



UNION COUNTY BOARD OF CHOSEN FREEHOLDERS

THURSDAY, MAY 20, 2010

MINUTES OF THE REGULAR MEETING AGENDA

Chairman Daniel P. Sullivan called the meeting to order at 7:58pm. Roll call showed Vice Chairman Deborah P. Scanlon, Freeholder Angel G. Estrada, Freeholder Mohamed S. Jalloh, Freeholder Bette Jane Kowalski, Freeholder Alexander Mirabella, Freeholder Rick Proctor, Freeholder Deborah P. Scanlon, Freeholder 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 Prayer and Salute to the Flag were led by the Clerk of the Board.

The statement of compliance with the Open Public Meetings Act was read by the Clerk of the Board.

Chairman Sullivan called for a motion to suspend the Rules. On a motion made by Vice Chairman Scanlon and seconded by Freeholder Van Blake, roll call showed nine members of the Board voted in the affirmative.

Chairman Sullivan explained that the Rules have been suspended for procedural purposes as the Agenda is out of order as a result of the 2010 Budget.

Chairman Sullivan announced that Director of Finance Larry Caroselli was in attendance via webcam as he is home recovering from surgery. Chairman Sullivan thanked him for his attendance.

PRESENTATIONS FROM THE BOARD

Chairman Sullivan called upon Freeholder Kowalski, Liaison to the Human Services Advisory Council and Director of Human Services Frank Guzzo to present Resolutions to the following agencies for their work in reducing poverty:

Urban League of Union County, Proceed, Homefirst, Inc., Catholic Charities of the Archdiocese of Newark, The ARC of Union County, Brand New Day, Community Access Unlimited, Elizabethport Presbyterian Center, Jewish Family Services, Neighborhood Health Services Corp., United Family & Children's Society, Trinitas Regional Medical Center, YMCA of Eastern Union County.



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Freeholder Kowalski stated that the aforementioned agencies are very much involved in community services and stated that on behalf of the Board they are appreciated for their outstanding work, especially during these difficult economic times.

Director Guzzo stated that he has known most of the agency Directors for a very long time and said that when times get tougher, they work harder. They all provide exemplary services.

Chairman Sullivan thanked them for attending the Meeting.

PRESENTATION TO THE BOARD

Renaissance Youth Golf Program and LPGA/USGA Girls' Golf Program

Presented by:

Al Faella, Director, Department of Parks and Community Renewal

Armando Sanchez, Director, Division of Golf Operations

Walter Frye, Chairman, Renaissance

Beverly Harrison, LPGA / USGA Girls' Golf Program

Chairman Sullivan called upon Director of Parks and Community Renewal Alfred Faella to present the Renaissance Youth Golf Program and LPGA/USGA Girls' Golf Program.

Director Faella stated that the Resolution on tonight's Agenda is for a Memorandum of Understanding for the golf program. He introduced Director of Golf Operations Armando Sanchez, Chairman of Renaissance Walter Frye and Dr. Beverly Harrison of the LPGA/USGA Girl's Golf Program. Dr. Harrison stated that the Program currently services 6,000 girls ages six to seventeen and the Program has been at the Galloping Hill Golf Course since 2006. She said it has been in existence for five years and the Program teaches the girls to play golf and learn the values of golf, practice, patience, perseverance and honesty.

The presentation is attached.

Chairman Sullivan thanked them for their presentation and stated that he is pleased to see the Program continue.



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APPROVAL OF COMMUNICATIONS

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

Note and File

Oaths of Office

PUBLIC HEARING ON THE CAP BANK RESOLUTION

Chairman Sullivan announced that the public will have five opportunities to speak during the evening. He stated that he will call upon the individuals by name as they appear on the sign-in sheet to speak on the Budget only. Additionally, he asked that speakers keep their comments restricted to the matter for which the comment portion is being held.

Comptroller Frank Padusniak explained the Cap Bank Resolution, stating that there is no affect on dollars being raised on this budget. It is strictly for future use.

The meeting is open to the public for the purpose of commenting on the Cap Bank Resolution only.

Bruce Paterson, Garwood, stated that he believes that Resolution 2010-488 will allow the Board to tax residents more in the future. He stated that since there is a two-year lifespan on Cap Banks, and figures that this must be for 2008 and 2009. He stated that Cap Banks give the Board the opportunity to tax over the Cap Bank limit.

Director Caroselli explained that no monies are being used from 2008 or 2009. He stated that this Resolution allows the County to get security on restraints in future years and he urged the Board to adopt the Resolution.

APPROVAL OF THE CAP BANK RESOLUTION

2010-488 FREEHOLDER MIRABELLA, authorizing the establishment of a **Cap Bank** within the Calendar Year 2010 and 3.5% of the final tax levy from the preceding fiscal year as a retained exception to the final tax levy in either of the next two succeeding years pursuant to N.J.S.A 40A:4-45.15b.

Chairman Sullivan called for a motion to adopt Resolution 2010-488. On a motion made by Freeholder Mirabella and seconded by Freeholder Van Blake, roll call showed nine members of the Board voted in the affirmative.



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APPROVAL OF THE RESOLUTION TO READ THE BUDGET BY TITLE

Chairman Sullivan stated that the purpose of Resolution 2010-489 is to allow the Board to introduce the Budget by Title only.

2010-489 **FREEHOLDER MIRABELLA**, determining that the 2010 Union County Budget shall be read by title and declaring that the public hearing conditions set forth pursuant to NJSA 40A:4-8(1a)(1b) have been satisfied.

Chairman Sullivan called for a motion to adopt Resolution 2010-489. On a motion made by Freeholder Mirabella and seconded by Freeholder Ward, roll call showed nine members of the Board voted in the affirmative.

PUBLIC HEARING ON THE 2010 UNION COUNTY BUDGET AS INTRODUCED

Freeholder Mirabella, Chairman of the Fiscal Committee, said that the Board is pleased to adopt a final budget that not only stabilizes our fiscal condition, but in contrast to the State cuts, helps create jobs and stimulate economic development, while maintaining affordable educational opportunities, protecting seniors and saving open space and parks programs.

Freeholder Mirabella said that they have been able to accomplish this even after suffering a \$5.1 million gap created by Governor Christie's pass-along state budget cuts. He stated that we would have been able to reduce the increase in our tax levy by 41 percent, from \$12.3 million to \$7.2 million. He said thanks to our effort in re-positioning our finances, making budget cuts over the past few years and some shared sacrifices in the current cycle, we were still able to increase our reserve to \$28 million, and maintain our high bond rating. (Our County's bond rating is AAA by Moody's and AAA by Fitch.)

Freeholder Mirabella stated that overall, they are proud to be presenting a budget that helps Union County's working families, and those in need. He said that while the State's cuts led to the permanent closure of the Vocational-Technical Adult High School, we were able to maintain the school's main educational services despite an additional \$1 million State cut and they were also able to maintain aid to Union County College, which has seen its attendance soar in the past ten years, as tuition has soared at competing public and private higher educational institutions. He said that they do this because we believe that a quality education is a cornerstone for the success of our future generations as well as a key to our economy. He said that the Board also believes in preserving open space, maintaining recreation and historic site, and in building a sustainable way of life. He said that this budget does that too.



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Freeholder Mirabella remarked that curiously, some towns, such as Summit, objected to the Open Space, Recreation and Historic Preservation Trust Fund. Ironically, Summit took \$13 million out of this fund, while paying only \$8 million into it, but thanks to the preservation of open space, they have been able to do the following:

Save 300 acres or so of land the County since the beginning of the program could have easily been developed. In a county where half a million people live in just 100 square miles, we all know that green space is at a premium.

But there's so much more that residents get for the price of 17.5 cents a day besides open space preservation. Over the lifetime of the program, they also got:

- Dozens of playgrounds built new and/or improved over the past five years in virtually every municipality;
- The world-class Union County Performing Arts Center in Rahway;
- Rebuilt and modernized the Trailside Nature Center;
- 5,200 new trees planted throughout the County;
- Soccer, baseball, basketball, football, skating, wall ball, field hockey, bocce, tennis and track fields made new, rebuilt or improved;
- Turf fields; dance studios, recreation centers made new or rebuilt and improved;
- Recreational scholarships for boys and girls; equipment for teams;
- Dozens of historic sites renovated and preserved throughout the County in virtually every municipality and more.

In the area of economic development, we are moving forward with a number of County projects are either reaching completion or have begun this year. These projects are creating jobs for working class families and opportunities for businesses.

- The Parking Authority of the City of Elizabeth recently broke ground on a 1,500 space parking facility at Caldwell Place here at Elizabethtown Plaza, which will create 200 new jobs.
- This summer will witness the completion of the Public Safety Vehicle Storage Office building in Westfield.
- The Union County Vocational-Technical School District's Academy for Performing Arts building will also be completed in June.



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- We will strive to begin construction on the Animal Shelter in the Houdaille Quarry at Springfield.
- We will begin construction on the Galloping Hill Club House and Banquet facility as well.
- We are putting the finishing touches on the new Linden Library as well, and we recently opened a new firehouse in that municipality.

He said that now is the time to continue to move boldly forward with construction projects as competition is fierce and interest rates remain low.

The County has already received more than \$24 million in stimulus funds that we will use in part to repave more than 36 miles of County road, triple what we usually pave any given year, as well as embark on a green energy plan at many of our facilities, and much more. He said we must continue to look for innovative ways of saving tax dollars, and creating alternative revenue sources:

- This past fall, we announced an ambitious plan to sell or seek an extended lease of the Union County Resource Recovery Facility, which could mean millions in tax relief, while maintaining low disposal rates to the public.
- Our Parks and Community Renewal Department will continue to explore improvements at the Watchung Stables, which currently operates at a deficit.
- In an area involving “Shared Services,” we partnered with Fanwood to provide them dispatch services, saving that municipality \$230,000 over the first three years alone.
- Following an announcement in last year’s Executive Budget, we have begun operation of a County-wide towing and vehicle storage facility that could generate \$100,000 this year.

Freeholder Mirabella stated that the Board is building “critical mass” toward an economic recovery, and we must continue on this path in ensuring that Union County remains the best possible to live, work and raise a family.

Freeholder Mirabella thanked the Board, County Manager Devanney, Deputy County Manager and Director of Finance Larry Caroselli for their hard work on the Budget and he also thanked Director Caroselli for being present via webcam.



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The meeting is open to the public for the purpose of commenting on the 2010 Union County Budget as it was introduced on April 22, 2010 only.

Dr. Thomas Bistocchi, Superintendant of Union County Vocational-Technical Schools, stated that he is in support of the Budget and he made mention of each of the Union County Vocational-Technical schools that opened because of the Freeholder Board. He stated that on June 12th there will be a ribbon cutting ceremony for a new building that will open. He added that out of twenty-one vocational schools, Union County is ranked fourth from the bottom in spending.

Dr. Bistocchi introduced the following students:

Deb Gupta thanked the Board for investing in the Union County Vocational-Technical Schools and stated that the Robotics Club had a big influence on her interest in the field of aerospace engineering.

Crystal Williams, Plainfield, stated that she will be attending Rutgers University and is grateful for the Magnet School experience that prepared her for college.

Luke Szinurasky, Linden, stated that he attends the Magnet High School and said that he came from Poland eight years ago and has received a full scholarship to Yale University. He thanked the Board for supporting the school district.

Dr. Bistocchi stated that students have been accepted to seven Ivy League schools and they have received more than 1,000 applications for 325 spaces.

Chairman Sullivan thanked the students and wished them much success in the future.

Chairman Sullivan called upon Mayor J. Christian Bollwage, City of Elizabeth.

Mayor Bollwage thanked Chairman Sullivan and the Board for their cooperation and commitment on several projects, such as the new parking garage. He stated that the new garage will provide much needed parking and more jobs. He said that hopefully, the revitalization of the Elizabeth Train Station will be possible within the near future. He mentioned that they worked together on obtaining the Union County College Nursing School, which there was a high demand and need for and the construction of Oakwood Plaza. Mayor Bollwage made comments regarding Governor Christie's cuts, such as \$14 million for schools, \$5 million from the City budget and \$20 million from the Urban Fund.

Colleen Mahr, Mayor of Fanwood, stated that she is in favor of the Budget and added that the Borough of Fanwood is the recipient of the shared service pilot program for 911 dispatching services and thanked the Board for the opportunity. She stated that the Borough of Fanwood will be saving \$233,000 over the next three years as a result of the



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shared service agreement and said it will have a direct impact on the tax rate. She stated that the original tax increase was \$117 per household and it has now been reduced to \$76 per household. She said that she is looking forward to additional shared services with the County.

Mayor Mahr also stated that the Borough of Fanwood's Kids Recreation Trust Fund has partnered with other local towns to purchase new equipment and she recommends that other Mayors do the same.

David Weeks, Elizabeth, asked if the Board is adopting a Budget that will include County employee layoffs. Chairman Sullivan replied, no.

Jim Beuttner, Cranford, asked how the Board has advised the Director's of each Department how they should cut expenses, such as the use of vehicles, cell phones and MusicFest.

Janice Tittel, Cranford, asked how the Board determines how much open space is needed. She said is opposed to purchasing a residential lot for \$500,000 at this time.

Chairman Sullivan stated that it was a purchase that has been considered over the past few years and the Board is dedicated to obtaining as much open space as possible. He stated that the County has obtained over 300 acres with the Trust Fund.

Robert Quinlan, Chief of Police, Hillside, stated that he is in support of the Budget and law enforcement. He congratulated Freeholder Mirabella on doing a fine job on this year's budget. He added that without having the Union County Sheriff and Police and the Union County Prosecutor, their job would be a lot harder. He stated that they have the finest support. He said that Hillside is in close proximity to high crime areas, especially the towns located in Essex County and sometimes, they need additional assistance from the Union County Police. He said they respond within minutes and they have a range of equipment and services that Hillside does not have, such as scuba gear, bomb squads, hazmat and more. He thanked them for their help and support.

Joseph Dougherty, Elizabeth, spoke against the Budget.

Krishna Garlic, Executive Director of Brand New Day and resident of Elizabeth, stated that she is in support of the Budget and she thanked the Board for the foreclosure assistance they received by the Board and how many families they have been able to keep in their homes and keep children in their schools.

