayor J. Christian Bollwage, City of Elizabeth; Bridget Zellner, Business Administrator, City of Elizabeth; Carla Mazza, Executive Director, Elizabeth Parking Authority; Dr. Thomas Brown, President, Union County College; Tim Tracey, Desmond Associates; and Kim Whalen

The County was approached by the Elizabeth Parking Authority (EPA) to become a partner in the construction of a parking structure on Elizabethtown Plaza, which would be a collaborative effort between the County of Union, the EPA, the City of Elizabeth, and Union County College (UCC). The structure would include 1,500 parking spaces and retail space.

The County would receive 600 spaces for employee parking for 30 years. The County would also utilize an additional 75 spaces for “juror” or employee parking. UCC will receive 600 spaces for student parking. Seventy five spaces will be reserved for juror parking. The balance of 225 will be reserved for retail shoppers. The County will realize a net gain of 500 spots, as the County currently rents 100 spots at this location for employee parking.

The total cost of the project is anticipated to be \$32.8 million. It would be in the County’s best interest to buy its parking spaces and pay for the maintenance costs up front, instead of paying an annual fee. The cost to the County would be \$13.5 million, if the project is closed on by November, in order to realize a new market tax credit being made available for this project. The County would realize a \$3 million savings from the credit.

It is anticipated that construction will take 16-18 months. The Board insists that the project is a union project.

4. Matters pertaining to Public Safety and Security: Escape of Inmate Philip Ruddy

Guests: George Blaskewicz, Deputy Director, Union County Jail; Chief Daniel Vaniska, Union County Police; Lawrence Caroselli, Director, Department of Finance

Deputy Director George Blaskewicz provided the Board with an account of the events which lead to the escape of inmate Philip Ruddy on Monday, June 29, 2009. Union County Chief of Police Daniel Vaniska described the events which lead to his capture and discussed the ongoing investigation.

Mr. Blaskewicz explained that the Corrections Officers on duty did exactly what they were supposed to do to attempt to apprehend the inmate. He further discussed measures taken to provide additional checks and balances to ensure that inmates are assigned to the appropriate cells based on their classification and work details. Outside details have been cancelled.

The Board expressed their outrage and advised the County Manager that they would like to discuss this matter further with the Jail Director.

5. Matters pertaining to Public Safety and Security and Potential Contract Negotiations relative to the Union County Courthouse

Guests: Joseph Graziano, Director, Department of Engineering, Public Works and Facilities; Lawrence Caroselli, Director, Department of Finance; Nick Netta, Netta Architects; Niel Palmieri, Director, Division of Facilities Management

The renovations to the staircase in the Union County Courthouse are necessary and state mandated. If they are not complete, the tower must be vacated. In the initial plans, the staircase would be constructed outside the courthouse tower at a cost estimated at \$30 million.

However, Assignment Judge Karen Cassidy is agreeing to have court rooms located off-site and allowing the County to proceed with a plan to have the stairway constructed within the tower, which will save a considerable amount of money on the cost of the project. \$24 million has already been allocated for the project.

The County can construct the stairwell inside the tower, renovate 10 Cherry Street, and provide for a parking deck at 10 Cherry Street to accommodate approximately 150-250 cars and still save \$10 million. The renovated office space at 10 Cherry Street will be used to house the off-site courtrooms and offices.

The cost to construct 10 Cherry Street to LEAD standards is approximately an additional 10%.

6. Potential Contract Negotiations / Attorney-Client Privileged Communications

Guests: Joseph Graziano, Director, Department of Engineering, Public Works and Facilities; Michael Brennan, Assistant to the Director of the Department of Engineering, Public Works and Facilities; Ronald Zuber, Deputy Director, Department of Parks and Community Development; and Victoria Drake, Administrator, Open Space, Recreation and Historic Preservation Trust Fund

Potential contract negotiations with a not for profit group that wants to raise money for the dog park were discussed.

