



UNION COUNTY BOARD OF CHOSEN FREEHOLDERS

THURSDAY, SEPTEMBER 27, 2012
REGULAR MEETING MINUTES

CALL TO ORDER

Chairman Alexander Mirabella called the meeting to order at 7:00 PM.

Attendee Name	Title	Status	Arrived
Angel G. Estrada	Freeholder	Present	
Christopher Hudak	Freeholder	Present	
Mohamed S. Jalloh	Freeholder	Present	
Bette Jane Kowalski	Freeholder	Present	
Deborah P. Scanlon	Freeholder	Present	
Daniel P. Sullivan	Freeholder	Present	
Vernell Wright	Freeholder	Present	
Linda Carter	Vice Chairman	Present	
Alexander Mirabella	Chairman	Present	

Also present were County Manager Alfred J. Faella, County Counsel Robert E. Barry, Esq. and Clerk of the Board James E. Pelletiere.

PRAYER AND SALUTE TO THE FLAG

The Prayer and Salute to the Flag were lead by the Clerk of the Board.

STATEMENT OF COMPLIANCE WITH THE OPEN PUBLIC MEETINGS ACT

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

PRESENTATIONS FROM THE BOARD

1. A resolution and check presentation will be made to the Linden Pulaski Memorial Day Parade Committee by Chairman Alexander Mirabella and Freeholder Christopher Hudak.

Chairman Mirabella called upon Freeholder Hudak and Freeholder Kowalski to present a check to the Linden Pulaski Memorial Day Parade Committee and Resolutions to Dr. Susanne Piatek Miskiewicz and Alexa Leigh Domenico, congratulating them on being selected as the 2012 Linden Contingent Marshal and 2012 Junior Miss Polonia of the Linden Pulaski Memorial Day Parade.

Freeholder Hudak said that he was proud to support the Committee. He said that Suzanne has been a great representative of Linden for many years and her granddaughter, Alexa been very active at the Watchung Stables.

Freeholder Hudak read the Resolution aloud.

APPROVAL OF COMMUNICATIONS

Note and File

1. Oath of Office: Jeffrey Plum, Advisory Board for the Prevention of Youth Violence

RESULT: ADOPTED [UNANIMOUS]; MOVER: Mohamed S. Jalloh, Freeholder; **SECONDER:** Bette Jane Kowalski, Freeholder; **AYES:** Freeholder Estrada, Freeholder Hudak, Freeholder Jalloh, Freeholder Kowalski, Freeholder Scanlon, Freeholder Sullivan, Freeholder Wright, Vice Chairman Carter, Chairman Mirabella;

APPROVAL OF MINUTES

1. June 28, 2012 - Executive Session

RESULT: ADOPTED [8 TO 0]; MOVER: Daniel P. Sullivan, Freeholder; **SECONDER:** Mohamed S. Jalloh, Freeholder; **AYES:** Freeholder Estrada, Freeholder Hudak, Freeholder Jalloh, Freeholder Kowalski, Freeholder Sullivan, Freeholder Wright, Vice Chairman Carter, Chairman Mirabella; **ABSTAIN:** Freeholder Scanlon;

2. July 12, 2012 - Executive Session

RESULT: ADOPTED [7 TO 0]; MOVER: Daniel P. Sullivan, Freeholder; **SECONDER:** Mohamed S. Jalloh, Freeholder; **AYES:** Freeholder Estrada, Freeholder Hudak, Freeholder Jalloh, Freeholder Kowalski, Freeholder Sullivan, Freeholder Wright, Vice Chairman Carter; **ABSTAIN:** Freeholder Scanlon, Chairman Mirabella;

3. July 19, 2012 - Executive Session

RESULT: ADOPTED [6 TO 0]; MOVER: Daniel P. Sullivan, Freeholder; **SECONDER:** Mohamed S. Jalloh, Freeholder; **AYES:** Freeholder Estrada, Freeholder Hudak, Freeholder Jalloh, Freeholder Sullivan, Freeholder Wright, Vice Chairman Carter; **ABSTAIN:** Freeholder Kowalski, Freeholder Scanlon, Chairman Mirabella;

4. August 9, 2012 - Executive Session

RESULT: ADOPTED [6 TO 0]; MOVER: Daniel P. Sullivan, Freeholder; **SECONDER:** Mohamed S. Jalloh, Freeholder; **AYES:** Freeholder Estrada, Freeholder Hudak, Freeholder Jalloh, Freeholder Kowalski, Freeholder Sullivan, Chairman Mirabella; **ABSTAIN:** Freeholder Scanlon, Freeholder Wright, Vice Chairman Carter;

5. August 16, 2012 - Executive Session

RESULT: ADOPTED [7 TO 0]; MOVER: Daniel P. Sullivan, Freeholder; **SECONDER:** Mohamed S. Jalloh, Freeholder; **AYES:** Freeholder Estrada, Freeholder Hudak, Freeholder Jalloh, Freeholder Kowalski, Freeholder Sullivan, Freeholder Wright, Vice Chairman Carter; **ABSTAIN:** Freeholder Scanlon, Chairman Mirabella;

ORDINANCE FOR INTRODUCTION

The title of the Ordinance was read by the Clerk of the Board.

742-2012 An Ordinance to amend the laws of Union County: Administrative Code and Policies and General Legislation by amending: Chapter 1, Union County Government Structure, Article XVI-Department of Human Services and Article XVIII-Department of Parks and Community Renewal, § 1-101. Division of Planning and Community Development; and, Chapter 132-Towing.

BE IT ORDAINED by the Board of Chosen Freeholders of the County of Union that the "Laws of Union County" are hereby amended as follows:

CONTINUED...