Mike DeRosa, Elizabeth, Business Manager, Carpenters Union 155 and Building Trades, stated that he was in attendance to support the Budget. He said that the Board helps to stimulate the economy and they should be praised for their support and funding. He said



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that Freeholder Mirabella spoke about projects that create jobs. He added that the projects and the Union County Vocational-Technical Schools have become huge victories.

Mary Ellen Taylor, Berkeley Heights, stated that Governor Christie should be respected for his cuts because New Jersey has been over spending. She said he has a fiscal responsibility. She said that the teachers, firefighters and police officers' salaries are too high and said that she is not a Republican or a Democrat, but is an Independent. Mrs. Taylor also spoke about the cost of MusicFest and added that when she does not agree with Governor Christie's decisions, she sends him a letter and added that the Board does not refuse salary increases for three years.

Tina Renna, Cranford, Union County Watchdog Association (UCWA), stated that she had a roundtable a few weeks ago and said that the Freeholders were invited, but did not attend. She stated that there is a report on the County's Department of Personnel that is on the UCWA website. She made remarks about promotions, job creations, auditing firm and donations. The recommendation from the State of New Jersey, Office of the State Comptroller regarding audits was submitted to the Clerk of the Board, and is attached.

John Bury, Kenilworth, spoke about the pension debt. He stated that he met with Governor Christie's advisors and they mentioned that New Jersey will run out of money in the year 2019, but Mr. Bury, believes that it will happen in 2014. Mr. Bury remarked about the money spent on the clubhouse at the Galloping Hill Golf Course, and the closing of Oak Ridge Golf Course, dredging the lakes and improving the dams.

Mr. Bury asked what the amount of non-budget revenue is for 2010. Director Caroselli stated that the definition of the non budget revenue is unanticipated funds not received or a non-budget revenue and we cannot predict what it will be.

Bernie Lenahan, Montville, Union County College Finance Department, Cranford, stated that he is in support of the budget. He said that many people do not understand the process. He spoke about the financial structure and the programs that Union County College provides.

Ed Zarnock, Roselle, President of AFL-CIO, thanked Freeholder Mirabella for his hard work on the Budget. He stated that he is in support of the Budget.

John Marquardt, Fanwood, said that there has been too much spending and new jobs need to be created. He is opposed to MusicFest and said he is in favor of Governor Christie's cuts.

Michael D'Agostino, Union, stated that he is here to support the Budget. He said that layoffs will only increase unemployment. He thanked the Board for their support.



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George Vircik, Linden, Union County Community Development Revenue Sharing Committee, is looking for an increase in funding for three housing counseling agencies to support no foreclosures.

Dennis Vodarsik, Hillside, Senior Citizens Program, thanked the Board for their support for the senior services and he asked to be included in the Freeholder initiatives.

Sal Mione, Rahway, Veteran Flag Guardian, thanked Freeholder Mirabella for being the Liaison to the Veterans. He said that Union County is very supportive of the Veterans and they have allocated 30,000 flags to be placed on grave sites in cemeteries throughout Union County. He stated that on May 29th the Veterans need to be supported and the Budget needs to reflect its continued support.

Bill Duffy, Clark, Veteran Flag Guardian, thanked the Board for their support and funding for the flags. He stated that they distribute flags to as many cemeteries throughout Union County as possible.

Chairman Sullivan thanked Mr. Mione and Mr. Duffy for serving our Country and Union County.

Paul Morrison, Chief of Police of Roselle Park, stated that he supports the Budget for Law Enforcement and thanked the Union County Prosecutor's Office, the Union County Police Department and the Union County Sheriff's Office for their continued help and support. He gave scenarios of four school bomb threats that happened within a nine day period where the Union County Bomb Squad was needed and the Union County Prosecutor's Office assisted in the arrests.

Valerie Stevens, Plainfield, Teacher, Second Street Youth Center, stated that the funds from the HEART Grant have made it possible to have extra workshops for children from ages five to ten. She stated that these funds are greatly needed and appreciated.

Vita Greco, Linden, NJACT, stated that she is in support of the Budget and the Arts. She stated that the HEART Grants from the Board help with theatrical productions and she said she hopes it continues.

David Brown, Rahway, Community Block Development Grants Committee, (CBDG) thanked the Board for the opportunity to come before the Board to speak on behalf of CBDG. He stated that he works with the Community Revenue Sharing Committee and volunteers. He said the County helps with Social Services, infrastructure and added that the Union County Vocational-Technical Schools have graduates who are going on to prestigious universities. He thanked the Board for their support.



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Willa Cofield, Plainfield and Dr. Barbara Gadegheku, “Women in Conversation,” are former teachers who started a reading discussion for women, then expanded to groups for boys and girls for third to twelfth graders. Dr. Gadegheku stated that they meet one time per month to discuss the books that they read. She stated that they are thankful to the Board for the HEART Grant as they are able to purchase the books. She said they started a Senior Conversation Group in three different locations in Plainfield, which are stimulating to the seniors. She stated that they have dedicated volunteers who run the groups. She added that in the near future all the age groups will meet together. They thanked the Board.

Jim McMannus, Clark, Business Agent Plumbers 24 Construction, stated that they really appreciate the support and efforts made by the Board. He stated that for every \$1 spent, \$11 is generated in the community. He said that the membership is losing benefits and money needs to be spent in order to be made.

Angel McGill, Elizabeth, stated that he takes his four year old daughter to the park and noticed that the equipment has been in a state of disrepair due to wear and tear and said that it could cause injury. He stated that a few weeks later the County had replaced it with new equipment and he thanked the Board. He stated that the Freeholder Board and the City of Elizabeth have constructed 200 affordable housing units that are rented to low to moderate income families.

James Horne, Bridgewater, United Way of Eastern Union County stated that he is in favor of the Budget. He explained that they are a community-based organization that provides services for kids and the disabled and they are partnered with the Department of Human Services.

Ellen Dixon, Summit, stated that she is in favor of Governor Christie’s decisions. She said that the City of Summit is paying the most taxes to the County and New Jersey is the highest tax paying State in the Country. She stated that he is opposed to the budget.

Ella Teal, Randolph, Urban League of Union County, Elizabeth, stated that she is in support of the Budget. She said it will help create jobs and help those in need. She stated that Community Development, Human Services, the Freeholder Board and Union County help people every day and the Urban League also helps as much as possible. She thanked the Board on behalf of the people that use these services.

Bruce Paterson, Garwood, thanked Director Caroselli for his hard work on the budget. He stated that Freeholder Mirabella stated that at the Budget Hearings the average tax increase per household will be \$55, but now it is \$84 on average per household. He asked for an explanation.

Director Caroselli stated that this Budget calls for an average household tax increase of \$84.



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Mr. Paterson stated that he believes the Budget is illegal and started a commotion during the meeting. Chairman Sullivan asked Mr. Paterson to be seated as he exceeded his time limit.

Carmen Southward, Linden, Candidate for Freeholder, stated that she partially enjoys the services that the Freeholder Board provides. She stated that she was in attendance to criticize the Board as she believes that there has been misuse of grant funds of \$55,000 for a Homeland Security Grant for political propaganda. She said that she was not in support of the Budget.

Chairman Sullivan called upon Director of Public Safety Andrew Moran to explain how the funds were used. Director Moran stated that he believes that the prior speaker was referring to a First Alert mailing. He explained that once the residents register, they will be able to receive alerts by text or e-mail to warn them of floods, road closures and such. He stated that the public needed to be notified in order for them to register for this program. Director Moran stated that the mailer and the use of the funds for the mailer were approved by the New Jersey Office of Homeland Security Preparedness. He stated that 414 residents in Union County have registered within two days.

Chairman Sullivan commented on the previous speaker's comments about the First Alert Mailer. He stated that the speaker is a member and employee of the Board of Education and there was a "Vision" mailer sent out on April 11th, two days before the Board of Education election, using over \$80,000. He stated that the speaker left before Director Moran was able to explain about the mailers and stated that she apparently was not interested in the answers.

COMMENTS ON THE AMENDMENT TO THE 2010 UNION COUNTY BUDGET

Clerk of the Board Nicole DiRado read the Amendment to the 2010 Union County Budget in full that pertains to Resolution 2010-490.

3. Miscellaneous revenues – Section E: Special items of general revenue anticipated with prior written consent of Director of Local Government Services – other special items

	From	To
Department of Parks and Recreation Facilities Revenue- Additional	\$1,979,346.78	\$1,179,346.78
Rental Beds- Juvenile Detention Center	\$2,000,000.00	\$1,560,000.00

Total section E: Special items of general revenue anticipated with prior written consent of Director of Local Government Services – other special items



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\$57,604,326.28

\$56,364,326.28

3. Summary of Revenues

3. Miscellaneous revenues:

Total Section E: Special items of general revenue anticipated with prior written consent of Director of Local Government Services – other special items

\$57,604,326.28

\$56,364,326.28

Total miscellaneous revenues \$172,344,885.00

\$171,104,885.00

5. Subtotal General Revenues (items 1,2, 3 and 4)

\$196,594,885.00

\$195,354,885.00

7. Total General Revenues

\$473,951,055.00

\$472,711,055.00

From

To

(A) Operations

Insurance:

Other Insurance Premiums

\$9,362,673.00

\$9,122,673.00

Total General Government

\$90,616,129.00

\$90,376,129.00

Department of Human Services:

Office of Director

Other Expenses

\$3,362,426.00

\$3,162,426.00

Total Health and Welfare

\$128,111,882.00

\$127,911,882.00

Utilities

\$10,108,800.00

\$9,308,800.00

Total Unclassified

\$16,040,308.00

\$15,240,308.00

Sub-total Operations

\$363,041,646.00

\$361,801,646.00

Total Operations (Item 8(A))

\$387,293,185.00

\$386,053,185.00



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Total Operations including Contingent	\$387,343,185.00	\$386,103,185.00
Other Expenses (including Contingent)	\$213,127,363.00	\$211,887,363.00
9. Total General Appropriations	\$473,951,055.00	\$472,711,055.00
Summary of Appropriations		
(A) Operations:		
Subtotal Operations	\$363,041,646.00	\$361,801,646.00
Total Operations including contingent	\$387,343,185.00	\$386,103,185.00
9. Total General Appropriations	\$473,951,055.00	\$472,711,055.00

The meeting is open to the public for the purpose of commenting on the Amendment to the 2010 Union County Budget only.

Bruce Paterson, Garwood, wanted to make suggestions for the 2010 Budget. Chairman Sullivan stated that he was out of order and asked him to be seated. He would not abide by Chairman Sullivan's request and disrupted the Freeholder Meeting. Hence, he was escorted out of the Meeting.

John Bury, Kenilworth, asked for an explanation of Resolution 2010-490.

Director Caroselli stated that an Amendment is required anytime a government entity anticipates more than realized the previous year. He stated that the submitted justification was based on the new golf structure and revenues, such as \$5.5 million rather than \$6.3 million, equaling an \$800,000 reduction. He stated that other revenues were based on the holdings of juveniles of the Detention Center as Union County will be an entity if the other Centers in other counties were overcrowded, reducing it by \$400,000.

Tina Renna, Cranford, stated that the Clerk of the Board read a lot of information and it was difficult for the public to follow, stating that it should have been provided to the public.

RESOLUTION TO APPROVE THE AMENDMENT TO THE 2010 UNION COUNTY BUDGET
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Chairman Sullivan called for a motion to adopt Resolution 2010-490.

2010-490 FREEHOLDER MIRABELLA, adopting the Amendment to the 2010 Union County Budget.

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

RESOLUTION TO APPROVE THE 2010 UNION COUNTY BUDGET AS AMENDED

Chairman Sullivan called for a motion to adopt Resolution 2010-491.

2010-491 FREEHOLDER MIRABELLA, adopting the 2010 Union County Budget as Amended.

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

ORDINANCES FOR FIRST READING

ORDINANCE NO. 704-2010 (The Clerk of the Board read the title of the Ordinance).

AN ORDINANCE TO AMEND THE LAWS OF UNION COUNTY: ADMINISTRATIVE CODE AND POLICIES AND GENERAL LEGISLATION: BY AMENDING CHAPTER 128 – SMOKING POLICY AND ARTICLE XVIII – DEPARTMENT OF PARKS & COMMUNITY RENEWAL AND AMENDING CHAPTER 2 – ARTICLE IV – FEES FOR RECREATION FACILITIES.

BE IT ORDAINED by the Board of Chosen Freeholders of the County of Union that the “Laws of Union County” are hereby amended as outlined in the attached Schedule A:

Note: All text that is underlined is inserted/new language.
All text that is ~~struck through~~ is deleted language.

SCHEDULE A

PART I -

ADMINISTRATIVE CODE

ARTICLE XVIII, Department of Parks & Community Renewal

[Adopted 6-26-1997 by Ord. No. 452; Amended 12-20-2007 by Ord. No. 664]



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§ 1-100. Department established; purpose; organization.

[Amended 6-20-2002 by Ord. No. 553; 9-14-2006 by Ord. No. 636; 12-20-2007 by Ord. No. 664; 6-25-09 by Ord. No. 686]

- A. General Purpose; Departmental Organization. There shall be a Department of Parks and Community Renewal for the purpose of promoting and developing the planning, development and growth of the County of Union, coordinating all aspects of such through the efficient and effective use of financial, operational and administrative resources and to proactively address the needs of County residents. The Director shall be fully responsible for the Department's operation.
- B. There may be a Deputy Director who shall be responsible to the Director of the Department of Parks and Community Renewal and shall be responsible for developing plans and coordinating the implementation of plans for renovating existing park facilities and constructing new facilities.
- C. The Department shall have a Bureau of Recreation and a Bureau of Administrative Support. The Chief of each Bureau shall be the head of the Bureau and shall report to the Deputy Director of Parks and Community Renewal.
- The functions of the Bureau of Recreation ~~and Administrative Support are~~ is to developing and ~~administrating~~ administer programs to facilitate the public use and enjoyment of County parks, playgrounds, the Watchung Reservation, open spaces and places of recreation; operating all County recreation facilities; and, coordinating park and recreational facilities, programs and special events of the County with other public and private recreational facilities within the County.
 - The functions of the Bureau of Administrative Support ~~are~~ is to establish and maintain essential records and files relative to the programs offered by the Department, ensure payroll conformity, prepare and reconcile contract bids and bills, and maintain construction progress schedules and reports.
- D. The Department shall have a Bureau of Environmental Conservation. The Chief of the Bureau shall be the head of the Bureau and shall report to the Deputy Director of Parks and Community Renewal. The functions of the Bureau of Environmental Conservation will be as follows:
- Implementing and coordinating Household Special Waste, Computer and Electronics, and Battery/Motor Oil/Filters recycling events funded through the Solid Waste Services Tax
 - Implementing and coordinating the Scrap Tire Management Program to fund cleanup and disposal of scrap tires found on public lands.