The County will be spending approximately \$200,000 for new fencing, a covered area, benches, a dumpster enclosure, and concrete flooring in sections on the park. Handicap parking and accessibility will be improved. The area is approximately 67,500 square feet and no space will be lost after the improvements are made. The improvements do not include water or lighting.

7. Contract Negotiations relative to the Union County Utilities Authority

Guests: Jonathan Williams, Esq., DeCotiis, Fitzpatrick, Cole & Wisler

Minutes redacted under Attorney-Client privilege communication on a matter involving on-going contractual negotiations pursuant to N.J.S.A. 47:1A-1.

EXECUTIVE SESSION MINUTES
AGENDA MEETING – THURSDAY, AUGUST 6, 2009

Present: Chairman Alexander Mirabella presided. Vice Chairman Daniel P. Sullivan, Freeholder Chester Holmes, Freeholder Bette Jane Kowalski, Freeholder Rick Proctor and Freeholder Deborah P. Scanlon and Freeholder Rayland Van Blake were present. Freeholder Angel G. Estrada and Freeholder Nancy Ward were absent.

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

The following items were discussed:

1. Pending litigation entitled Lynette Baker-Blevins v. UC
Guests: Norman Albert, Esq., Deputy County Counsel and Lawrence Caroselli, Director, Department of Finance

Lynette Baker-Blevins, a mentally challenged woman, was an inmate in the Union County Jail on trespassing charges. On January 16, 2007, she was released in her slippers and nightgown, on the coldest day of the year. She was found two days later in Newark and needed to have seven toes amputated.

The Probation Department, the Union County Prosecutor's Office, the Public Defender's Office and the Union County Jail are being named in this litigation. The prosecutor's office had made arrangements to have Ms. Baker-Blevins transferred from the Union County Jail to Trinitas for treatment. However, the attorney handling the case was out the day of the court appearance and these arrangements were not relayed to the Court. The public defender did not advise the judge of the arrangement either.

Mr. Albert is requesting authority to negotiate a maximum settlement contribution by the County of \$250,000. The whole settlement would be \$300,000 - \$350,000. The County's liability would be a maximum of \$250,000. Possible contributors to the settlement include the insurance company for the Prosecutor's Office and the State.

The Board agrees to the settlement amount.

2. Attorney/client privilege communications relative to potential litigation
Guests: Norman Albert, Esq., Deputy County Counsel and Lawrence Caroselli, Director, Department of Finance

{Minutes redacted under Attorney-Client privileged communication pursuant to N.J.S.A. 47:1A-1.}

The Board agrees to the following terms: A letter will be sent to the ACLU stating that the Board will not restrict public comments; a statement will be read prior to the next public comment portion stating that the public can speak on any matter, including specifically county employees, although the Board reserves the right to restrict time, place and manner; and an apology will be made for previous restriction on comments.

3. Anticipated Contract Negotiations with the Union County Improvement Authority

Guests: Jonathan Williams, Esq. and Stephen Pearlman, Esq., DeCotiis, Fitzpatrick, Cole & Wisler, Special Counsel to the Union County Improvement Authority; Jim Johnston, Birdsall Engineering; Lawrence Caroselli, Director, Department of Finance; Cherron Rountree, Director of Intergovernmental Relations

The UCIA is proposing an arrangement in which public facilities (county, municipal and school buildings) could have solar panels installed at no expense to the local agency. The UCIA would finance the cost of the panels, with bonds guaranteed by the County, and lease them back to private companies through a competitive bidding process. The companies would pay off the bonds by collecting energy revenues from the local agency. The company would also receive renewable energy credits to help pay off the bonds. The local agency would benefit by paying lower energy bills.

Please see the attached memorandum prepared by Mr. Pearlman.

The Board supports the proposed arrangement and wishes to enter into an agreement with the UCIA to execute this project.

4. On-going Contract Negotiations with Berkeley Aquatics Club and the Union County Improvement Authority

Guests: Jonathan Williams, Esq., DeCotiis, Fitzpatrick, Cole & Wisler; Jim Johnston, Birdsall Engineering; and Lawrence Caroselli, Director, Department of Finance

The possibility of the Berkeley Aquatics Club tying into the County's water lines at Runnells Specialized Hospital poses a significant health and safety risk as it relates to the sprinkler system and water pressure.