PART I - ADMINISTRATIVE CODE

Chapter 1, UNION COUNTY GOVERNMENT STRUCTURE

[HISTORY: Adopted by the Board of Chosen Freeholders of the County of Union 4-28-1976 by Ord. No. 1; amended in its entirety by Ord. No. 9-1984. Subsequent amendments noted where applicable.]

ARTICLE XVI, Department of Human Services

[Amended 7-18-1991 by Ord. No. 337; 6-20-2002 by Ord. No. 553; 4-10-2003 by Ord. No. 569; 9-14-2006 by Ord. No. 636]

§ 1-90. General purpose; departmental organization.

- . There shall be a Department of Human Services for the purpose of promoting the coordination, integration, maximization and development of human services and providing for the planning, monitoring and administration of select human services. Such resources and services shall include, but not be limited to, those mandated by federal and state law and rules and regulations appertaining thereto. The Director of Human Services shall be the head of the Department and shall be responsible to the County Manager for its operation. The office staff of the Director shall include, but not be limited to, the Office of Paratransit, the George W. Herlich Juvenile Detention Center, the Office of Employment Services and Training [Amended 9-14-2000 by Ord. No. 515; 6-20-2002 by Ord. No. 553; 4-10-2003 by Ord. No. 569]

ARTICLE XVIII, Department of Parks & Community Renewal

[Adopted 6-26-1997 by Ord. No. 452; Amended 12-20-2007 by Ord. No. 664; Amended 12-15-2011 by Ord. 726-2011]

§ 1-101. Division of Planning and Community Development.

[Amended 6-20-2002 by Ord. No. 553; 12-20-2007 by Ord. No. 664; Amended 12-15-2011 by Ord. 726-2011]

- A. Under the direction and supervision of the Deputy Director of Parks & Community Renewal, the Division of Planning and Community Development's functions and responsibilities shall include:
 - (1) Strengthening Union County's economy and positioning the County to compete in a global marketplace by stimulating and creating new jobs, retaining existing businesses, and facilitating economic growth and development in partnership with the Union County Alliance, the Union County Economic Development Corporation and all other public/private partnerships.
 - (2) Establish an ongoing program of legislative advocacy at the federal, state and/or local levels; lobby for and/or develop legislation as needed; provide analysis of legislation as needed; and act as liaison with municipal, state and federal levels of

government.

(3) Maximize federal, state and foundation grant dollars and reduce property tax burden by increasing revenues into the County to fund existing and/or new programs and services as consistent with the needs of the County.

B. Division head. There may be a Director of the Division of Planning and Community Development who serves as the head of the Division and shall be responsible to the Deputy Director of the Department of Parks and Community Renewal for its operation.

C. Subdivisions. Within the Division of Planning and Community Development shall be the following subdivisions:

(1) Bureau of Governmental Relations and Community Outreach.

(2) Bureau of Transportation Planning.

(3) Bureau of Planning and Economic Development.

(4) Bureau of Community Development.

(5) Bureau of Housing.

(6) Workforce Investment Board (WIB).

Chapter 132, TOWING

[Ordinance No. 393, adopted 8-11-1994, Amendments: Ordinance 681-2009 adopted 2/26/2009; Ordinance] sets forth standards, regulations and rates for police-requested and non-preference towing and storage services. A complete copy of this ordinance, all rules and regulations, and any future amendments, are on file in the Office of the Clerk of the Board and the headquarters of the County Police.]

TOWING

§ 1. Purpose.

§ 2. Definitions.

§ 3. License required.

§ 4. Licensing standards.

§ 5. License fees.

§ 6. Term of license.

§ 7. Number of operators; rotation.

§ 8. Zones.

§ 9. General rules and regulations.

§10. License suspension or revocation.

§11. License transfer.

§12. Rates.

§13. Department of Motor Vehicles Information.

§14. County takeover of storage operations.

§15. Implementation.

§18. Effective date.

§16. License-issuing authority.

§17. Complaints; Violations and penalties; Hearings.

§18. Effective date.

§ 1. Purpose.

The purpose of this chapter is to provide standards, regulations and rates for police-requested and non-preference towing and storage services requiring a response thereto by the licensees. Said services shall be rotated weekly amongst qualified towers and provided under the supervision of the Department of Public Safety of the County of Union and the Police Department of the County of Union. All towing operators who wish to be licensed under this ordinance must also provide all the requisite paperwork prior to the commencement of any towing of vehicles.

The County of Union reserves the right to take over the storage portion of this license at any time. This chapter also addresses the process in such an instance.

§ 2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

ADMINISTRATIVE FEE - A separate fee that shall cover all costs associated with the verification, documenting and processing of the vehicle being released.

BASIC TOWING SERVICE - The removal and transportation of a vehicle from a highway, street or other public or private road, or a parking area, or from a storage facility, and other services normally incident thereto. This does not mean moving a vehicle within a storage area or between storage areas or from a storage area to just outside of a storage area.

CATEGORY I VEHICLE - All vehicles 0 to 10,000 pounds GVW.

CATEGORY II VEHICLE - All vehicles 10,001 to 17,999 pounds
GVW.

CATEGORY III VEHICLE - All vehicles 18,000 to 26,000 pounds
GVW.

CATEGORY IV VEHICLE - All vehicles 26,001 pounds and over
GVW.

CRUISING - The operation of an unengaged tow truck along the public streets in any fashion intended or calculated to solicit business.

EXTRA TOWING SERVICE - Including, but not limited to, the recovery of a vehicle from a position:

- 1) either partially or completely overturned
- 2) beyond the right-of-way or berm
- 3) where it is impaled upon any other object within the right-of-way and those towing situations where there exists a spillage of

vehicle contents or cargo onto the travel portion of the roadway resulting in a protracted clean up operation utilizing either additional manpower or specialized equipment.

- 4) decoupling
- 5) site cleanup
- 6) tarping*
- 7) transmission disconnect
- 8) waiting time
- 9) window wrap*

*applied whether at the scene prior to towing or at the storage

location.