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- Providing administrative and coordination assistance to municipalities in implementing the Clean Communities Program.
- Performing such other duties as may be required by the Director of the Division of Park Planning and Maintenance.
- Preparing and Disseminating all mandated statistical programmatic reports to appropriate agencies and officials.
- The Bureau Chief of the Bureau of Planning and Environmental Conservation shall also serve as the District Recycling Coordinator.

E. The Department shall have a Bureau of Governmental Relations and Community Outreach. The Bureau Chief shall report to the Director of Parks and Community Renewal. The function of the Bureau of Governmental Relations and Community Outreach is to develop and administer programs to facilitate the public use and enjoyment of County parks and recreational facilities in consolidation of County grant programs for maximum effectiveness. The Bureau shall include the Office of Cultural and Heritage Affairs.

F. The Office of Cultural and Heritage Affairs functions and responsibilities shall include:

- (1) Create, support and encourage programs promoting public interest and participation in local arts, history and culture.
- (2) Maintain an annual preservation awards program commending noteworthy historic preservation.
- (3) Educate the public on local, state and municipal efforts to preserve historical sites.
- (4) Maintain an historic inventory as a resource for federal and state agencies and local planners.

[Amended 9-14-2006 by Ord. No. 664]

G. The Department of Parks & Community Renewal shall consist of the following Divisions:

- (1) Division of Planning and Community Development.
- (2) Division of Information Technologies. [Added 7-22-1999 by Ord. No. 503]
- (3) ~~Division of Park Maintenance and Administrative Support. [Added 12-20-2007 by Ord. No. 664].~~
- (4) Division of Golf Operations. [Added 12-20-2007 by Ord. No. 664]



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- (5) Division of Parks Planning and ~~Environmental Services~~ Horticultural Services
~~[Added 12-20-2007 by Ord. No. 664]~~

[Amended 9-14-2006 by Ord. No. 636; 12-20-2007 by Ord. No. 664]

§ 1-113. Division of Parks Planning and ~~Environmental Services~~ Horticultural Services

~~[Added 12-20-2007 by Ord. No. 664]~~

A. Division head. The Director of the Division of Park Planning and ~~Environmental Services~~ Horticultural Services shall be the head of the Division and shall be responsible to the Deputy Director of the Department of Parks and Community Renewal for its operation.

B. Division organization.

- (1) Within the Division, there shall be the following subdivision:

~~a) The Bureau of Planning and Environmental Conservation.~~

b) The Bureau of Horticulture.

- (2) The Division of Park Planning ~~Bureau of Planning and Environmental Conservation's~~ and Horticulture Services' functions and responsibilities shall include:

a) Responsible for developing plans and coordinating the implementation of plans for renovating existing Park facilities, constructing new facilities, and environmental park programs.

~~b) Implementing and coordinating Household Special Waste, Computer and Electronics, and Battery/Motor Oil/Filters recycling events funded through the Solid Waste Services Tax~~

~~c) Implementing and coordinating the Scrap Tire Management Program to fund cleanup and disposal of scrap tires found on public lands.~~

~~d) Providing administrative and coordination assistance to municipalities in implementing the Clean Communities Program.~~

~~e) Performing such other duties as may be required by the Director of the Division of Park Planning and Maintenance.~~

~~f) Preparing and Disseminating all mandated statistical programmatic reports to appropriate agencies and officials.~~



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~~g) The Bureau Chief of the Bureau of Planning and Environmental Conservation shall also serve as the District Recycling Coordinator.~~

(3) The Bureau of Horticulture's functions and responsibilities shall include:

- a) Providing for the care, cultivation, planting and replanting of all lawns on County property.
- b) Providing for the care, cultivation, planting and replanting of flowers and shrubs on County property.

CHAPTER 2 §107-ARTICLE IV FEES FOR RECREATION FACILITIES

DESCRIPTION	2009			
PROPOSED 2010				
WATCHUNG STABLES	In County	Out of County In	County	
Out of County				
1 hr. Trail Ride – Weekday	\$21.00	\$27.00	\$25.00	\$36.00
1 hr. Trail Ride – Weekend	\$23.00	\$28.00	\$28.00	\$39.00
Private Reserved Trail Ride Instructor	\$25.00		\$30.00	
Lead Line – ½ hr – Under 9 years old- Weekday	\$11.00	\$17.00	\$15.00	\$23.00
Lead Line – ½ hr – Under 9 years old- Weekend	\$13.00	\$19.00	\$15.00	\$23.00
Summer Riding Camp				
4 Day 6-hr/day Session – Ages 9-17	\$280.00	\$340.00	\$308.00	\$408.00
Second Child in same family			\$293.00	\$388.00
Mounted Troops				
Senior Troop (ten 1-hr rides/season)	\$250.00	\$310.00	\$275.00	\$372.00
Junior Troop (ten 45-min rides/season)	\$210.00	\$270.00	\$231.00	\$324.00
Adults (eight 1-hr rides/season)	\$210.00	\$250.00	\$231.00	\$324.00
Drill Team (eight 1-hr ride/season)			\$231.00	\$310.00
2 nd Junior Troop in same season			\$219.00	\$308.00
Troop – Group Riding Clinics (1-hr)	\$36.00	\$36.00	\$40.00	\$43.00
Troop Horse Shows				
Per Event	\$12.00		\$13.00	
Post Entry	\$15.00		\$17.00	
Private Instructions and Horse Rental				
Horse Rental Fee ½ hr – Weekday, inc. tax	\$13.00	\$19.00	\$15.00	\$23.00
Horse Rental Fee ½ hr – Weekend, inc. tax	\$15.00	\$21.00	\$18.00	\$25.00
Horse Rental Fee 1 hr – Weekday, inc. tax	\$21.00	\$27.00	\$24.00	\$32.00
Horse Rental Fee 1 hr – Weekend, inc. tax	\$23.00	\$29.00	\$27.00	\$35.00



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1 hr non-County instructor/trainer ring	\$40.00		\$50.00	
½ hr non-County instructor/trainer ring	\$30.00		\$40.00	
Weekly Horse Rental, 3 hrs/day Weekday	\$200.00	\$272.00	\$220.00	\$325.00

Horse Board

Box Stall – Daily	\$14.17	\$17.50	\$15.00	\$20.00
Box Stall – Monthly	\$425.00	\$525.00	\$446.00	\$578.00
Tie Stall – Daily	\$11.50	\$13.17	\$12.00	\$15.00
Tie Stall- Monthly	\$345.00	\$395.00	\$362.00	\$435.00
Box Stall Late Fee	\$40.00		\$42.00	
Tie Stall Late Fee	\$30.00		\$32.00	

Other Programs

Riding Clinics and Special Rides – 1 hr	\$36.00	\$45.00	\$38.00	\$50.00
Riding Clinics and Special Rides – 1 ½ hr			\$45.00	\$56.00
Riding Clinics and Special Rides – 2 + hrs			\$60.00	\$70.00
Birthday Parties – up to 30 children (2 hr room rental plus 2 lead line horses)	\$126.00	\$158.00	\$150.00	\$200
Room Rental Fee (per hour)	\$50.00	\$60.00	\$60.00	\$75.00
Scout Badge (per person – min. \$50.00)	\$50.00	\$50.00		
\$10.00pp, min		\$50.00		
Brownie Try-It Badge (per person – min. \$50.00) min. \$50.00	\$50.00	\$50.00	\$5.00 pp,	
Learn About Horses 1 hr (group)	\$40.00	\$40.00	\$45.00	\$50.00
Locker Rentals – 3 seasons (Spring/Summer/Fall)			\$15.00	\$30.00

GOLF

9 – Hole Twilight on 18 Hole Golf Course – Galloping Hill after 5:00 pm	\$18.00
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Chapter 128, SMOKING POLICY

[HISTORY: Adopted by the Board of Chosen Freeholders of the County of Union 9-23-1993 as Ord. No. 385. Amendments noted where applicable.]

§ 128- 1. Smoking defined.

For purposes of this policy, “smoking” means the burning of, inhaling from, exhaling the smoke from, or the possession of a lighted cigar, cigarette, pipe or any other matter of substance which contains tobacco or any other matter that can be smoked.



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§ 128- 2. Smoking prohibited.

- A.** (1) Smoking is prohibited in all areas of County buildings or structures. This includes but is not limited to all work areas, offices, conference rooms, hallways/vestibules, stairwells, rest rooms, elevators, cafeterias, lounges and County-operated vehicles. [Amended 4-10-2003 by Ord. No. 569]
- (2) Smoking shall not be permitted within 25 feet of ingress or egress to any County-owned or leased buildings.
- (3) Appropriate signage shall be created and displayed to effectuate this requisite.
- B.** (1) Smoking is prohibited in all County owned recreational areas/facilities including boating facilities (docks and structures), ice-skating facilities, playgrounds, running tracks, all snack bars, swimming pools, ball fields, tennis courts, Watchung Stables and restrooms which support County-owned recreational areas/facilities.
- C.** (1) The County may prohibit smoking at County sponsored events, including concerts, fairs, festivals, movies and other such events, at the discretion of the County Manager and with the advise and consent of the Board of Chosen Freeholders.
- (2) Appropriate signage will be created and displayed at all such events.

§ 128-3. Smoking outside of County buildings.

The time away from work for the purpose of smoking outside of County buildings and structures shall be limited to the scheduled and/or permitted break periods and meal breaks.

§ 128-4. Disposal of smoking products.

Employees and visitors/patrons shall make use of receptacles for the disposal of cigar or cigarette butts, or tobacco by-products and waste.

§ 128-5. Implementation of policy.

Department, Division Heads and Supervisors shall be directly responsible for the implementation of the policy and its enforcement within their areas of supervision and control.

§ 128-6. Policy questions.

Questions of interpretation or application of the policy shall be referred to the Office of the County Manager for response.



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§ 128-7. Violations and penalties.

- A. Members of the public who violate this policy shall first be ordered to comply with the policy. If the person continues to smoke in violation of the policy, then a fine shall be imposed upon the person in accordance with *N.J.S.A. 26:3D-56 et seq.*
- B. A person, after being so ordered, who smokes in violation of this Ordinance is subject to a fine of not less than \$250.00 for the first offense, \$500 for the second offense and \$1,000 for each subsequent offense. A penalty shall be recovered in accordance with the provisions of subsections c. and d. of *N.J.S.A. 26:3D-62.*
- C.

Freeholder Estrada moved Ordinance Number 704-2010 for First Reading and authorized the Clerk of the Board to advertise same in accordance with the law. Public Hearing and Final Reading are scheduled for Thursday, June 10, 2010. The motion was seconded by Vice Chairman Scanlon. Roll call showed nine members of the Board voted in the affirmative.

ORDINANCE NO. 708-2010 (The title of the Ordinance was read by the Clerk of the Board).

BOND ORDINANCE TO AMEND THE FOLLOWING BOND ORDINANCES PREVIOUSLY ADOPTED BY THE BOARD OF CHOSEN FREEHOLDERS OF THE COUNTY OF UNION, STATE OF NEW JERSEY: (1) BOND ORDINANCE NO. 578-2003 ADOPTED ON AUGUST 21, 2003; (2) BOND ORDINANCE NO. 601-2004 ADOPTED ON AUGUST 19, 2004; (3) BOND ORDINANCE NO. 616-2005 ADOPTED ON AUGUST 18, 2005; (4) BOND ORDINANCE NO. 632-2006 ADOPTED ON AUGUST 17, 2006, AS PREVIOUSLY AMENDED BY BOND ORDINANCE NO. 673-2008 ADOPTED ON DECEMBER 4, 2008; AND (5) BOND ORDINANCE NO. 653-2007 ADOPTED ON SEPTEMBER 6, 2007.

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

Section 1. Section 4.L of Ordinance No. 578-2003 entitled:

"BOND ORDINANCE TO AUTHORIZE THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS AND THE ACQUISITION OF NEW ADDITIONAL OR REPLACEMENT EQUIPMENT AND MACHINERY, NEW AUTOMOTIVE VEHICLES, INCLUDING ORIGINAL APPARATUS AND EQUIPMENT, NEW ADDITIONAL FURNISHINGS AND NEW COMMUNICATION AND SIGNAL SYSTEMS EQUIPMENT IN, BY AND FOR THE COUNTY OF UNION, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$28,662,611 TO PAY THE COST THEREOF, TO APPROPRIATE STATE AND FEDERAL GRANTS, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE



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SUCH APPROPRIATION, TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS AND TO AMEND BOND ORDINANCE NO. 576-2003 ADOPTED ON MAY 29, 2003."

adopted by the Board of Chosen Freeholders of the County of Union, New Jersey (the "County") on August 21, 2003, is hereby amended to add the following to the projects authorized: professional services for various Facilities Management projects; and shall hereafter read as follows:

"[Section 4.]L. Department of Operational Services, Division of Building Services - The undertaking of various improvements to public buildings consisting of (i) entrance and window replacement at the Election Board Building in Elizabeth, (ii) upgrading HVAC systems at various public buildings, (iii) undertaking ADA-compliance rest room improvements at various public buildings, (iv) exterior restoration and window replacement at the old Courthouse, (v) replacement of ceilings and asbestos removal at the New Courthouse Annex, (vi) replacement of elevators at various public buildings, (vii) roof replacement at various public buildings and (viii) professional services for various Facilities Management projects. It is hereby determined and stated that said public buildings being improved are of "Class B" or equivalent construction as defined in Section 22 of the Local Bond Law.

Appropriation and Estimated Cost	\$ 5,025,000
Down Payment Appropriated	\$ 251,250
Bonds and Notes Authorized	\$ 4,773,750
Period of Usefulness	15 years."