It is recommended that the County share the cost to run a new water line for the Berkeley Aquatics Club to the street. The County's cost, a maximum of \$250,000, would be an adjustment to the sale price and issued as a credit at closing.

The Board agrees.

5. Contract Negotiations relative to the County's Third Party Administrator

Guests: Joseph Salemme, Conventus, LLC, Labor Negotiator; Matthew Presutti, Brown and Brown; and Lawrence Caroselli, Director, Department of Finance

It has been determined that it would be in the best interest of County employees to utilize a Third Party Administrator (TPA) for a period of one year, retroactive to July 1, for employees whose health insurance has been disrupted due to the change to

CIGNA. Approximately 8% of the County's workforce has experienced a disruption of benefits. Through the TPA, the employees would be eligible to see their out-of-network doctors and get reimbursed for the cost.

The Board agreed.

6. Potential Real Estate Acquisition

Guests: Victoria Durbin Drake, Administrator, Open Space, Recreation and Historic Preservation Trust Fund; and Lawrence Caroselli, Director, Department of Finance; Alfred Faella, Director, Department of Parks and Community Renewal

The following potential land acquisitions were discussed.

- Park Drive, Cranford: This property is adjacent to Nomahegan Park. The County initially offered \$495,000, as per the appraisals. The owner's attorney said our offer was frivolous and not serious, as he was asking over \$1 million. The County withdrew its offer. The attorney for the seller recently called and made a counter offer in the amount of \$688,000, representing the owner's outstanding mortgage. The house is a tear down. The Trust Fund Committee recommends not purchasing the property. The Board agrees.
- {Minutes redacted as same involve on-going negotiations / discussions relative to the potential acquisition of real property pursuant to N.J.S.A. 47:1A-1. Disclosure at this time could adversely affect the public interest.}
- {Minutes redacted as same involve on-going negotiations / discussions relative to the potential acquisition of real property pursuant to N.J.S.A. 47:1A-1. Disclosure at this time could adversely affect the public interest.}

EXECUTIVE SESSION MINUTES
AGENDA MEETING – THURSDAY, SEPTEMBER 3, 2009

Present: Chairman Alexander Mirabella presided. 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 present.

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

The following items were discussed:

1. Potential Litigation

County Counsel is asking for the Board's authorization to enter into litigation as class action participants against pharmaceutical manufacturers for over-charging and/or other excesses for prescription drugs. A precondition to our participation in any litigation will be an agreement that there would be no cost to the County.

2. Contract Negotiations: Elizabethtown Plaza Redevelopment Project

Guests: Lawrence Caroselli, Director, Department of Finance; Alfred Faella, Director, Department of Parks and Community Renewal

County Counsel advised the Board that an additional resolution is needed from the County allocating Recovery Zone Economic Development Bond Allocation to the Elizabethtown Plaza Redevelopment Project. Terms and conditions of the Memorandum of Understanding, which requires Board approval, were also discussed.

EXECUTIVE SESSION MINUTES
REGULAR MEETING – WEDNESDAY, SEPTEMBER 9, 2009

Present: Chairman Alexander Mirabella presided. Vice Chairman Daniel P. Sullivan, Freeholder Angel G. Estrada, Freeholder Chester Holmes, Freeholder Bette Jane Kowalski, Freeholder Deborah P. Scanlon, and Freeholder Nancy Ward were present. Freeholder Rick Proctor and Freeholder Rayland Van Blake were absent.