GROSS VEHICLE WEIGHT - The registration weight, the manufacturer's gross vehicle weight rating or actual weight, whichever is greatest.

INSIDE STORAGE FACILITY - A vehicle storage facility that is completely indoors and protected from the elements, having one or more openings in the walls for storage and removal of vehicles and that is secured by a locking device on each opening.

LABOR RATE- Is part of the extra towing service allowed to be charged to the owner of a vehicle involved in a protracted recovery and /or the cleanup of collision damage, contents or cargo spillage. Labor fees must be described on the invoice as to the service provided.

LICENSEE - Towing operator.

MILEAGE CHARGE -Included as part of the extra towing service and is described as a fee charged per mile transported to a designated location of the owners or drivers choice, which may include the towing operator's storage facility. This charge is limited to only when road service is provided, and must clearly indicate on the invoice the number of miles traveled.

NONPREFERENCE TOWING AND STORAGE SERVICES - Any request for towing and/or storage services initiated by the Department of Public Safety of the County of Union or the Police Department of the County of Union, regardless of the ultimate place to which the vehicle is towed and/or stored.

OUTSIDE STORAGE FACILITY - A vehicle storage facility that is not indoors and is secured by a fence, wall or other man-made barrier that is at least eight (8) feet high.

OWNER - A person, firm, corporation or other entity who owns, leases and/or operates, parks or abandons a vehicle on the roads and highways within the County of Union, which vehicle by reason of being disabled or being unlawfully upon said roads requires towing services.

POLICE - The Police Department of the County of Union and/or state police and/or municipal police or such other police as may have jurisdiction upon

the roadways on which the vehicle may be found in said County of Union.

ROAD SERVICE- The response of the towing operator to a call for service for other than the impoundment of a vehicle. Examples include but are not limited to; a disabled vehicle in need of a tow, a flat tire change, a lockout or fuel delivery.

EXTRA STORAGE SERVICE- Including, but not limited to: Notification of Possession and Yard Service Fees.

TOWING OPERATOR - A person, firm, corporation or other entity engaged in the business of providing tow truck services and storage services for vehicles towed, which services are made available to the general public upon such rates, charges and fees as determined by the Board of Chosen Freeholders of the County of Union, and which towing operator is licensed under the provisions of this chapter.

TOW TRUCK - A vehicle driven by mechanical power and employed for the purpose of towing, transporting, conveying or removing any and all kinds of vehicles or parts of vehicles which have been impounded, are required to be towed or are unable to be operated under their own power, for which a service charge or fee is exacted.

EXTRA TOWING AND STORAGE SERVICES

Reference Statute 40:48-2.49 and N.J.A.C.13:45A-31- as allowed by the NJ Division of Consumer Affairs schedule of towing and storage services for which a towing company may charge a service fee established by the Director of Consumer Affairs pursuant to section 8 of P.L .2007,c.193 (C.56:13-14) Nothing in this section shall be construed to exempt an operator from complying with the requirements of P.L.2007,c.193 (C.56:13-7 et al.).

DECOUPLING - Releasing a motor vehicle to its owner or operator when the motor vehicle has been, or is about to be, hooked or lifted by a tow truck, but prior to the motor vehicle actually having been moved or removed from the location.

NOTIFICATION OF POSSESSION- Whereas the towing company takes possession of, and provides storage services for vehicles and/or equipment; towing company is required to notify the owners of said vehicles and equipment of such possession. Said notification is a requirement of Title 39:10A-1(a) and allows for the actual cost of such notification to be charged to the person claiming possession.

RESPONSE TIME- The amount of time it takes for the on call towing operator to respond to the location of the call for service from the time of notification to the time of arrival.

SITE CLEAN UP- The actual performance of the tow truck operator by which he must sweep, pick up, place absorbents, and/or remove debris from the scene of the tow when caused by, but not limited to conditions such as a motor vehicle collision or disablement.

TARPING- Covering a motor vehicle to prevent weather damage.

TRANSMISSION DISCONNECT: - Manipulating a motor vehicle's transmission, so that the motor vehicle may be towed.

WAITING TIME -The time a tow truck operator must wait at the scene in order to provide the necessary services for which he was requested, in increments of 15 minutes.

WINDOW WRAP- Any material used to cover motor vehicle windows that have been damaged

YARD FEES- Whereas the tow yard personnel must perform additional services while the vehicle is in their possession; the cleanup of spilled fluids or hazardous materials; the securing or offloading of contents or loads, for example. Yard Fee service must be described on the invoice as to what service was provided.

§ 3. License required.

No towing operator shall operate on the roads, parks and playgrounds owned, maintained or controlled by the County of Union without obtaining a license in accordance with the provisions of this chapter. Specifically exempted from this license requirement is the towing, transporting, conveying or removing of vehicles from private property, except in the case of a police emergency within the County, or by towing operators which are directly and privately engaged or designated by the owner of the vehicle to be towed, transported, conveyed or removed upon the streets of the County of Union.

§ 4. Licensing standards.

A. Equipment requirements. No license shall be issued to a towing operator who does not own or lease, for utilization in its business, the following equipment, which equipment must comply with all federal and state laws and shall be inspected by the Union County Police Chief or his authorized representative prior to a license being issued and a report of said inspection furnished to the Department of Public Safety. Said equipment shall be designated as follows:

(1) One (1) heavy-duty wrecker capable of removing any Category III and IV vehicles, such as, but not limited to buses, tractor trailers, dump trucks and recreational vehicles.

(2) One (1) conventional wrecker~~s~~ capable of removing any Category I and II vehicles, including, but not limited to cube vans

and step vans.

(3) Two (2) rollback flatbed tow trucks for Category I and II vehicles, including, but not limited to, passenger vehicles, motorcycles and mopeds.