Section 2. Section 4.G of Ordinance No. 601-2004 entitled:

"BOND ORDINANCE TO AUTHORIZE THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS AND THE ACQUISITION OF NEW ADDITIONAL OR REPLACEMENT EQUIPMENT AND MACHINERY, NEW AUTOMOTIVE VEHICLES, INCLUDING ORIGINAL APPARATUS AND EQUIPMENT, NEW ADDITIONAL FURNISHINGS AND NEW COMMUNICATION AND SIGNAL SYSTEMS EQUIPMENT IN, BY AND FOR THE COUNTY OF UNION, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$49,032,044 TO PAY THE COST THEREOF, TO APPROPRIATE STATE AND FEDERAL GRANTS AND FUNDS FROM THE CITY OF LINDEN, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS."



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adopted by the County on August 19, 2004, is hereby amended to (i) change the improvement authorized from the repair or replacement of various bridges to the construction, repair or replacement of various bridges and culverts, traffic signal rehabilitation and road resurfacing projects; and (ii) decrease the period of usefulness of the purposes authorized from 15 years to 10 years (a decrease of 5 years); and shall hereafter read as follows:

"[Section 4.]G. Department of Engineering and Public Works, Division of Engineering – Construction, repair or replacement of various bridges and culverts, traffic signal rehabilitation and road resurfacing projects, as set forth on a list on file with the Clerk of the Board of Chosen Freeholders and hereby approved and incorporated herein by this reference thereto.

Appropriation and Estimated Cost	\$ 4,679,336
State Grant Appropriated	\$ 1,500,000
Down Payment Appropriated	\$ 158,967
Bonds and Notes Authorized	\$ 3,020,369
Period of Usefulness	10 years."

Section 3. Section 4.O of Ordinance No. 601-2004 is hereby amended to add the following to the projects authorized: (i) professional services for various Facilities Management projects; and (ii) construction services for improvements and renovations at 10 Cherry Street for new courtrooms and a parking deck (courtrooms to be relocated from the Courthouse Complex); and shall hereafter read as follows:

"[Section 4.]O. Department of Operations and Facilities, Division of Building Services - The undertaking of various improvements to public buildings consisting of (i) asbestos removal and demolition of the existing vehicle storage garage in Westfield and construction of a new garage at such facility, (ii) renovations and mechanical upgrades at the Old Jail, (iii) HVAC upgrades, installation of an elevator and construction of new bathrooms at the Westfield Complex, (iv) demolition of the old Engineering Building in Scotch Plains, (v) mechanical system upgrades at various buildings, (vi) waterproofing the Administration Building, (vii) undertaking ADA-compliance rest room improvements at various public buildings, (viii) exterior restoration and window replacement at the old Courthouse, (ix) replacement of ceilings and asbestos removal at the New Courthouse Annex, (x) replacement of elevators at various public buildings, (xi) roof replacement at various public buildings, (xii) professional services for various Facilities Management projects and (xiii) construction services for improvements and renovations at 10 Cherry Street for new courtrooms and a parking deck (courtrooms to be relocated from the Courthouse Complex). It is hereby determined and stated that said public buildings being improved are of "Class B" or equivalent construction as defined in Section 22 of the Local Bond Law.



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Appropriation and Estimated Cost	\$11,252,000
Down Payment Appropriated	\$ 562,600
Bonds and Notes Authorized	\$10,689,400
Period of Usefulness	15 years."

Section 4. Section 4.P of Ordinance No. 601-2004 is hereby amended to add the following to the projects authorized: professional services for various Facilities Management projects; and shall hereafter read as follows:

"[Section 4.]P. Department of Operations and Facilities, Division of Building Services - The undertaking of various improvements to public buildings consisting of (i) upgrading building management and fire alarm systems in various public buildings, (ii) undertaking streetscape improvements at the Courthouse Complex and (iii) professional services for various Facilities Management projects.

Appropriation and Estimated Cost	\$ 1,045,000
Down Payment Appropriated	\$ 52,250
Bonds and Notes Authorized	\$ 992,750
Period of Usefulness	10 years."

Section 5. Section 16 of Ordinance No. 601-2004 is hereby amended to decrease the average period of usefulness of the purposes authorized from 13.17 years to 12.80 years (a decrease of 0.37 years), and shall hereafter read as follows:

"Section 16. It is hereby determined and declared that the average period of usefulness of said purposes, according to their reasonable lives, taking into consideration the respective amounts of bonds or notes authorized for said purposes, is a period of 12.80 years computed from the date of said bonds."

Section 6. Section 4.F of Ordinance No. 616-2005 entitled:

"BOND ORDINANCE TO AUTHORIZE THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS AND THE ACQUISITION OF NEW ADDITIONAL OR REPLACEMENT EQUIPMENT AND MACHINERY, NEW AUTOMOTIVE VEHICLES, INCLUDING ORIGINAL APPARATUS AND EQUIPMENT, NEW ADDITIONAL FURNISHINGS AND NEW COMMUNICATION AND SIGNAL SYSTEMS EQUIPMENT IN, BY AND FOR THE COUNTY OF UNION, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$21,576,863 TO PAY THE COST THEREOF, TO APPROPRIATE STATE AND FEDERAL GRANTS, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND



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ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS."

adopted by the County on August 18, 2005, is hereby amended to (i) change the improvement authorized from the repair or replacement of various bridges to the construction, repair or replacement of various bridges and culverts, traffic signal rehabilitation and road resurfacing projects; and (ii) decrease the period of usefulness of the purposes authorized from 15 years to 10 years (a decrease of 5 years); and shall hereafter read as follows:

"[Section 4.]F. Department of Engineering and Public Works, Division of Engineering - Construction, repair or replacement of various bridges and culverts, traffic signal rehabilitation and road resurfacing projects, as set forth on a list on file with the Clerk of the Board of Chosen Freeholders and hereby approved and incorporated herein by this reference thereto.

Appropriation and Estimated Cost	\$ 1,236,000
Federal Grant Appropriated	\$ 600,000
Down Payment Appropriated	\$ 31,800
Bonds and Notes Authorized	\$ 604,200
Period of Usefulness	10 years."

Section 7. Section 4.M of Ordinance No. 616-2005 is hereby amended to add the following to the projects authorized: professional services for various Facilities Management projects; and shall hereafter read as follows:

"[Section 4.]M. Department of Operations and Facilities, Division of Building Services - The undertaking of various improvements to public buildings consisting of (i) various improvements to the ammunition storage facility, (ii) renovations at the County Clerk's Office, (iii) improvements to the County Firing Range, (iv) mechanical system upgrades at various buildings, (v) replacement of ceiling tiles and asbestos removal at various public buildings, (vi) roof replacement at various public buildings and (vii) professional services for various Facilities Management projects. It is hereby determined and stated that said public buildings being improved are of "Class B" or equivalent construction as defined in Section 22 of the Local Bond Law.

Appropriation and Estimated Cost	\$ 1,611,950
Down Payment Appropriated	\$ 80,598
Bonds and Notes Authorized	\$ 1,531,352
Period of Usefulness	15 years."



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Section 8. Section 12 of Ordinance No. 616-2005 is hereby amended to decrease the average period of usefulness of the purposes authorized from 11.83 years to 11.65 years (a decrease of 0.18 years), and shall hereafter read as follows:

"Section 12. It is hereby determined and declared that the average period of usefulness of said purposes, according to their reasonable lives, taking into consideration the respective amounts of bonds or notes authorized for said purposes, is a period of 11.65 years computed from the date of said bonds."

Section 9. Section 4.D of Ordinance No. 632-2006 entitled:

"BOND ORDINANCE TO AUTHORIZE THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS AND THE ACQUISITION OF NEW ADDITIONAL OR REPLACEMENT EQUIPMENT AND MACHINERY, NEW AUTOMOTIVE VEHICLES, INCLUDING ORIGINAL APPARATUS AND EQUIPMENT, NEW ADDITIONAL FURNISHINGS AND NEW COMMUNICATION AND SIGNAL SYSTEMS EQUIPMENT IN, BY AND FOR THE COUNTY OF UNION, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$37,506,027 TO PAY THE COST THEREOF, TO APPROPRIATE STATE GRANTS, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS."

adopted by the County on August 17, 2006, as previously amended by Ordinance No. 673-2008 adopted on December 4, 2008, is hereby amended to (i) change the improvement authorized from the repair or replacement of various bridges to the construction, repair or replacement of various bridges and culverts, traffic signal rehabilitation and road resurfacing projects; and (ii) decrease the period of usefulness of the purposes authorized from 15 years to 10 years (a decrease of 5 years); and shall hereafter read as follows:

"[Section 4.]D. Department of Engineering and Public Works, Division of Engineering - Construction, repair or replacement of various bridges and culverts, traffic signal rehabilitation and road resurfacing projects, as set forth on a list on file with the Clerk of the Board of Chosen Freeholders and hereby approved and incorporated herein by this reference thereto.

Appropriation and Estimated Cost	\$ 1,905,500
Down Payment Appropriated	\$ 95,275
Bonds and Notes Authorized	\$ 1,810,225
Period of Usefulness	10 years."



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Section 10. Section 4.O of Ordinance No. 632-2006 (as previously amended) is hereby amended to add the following to the projects authorized: construction services for improvements and renovations at 10 Cherry Street for new courtrooms and a parking deck (courtrooms to be relocated from the Courthouse Complex); and shall hereafter read as follows:

"[Section 4.]O. Department of Parks, Recreation and Facilities, Division of Building Services - The undertaking of various improvements to public buildings consisting of (i) upgrading elevators at various public buildings, (ii) replacement of roofs at various public buildings, (iii) replacement of the air conditioning system in the Administration Building computer room, (iv) ADA-compliance upgrades at various public buildings, (v) replacement of the HVAC units at the Stamler Police Academy, (vi) renovation of the ground and basement levels of the Union County Jail and (vii) construction services for improvements and renovations at 10 Cherry Street for new courtrooms and a parking deck (courtrooms to be relocated from the Courthouse Complex). It is hereby determined and stated that said public buildings being improved are of "Class B" or equivalent construction as defined in Section 22 of the Local Bond Law.

Appropriation and Estimated Cost	\$ 2,729,500
Down Payment Appropriated	\$ 136,475
Bonds and Notes Authorized	\$ 2,593,025
Period of Usefulness	15 years."

Section 11. Section 12 of Ordinance No. 632-2006 (as previously amended) is hereby amended to decrease the average period of usefulness of the purposes authorized from 17.06 years to 16.77 years (a decrease of 0.29 years), and shall hereafter read as follows:

"Section 12. It is hereby determined and declared that the average period of usefulness of said purposes, according to their reasonable lives, taking into consideration the respective amounts of bonds or notes authorized for said purposes, is a period of 16.77 years computed from the date of said bonds."

Section 12. Section 4.D of Ordinance No. 653-2007 entitled:

"BOND ORDINANCE TO AUTHORIZE THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS AND THE ACQUISITION OF NEW ADDITIONAL OR REPLACEMENT EQUIPMENT AND MACHINERY, NEW AUTOMOTIVE VEHICLES, INCLUDING ORIGINAL APPARATUS AND EQUIPMENT, NEW ADDITIONAL FURNISHINGS, NEW COMMUNICATION AND SIGNAL SYSTEMS EQUIPMENT AND NEW INFORMATION TECHNOLOGY AND TELECOMMUNICATIONS EQUIPMENT IN, BY AND FOR THE COUNTY OF UNION, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$29,204,825 TO PAY THE COST THEREOF, TO APPROPRIATE A FEDERAL GRANT, TO



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MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS."

adopted by the County on September 6, 2007, is hereby amended to (i) change the improvement authorized from the repair or replacement of various bridges to the construction, repair or replacement of various bridges and culverts, traffic signal rehabilitation and road resurfacing projects; and (ii) decrease the period of usefulness of the purposes authorized from 15 years to 10 years (a decrease of 5 years); and shall hereafter read as follows:

"[Section 4.]D. Department of Engineering and Public Works, Division of Engineering - Construction, repair or replacement of various bridges and culverts, traffic signal rehabilitation and road resurfacing projects, as set forth on a list on file with the Clerk of the Board of Chosen Freeholders and hereby approved and incorporated herein by this reference thereto.

Appropriation and Estimated Cost	\$ 6,400,000
Federal Grant Appropriated	\$ 4,000,000
Down Payment Appropriated	\$ 120,000
Bonds and Notes Authorized	\$ 2,280,000
Period of Usefulness	10 years."

Section 13. Section 11 of Ordinance No. 653-2007 is hereby amended to decrease the average period of usefulness of the purposes authorized from 11.60 years to 11.13 years (a decrease of 0.47 years), and shall hereafter read as follows:

"Section 11. It is hereby determined and declared that the average period of usefulness of said purposes, according to their reasonable lives, taking into consideration the respective amounts of bonds or notes authorized for said purposes, is a period of 11.13 years computed from the date of said bonds."

Section 14. The capital budget is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency therewith and the resolutions promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services, is on file with the Clerk of the Board of Chosen Freeholders and is available for public inspection.

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



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Freeholder Mirabella moved Ordinance Number 708-2010 for First Reading and authorized the Clerk of the Board to advertise same in accordance with the law. Public Hearing and Final Reading are scheduled for Thursday, June 10, 2010. The motion was seconded by Freeholder Kowalski. Roll call showed nine members of the Board voted in the affirmative.

PUBLIC COMMENT PORTION

The meeting is open to the public for the purpose of commenting on Resolutions being offered for adoption only.

Tina Renna, Cranford, commented on Resolution 2010-514, stating that a lot of money is being spent on employee depositions. She is opposed to Resolution 2010-506 and stated that the County has an Information Technology Department. She also stated that Web Creation does not have a website, nor are they listed in the white or yellow pages or the Chamber of Commerce. She asked for the Principal's name.

Ms. Renna stated that the Union County Alliance is being paid for the website.

Mary Ellen Taylor, Berkeley Heights, asked that a page on the County's website should include the Disabled.

Lieutenant Ron Esposito, Bridgewater, Union County Police, thanked the Board for the Agreement mentioned in Resolution 2010-516.

John Bury, Kenilworth, remarked that the pensions for the Union County Police Department will not be available. He referred to Resolution 2010-516.

Jim Buettner, Cranford, asked for an explanation of Resolution 2010-493. He asked what kind of paper is being used.