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

The following items were discussed:

3. Elizabethtown Plaza Redevelopment Project

Guests: Guest: Norman Albert, Esq., Deputy County Counsel; Lawrence Caroselli, Director, Department of Finance; Alfred Faella, Director, Department of Parks and Community Renewal; Steve Rogut, Esq., Rogut McCarthy; Mayor J. Christian Bollwage, City of Elizabeth; Glenn Scotland, McManimon & Scotland, LLC, Special Counsel to the Elizabeth Parking Authority; William O'Dea and Carlo Sanchez, Elizabeth Development Cooperation

The terms of the Memorandum of Understanding were discussed including the tax credits and benefits and sole purpose entities created to take advantage of these tax credits, because public entities cannot benefit from the tax credits. The Board was reassured that it would be a union project.

4. Pending Litigation: Robert Pollock v. Union County

Guest: Norman Albert, Esq., Deputy County Counsel

Robert Pollock was injured while using our exercise equipment at Bryant Park when a parallel bar collapsed. Mr. Pollock was severely injured, already underwent one surgery and needs another.

Deputy County Counsel Albert is asking for permission to settle this case in the amount of \$80,000. The Board supports the recommendation.

5. Pending Litigation: Robert Travisano v. Union County

Guest: Norman Albert, Esq., Deputy County Counsel

Mr. Travisano's attorney has made a settlement offer in the amount of \$600,000; their original offer was \$1.2 million. The Board does not accept the settlement offer.

EXECUTIVE SESSION MINUTES
AGENDA MEETING – THURSDAY, SEPTEMBER 17, 2009

Present: Chairman Alexander Mirabella presided. Vice Chairman Daniel P. Sullivan, Freeholder Angel G. Estrada, Freeholder Chester Holmes, Freeholder Bette Jane Kowalski, Freeholder Rick Proctor, Freeholder Deborah P. Scanlon and Freeholder Rayland Van Blake were present. Freeholder Nancy Ward was absent.

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

The following items were discussed:

6. Pending Litigation: Robert Travisano v. Union County
Guest: Kathy Hatfield, Esq., Bausch Zucker Hatfield, LLC

{Minutes redacted under Attorney-Client privileged communication in a matter involving on-going litigation pursuant to N.J.S.A. 47:1A-1.} {Minutes redacted under Attorney-Client privileged communication pursuant to N.J.S.A. 47:1A-1.}

EXECUTIVE SESSION MINUTES
REGULAR MEETING – THURSDAY, SEPTEMBER 24, 2009
MOBILE MEETING: LIBERTY HALL MUSEUM WAGON HOUSE,
UNION, NEW JERSEY

Present: Chairman Alexander Mirabella presided. 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 present.

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

The following items were discussed:

1. Contract Negotiations Relative to the Union County Utilities Authority

Guests: Jonathan Williams, Esq., DeCotiis , FitzPatrick, Cole & Wisler, LLP, Special Counsel to the UCUA, and UCUA Commissioners: Sharda Badri, John Kulish, Clifton People

{Minutes redacted under Attorney-Client privilege communication on a matter involving on-going contractual negotiations pursuant to N.J.S.A. 47:1A-1.} {Minutes redacted under Attorney-Client privileged communication pursuant to N.J.S.A. 47:1A-1.}

2. Potential Real Estate Acquisition

Guests: Victoria Drake, Administrator, Open Space, Recreation and Historic Preservation Trust Fun; Lawrence Caroselli, Director, Department of Finance, Al Faella, Director, Department of Parks and Community Renewal

Mrs. Drake presented the Board with a potential acquisition at {Minutes redacted as same involve on-going negotiations / discussions relative to the potential acquisition of real property pursuant to N.J.S.A. 47:1A-1. Disclosure at this time could adversely affect the public interest.}

3. Ongoing litigation entitled Lynette Baker-Blevins v. Union County

Guest: Lawrence Caroselli, Director, Department of Finance

Based upon previous discussions and authorization from the Board, Mr. Barry advised the Board that a settlement has been negotiated for \$325,000. The County will be responsible for \$225,000. The State of New Jersey will be contributing \$50,000 and the insurance company will be contributing \$50,000 on behalf of the Prosecutor's Office.