(4) Safety equipment to be carried on all trucks shall include: a universal towing sling, tow bar or wheel lift, one (1) snatch block for three-eighths- to one-half-inch cable, two (2) high-test safety chains; auxiliary safety light kit to place on rear of towed vehicle; four-lamp or three-lamp revolving amber light or lamp bars of at least five hundred (500) candle power pointed to the rear, mounted so as not to be obstructed by the towed vehicle(s) and said lights must be engaged during the removal of the vehicle(s); at least three flares or other suitable warning devices visible for a distance of not less than one thousand (1,000) feet from the disabled vehicle(s); toolbox with assortment of hand tools; rear working lights and rear marker lights; cab lights; body-clearing lights located to clear towed vehicle; blocking choke for wrecker while working; safety cones; shovel and broom; steering wheel lock or tie-down; two-way radio communication system; sand, and an operational fire extinguisher designed for vehicular fires.

(5) All tow trucks must be properly lettered on both sides, and a valid light bar permit shall be maintained and carried by each vehicle as provided by law.

(6) All trucks will be maintained and operated in accordance with all existing traffic regulations and in a safe and prudent manner.

(7) The towing operator must own or lease an operational fax machine capable of transmitting correspondence via telephone lines.

(8) The towing operator will submit a detailed list of all wreckers, tow trucks and service vehicles as well as supplemental/auxiliary equipment owned or leased which will be used in performance of this chapter. A copy of the vehicle registrations, insurance cards, and leases, must also be provided with the list. The list must contain the following information: type of vehicle, year/make, capacity and condition of the vehicle.

B. Other facilities. Each towing operator shall have an indoor, secured storage area sufficient to house ten (10) vehicles and provide twenty-four hour security for same for the storing of impounded vehicles involved in criminal matters. These vehicles may contain, or are themselves, evidence needed for potential criminal or civil cases. These vehicles shall not be removed from the safe and secure inside storage area

until written permission is obtained from the respective Union County Law Enforcement Agency.

C. General area. The towing operator shall provide a separate outside storage yard, fenced and secured, for the exclusive use of Union County Law Enforcement Agencies and large enough to accommodate at least twenty-five (25) passenger vehicles and two (2) tractor/trailers (with electrical supply if needed) as well as five (5) motorcycles, recreational vans, etc.) at any given point in time.

D. General standards.

(1) The storage facilities shall have proper sign identification upon same and shall be kept clean so as to be reasonably accommodating to persons of the County or others who may come upon said premises.

(2) All storage areas must be entirely lit from dusk through dawn and must be entirely enclosed and secured by a sturdy fence of at least eight (8) feet.

(3) The towing operator must NOT store vehicles towed for Union County Law Enforcement Agencies on top of one another, must not park any said vehicles on public roadways or sidewalks nor must the towing operator block any public roadways or sidewalks with said vehicles.

(4) All towing operators and their drivers shall be fully trained and knowledgeable in the operation of all required equipment and shall be subject to background investigations by the Union County Police Department. Accordingly, the towing operator must submit a roster of all employees who will perform services under this chapter. The following information will be provided: name, address, date of birth, social security number, driver's license number and expiration date, type of license, signature of employee, name and address of an individual to contact in case of emergency. The towing operator must also supply photocopies of all New Jersey Commercial Driver's Licenses of all employees who will operate responding vehicles with the employee roster.

(5) All new employees shall be registered with the Union County Police Chief prior to performing any services under this contract. Information on employees shall be updated every ninety (90) days in order to keep current with changes in personnel.

(6) All responding employees must possess a valid New Jersey Commercial driver's license, with proper endorsements, necessary to legally tow all types of motor vehicles.

- (7) The responding employee(s) must be equipped with and trained in the basic tools necessary to perform minor roadside repairs.
- (8) The responding employee(s) must be equipped with and trained in the necessary tools and equipment to perform all facets of the safe and efficient removal of all types of motor vehicles under this chapter regardless of the physical condition of the vehicle.
- (9) The responding employee(s) must be equipped with and trained in the necessary equipment needed to completely remove, and MUST remove, all debris from the scene of the accident.
- (10) All responding employees must wear safety vests when engaged in the towing/repair of motor vehicles while on public roadways.
- (11) All responding employees must present a neat appearance at all times in a uniform identifiable with the towing operator.
- (12) All responding employees must follow the directions of the Union County Police Department with regard to the preservation of evidence needed for potential criminal and civil cases.
- (13) All drivers will relay information to the police on the following: crime, disabled vehicles, accidents, disasters, etc.
- (14) Tow truck drivers will request police assistance during the course of servicing when they find it necessary to turn around, back up, tow in the opposite direction, cross the median, etc.
- (15) All towing operators must be available for service on a twenty-four-hour, seven-day-a-week basis without exception.
- (16) In all dealings with the public in connection with this contract, the towing operator and its employees are expected always to act in a professional manner and at all times to be courteous and respectful towards members of the public as well as representatives from the County of Union. While members of the public, especially those whose cars may have been towed or impounded, may at times resort to strong language, threats and unbecoming behavior toward the towing operator and its employees, the towing operator and its employees are expected to exercise restraint and not to respond in kind, and thereby reflect unfavorably on the County of Union and or the Union County Police Department. No employee of the towing operator shall represent to any member of the public that he is an employee of the County of Union. Reports of discourteous behavior by the towing

operator or its employees which can be sustained and documented may be considered by the County as sufficient cause for termination of the contract.

(17) The towing operator will notify the police on a weekly basis and in accordance with §4D(22) if they are in custody of any unclaimed vehicles.

(18) The towing operator will cooperate with other operators in the case of emergency services at the scene of accidents and/or disasters.

(19) The towing operator will dispatch, within the time permitted by this chapter, tow truck(s) when requested by the desk officer to respond to a police-requested call for service. If the towing operator is unable to respond within the allotted time frame, they are required to advise the police department dispatcher who will then contact the next towing operator for a response.