Assistant Administrator of Runnells Specialized Hospital, Joan Wheeler explained Resolution 2010-493. She stated that the vendor mentioned in this Resolution will provide all the medical supplies, such as catheters, diapers, under-pads and such; and \$8,500 is for copy paper only.

Director of Parks and Community Renewal Alfred Faella stated that he asked for the web design as it is old and needs modernization. He stated even though the County was awarded fourth place in a recent survey of county websites, it needs improving with social media, facebook and twitter. He said some redundancies need to be removed and some more information needs to be added. It should be a real time source for news and emergencies as they arise, he stated.



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Chairman Sullivan asked Director Faella to explain how the vendor was chosen to update the website. Director Faella explained that there were a number of quotes and many came back in the same price range, but this vendor had the best qualifications. He said the name of the company is Web Creations of New Jersey and the Principal is Rich Loualbo.

RESOLUTIONS

Chairman Sullivan called for a motion to adopt Resolutions 2010-492 through 2010-525.

THE FOLLOWING RESOLUTIONS ARE BEING OFFERED FOR ADOPTION:

- 2010-492** **FREEHOLDER JALLOH**, authorizing the County Manager to enter into a contract with **A.J. Aluminum, Inc., Linden, New Jersey**, to provide and install windows on the 1 East floor in an amount not to exceed **\$19,929**.

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

- 2010-493** **FREEHOLDER JALLOH**, amending Resolution No. 2009-1104, a contract to **McKesson Medical/Surgical Product, Cranbury, New Jersey**, for the purchase of paper for the contract period of January 1, 2010 through December 31, 2010 in an additional amount of \$8,500 for a new total contract amount of **\$728,500**.

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

- 2010-494** **FREEHOLDER KOWALSKI**, amending Resolution No. 2010-324, to allocate additional **Ryan White funds** in the amount of \$462,296 for a revised total allocation in the amount of **\$1,633,508** to various agencies to provide primary medical care, other medical related services and support services to people with HIV/AIDS, for the contract period March 1, 2010 through February 28, 2011. This resolution would further authorize the County Manager to transfer funds among the agencies listed during the contract period should service needs change and/or if any of the listed agencies fails to meet its contractual obligation.

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

- 2010-495** **FREEHOLDER KOWALSKI**, amending Resolution No. 2010-325, to allocate additional **Ryan White funds** in the amount of \$138,730 for a revised total allocation in the amount of **\$490,440**, to the various agencies to provide support services to people with HIV/AIDS, for the contract period March 1, 2010 through February 28, 2011. This resolution would further authorize the County Manager to transfer funds among the



UNION COUNTY BOARD OF CHOSEN FREEHOLDERS

agencies listed during the contract period should service needs change and/or if any of the listed agencies fails to meet its contractual obligation.

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

- 2010-496 FREEHOLDER KOWALSKI**, amending Resolution No. 2009-370, to reduce the awarded allocation from \$3,375,331 to **\$3,161,935** by removing one award for **Bridgeway/Elizabeth Housing Authority 2003 Renewal**, under the US Department of Housing & Urban Development 2008 McKinney-Vento Act Homeless Assistance competitive grant. These funds are being decreased as one of the funded agencies requested a direct funding allocation. (\$213,396 decrease)

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

- 2010-497 FREEHOLDER KOWALSKI**, amending Resolution No. 2009-1177, to adjust the terms of the current contract effective July 1, 2010 through December 31, 2010, with an additional one year option to renew the contract prices, with **Community Access Unlimited, Elizabeth, New Jersey** for the operation of the Union County Children's Shelter. This resolution represents a reduction in contract amount.

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

- 2010-498 FREEHOLDER KOWALSKI**, amending Resolution No. 2007-164, to extend the grant period for **Homefirst, Plainfield, New Jersey** (formerly Interfaith Council) project from one year to six years, under the US Department of Housing & Urban Development 2005 McKinney-Vento Act Homeless Assistance competitive grant award. No change/increase was made to the contract amounts.

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

- 2010-499 FREEHOLDER WARD**, authorizing the County Manager to enter into a contract with **Violence Prevention Institute, Red Bank, New Jersey**, to provide a total of twenty four, ninety-minute session the "Intensive Intervention Program" on violence, communication, respect, academic achievement, substance abuse and gang influence and involvement to youth in the Detention Facility and community youth for "Christopher's Program," from June 1, 2010 through December 31, 2010 in the amount of **\$20,000**.

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



UNION COUNTY BOARD OF CHOSEN FREEHOLDERS

- 2010-500** **FREEHOLDER WARD**, authorizing the County Manager to enter into a contract with **Hashim Garret, Wisdom and Understanding, LCC, Orange, New Jersey**, to provide a total of twelve, ninety-minute sessions on conflict resolution to youth in the Detention Facility and community for “Christopher’s Program” an anti-violence and gang intervention program in the amount of **\$7,500**.

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

- 2010-501** **FREEHOLDER WARD**, authorizing the County Manager to enter into a contract with **Gary Morton, Consultant, Perth Amboy, New Jersey**, to provide a total of twenty-four, two-hour sessions “The Art of Listening” on improving the listening skills of youth using a variety of diverse vocal and instrumental music to enhance the ability to communicate effectively. This program is for the youth in the Detention Facility and community youth for “Christopher’s Program,” for the period of June 1, 2010 through December 31, 2010 in the amount of **\$9,000**.

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

- 2010-502** **FREEHOLDER WARD**, authorizing the County Manager to enter into a contract with **UMDNJ, Violence Institute of New Jersey, Newark, New Jersey**, to provide twenty four two-hour sessions professional Development Seminars, **“Understanding Youth Violence and Gang Activity”** for institutions and community organizations working with and planning for children for “Christopher’s Program” for the period of June 1, 2010 through December 31, 2010 in the amount of **\$12,000**.

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

- 2010-503** **VICE CHAIRMAN SCANLON**, amending Resolution No. 2010-71, to reflect the correct contract amount for year one in an amount not to exceed \$113,452; year two in an amount not to exceed \$114,469 and year three in an amount not to exceed \$119,749 for a total amount not to exceed **\$347,670**; and to reflect a change in the contract date of March 1, 2010 through February 28, 2013, in accordance with the **Work and Financial Plan for Canada Geese Population Management**.

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

- 2010-504** **VICE CHAIRMAN SCANLON**, authorizing the County Manager to enter into a contract with **Development Directions, LLC, Rahway, New Jersey**, to provide compensation



UNION COUNTY BOARD OF CHOSEN FREEHOLDERS

to individuals hired to implement “20/20 Lead Campaign Awareness” in twenty-one municipalities in Union County for the period of June 1, 2010 through December 31, 2010 in an amount not to exceed **\$96,000.**

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

- 2010-505** **VICE CHAIRMAN SCANLON**, authorizing the County Manager to apply for a grant from the **New Jersey Department of Community Affairs-Grant Development Unit**, for recreational opportunities for individuals with disabilities program grant to provide a variety of recreational activities designed to encourage people with disabilities to make the most of their leisure time in the amount of \$18,900 with a County cash match of \$3,780 for a total amount of **\$22,680.**

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

- 2010-506** **VICE CHAIRMAN SCANLON**, authorizing the County Manager to enter into a contract with **Web Creation, Clark, New Jersey**, for the design, development and maintenance of the County’s Website for the contract period of June 1, 2010 through May 31, 2011 in the amount of **\$136,600.**

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

- 2010-507** **VICE CHAIRMAN SCANLON**, authorizing the County Manager to approve the **2010-2014 Consolidated Action Plan** to be submitted to the US Department of Housing & Urban Development.

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

- 2010-508** **VICE CHAIRMAN SCANLON**, authorizing the County Manager to enter into a Memorandum of Understanding with **Union Township Community Action Organization, Inc., Renaissance Junior Golf and The LPGA/USGA Girls Golf Program.**

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

- 2010-509** **CHAIRMAN SULLIVAN**, authorizing the County Manager through the Union County Prosecutor’s Office to purchase confidential intelligence equipment from confidential vendors in the amount of **\$17,500.**



UNION COUNTY BOARD OF CHOSEN FREEHOLDERS

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

2010-510 CHAIRMAN SULLIVAN, authorizing the County Manager to award the proposed contracts obtained through advertised public bidding in accordance with the **Local Public Contracts Law N.J.S.A. 40A:11-1 et seq**:

- a. Department of Administrative Services, Division of Motor Vehicles : **Equiptech, LLC, Greenbrook, New Jersey**, to purchase and deliver one (1) compact track loader for a period of twelve months in the amount of **\$75,236.18**.
- b. Department of Administrative Services, Division of Motor Vehicles: **Foley, Inc., Piscataway, New Jersey**, to purchase and deliver one (1) asphalt paver in the amount of **\$306,755**.
- c. Department of Administrative Services, Division of Motor Vehicles: **Campbell Freightliner, Edison, New Jersey**, to purchase and deliver one (1) van in the amount of **\$50,500**.
- d. Department of Engineering, Public Works and Facilities, Division of Facilities Management: **Tri-County Termite & Pest Control, Inc., Carneys Point, New Jersey**, to provide an integrated pest management approach for pest extermination for buildings of the County of Union for a period of twenty-four (24) consecutive months in the amount of **\$69,280**.
- e. Department of Engineering, Public Works and Facilities, Division of Public Works, and Division of Parks and Community Renewal: **Louis Barbato Landscaping, Holbroke, New York**, to provide all material, labor and equipment to plant trees throughout the County of Union for a period of twelve (12) consecutive months in an amount not to exceed **\$54,980**.
- f. Department of Engineering, Public Works and Facilities: **Schifano Construction Corp., Middlesex, New Jersey**, to provide roadway milling and paving and the installation of corner handicapped ramps, additionally incidental improvements to intersections in Berkeley Heights, Elizabeth, Kenilworth, Linden, Mountainside, Rahway, Roselle Park, Scotch Plains, Springfield, Summit, Union, Westfield, Winfield and Watchung pursuant to current MUTCD standards in the amount of **\$3,895,499.63**.
- g. Department of Engineering, Public Works and Facilities: **Daidone Electric, Inc., Newark, New Jersey**, to provide signal improvements including traffic signal and roadway incidental improvements to three (3) existing signalized intersections to



UNION COUNTY BOARD OF CHOSEN FREEHOLDERS

current MUTCD standards in Plainfield, Fanwood, and Scotch Plains. The intersection includes seven (7) along the Terrill Road Corridor for a total of **\$1,193,000.**

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

- 2010-511** CHAIRMAN SULLIVAN, concurring with the **Township of Berkeley Heights**, granting permission to the American Cancer Society to hang a banner for the “American Cancer Society Relay for Life” across Springfield Avenue from May 21, 2010 to June 7, 2010.

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

- 2010-512** CHAIRMAN SULLIVAN, amending Resolution No. 2010-92, a contract awarded to **Netta Architect, Springfield, New Jersey**, for the Union County office and storage facility in Westfield, New Jersey, to reflect a change in account number only.

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

- 2010-513** CHAIRMAN SULLIVAN, authorizing the County Manager to enter into a professional engineering service contract with **Birdsall Services Group**, for environmental regulatory compliance and permitting consulting services for the period of May 1, 2010 through December 31, 2010 in an amount not to exceed **\$167,000.** (This amount includes a \$39,250 grant).

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

- 2010-514** CHAIRMAN SULLIVAN, amending Resolution 2010-254, to increase the appropriation to **Palumbo & Renaud, Cranford, New Jersey**, special counsel in the matter entitled **Catherine Alexander v. UC, et als** for an additional sum of \$25,000 for a new total contract amount not to exceed **\$120,000.**

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

- 2010-515** CHAIRMAN SULLIVAN, amending Resolution No. 2009-1208, replacing forensic technician with **Buruza C. Ukonu, West Orange, New Jersey and Trizonna Brown, Elizabeth, New Jersey**, to assist the medical examiners during autopsies and external exams when the full time technician is on vacation or on sick leave.



UNION COUNTY BOARD OF CHOSEN FREEHOLDERS

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

- 2010-516** **CHAIRMAN SULLIVAN**, authorizing the County Manager to enter into a Memorandum of Agreement with the **Union County Police Department Superior Officers and Rank and File**.

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

- 2010-517** **CHAIRMAN SULLIVAN AND THE ENTIRE BOARD**, supporting **Assembly Bill 10**, the “Millionaire’s Tax,” which would restore a one-year income tax surcharge on the 16,000 residents of New Jersey with taxable incomes of at least \$1 million. This tax would raise \$637 million, which would provide \$563 million to restore the Homestead Rebate for seniors, and the rest for additional tax relief.

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

THE FOLLOWING RESOLUTIONS ARE LAUDATORY IN CONTENT:

- 2010-518** **FREEHOLDER MIRABELLA**, expressing the Board’s deepest condolences to the family of **Carol Intesso, Toms River, New Jersey**, in this, their time of sorrow.

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

- 2010-519** **FREEHOLDER MIRABELLA**, recognizing the **Boy Scouts of America** on celebrating 100 years of scouting.

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

- 2010-520** **FREEHOLDER PROCTOR**, congratulating **Frank R. Buglione, Superintendent of Schools** in Rahway on his retirement.

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

- 2010-521** **FREEHOLDER PROCTOR**, congratulating **students of the Rahway Local Organization** committee for successfully completing twenty-two weeks of the **Sankofa-Rites of Passage Program**.



UNION COUNTY BOARD OF CHOSEN FREEHOLDERS

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

2010-522 VICE CHAIRMAN SCANLON, proclaiming the month of May, 2010 as **“Foster Care Month”** in Union County.

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

2010-523 VICE CHAIRMAN SCANLON, recognizing the **Union County Rotary Club’s** countless efforts in providing service, encouraging high ethical standards and building goodwill and peace in the community as they celebrate the Rotary International’s 100th Anniversary at the dedication of Rotary Park in Union on May 26, 2010.

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

2010-524 CHAIRMAN SULLIVAN AND THE ENTIRE BOARD, congratulating **Reverend Dr. Darla Dee Turlington** on her retirement as minister of First Baptist Church in Westfield.