4. Ongoing litigation entitled Robert Travisano v. Union County

Mr. Barry provided an update in the aforementioned lawsuit. The claims of age and disability discrimination have been dismissed. The only claim left is political discrimination/retaliation. Ms. Kathy Hatfield, Esq. will be arguing qualified immunity

on behalf of the County Manager. Oral arguments are scheduled for October 23, 2009.
The Board rescinded its prior authorization to settle this matter.

EXECUTIVE SESSION MINUTES
AGENDA MEETING – THURSDAY, OCTOBER 1, 2009

Present: Chairman Alexander Mirabella presided. Vice Chairman Daniel P. Sullivan, Freeholder Angel G. Estrada, Freeholder Bette Jane Kowalski, Freeholder Rick Proctor, Freeholder Deborah P. Scanlon, and Freeholder Rayland Van Blake were present. Freeholder Chester Holmes and Freeholder Nancy Ward were absent.

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

The following items were discussed:

1. On-going litigation: Save Oakwood Park Corp vs. Borough of New Providence, et al

{Minutes redacted under Attorney-Client privileged communication in a matter involving on-going litigation pursuant to N.J.S.A. 47:1A-1.} {Minutes redacted under Attorney-Client privileged communication pursuant to N.J.S.A. 47:1A-1.}

2. Contract Negotiations: Union County Supervisors Association Collective Bargaining Agreement

Guests: Joseph Salemme, Coventus, LLC; Joseph Graziano, Director, Department of Engineering and Public Works; Lawrence Caroselli, Director, Department of Finance

This contract negotiation affects foremen who supervise employees in the Division of Public Works. The negotiations are in step with previous contracts which have been recently settled in terms of salary increases and concessions. The salary increases are as follows: 0% in 2008; 3% + \$500 bonus in 2009; 0% in 2010 and 3% in 2011.

There will be an \$800 stipend in 2008, \$75 in 2009 and \$50 in 2010 to be used for CDL certifications. At this time, it only applies to two employees.

The Board supports the recommendation.

EXECUTIVE SESSION MINUTES
REGULAR MEETING – THURSDAY, OCTOBER 8, 2009

Present: Chairman Alexander Mirabella presided. 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 present. Vice Chairman Daniel P. Sullivan was absent.

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

The following items were discussed:

1. Contract Negotiations relative to the Union County Utilities Authority

Guests: Lawrence Caroselli, Director, Department of Finance; Mayor James Kennedy, City of Rahway; Dr. Sunil Garg, Executive Director, Union County Utilities Authority; Jonathan Williams, Esq., Decotiis, FitzParick, Cole & Wisler, Special Counsel to the UCUA; John Kulish, Commissioner, UCUA

{Minutes redacted under Attorney-Client privileged communication on potential litigation / contract dispute pursuant to N.J.S.A. 47:1A-1.}

{Minutes redacted under Attorney-Client privilege communication on a matter involving on-going contractual negotiations pursuant to N.J.S.A. 47:1A-1.}

EXECUTIVE SESSION MINUTES
THURSDAY, OCTOBER 15, 2009

Present: Chairman Alexander Mirabella presided. Vice Chairman Daniel P. Sullivan, Freeholder Chester Holmes, Freeholder Bette Jane Kowalski, Freeholder Rick Proctor, Freeholder Deborah P. Scanlon, Freeholder Rayland Van Blake and Freeholder Nancy Ward were present. Freeholder Angel G. Estrada was absent.

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

The following items were discussed:

1. Potential Real Estate Acquisitions:

Guests: Victoria Durbin Drake, Administrator, Open Space, Recreation & Historic Preservation Trust Fund; Al Faella, Director, Department of Parks & Community Renewal

{Minutes redacted as same involve on-going negotiations / discussions relative to the potential acquisition of real property pursuant to N.J.S.A. 47:1A-1. Disclosure at this time could adversely affect the public interest.}

EXECUTIVE SESSION MINUTES
THURSDAY, NOVEMBER 5, 2009

Present: Chairman Alexander Mirabella presided. Vice Chairman Daniel P. Sullivan, Freeholder Angel G. Estrada, Freeholder Chester Holmes, Freeholder Bette Jane Kowalski, Freeholder Deborah P. Scanlon, Freeholder Rayland Van Blake and Freeholder Nancy Ward were present. Freeholder Rick Proctor was absent.