(20) The police officer investigating the incident is in complete charge of the incident scene, and all drivers shall comply with the officer's instructions.

(21) All towing operators shall maintain and produce proof to the County Police of the following insurance coverage: garage keepers' liability policy in the amount of one million dollars (\$1,000,000.00) for any one (1) claimant and two million dollars (\$2,000,000.00) for more than one (1) claimant with one million dollars (\$1,000,000.00) coverage for property damage for any one (1) event. Additionally, the following insurance is required:

A. Automobile Liability Insurance in an amount of not less than one million (\$1,000,000.00) combined single limit for bodily injury and property damage liability. A certificate of such current insurance shall be provided to the County, and the towing operator must obtain prior written approval from the County before any cancellation or major change may be made in the policy.

B. Workers Compensation Insurance insuring the obligation of the towing operator under the New Jersey Workers Compensation and Occupational Disease Laws as respects work performed under this contract. Insurance shall be extended to include any obligations under the United States Longshoreman's and Harbor Workers Act or any Maritime Act when applicable.

C. General Liability Insurance shall be provided on a Comprehensive Form with a combined single limit of one million (\$1,000,000.00) per Occurrence for Bodily Injury Liability and Property Damage Liability and shall protect the interest of the County with respect to work emanating from the contract with the County. This insurance shall include the following:

1. Personal Injury Liability
2. Blanket Contractual Liability, applying to assumption of liability under any written contract,
3. Products Liability and
4. Completed Operations Liability.

D. Certificates of Insurance shall contain a provision that insurance afforded under the policies will not be cancelled without at least 30 days prior written notice being given to the County of Union.

E. The County of Union must be notified, in writing, of any cancellation, revision or interruption relative to any of the insurance policies required under this contract. Prior written approval of any such cancellation, revision or interruption of coverage must be given by the County of Union.

F. The towing operator's policies must be endorsed to provide collision coverage for vehicles in tow.

G. The County of Union must be listed as an additional insured and the insurance certificates must indicate such coverage.

H. The failure of the towing operator to maintain the required insurance coverage set forth in these specifications shall be grounds for cancellation of the license issued under this chapter.

I. Insurance coverage shall indemnify the County against any loss due to injuries, accidents or damages of any character whatsoever, where any such damage is the result of an act or omission of the towing operator, or due to the execution of the work called for under the contract.

J. The providing of any insurance required herein does not relieve the towing operator of any of the responsibilities or obligations assumed by the towing operator, under this chapter or for which the towing operator may be liable by law or otherwise.

K. Failure to provide and continue in force such insurance as required above shall be deemed a material breach of the towing operator's participation under this chapter and shall be treated as a reason for immediate termination of same.

(22) The towing operator must maintain an accurate file of all vehicles towed or serviced at the request of the Union County Police which file must be forwarded to the Union County Police on a weekly basis for examination and comparison. The towing operator shall record all vehicles towed on Union County Police approved invoices which clearly state the name of the owner, vehicle make, model and identification number along with all other pertinent information. The invoice shall also clearly state all services performed. The towing operator shall be provided with a copy of a Police Tow Sheet after one has been processed through the Records and Traffic Bureaus.

(23) The towing operator must maintain an accurate inventory of ALL towed vehicles stored in its impound site. The Union County Police will periodically inspect and compare the impound storage list to insure accuracy. Discrepancies will be investigated by the Union County Police.

(24) The towing operator must maintain an Impound File which is identical to that kept by the Union County Traffic Bureau.

(25) The towing operator must maintain all records by means of a computer system to facilitate an expedient and efficient means of retrieving information and must maintain all records at one central location. These records shall be kept for a seven (7) year period.

(26) The towing operator must maintain a record of all property found anywhere in a towed vehicle, including the trunk and glove compartment, if open, or key available and shall be responsible to safeguard and release contents to the owner or to the County, if the County takes over the storage services portion of the license.

(27) Authorized representatives of the Union County Police or

their designees shall have access to any of the records required to be kept by the towing operator.

(28) The towing operator upon receiving a vehicle, shall within three (3) business days, notify the owner of the vehicle, if known, by telephone and in writing and inform the owner that:

The towing operator is in possession of the vehicle;
The costs the owner has incurred;
The procedure for obtaining a release of the vehicle;
The consequences for failure to retrieve the vehicle within the proper time frame.

(29) The towing operator must maintain accurate records of owner notification(s) and attempted notifications.

(30) The towing operator must NOT release any vehicle from an impound site unless a valid Union County Police "Vehicle Release Form" is submitted to the towing operator.

(31) The towing operator shall provide telephonic notification to the Union County Police immediately upon release of a vehicle.

(32) The towing operator must report any unusual or questionable attempts to release any vehicle from impound to the Union County Police. Questionable release documents must be verified by telephone with the Union County Police Record Bureau or office issuing the document.

(33) The towing operator must follow the proper procedures and directions of all applicable laws for the disposal of vehicles not retrieved by the owner. Any vehicles which are not released according to proper procedure shall be reported to the Union County Police Traffic Bureau and shall be identified in writing on the weekly report.

(34) All towing operators shall be located within the County of Union in order to ensure response within thirty (30) minutes to calls, as needed.

(35) All towing operators shall be obligated to tow county vehicles and equipment from within the County in the event that they become disabled or involved in an incident at no cost to the County. All County owned vehicles and equipment are to be towed as directed to the Union County Division of Motor Vehicles garage located at 79 West Grand Street in Elizabeth unless specifically requested to be towed elsewhere. Dump Trucks and other heavy

equipment are to be towed as directed to the Union County Division of Public Works location at 2171 South Avenue in Scotch Plains, unless specifically requested to be towed elsewhere. All County owned vehicles and equipment which require a tow from outside Union County shall be charged the lesser of the lowest posted rate in effect at the time service is rendered, or 50% of the contractual rates.