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

2010-525 CHAIRMAN SULLIVAN AND THE ENTIRE BOARD, congratulating **Kathleen Wisniewski, Springfield Municipal Clerk**, upon the occasion of her retirement after 32 years of dedicated service to the residents of the Township of Springfield

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

PUBLIC COMMENT PORTION

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

Mary Ellen Taylor, Berkeley Heights, stated that Danny Tate is a disabled musician from Tennessee who will perform free for County events. She made comments regarding guardianship for the disabled and said that their money is absorbed by lawyers. She said that she is pleased to see that Governor Christie signed the Tara Law.

Chairman Sullivan excused Director Caroselli (via webcam) from the Freeholder Meeting.

Tina Renna, Cranford, stated that there is waste and mismanagement in Union County. She commented on money spent for campaigning, the County’s website and Robert Rules of



UNION COUNTY BOARD OF CHOSEN FREEHOLDERS

Order. She stated that the citizens receive false information and she made remarks about Homeland Security Funds and campaigning.

John Dougherty, Elizabeth, made derogatory remarks towards Mayor Bollwage of Elizabeth.

Jim Buettner, Cranford, remarked that the tax payers are burdened by the veterans, firemen and police officers. He stated that he is opposed to closing of Oak Ridge Golf Course, the reason for new traffic signals in Cranford, the purchase of a property in Cranford, MusicFest, the Galloping Hill Golf Course and the banquet facility and commented on recycling.

Mr. Buettner read an anonymous quote.

John Bury, Kenilworth, spoke about the anticipated bond notes and made comments regarding the Union County dams.

Amelia LaFerrara, Clark, asked for an update regarding Watchung Stables. She stated that she has received 4,478 signatures on a petition to keep the Watchung Stables from being privatized and she asked how many signatures are needed. She stated that there are many others who have had petitions signed to keep the Watchung Stable from being privatized.

Leathey Wirkus, Elizabeth Fire Department, read a letter addressed to the Freeholder Board and County Manager Devanney from retired Elizabeth Fire Chief and current Fire Mutual Aide Coordinator Edward Sisk. The letter refers to first responders and homeland security projects funded by the Federal Government. The letter is attached.

David Weeks, Elizabeth, Senior Clerk Typist, stated that he has been employed by the County of Union for more than twenty years and he commented on salaries and positions. He said that he is aware of the good that the County does for its residents.

Chairman Sullivan called upon the Director of the Division of the Treasurer Joseph Bowe to speak on the bond anticipation notes. He stated that these notes are used to fund the Capital Funds and the short term financing is due to low interest rates.

Chairman Sullivan asked Mr. Bowe if these funds are being secured for another project. Mr. Bowe responded, no, and there is no increase or a new debt.

FREEHOLDER REPORTS AND COMMENTS
--

Chairman Sullivan thanked the County Police on behalf of the Board for freezing their salaries.

Chairman Sullivan thanked everyone who attended the Freeholder Meeting. He said that everyone's opinion is equal to everyone else's opinion.



UNION COUNTY BOARD OF CHOSEN FREEHOLDERS

Chairman Sullivan made mention of a posting on the Union County Watchdog Association website titled "The Bastards are Campaigning with Homeland Security Money" by Tina Renna, May 19, 2010. The article contained foul language and slander.

The article is attached.

Tina Renna of Cranford interrupted Chairman Sullivan by yelling out anti-American and vulgar remarks. She threw her papers and removed herself from the Freeholder Meeting.

ADJOURNMENT

Chairman Sullivan called for a motion to adjourn the meeting at 11:47pm. On a motion made by Freeholder Mirabella and seconded by Freeholder Kowalski, roll call showed eight members of the Board voted in the affirmative with Vice Chairman Scanlon absent.

The voucher list through May 5, 2010 will be available for public perusal in the Office of the Clerk of the Board.



UNION COUNTY BOARD OF CHOSEN FREEHOLDERS

UNION COUNTY BOARD OF CHOSEN FREEHOLDERS' 2010 MEETING SCHEDULE

Please note that meetings are regularly held on Thursday evenings. Agenda Setting Sessions and Regular Meetings are held at 7:00pm in the Freeholders' Meeting Room, Administration Building, 10 Elizabethtown Plaza, 6th Floor, Elizabeth, New Jersey, unless otherwise specified. In the event an Agenda Setting Session and Regular Meeting are held on the same night, the Agenda Setting Session will commence at 7:00pm and the Regular Meeting will commence as soon as possible after the Agenda Setting Session.

Persons requiring a sign language interpreter should contact the Office of the Clerk of the Board at 908-527-4140.

Agenda Setting Meetings

June 10 Summer Session – Double Meeting

June 24 Summer Session – Double Meeting

July 8 Summer Session

August 5 Summer Session

September 2
September 23

October 7

November 4

Wed., December 8 Double Meeting

Wed., December 22 Double Meeting

Regular Meetings

June 10

June 24

July 29

August 19

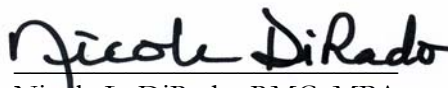
September 16
September 30

October 14

Tues., November 23

Wed., December 8

Wed., December 22


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

NLD:mb



Union Township Community Action Organization, Inc.

2410 Springfield Avenue • Vauxhall, NJ 07088 • Phone: 908-686-6150
Fax: 908-688-6867 • Email: information@utcao.com • Web: www.utcao.com

Union Township Community Action Organization, Inc.

In

Collaboration with Renaissance Jr. Golf, Inc.

And

LPGA/USGA Girls Golf of Greater Newark Chapter
(a division of Renaissance Jr. Golf)

Oral Presentation to the Union County Board of Chosen Freeholders

I. Background of Organizations

- a. Union Township Community Action Organization
- b. Renaissance Jr. Golf
- c. LPGA/USGA Girls Golf Inc.

II. Overview of Programs – Galloping Hill Learning Center

- a. Renaissance Jr. Golf (Co-ed – Ages 7 – 17)
Saturdays – 8:30 – 10:30 AM
- b. LPGA/USGA Girls Golf (Girls age 7 – 17)
Wednesday, 6:00 – 7:30

III. Benefits to Union County Residents

- a. Experienced Junior Golf Development Organization
- b. Support from National & State Golf Organizations
- c. Community based support from local churches and for outreach
- d. First class learning center developed by the County of Union

A. Union Township Community Action Organization, Inc.

- Offering community based services to improve quality of life through education, employment, training, and family development
- Multi-service organization serving Vauxhall, Union, and greater Union County communities
 - Child care services
 - Senior services
 - Youth services
 - Summer youth employment
 - Life skills/Union County Youth Commission (Golf and Financial Literacy)
 - Scholarships

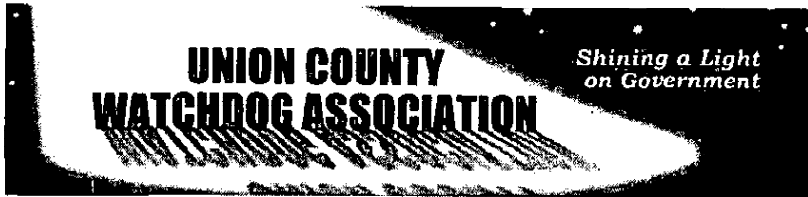
B. Renaissance Jr. Golf, Inc.

- Mission: to introduce golf to minority and inner city youth through a competitive program of life skills (etiquette, rules of safety) and basic golf fundamentals for recreational play for beginners and advanced coaching for competitive tournaments.
 - Founded in 1994
 - Over 1500 youth served
 - Recognition by USGA
 - Support from NJ PGA, WMGA
 - Accomplishments:
 - Tournament Champions
 - Collegiate Golf Teams: Yale, Rutgers, Spelman College, Cornell, Arizona State and Johnson C. Smith
 - College Graduates: Howard, Yale, Stanford, Cornell, Spelman, Rutgers, Carnegie Mellon and others

C. LPGA/USGA Girls Golf

- A division of the Renaissance Jr. Golf dedicated to the enhancement of opportunities for girls to be introduced to the game through clinics, on course play, and other activities to increase their interest:
 - Organized in 2007
 - Supported by LPGA Foundation and NJPGA Section; Garden State Women's Golf Association
 - Essex County Driving Range
 - Newark First Tee in Weequahic Park
 - Plainfield West 9

Submitted 5/20/10
Budget hearing



908-709-0530
Fax: 908-709-9209
Website: unioncountywatchdog.org
Email: tinarena@unioncountywatchdog.org
202 Walnut Avenue • Cranford, New Jersey 07016

May 20, 2010

The Honorable Chairman Daniel P. Sullivan
Members, Union County Board of Chosen Freeholders
Union County Administration Building
Elizabethtown Plaza
Elizabeth, NJ 07207

Re: Permanent Auditor

Dear Chairman Daniel Sullivan and Members of the Board:

On September 25, 2009, the New Jersey Foundation for Open Government held a symposium in Trenton. The Symposium's keynote speaker was New Jersey Comptroller Matthew Boxer.

During his presentation, Mr. Boxer spoke about how some public bodies keep using the same firms to audit their books year after year. He said that this is not a good practice because "permanent" auditors become complacent when they realize that nobody—other than themselves—are going to review their work the following year. He also said that there's a tendency for "permanent" auditors to not ask too many hard questions out of fear of not being hired for the following year.

Union County has been awarding their auditing contract to Suplee, Clooney & Company for at least 13 consecutive years now. This firm has donated heavily to political campaign coffers.

A review of 2007 and prior years Audit Reports of Union County Government prepared by Suplee, Clooney and Company disclosed the following opinion qualifications expressed by the auditor and recommendations made for remediation of issues that apparently have yet to be addressed:

December 31, 2007 Audit of the Office of the Sheriff of Union County -
(page 2) The auditor states "In our opinion, because the Office of the Sheriff, County of Union, prepares its financial statements on the basis of accounting discussed in the preceding paragraph, the financial statements referred to above do not present fairly, in conformity with U.S. generally accepted accounting principles, the financial position of the Office of the Sheriff, County of Union, as of December 31, 2007 and 2006."

Our Mission

The Union County Watchdog Association, Inc. is a nonpartisan, nonprofit 501(c)3 organization working on behalf of residents and taxpayers to monitor Union County government and advocate for the elimination of waste, corruption and incompetence. We believe that good government can only be achieved through a system of checks and balance - a system that includes the watchful eye of the people.

December 31, 2007 Audit of the Union County Division of Correctional Services - (page 10) the auditor's comments describe fund balance discrepancies and reconciling items carried on the bank reconciliation for more than a year. The auditors' recommendations for remediation were also made in the prior year's audit and still have not been addressed by the Division of Correctional Services. This is a concern when the auditors recommendations are not implemented, and this begs the question "why are they not being implemented?"

December 31, 2007 Audit of Union County Government - (page 57) the auditor raises similar concerns regarding records of fixed assets. The audit recommends "That a complete record of general fixed assets be maintained as required by Technical Accounting Directive No 85-2". This has been mentioned in prior years audits (2006 and 2005) in which the auditor recommended a complete physical inventory of all fixed assets and a reconciliation of this inventory to the items and amounts carried on the County's current records of these assets. Apparently this is a chronic problem that the County has failed to address (for whatever reason), but it is equally troubling that Suplee Clooney lists the same recommendations year after year yet they do not press Union County to comply with the recommendations. Conversely, if Union County management had responded with satisfactory resolution of this audit issue in preceding audits one assumes that the issue would not again be raised in the most recent audits.

Enclosed is a copy of Mr. Boxer's August 2008 report entitled "Selection and Use of Audit Firms by New Jersey Government Units." As you can see, the New Jersey Comptroller's Office has recommended that "[i]n no event should a government unit use the same audit form for more than ten consecutive years."

Excerpts:

Familiarity fatigue. Closeness to management may compromise the independence of the auditor." The continuous relationship between the auditor and its client creates professional and sometimes personal ties that develop an increasing complicity." Through daily interaction with the organization, the auditor moves from being an "outsider looking inward" to being an "insider looking inward." In this situation the auditor may lose the requisite skepticism or may overlook important details of the auditee's financial statements during the audit because of familiarity fatigue.

Seeking the client's approval. Without a predetermined audit assignment period, there is an eagerness to keep the client's approval in the hope of the steady income flow that would result from continued retention as auditor. "If an auditing firm knows that it can remain employed by its client indefinitely, as long as it remains in management's good graces, it has a powerful incentive to approve the client's accounting decisions, even if that accounting is fraudulent." With a predetermined assignment period, the motivation to appease the client for financial reasons is less of an issue since the firm's income flow will be coming to an end regardless of the client's views of the firm. As a result, the auditor may no longer be hesitant to report on internal control weaknesses.

Accountability. With a new pair of eyes scrutinizing the organization periodically, accounting firm "A" is more likely to ensure the client is in compliance with appropriate industry standards, guidelines, and principals, because accounting firm "B" will be reviewing "A's" work after "A's" term as auditor concludes. This system ensures the work of each auditor will be reviewed by its peers. "If, for example, Arthur Andersen had known in 1996 that a

competitor firm was going to be auditing the Enron books in 1997, they may have been much less inclined to fudge and compromise."

Casinos, banks, and insurances companies (and certain of their employees) are banned from making political contributions. But oddly, not auditing firms.

Expansion of the "pay to play" law. "Government units should follow a policy of not hiring any audit firm that has made political contributions on a local or State level in the year preceding the audit engagement."

Mr. Boxer's office also recommends that government units "should procure their auditor using a competitive selection process at a minimum of every five years." My understanding is that the County presently engages in a non-competitive process and simply passes a resolution, year after year, appointing the Suplee, Clooney & Company firm.

In light of the State Comptrollers Offices' recommendations and the fact that the county routinely makes it difficult, tedious and sometimes impossible for citizens to review county spending I believe that the Board of Chosen Freeholders ought to pass a resolution that would formally adopt the New Jersey Comptroller's recommendations starting immediately. This would at the very least ensure that someone is watching Union County government spending in a way that isn't tainted with the facts that Mr. Boxer has pointed out in his report.

Thank you for your attention to this matter.

Sincerely,



Tina Renna
President

encl.