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

The following items were discussed:

1. On-Going Litigation: Mark Johnson v. Union County, et al.
Guest: Matt DiRado, Esq., Assistant County Counsel; Brian Riordan, Director, Department of Correctional Services

{Minutes redacted under Attorney-Client privileged communication pursuant to N.J.S.A. 47:1A-1.}

{Minutes redacted relative to a personnel matter exempt under N.J.S.A. 47:1A-10.}

Without any allocation of liability the estimated total value of this case, based on the injuries sustained, is \$30,000 to \$50,000.

The plaintiff has agreed to settle for \$15,000. Mr. DiRado requests settlement authority in the amount of \$15,000.

The Board supports the settlement.

2. Attorney Client Privilege: Homeless Trust Fund
Guest: Frank Guzzo, Director, Department of Human Services

Mr. Guzzo, along with County Counsel, discussed the specifics of the Homeless Trust Fund and certain legal requirements with the Board. Memorandum prepared by Mr. Guzzo is attached.

The Board supports the Trust Fund and will adopt same at the next meeting.

3. Potential Real Estate Acquisition: 675 Madison Hill Road, Clark
Guest: Victoria Durbin, Administrator, Open Space, Recreation and Historic Preservation Trust Fund; Al Faella, Director, Department of Parks and Community Renewal

The appraisals on this property came in at \$300,000 and \$325,000. The owner is asking \$385,000. Ms. Durbin requests that the Board authorize the County Manager to negotiate up to asking price of \$385,000. Although this is not the position the Board usually takes, this is an incredibly important piece of property in preserving the Olmsted legacy and connectivity between the parks.

The Board supports the recommendation.

EXECUTIVE SESSION MINUTES
THURSDAY, NOVEMBER 12, 2009

Present: Vice Chairman Daniel P. Sullivan presided. Freeholder Angel G. Estrada, Freeholder Chester Holmes, Freeholder Bette Jane Kowalski, Freeholder Rayland Van Blake and Freeholder Nancy Ward were present. Freeholder Rick Proctor was absent. Chairman Alexander Mirabella and Freeholder Deborah P. Scanlon were absent.

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

The following items were discussed:

4. On-Going Litigation: Hamilton v. Union County

County Counsel Barry presented this update. {Minutes redacted under Attorney-Client privileged communication pursuant to N.J.S.A. 47:1A-1.}

A settlement offer of \$20,000 was accepted. However, he claims he was not informed that by settling, his case in the Administrative Courts would also be dismissed. He is suing in the Administrative Courts because he wants his job back.

Mr. Hamilton will accept \$25,000 to settle and dismiss the case. He was advised that the County has since expended funds and the offer is now \$15,000.

County Counsel Barry requests the authority to negotiate up to \$25,000 if necessary to dismiss the case. {Minutes redacted under Attorney-Client privileged communication pursuant to N.J.S.A. 47:1A-1.}

5. On-Going Litigation: Robert Trivisano v. Union

County Counsel Barry provided an update to the Board in the Trivisano matter. All defendants and claims have been dismissed. However, Trivisano filed another motion for reconsideration that Union County should be added as a defendant and reconsideration of the LAD claims. Typically, new evidence or new case law would need to be present for these motions to be approved, and neither are present.

EXECUTIVE SESSION MINUTES
AGENDA MEETING – THURSDAY, DECEMBER 3, 2009

Present: Chairman Alexander Mirabella presided. 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 present.