(36) The towing operator must provide towing, storage and basic mechanical service on a 24-hour, 7 day-a-week basis, including holidays and must have an employee on duty at all times with access to the primary telephone system, fax machine and the base station of the mobile radio system.

(37) The towing operator must have its facilities available to the public a minimum of eight (8) hours per day (9:00 a.m. - 5:00 p.m.), six (6) days a week (Monday through Saturday) and during limited daylight hours on Sundays and Holidays for the reclaiming of towed vehicles.

(38) The towing operator must handle removal of all abandoned and junk vehicles for the Union County Police.

(39) The towing operator must have the capability of towing/removing abandoned vehicles without wheels, locked (including steering), or any/all other conditions.

(40) The towing operator must have the capability of towing/removing all heavy equipment regardless of size and weight.

(41) The towing operator shall remove any vehicle which the Union County Police Department may lawfully direct them to do so and shall store same at their lot(s) until said vehicle(s) is reclaimed by the lawful owner, or is otherwise disposed of according to law.

(42) The towing operator shall be responsible for all vehicles and the contents thereof towed at the direction of the police from the roadway or adjacent areas and after receiving said vehicles in their custody and control, shall reimburse the owner of such vehicle removed for any such damage or loss sustained to any vehicle or its contents while the said vehicle is in the towing service company's custody and control.

If the County exercises its right to takeover the storage services portion of this license, the towing operator shall remain responsible for any vehicle and the contents thereof after receiving said vehicle and until received and inspected by the County as set

forth herein. The County will inspect the vehicle upon its receipt at the County's storage location and document any damages and/or contents in the vehicle at such time. The towing operator shall reimburse the owner of such vehicle for any such damage or loss sustained to any vehicle or its contents while said vehicle is in the towing service company's custody and control as documented by the County inspection.

(43) The towing operator shall not make any repairs to any vehicle towed or removed as provided for hereunder without first receiving written authorization of the owner thereof or its authorized agent.

(44) The towing operator shall use at a minimum the manufacturer's suggested towing or removal method for removal of damaged or impounded passenger cars or light vehicles, including pick-up trucks, mini-vans, motorcycles and vans, including but not limited to a hook, tow dolly, winch, sling, wheel lift, under reach, or rollback flatbed.

(45) The towing operator must, in addition to the removal of all debris from an accident scene, which includes sweeping the roadway, preserve any evidence the Union County Police determines necessary for potential criminal and civil cases.

(46) The towing operator must be capable of providing general vehicle repair services on foreign and domestic motor vehicles and must warrant those repairs.

(47) Storage locations must be in compliance with all applicable codes and municipal ordinances and must be zoned for all of the uses for which they are, or will be, dedicated.

(48) All storage locations must satisfy all licensing requirements promulgated by the State of New Jersey and the municipality regarding all aspects of their use, and/or intended use, including but not limited to the towing, storage, repair and sale of motor vehicles.

(49) The towing operator must submit with the license application, certifications from the Zoning Officers of the municipalities in which the vehicles are to be stored, stating that the storage of Motor Vehicles at this location is permitted under Local Zoning regulations.

(50) All areas of the facility where the public enters in order to retrieve their motor vehicles must have a clean rest room and waiting room.

(51) The towing operator must maintain a storage location within the County to facilitate reasonable towing distance.

(52) The towing operator shall submit with the license application proof of ownership or rental of the storage location. In the case of ownership, a copy of the deed shall be submitted. In the case of rental, a fully executed lease agreement covering at least six months beyond the term of the license issuance shall be submitted. Said lease shall state that the storage of towed vehicles will be allowed under the lease provisions. All leased property must comply with the zoning and licensing requirements detailed in Subparagraphs § 4 D (47) and (48).

(53) Storage fees shall be charged in accordance with the following:

- a. vehicles stored after 1 p.m. will not be charged for storage that day.
- b. vehicles claimed prior to 11 a.m. will not be charged for storage that day.

(54) The towing operator is required to submit a detailed site list and must respond to a questionnaire provided by the Union County Police which describes each garage and storage site owned or leased by the towing operator which will be used in performance under this chapter.

§ 5. License fees.

A. The following schedule of fees is hereby adopted for obtaining and maintaining a towing operator's license under this chapter:

(1) Application fee: three hundred fifty dollars (\$350).

(2) License (s) fee(s):

Seven hundred and fifty dollars (\$750.00) for one license;
Fifteen hundred dollars (\$1,500.00) for two licenses;
Two thousand two hundred and fifty dollars (\$2,250.00) for three licenses;

B. Fees paid pursuant to this section shall not be refundable for any reason.

§ 6. Term of license.

Licenses issued pursuant to this chapter shall be for a term of twenty-four months.

All license applications must be received ninety (90) days prior to the end of the next license term.

§ 7. Number of operators; rotation.

A. In order to assure provision of safe and efficient towing service throughout the County to benefit the public good, all qualified operators pursuant to this chapter shall be issued a towing license.

B. Each towing operator shall be placed on a rotational list as compiled by the County of Union Police Chief. Such towing operator shall be called upon to respond to the needs of the Police Department of the County of Union on a weekly rotational basis.

§ 8. Zones

A. The County shall be divided into three (3) zones in order to ease compliance with the response time. Each zone shall have its own rotational list. Towing operators can elect to be included in multiple zones but are required to be able to comply with the stated response time and must purchase a separate license for each zone. Towing operators only need to complete one application regardless of the number of zones requested.

Zones:

Zone 1:	Zone 2:	Zone 3:
Plainfield	Mountainside	Rahway
Fanwood	Summit	Linden
Scotch Plains	Springfield	Winfield
Westfield	Union	Clark
Garwood	Kenilworth	Roselle
Berkeley Heights	Roselle Park	Hillside
New Providence	Cranford	Elizabeth

§ 9. General rules and regulations.