The Comptroller's report, referenced in and enclosed with my letter is on-line at http://www.state.nj.us/comptroller/news/docs/080812_report.pdf

Matthew Boxer, New Jersey's first independent state comptroller, was the keynote speaker at a symposium on open government where he presented his report "Selection and Use of Audit Firms by New Jersey Government Units" Report 2008-1. You can view the symposium on-line at <http://www.veotag.com/player/?pid=d8735a1d-b856-4682-995c-02fb0b55e163>

**STATE OF NEW JERSEY
OFFICE OF THE STATE COMPTROLLER**

**A. Matthew Boxer
COMPTROLLER**

**SELECTION AND USE OF AUDIT FIRMS
BY NEW JERSEY GOVERNMENT UNITS**

Report 2008-1

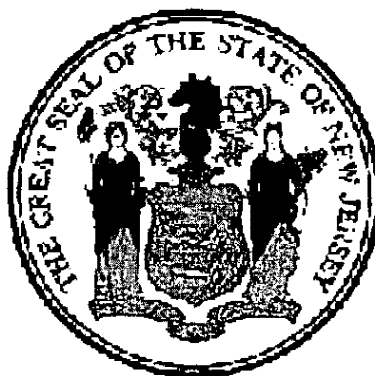


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INTRODUCTION

The Office of the State Comptroller (OSC) undertook a survey of all government entities in the State concerning the manner in which they select and rotate their external audit firm. The survey reveals that many New Jersey government units are not selecting and rotating their auditors in a way that is in the best interest of New Jersey taxpayers. As explained below, the system being used to obtain external audit services in New Jersey is a significant obstacle to obtaining the quality audits that are central to the State's financial well-being.

SURVEY OBJECTIVE AND BACKGROUND

New Jersey law requires all government units to hire an external auditor to perform an annual audit of the unit's books, accounts, and financial transactions. It is a system that recognizes the difficulty of imposing centralized financial oversight on more than 1,900 separate units of government, each with independent authority over expenditures, contracting, and other financial matters affecting public dollars. It is also a system that, by its nature, places great reliance on external auditors performing quality audit work with diligence, integrity, and independence.

In contrast to some other states where a single state office is responsible for auditing financial statements of all or most government units, in New Jersey the number of separate government units would render any such effort exceedingly difficult. It is therefore vital to ensure the State's use of external

auditing firms is resulting in appropriate fiscal oversight.

That interest is even more significant in view of the millions of taxpayer dollars spent annually in New Jersey on these government audits. In 2007, for example, fees for school district audits alone were nearly \$15 million. In addition to these direct costs, external audits are a primary source of fiscal oversight for the spending of billions of taxpayer dollars.

Against this backdrop, and pursuant to N.J.S.A. 52:15C-8, in May 2008 this office sent notices to every government unit in the State requesting information including the following:

- A copy of the government entity's most recent audit;
- The length of time the auditor has served as auditor for the entity (auditor rotation practice); and
- A statement of whether the auditor was selected by competitive contracting and, if so, a description of the process used.

We sought that information, in part, to determine whether government units in this State are using the kinds of auditor selection and auditor rotation practices most likely to yield the effective and independent audit work upon which New Jersey's system of financial oversight so-heavily-depends. In short, we found that many government units are not using such practices.

SURVEY RESULTS

The analysis herein is based on information received by this office as of July 11, 2008. As of that date, 996 submissions had been received from municipalities, school districts, tax boards, parks commissions, bridge commissions, and State and local authorities including housing, improvement, utilities, parking, and sewerage authorities. Not all 996 survey respondents answered each of the questions posed. We are following up with those entities that have yet to submit the required information.

The recommendations in this report are also based on prevailing professional literature, cited herein, as well as experiences and practices of other states.

Audit Firm Rotation

Audit firm rotation refers to the policy adopted by some government entities and private sector companies that requires periodic changing of the entity's external audit firm. As detailed below, many New Jersey government units are not rotating their auditors with frequency sufficient to ensure maximum audit quality.

The issue of auditor rotation became prominent in 2001, when a series of publicly traded companies had their audit results questioned after substantial and permanent declines in stock value. The issue received close attention as observers noted that "almost all of the largest accounting scandals in recent years, including those at Enron, WorldCom, and HealthSouth, occurred

on the watch of auditors who had been on the job at least a decade."¹

Professional literature confirms that "[t]he absence of rotation has potentially serious detrimental effects" on the outcome of an audit.² Scheduled auditor changes provide a check against lax analysis and reporting that can occur after a protracted relationship. Specifically, frequent auditor changes provide each party to the contract with reassurances that professional standards will be maintained for the following reasons:

- **Familiarity fatigue.** Closeness to management may compromise the independence of the auditor. "The continuous relationship between the auditor and its client creates professional and sometimes personal ties that develop an increasing complicity."³ Through daily interaction with the organization, the auditor moves from being an "outsider looking inward" to being an "insider looking inward." In this

¹ Gideon Mark, *Accounting Fraud: Pleading Science of Auditors under the PSLRA*, 39 Conn. L. Rev. 1097, 1197 (2007).

² *Id.* at 1197; see also Barbara Arel et al., *Audit Firm Rotation and Audit Quality*, 75 The NYSS CPA Journal (2005); Richard G. Brody and Stephen A. Mosgrove, *Mandatory Auditor Rotation*, 49 The National Public Accountant (1998); Thomas J. Healy and Yu-Jin Kim, *The Benefits of Mandatory Auditor Rotation*, 26 Regulation (2003); Michael E. Bamber and Venkataraman M. Iyer, *Auditors' Identification with Their Clients and Its Effect on Auditors' Objectivity*, 26 Auditing (2007).

³ Jose Joao Mantes Ferreira-Gomes, *Note: Auditors as Gatekeepers: The European Reform of Auditors' Legal Regime and the American Influence*, 11 Colum. J. Eur. L. 665, 683 (2005).

situation, the auditor may lose the requisite skepticism or may overlook important details of the auditee's financial statements during the audit because of familiarity fatigue.

- **Seeking the client's approval.** Without a predetermined audit assignment period, there is an eagerness to keep the client's approval in the hope of the steady income flow that would result from continued retention as auditor. "If an auditing firm knows that it can remain employed by its client indefinitely, as long as it remains in management's good graces, it has a powerful incentive to approve the client's accounting decisions, even if that accounting is fraudulent."⁴ With a predetermined assignment period, the motivation to appease the client for financial reasons is less of an issue since the firm's income flow will be coming to an end regardless of the client's views of the firm. As a result, the auditor may no longer be hesitant to report on internal control weaknesses.
- **Accountability.** With a new pair of eyes scrutinizing the organization periodically, accounting firm "A" is more likely to ensure the client is in compliance with appropriate industry standards, guidelines, and principles, because accounting firm "B" will be reviewing "A's" work after "A's" term as auditor concludes.

⁴ Mark, *supra* note 1, at 1197.

This system ensures the work of each auditor will be reviewed by its peers. "If, for example, Arthur Andersen had known in 1996 that a competitor firm was going to be auditing the Enron books in 1997, they may have been much less inclined to fudge and compromise."⁵

Within the audit profession, some have expressed concerns about mandatory auditor rotation, arguing, for example, that frequently scheduled changes in auditors can be expensive and because time is needed to educate an audit firm about the intricacies of the client organization. In the public-sector context, however, where there is a baseline of financial commonality among government units, these concerns seem less substantial.⁶

In fact, in 2007 the Association of Government Accountants compiled results from a survey of government auditors and other government entities pertaining to government internal controls and related management responsibilities. Sixty-seven percent of survey respondents stated that the public sector would benefit from auditor rotation, as well as auditor communications to audit committees and stronger conflict of interest rules.

Despite the professional literature, our survey of New Jersey government units revealed that those units have generally continued to use the same audit firm for

⁵ John R. Kroger, *Enron, Fraud, and Securities Reform: An Enron Prosecutor's Perspective*, 76 U. Colo. L. Rev. 57, 136 (2005).

⁶ See N.J.A.C. 5:30-5.1 et seq.; N.J.A.C. 6A:23-2.1 et seq.; see also Mark, *supra* note 1 at 1201-02 (discussing and rejecting the cost argument).

extremely long periods of time. In fact, 45% of all of the units that responded to the survey have been using their current auditor for more than ten years. Only 30% have been using the same auditor for five years or less. More than 40 government units in the State have had the same auditor for more than 30 years, and some units have used the same auditor for 50 and even as long as 61 years.

than 35 years. The information in quotation marks is set forth exactly as reported by the government entities themselves.

Table 1 below reflects the survey results on the rotation issue. Table 2 on the following page lists the government entities responding to the survey that have used the same audit firm for more

Table 1: Number of Entities and Duration of Audit Firm Engagements

Type of Entity	0-5 yrs.	6-10 yrs.	11-30 yrs.	Over 30 yrs.	Total
School Districts	124	118	157	13	412
Municipalities	85	53	118	18	274
State and Local Authorities	30	16	25	4	75
Fire Districts	8	13	15	1	37
Colleges/Universities	9	5	2	2	18
Counties	3	6	3	2	14
Other	4	4	28	1	37
Total	263	215	348	41	867

**Table 2: Government Entities Using the Same Audit Firm
for Over 35 Consecutive Years**

Government Entity	Years Used
Haddon Township Board of Education	61
Township of Maple Shade	"approximately 60+ years"
South Hackensack Township Board of Education	50
Township of Warren	46
Burlington County Institute of Technology	45
Eastern Camden County Regional School District	45
Township of West Milford	45
Hillsborough Municipal Utilities Authority	43
Borough of Garwood	41
Galloway Township Public Schools	40
Pennsauken Township Board of Education	"over 40 years"
Voorhees Township Public Schools	"over 40 years"
Camden County College	"approximately 40 years"
Raritan Community College	"approximately 40 years"
Borough of Lindenwold	"over 40 years"
Borough of Merchantville	"over 40 years"
Borough of Woodlynne	"over 40 years"
Township of Berlin	"over 40 years"
Township of Waterford	"approximately 40 years"
Township of Randolph	39
Delran Township Fire District No.1	39
Township of Rockaway	38
Borough of Roselle Park	38
Somerset County Parks Commission	38
Cumberland County	36
Elk Township	"36+ years"
Township of Glen Ridge	36
Township of Livingston	36

The fact that New Jersey government entities are not employing suggested practices in the area of auditor rotation raises the question of whether these external audit firms are capably fulfilling their mission of financial oversight. While future OSC reviews and audits will continue to examine that issue, recent reviews commissioned by the New Jersey Department of Education (DOE) heighten concerns in this area.

Specifically, in furtherance of a 2006 New Jersey Supreme Court order, DOE contracted with KPMG, LLP and Wiss & Company, LLP for reviews of the 31 "Abbott" school districts' internal controls and other fiscal circumstances. Separately, the Cherry Hill School District recently contracted with KPMG for a similar review.

We compared the KPMG/Wiss reviews with the annual audits of the 22 of these districts that provided their audits to OSC. While the information reviewed by no means dictates that auditor rotation alone is the answer to better audit quality, the results reflect that generally the longer the district's audit firm held the engagement, the greater the disparity between the KPMG/Wiss results and the district audit firm's results. The following represent examples of our comparative results:

- One auditor that held the engagement for eight years identified the district as "low risk" with no internal control deficiencies. The subsequent review identified 13 deficiencies.
- One auditor that held the engagement for ten years identified the district as "low risk" and cited four control deficiencies. The subsequent

review identified the district as "high risk" in every department with 157 total deficiencies.

- One auditor that held the engagement for 14 years identified the entity as "low risk" with five control deficiencies. The subsequent review identified 33 deficiencies.
- One auditor that held the engagement for 17 years identified the district as "low risk" with no control weaknesses. The subsequent review identified the district as "high risk" with 60 deficiencies.

Audit Firm Selection

In addition to surveying auditor rotation practices in New Jersey, our survey also asked all government units whether their current auditor had been selected through competitive contracting (as opposed to direct assignment of the contract to a preferred auditor). Responses revealed that many of New Jersey's government units are not using competitive selection practices. As discussed below, use of such a non-competitive process can have a significant negative impact on audit quality.

Under State law, government entities in New Jersey may use a competitive contracting process to select an auditor, but are not statutorily required to do so. A competitive contracting process includes, at a minimum, public advertisement of the contract, up-front establishment of selection criteria, written evaluation and ranking of proposals, and public reporting on the results.

Observers of the government contracting process conclude, with apparent unanimity, that failure to use such a competitive process is generally contrary to the public interest.⁷ Specifically, competition protects the public by helping to ensure that government gets the best value for services it buys. It guards against both unfair favoritism as well as inadvertent waste of taxpayer dollars. Awarding a contract through non-competitive assignment is particularly problematic in the case of audit work, where the "vendor" is performing an oversight role where independence is critical.

A competitive selection process for auditors and other professional services also serves as a safeguard against fraud, collusion, bribery, and other illegal activity.⁸ New Jersey has an unflattering history of public officials obtaining illegal payments in return for assignment of contracts, including those for audit services. In just the last several years, the former mayor of Hoboken has plead guilty to obtaining a bribe from the municipal audit firm, the former county executive of Hudson County plead guilty to obtaining a bribe from the same firm, and the auditor for Ocean Township plead guilty to paying bribes to the town's mayor. This type of illegal activity is far more difficult to accomplish when the government-entity uses a procurement process that includes public advertisement of the auditing contract, up-front establishment of

selection criteria, and written evaluation of proposals by an evaluation committee.

In fact, an August 1987 study done by the United States General Accounting Office (GAO) found that "the process an entity follows to engage its auditor significantly relates to the quality of the audit and the final report." GAO referred to competition as a "critical" aspect of the procurement process, since it "increases the likelihood of receiving a quality audit." GAO also found that a competitive process "helps the entity control costs by increasing the likelihood that a quality engagement will be performed by an auditor at a fair price."⁹

The GAO report also discussed the importance of using a comprehensive request for proposals (RFP), predetermined factors for evaluating and selecting the auditor, and a written contract that outlines the rights and responsibilities of both parties. The Government Finance Officers Association advocates for a similar process.

For these reasons, the federal government requires that a competitive process be used when procuring an auditor for the "single audit" required of any state or local government entity that expends federal funds of \$500,000 or more in a year. (Many government units in New Jersey are subject to this single audit requirement.) Specifically, circulars issued by the U.S. Office of Management and Budget (OMB) instruct that "[a]ll procurement transactions shall be conducted in a manner to provide, to the maximum extent practical, open and free competition." (OMB Circular A-110.43). "In requesting-proposals for audit services, the objective and scope of

⁷ See, e.g., Scott J. Kaplan, *Trustworthiness in Public Contracting: Back to Boss Tweed?*, 31 Pub. Cont. L. J. 237, 238-39 (2002) (citing authority); Lani A. Perlman, *Note: Guarding the Government's Coffers: The Need for Competition Requirements to Safeguard Federal Government Procurement*, 75 Fordham L. Rev. 3187, 3195-96, 3232 & n.302 (2007) (same).

