

ROBERT E. BARRY
UNION COUNTY COUNSEL.
10 Elizabethtown Plaza
Elizabeth, New Jersey 07207
(908) 527-4250
Attorney for Plaintiff

RECEIVED/FILED
Superior Court of New Jersey
FEB 10 2012
CIVIL CASE MANAGEMENT
UNION COUNTY

<u>THE COUNTY OF UNION,</u>	:	SUPERIOR COURT OF NEW JERSEY
	:	LAW DIVISION: UNION COUNTY
Plaintiff	:	
vs.	:	DOCKET NO.:
	:	
<u>THE TOWNSHIP OF SPRINGFIELD,</u>	:	CIVIL ACTION
	:	
Defendant	:	COMPLAINT
	:	

Plaintiff, The County of Union, complaining of Defendant, The Township of Springfield, says:

FIRST COUNT

1. Plaintiff The County of Union is, and at all material times hereto was, a municipal corporation organized and existing under the laws of the State of New Jersey, with its principal palce of business at the Union County Administration Building, 10 Elizabethtown Plaza, Elizabeth, New Jersey.
2. Defendant, Township of Springfield is, and at all material times was, a municipal corporation existing under the laws of the State of New Jersey, with its principal place of business at 100 Mountain Avenue, Springfield, New Jersey 07081.
3. N.J.S.A. 39:4-8.12 et seq. establishes a pilot program allowing traffic control monitoring system placement by municipalities upon approval of the Commissioner of the Department of Transportation.

4. The Defendant has been authorized by the Commissioner of the Department of Transportation to install traffic control monitoring systems at the following intersections:
 - a. Springfield Avenue/ Miesel Avenue and Morris Avenue;
 - b. Morris Avenue and Maple Avenue.
5. The City is currently seeking to operate traffic control monitoring systems at the above two (2) intersections.
6. N.J.S.A. 39:4-8.12 et. seq. requires the Township of Springfield to notify the Administrative Office of the Courts (hereinafter "AOC") if and when the County chooses to participate in the pilot program of same and that a cost sharing arrangement between the County and Municipality ensues from that point forward.
7. The County of Union notified the Township of its decision to participate in the pilot program.
8. The Township notified the AOC prior to the start of the pilot program but has failed to agree to the Counties participation.
9. The County has advised the Township of its willingness to participate in the costs of installation, maintenance and administration of the system as required by the Statute but the Township has failed to agree to same.
10. The cost of maintenance, operation and administration of the system is governed by the contract between the City and its vendor and is \$38.00 per ticket.
11. The \$85.00 amount of each ticket is broken down by the deduction of \$18.50 costs which goes directly to the municipality, \$11.50 to various state program

deductions and the remaining \$55.00 is the fine amount required to be shared equally by the County and municipality.

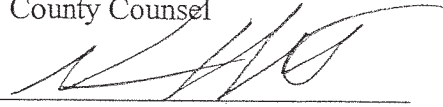
12. Springfield refuses to acknowledge the statutory scheme as set forth above and refuses to accept that the County should receive 27.50 per ticket and pay \$19.00 per ticket in accordance with the statute for each ticket issued at both intersections.
13. By reason of the foregoing, a declaratory judgment is both necessary and proper in order to set forth the rights, obligations and liabilities that exist among the parties.

WHEREFORE, Plaintiff respectfully requests the Court enter judgement as follows:

1. Declaring that Township of Springfield is in violation of the dictates of N.J.S.A. 39:4-8.12 and Ordering the institution of the cost and revenue sharing as of the institution of the pilot program as set forth above;
2. Ordering An accounting of all costs and revenue with respect to the operation of the pilot program if same is underway prior to the Judgement of the Court;
3. Such other and further relief as the Court deems just.

Respectfully submitted,

ROBERT E. BARRY
County Counsel


By: Norman W. Albert, Esq.
First Deputy County Counsel

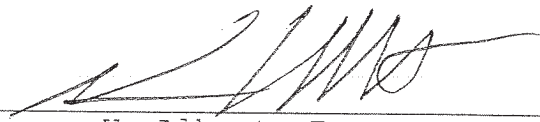
DATE: 2/10/12

CERTIFICATION

I hereby certify in accordance with Rule 4:5-1 that there are no other proceedings pending or contemplated with respect to the matter in controversy and all parties who could be joined in this action have been. There is similar litigation pending captioned The County of Union vs. The City of Linden under Docket No. UNN-L-3678-11. I further certify that a copy of the within pleading was filed and served on all parties of record pursuant to the Rules of Court.

Dated:

2/16/12



Norman W. Albert, Esq.