- (1) No towing operator shall engage in cruising as defined in this chapter.
- (2) No towing operator shall solicit or attempt to divert patrons of another towing operator whether or not licensed under this section, nor shall a towing operator solicit or divert prospective patrons of a given repair service to any other repair service, nor shall any police officer or designee suggest any towing operator to perform service.
- (3) No flashing lights or sirens shall be used by a towing operator except as granted by the Chief of Union County Police in and/or under the

provisions of N.J.S.A. 39:1 et seq.

- (4) The Board of Chosen Freeholders hereby designates the Union County Police Department, generally, its specific designee and the Police Chief, particularly, as the supervising authority to enforce the provisions of this chapter as well as the rules and regulations adopted hereunder with the ultimate authority vesting in the Board of Chosen Freeholders of the County of Union.
- (5) Prior to issuance of the license and license renewal, each towing operator licensed under this section shall be inspected for fitness by a representative of the County Police Department and shall appropriately complete a new application for each license term.
- (6) Each licensed towing operator at all times shall maintain and carry the necessary equipment to remove disabled or locked vehicles or equipment necessary to the operator to open vehicles to enable public safety personnel to remove entrapped passengers.
- (7) No towing operator, licensed under this chapter shall respond to the scene of an accident except upon notification by the Union County Police Department. The officer investigating accidents which require towing service shall obtain authorization, in writing, when able, on forms provided by the Police Department, from the driver or owner of cars or other vehicles when any specifically named towing service, whether licensed or unlicensed, is requested.
- (8) Response times are required to be within thirty (30) minutes from the time of the notification of the call for service and the time of arrival at the scene of the call for service Primary response MUST be given to the Union County Police at ANY given point in time. In the event that the towing contractor scheduled to respond to a request for service, does not perform or does not respond within the time period set forth in these specifications, the Union County Police will call the next towing service on the list for that particular job, and return to the scheduled rotating order thereafter. Failure to arrive within the allotted time will be considered a violation of the provisions of the license agreement by the towing operator to penalties up to and including revocation of the license.
- (9) Where no storage designation by an owner or the police has been made, licensed towing operators are authorized to remove the vehicle to the towing operator's place of business.
- (10) Where a vehicle is towed to premises controlled by the Police Department for the purpose of utilizing the vehicle or its contents as evidence or for other purposes, such vehicle shall not be released from police custody unless the owner of the vehicle furnishes the Police Department with a receipt that towing service fees have been paid. At times, the Union County Prosecutors and Sheriff's offices will impound vehicles as part of

an investigation. Those vehicles will be transported to and processed at a county facility. As such, the towing companies shall forward their tow bills to that office, who in turn shall submit the bills for payment. The towing companies shall bill the county at fifty percent (50%) of the contractual rates in effect at the time of the service.

- (11) In all cases where cars are to be towed for illegal parking summonses, such summonses shall be issued prior to towing.
- (12) No towing operator operating under the license issued hereunder shall employ, directly or indirectly, any sworn officers of the Union County Police Department.
- (13) The Union County Police Department shall maintain a log record of calls to licensed towing operators under this chapter. Said record shall be available for inspection by any licensed towing operator upon reasonable notice. Additionally, the Union County Police Department shall maintain records of fees charged to towed vehicle owners. Such fees shall be kept as records by the Union County Police Department, and then all such records shall be forwarded to the Department of Public Safety not less than semiannually, which latter records may be inspected by the towing operators or the public generally.
- (14) Such additional rules and regulations as may be promulgated by the Board of Chosen Freeholders pursuant to this chapter shall take effect after notification of such rules and regulations upon all the holders of licenses as towing operators. Service shall be made by certified mail, return receipt requested, to the licensee at the address listed in its most recent application. The towing operator shall be given a reasonable opportunity to be heard on such changes.
- (15) At the direction of the Union County Police Department, the towing operator shall remove junk and/or abandoned vehicles from the roadway or any other public property, including but not limited to County parking lots, parks and playgrounds.
- (16) A junk vehicle shall be defined as a motor vehicle incapable of being operated safely or of being put in a safe operational condition except at a cost in excess of the value thereof. If the vehicle is unclaimed by the owner or other person having legal right thereto for a period of fifteen (15) business days, the towing operator shall notify the Chief of Police or designee that the vehicle has been held for the statutory time and that the vehicle is ready for sale.
- (17) An abandoned vehicle shall be defined as a motor vehicle which cannot be certified for a junk title certificate pursuant to N.J.S.A. 39:10A-3. If the vehicle is unclaimed by the owner or other person having legal right thereto for a period of twenty (20) business days, the towing operator shall notify the Chief of Police or designee that the vehicle has been held for the

statutory time and that the vehicle is ready for sale.

- (18) Proceeds from the sale of junk or abandoned vehicles shall be used to satisfy any towing or storage charges which may have accumulated on the vehicle. Excess proceeds shall be paid to the County Treasurer. If the proceeds are insufficient to cover the accumulated costs, such excess costs shall be waived by the towing operator and no further funds will be due from the County or the purchaser of the vehicle. This waiver does not apply to the owner or other person entitled to the vehicle who shall remain liable for the towing operator's bill. This section will be administered in accordance with N.J.S.A. 39:10A-1 et seq.
- (19) The towing operator covenants and agrees to comply with any federal and state laws and local ordinances governing:
 - (a) the operation of vehicles
 - (b) towing cars
 - (c) storage areas
- (20) All charges made by the towing service company shall be paid by the owner, or any person, firm or corporation claiming the right to possession of any vehicle removed or stored by the towing operator as provided for herein, and the County of Union shall not be liable for the payment of any sum of the towing operator which may be due on account of any towing, removal or storage.
- (21) All fees associated with towing and/or storage services collected pursuant to this license and due to the County shall be paid by licensee and forwarded to the Union County Police with the files and invoices of all vehicles towed and serviced on a weekly basis in accordance with §4 D (22).
- (22) The rotational system established under this chapter will continue until supplemented by subsequent ordinances
- (23) The failure on the part of the towing operator to comply with any of these specifications is just cause for revocation of the license. Any towing operator found to have submitted fraudulent or inaccurate information or violated any New Jersey Department of Insurance Rules or Regulations may be subject to the revocation of the license(s) and/or prosecution pursuant to §17 of this chapter
- (24) Any towing operator with a record of a felony criminal conviction shall not be qualified to receive a license. The County of Union may waive this requirement for just cause.
- (25) The award of any license is subject to County inspection and approval of

the towing operator's facilities and equipment and the receipt by the County of a satisfactory Better Business Bureau Report.