⁸ Kaplan, *supra* note 7, at 238-39; Perlman, *supra* note 7, at 3232 & n.302.

⁹ U.S. General Accounting Office, *CPA Audit Quality: A Framework for Procuring Audit Services* (AFMD-87-34) at 22-27 (1987).

the audit should be made clear. Factors to be considered in evaluating each proposal for audit services include the responsiveness to the request for proposal, relevant experience, availability of staff with professional qualifications and technical abilities, the results of external quality control reviews, and price.” (OMB Circular A-133.305(a)).

Similarly, to address identified problems with single audits, the U.S. Department of Housing and Urban Development has issued *Procuring an Audit*, which outlines procedures for using a competitive RFP process and explains how to evaluate proposal submissions. The guidance also includes instructions for documenting the agreement for services and for on-going monitoring of the audit process by an audit committee.

Some states have mandated these requirements through state legislation. For example, in New York, following financial scandals in several Long Island school districts, in 2005 the state legislature passed legislation requiring school districts to use a competitive RFP process for selection of external audit firms at a minimum of every five years.

In New Jersey, Executive Order No. 122, issued in 2004, addresses this issue but is limited in scope to State authorities. The order explicitly requires use of a competitive contracting process by those authorities: “The auditor selection process shall be based upon public, competitive bidding principles

and shall take place no less than once every five years.” The order further details the competitive process to be used, including issuance of a request for proposals, establishment of an evaluation committee, establishment of selection criteria, and ranking of proposals received.

In addition, the New Jersey Department of the Treasury has promulgated regulations requiring State agencies to use a competitive selection process for professional services contracts (including audit services) unless a waiver is provided by the State Treasurer. (N.J.A.C. 17:12-1A.1; N.J.A.C. 17:12:1A.2). Such waivers are granted only in limited circumstances. (Treasury Circular 08-08-DPP).

In compliance with these requirements, all New Jersey State agencies and authorities responding to our survey indicated that they had used a competitive process in selecting their audit firm. Survey results presented a different picture, however, as to the hundreds of New Jersey government units that retain a degree of discretion in determining whether to use a competitive process for auditor selection. In fact, despite all of the above guidance and despite the federal mandates, nearly half (48%) of the units responding to this question indicated they do not use a competitive process. Table 3 on the following page details these results.

Table 3: Use of Competitive Contracting Process for Selecting Audit Firms

Type of Entity	Competitive¹⁰	Non-Competitive¹¹	Total
School Districts	182	189	371
Municipalities	137	135	272
Local Authorities	44	23	67
Fire Districts	3	29	32
Colleges/Universities	17	3	20
Counties	11	3	14
Other	26	11	37
Total	420	393	813

¹⁰The competitive category includes (but is not limited to) those entities that reportedly use the following bidding processes: "Request for Proposals" or "RFP"; "Request for Qualifications" or "RFQ"; "Fair and Open Process"; "Advertised for Public Bidding"; and "Competitive Contracting under the Pay to Play Statute."

¹¹The non-competitive category includes (but is not limited to) those entities that reportedly used the following bidding processes: "Non-Fair and Open Process"; "Appointed"; "Non-Competitive Contracting"; "Resolution Authorizing Firm;" "Unfair Process of the Pay to Play Statute"; "Not Selected by Competitive Bid"; "No Competitive Bidding-N.J.S.A. 40A:11.1 & 18A:18A-5"; "Informal Competitive Pricing"; "Professional Service Contract & Negotiations"; "Recommendation of the-Governing Body" and "Renewal of Prior Years' Contract."

One hundred fifty-seven of the survey respondents did not respond to the question of whether they use competitive contracting for auditor selection. Moreover, a closer look at the responses that were given to this question provides reason to doubt how “competitive” a process was used by some entities that asserted or implied that they in fact had used such a process. For example, 13 of the units whose responses are classified as “competitive” have hired the same audit firm for 40 or more consecutive years. We question how competitive the process can truly be when the same result is achieved every year for several decades.

In fact, a review of information publicly available through the Election Law Enforcement Commission indicates that political contributions, rather than a truly competitive selection process, may be the primary driver in some instances of auditor selection.

By way of background, “pay to play” legislation was enacted in New Jersey in 2004 to add transparency where government contracts are awarded to firms making political contributions. (See N.J.S.A. 19:44A-20.4 et seq.). In short, that legislation provides that a local government entity may not contract with firms that have made otherwise disqualifying political contributions unless a transparent selection process is used.

Based on the responses to this survey question, we thus analyzed the level of political contributions by New Jersey accounting firms (and their employees) that audit government entities. The data reveals that the audit firm with the largest number of government clients in the State also is the firm that has made

the largest amount of political contributions, totaling nearly half a million dollars in 2006 and 2007. Collectively, the top ten firms with the largest number of government clients made political contributions exceeding \$1 million during that time period. These results are detailed in Table 4 on the following page.

In contrast, we also analyzed political contributions made by the 18 identified firms with only one government client. Of those 18 firms, only one made any political contributions during the time period in question.

Table 4: Top 10 Audit Firms for All Government Units

Firm	Number of Public Clients	Political Contributions by Firm & its Employees 2006 & 2007
Bowman & Company, LLP	98	\$ 494,800
Nisivoccia & Company	88	0
Lerch, Vinci & Higgins, LLP	80	145,490
Suplee, Clooney & Company	61	2,000
Ferraioli, Weilkotz, Cerullo & Cuva, P.A.	60	224,230
Holman & Frenia, P.C.	55	90,459
Ford, Scott, Seidenburg & Kennedy, LLC	47	31,130
Inverso & Stewart, LLC	42	45,500
Dickinson, Vrabel & Cassells, P.A.	40	0
Hutchins, Farrell, Meyer & Allison	38	43,050
Total	609	\$1,076,659

CONCLUSIONS

- Use of a competitive contracting process in selecting an auditor is central to obtaining a quality audit and to securing the highest-value auditing services at the lowest cost.
- Survey results reveal that many government units in this State are not using a competitive process in selecting an auditor.
- As long as financial oversight in New Jersey remains heavily dependent on the role of external auditors, it is vital that government audit work be conducted by firms whose incentives are to exercise appropriate oversight with true independence from the government unit they are auditing. Those interests are best obtained through rotation of external audit firms.
- Survey results reveal that many government units in the State are not rotating their external audit firm in accordance with the professional guidance in this area.
- Separating audit firms from the political process in this State would further promote the independence of those firms.
- Publicly available political contribution data, read along side of our survey results, suggests the 2004 "pay to play" legislation has not broken the connections between political contributions

and the securing of government audit work.

RECOMMENDATIONS

1. All government units in New Jersey that are required to have an annual audit performed should procure their auditor using a competitive selection process at a minimum of every five years. We recommend specifically that auditors be selected using a process that includes preparation of a request for proposals, public advertisement of that request, upfront establishment of selection criteria (both cost and quality-related), establishment of a methodology for evaluating and ranking proposals, and public reporting on the results. The system for competitive contracting set forth in the Local Public Contracts Law provides a model in this regard. (See N.J.S.A. 40A:11-4.1 et seq.). We recommend that the State Legislature consider enacting legislation that would make these competitive contracting rules mandatory where auditing services are being procured.
2. In no event should a government unit use the same audit firm for more than ten consecutive years. We recommend the Legislature consider enacting legislation that would impose this ten-year time limit.
3. Government units should follow a policy of not hiring any audit firm that has made political contributions on a local or State level in the year preceding the

audit engagement. We further recommend the Legislature consider enacting legislation that would bar government units from hiring such firms for their audit work. Such legislation could be crafted as an expansion of the current "pay to play" law. Alternatively, the legislation could be drafted as an expansion of current law that bars entities such as casinos, banks, and insurance companies (and certain of their employees) from making political contributions. (See N.J.S.A. 5:12-138; N.J.S.A. 19:34-45).

Madeline Brigantino

From: Nicole Dirado
Sent: Thursday, May 20, 2010 5:06 PM
To: Madeline Brigantino
Subject: FW: HOMELAND SECURITY

Will most likely be read into the record
Attach to minutes

From: Sebastian Delia
Sent: Thursday, May 20, 2010 2:13 PM
To: George Devanney; Nicole Dirado; M. Elizabeth Genievich
Subject: FW: HOMELAND SECURITY

Official doc for tonight...who reads?

From: EHSISK@aol.com [mailto:EHSISK@aol.com]
Sent: Thursday, May 20, 2010 2:12 PM
To: Sebastian Delia
Subject: HOMELAND SECURITY

May 22, 2010

Honorable Board of Chosen Freeholders

Hon. Chairman Daniel P. Sullivan

County Manager George W. Devanney

Dear Freeholders and County Manager:

After witnessing the many misstatements and misrepresentations made by two County residents at your last Freeholder meeting regarding first responders and homeland security projects that are funded by the Federal government, I feel compelled to set the record straight.

First the Coast Guard does not provide firefighting services to the coastline, necessitating the provision of such vital emergency life-saving services, and the vessel that helps provides it. The State Police, Coast Guard and UASI (Urban Area Security Initiative) region is relying on us to provide these important homeland security services.

The vessel would serve a multipurpose function, and be used for firefighting responsibilities, water rescue and domestic homeland security purposes. For example, it would be deployed for use in the event of an incident such as the airliner that ditched in the Hudson River, or in the event of a search for missing persons, or any suspected terrorist activities or fires.

The vessel is a smaller version of the one the County currently deploys, enabling it to be more nimble in narrow waterways, an important function. The vessel will also be staffed with existing personnel.

The vessel is largely paid for homeland security monies---a Port Security grant supplied by the Port Authority of New York and New Jersey. This money is grant money we applied for, and if we didn't go for it, another region or governmental entity would.

With regard to the issue of the fire hose truck, the New Jersey Division of Fire Safety in 2003 identified a lack of foam firefighting capabilities within the North UASI area.

The original idea was to purchase equipment to fight these large fires and place it in a National Guard Armory for use when needed.

A meeting was held with local fire chiefs and it was quickly determined that although we do need this equipment, to store it in an armory would cause major deployment and training issues. Local fire departments agreed to house, maintain and train on the equipment. In order for this to happen, Union County would need to accept this equipment and then manage the deployment and training issues. This was successfully completed.

Additional equipment and training were found to be necessary and once again, Union County (specifically OEM) consistently stepped up to manage both the federal funds and projects. Currently, Union County is managing a hose trailer-to-truck conversion and working with the Elizabeth Fire Department to complete the project. The Kenilworth Fire Department has agreed to house, maintain and train on this specialized equipment. Fire departments currently involved in this large caliber foam/water system include Springfield, Union, Hillside, Elizabeth and Linden.

In addition to this project, OEM is currently managing a command board project which will outfit each fire department and fire mutual aid coordinator with identical command boards, thereby streamlining the command process.

In addition to these listed projects, the Freeholder Board has accepted Homeland Security funding to train approximately 60 firefighters in foam firefighting operations. Also, funding has been allocated to Union County OEM for additional training and drills for all 21 fire departments to remain proficient in decontamination techniques of the general public during times of crisis.

There are many other projects that have been identified and are moving forward. There are also many individuals that work behind the scenes to make these projects come to fruition. This started on Ben Laganga's watch and continues under the new Public Safety Director, Andy Moran and OEM Director, Christopher Scaturro. I would be remiss if I did not mention Ms. Salena Carroll, who has organized and managed both the UASI and County Working Groups, which directly benefit Union County.

Furthermore, Kristen Von St. Paul, who facilitates and manages purchasing for the County and Shana Massachi, from the Elizabeth Fire Department, who coordinates programs for both UASI and Union County Fire Mutual Aid.

I would like to make it clear that none of these projects would have been completed without the vision and foresight of the Freeholder Board to allow both acceptance of the funding and the management of these initiatives.

The Union County fire service has become one of the best shared service entities to protect Union County and once again, none of this would have been possible without the support of each and every Freeholder. The fire service would like to thank the Union County Board of Chosen Freeholders for their continued dedication and commitment to our public safety mission.

In closing, it should be made clear to the public that each and every one of these expenditures is virtually almost all paid for by the Federal government. They also represent among the truest and patriotic of all shared services--saving lives and providing Homeland Security protection and response in one of the nation's most vital regions.

Sincerely,

Edward Sisk

Retired Elizabeth Fire Chief and Current Fire Mutual Aide Coordinator

Nicole Dirado

From: Sebastian Delia
Sent: Wednesday, May 19, 2010 2:30 PM
To: George Devanney; M. Elizabeth Genievich; Daniel Sullivan; Nicole Dirado; 'Frank G. Capece, Esq.'; Robert Barry; Cherron Rountree; Bette Jane Kowalski; James Pellettiere
Subject: Tina blows her stack!!!!

The Bastards are campaigning with Homeland Security money

By Tina Renna | May 19, 2010

Residents received a 4 page color mailer today featuring Freeholder Dan Sullivan who is facing a tough primary election bid on June 8th. Small print says it's paid for with a Federal homeland security grant. What a **[REDACTED]** outrage.

I am not editing that it's exactly what any decent New Yorker would say. I recently received some flack for referring to **Dan Sullivan as a bastard** during the taping of our dinner show after a freeholder meeting.

He is most certainly a **BASTARD** and an **anti-American** one at that.

I've OPRA'd the cost of these mailers in the past and this one, printing & postage costs about \$55,000. I'm not sure, and I'll be looking into it, but they may have also launched a commercial with the same theme, this is what they've done historically, although they didn't do the mailing or commercial last year, they didn't face much of a challenge at the polls.

NYC, my home town, which is under constant attack from terrorist plots, has lost millions in homeland security funding and this is how NJ is blowing through it. Yes it is a **[REDACTED]** outrage that Union County machine democrat politicians hell bent on retaining their power are allowed to help the terrorists by wasting precious homeland security funds promoting themselves at election time.

Previously posted on [tax funded campaigning](#).