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

The following items were discussed:

1. Contract Negotiations with the Union County Improvement Authority

Guests: Charlotte DeFilippo, Executive Director, Union County Improvement Authority; Union County Sheriff Ralph Froehlich; Lawrence Caroselli, Director, Department of Finance; Victor Vinegra, Mike Mistretta and Paul Harbaugh, Harbor Consultants; Sebastian D’Elia, Director, Office of Public Information and Jonathan Williams, Esq., Special Council to the Union County Improvement Authority

Ms. DeFilippo discussed the progress being made with the Union County Animal Shelter, possible shared services opportunities resulting in shared services agreements with potentially 18 out of 21 municipalities and an amendment to the County’s agreement with the UCIA for additional seed money for the project to fund additional design and specification development. General terms and conditions for the shared services agreements were identified and discussed with specific details yet to be negotiated.

Harbor Consultants made a presentation to the Board relative to location and the amenities of the facility. As per the Board’s initiative, the facility is a GREEN facility. It is anticipated that volunteers will be abundant and become an integral part of the operation. Bid specifications are anticipated to be released within 6 months and construction should take approximately 18 months. Construction of the facility is estimated at \$3.57 million with a total cost of \$6.2 million, which includes plumbing and electric upgrades to the site and furnishing the facility.

Conceptual renderings provided by Harbor Consultants are attached.

2. Personnel Matters

Directors’ performances and salary adjustments were discussed. The Board does not support salary increases for the directors for the Year 2010.

EXECUTIVE SESSION MINUTES
AGENDA MEETING – THURSDAY, DECEMBER 17, 2009

Present: Chairman Alexander Mirabella presided. Vice Chairman Daniel P. Sullivan, Freeholder Angel G. Estrada, Freeholder Chester Holmes, Freeholder Bette Jane Kowalski, Freeholder Rick Proctor, Freeholder Deborah P. Scanlon, and Freeholder Rayland Van Blake were present. Freeholder Nancy Ward was absent.

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

The following items were discussed:

3. Contract Negotiations with Teamsters Local 102 Primary Supervisors
Guest: Joseph Salemme, Conventus, LLC

The terms of the contract were discussed. The Board supports the recommendations.

4. Contract Negotiations with Collective Bargaining Units

An issue has arisen with the 26 pay cycle in the County. Occasionally, in some years, there would be 27 pay periods and some years there would be 24. The Unions were not happy with adjusting the amount in paychecks for either the 24 pay periods or the 27 pay periods. Deputy County Manager Genievich recommended a plan wherein the day of the week on which employees are paid would change annually, allowing for 26 pay periods.

Mr. Salemme spoke with the major union presidents in time for the meeting and their reactions were positive. This is an item that must be negotiated with the unions.

5. County of Union v. Forest Laboratories, County of Union v. Pfizer and County of Union v. Smith Klein Beecham

County Counsel advised the Board that these matters of litigation were previously approved when Michael Fitzgerald visited the Board in executive session several months back regarding prescription drugs use and costs.

4. Contract Negotiations with KemperSports regarding Golf Operations

Guests: Al Faella, Director, Department of Parks & Community Renewal; Armando Sanchez, Director, Division of Golf Operations; Joseph Graziano, Director, Department of Engineering & Public Works; Wayne Hasenbalg, Esq., DeCotiis, Fitzpatrick, Cole & Wisler; Dave Nissenson, Mareth Advisors, LLC

Effective January 1, 2010, KemperSports will assume responsibility for the operations of the Galloping Hill Club House.

A feasibility study regarding the potential future of the club house was conducted and presented by Mareth Advisors, LLC. The presentations are attached. It is important to discuss the prospects for the Club House prior to awarding the proposed contract to KemperSports for development, design and construction management of the new club house.

The County issued RFP for the design, development and construction management of the new clubhouse. Two vendors were disqualified and two were responsive. One vendor proposed a fee of 13.5% of the construction costs, whereas KemperSports proposed a fee of 10%. Additionally, KemperSports was viewed as a better quality provider as the names of all subcontractors were listed. The review committee recommended KemperSports for the project.

The terms of the KemperSports contract were discussed.

The Board was assured that the project would be a LEED-Certified, union project. The Board supports moving forward with the construction of a club house and awarding the development, design and construction management contract to KemperSports.