- (26) The County of Union requires the submission of a Background Information Form, available from the Police Department of the County Police, which details the ownership of the corporation, partnership or proprietorship submitting the license application.
- (27) The towing operator must render all services with its equipment and personnel as well as storing all impounds on their sites. Subcontracting is expressly prohibited!
- (28) This contract shall be governed by the laws of the State of New Jersey.

§ 10. License suspension or revocation.

The Board of Chosen Freeholders shall have the right to suspend or revoke any license issued under this chapter for good cause, upon written complaint of the Chief of Police of the County of Union following his determination that there is probable cause for revocation or suspension based upon violation of this chapter. Written notice of such complaint and the basis of the complaint shall be given upon ten (10) day notice to the towing operator, and said operator shall have an opportunity to be heard.

§ 11. License transfer.

No controlling interest in a license issued pursuant to this chapter shall be assigned, transferred or, sold, except on specific approval of the Board of Chosen Freeholders of the County of Union, and, upon cessation of activity or authority under the license through revocation or otherwise, the license shall be determined null and void. In no event shall any such license be posted as collateral. At the time of application for said license, the towing operator shall complete and submit, on County forms, a statement of ownership. Any controlling interest transfer of ownership in a licensee's business be it actual transfer of stock ownership, without County approval, shall render the license void. In the event of sale or transfer, the new applicant, if any, shall make a new application and pay fees and be approved by the County of Union, New Jersey.

§ 12. Rates.

- A. The following rates are applicable within the purpose and intent of this chapter:

Service	Rate
Administrative Fee	
Impounded and Released Vehicles	60.00

	Impounded and Auctioned Vehicles	100.00
Towing Charge	Category I All vehicles 0 to 10,000 lbs GVW	80.00
	Category II All vehicles 10,001 to 17,999 lbs GVW	100.00
	Category III All vehicles 18,000 to 26,000 lbs GVW	150.00
unit	Category IV All vehicles 26,001 lbs and over GVW	225.00single
combination	Category IV All vehicles 26,001 lbs and over GVW	350.00
foot	Winching Cable (to be used only when vehicle has left the roadway)	\$3.50 per cable
	Recovery-Winching Heavy Duty (Category III & IV Vehicles Only) -	- per hour -
	One Person-One Tow Truck	\$250.00
	Release Brake Cylinder	\$75.00 each
	Release Air Brakes	\$75.00
	Drop Drive Shaft	\$75.00
	Drop Axle	\$75.00 each
	OUTSIDE STORAGE	- per day -
	Category I	35.00
	Category II	50.00
	Category III and IV	75.00 single unit
combinations		100.00
	Jump Starts	\$75.00
	Tire Changes	\$75.00
	Lockouts	\$75.00
	Air Line connection fee to air up Brake system - Heavy Duty	\$75.00

Decoupling Fee	Heavy Duty	\$100.00
Road Service towing		not to exceed contract towing rates
Decoupling Fee		\$50.00
Disconnect Transmission/ shift linkage		\$75.00
Fuel Delivery (plus cost of fuel)		\$75.00
Labor Rate	for protracted cleanup	\$50.00/hr
Mileage Fee-	applies to road service towing only, not to impounds	\$4.00/mile
Notification of Possession		actual cost
Site Cleanup	based on the number of absorbent bags used	actual cost
Tarping	Flat fee	\$50.00
Waiting time in increments of 15 minutes		\$12.50
Window Wrap	Flat fee	\$50.00
Yard Fee	Flat fee	\$50.00

- B. The County shall be entitled to collect an administrative fee for the release of all impounded vehicles. The administrative fee will be collected by the individual towing companies and forwarded with copies of the towing bills to the County Police on a weekly basis. The administrative fee will be itemized separately on the tow bill to clearly indicate the fee is separate from the tow fee. The administrative fee shall cover all costs associated with the verification, documenting and processing of the vehicle being released. In addition, all impounded vehicles not released that are processed and sold at public auction shall incur an administrative fee which shall be deducted from the proceeds prior to payment of the proceeds to the towing companies. In the event the County exercises its right to implement the collection of this administrative fee at the time of release, the County shall give notice to each towing company of such decision.
- C. In the event the County exercises its right to take over the storage services subject to S 14, the County shall collect all towing and administrative fees at the time of release. All fees collected shall be forwarded to the County finance office, which will then process a purchase order and send payment of the towing fee portion to the respective towing companies. The towing companies shall send or deliver copies of their towing bills to the County Police on a weekly basis by means of a fax machine, postal mail or in person in order to verify the fees due and payable before the purchase orders can be generated. Towing fees for unclaimed vehicles will be paid by the County finance office from the proceeds collected from the sale at auction of said unclaimed vehicles after the County finance office receives the proceeds from the auctioneer and a purchase order is approved to be paid.

- D. The towing operator must only charge the rates set forth in this contract and in conformity with these provisions. No other charges or fees are permitted.
- E. The towing operator must NOT exceed those rates regulated by the New Jersey State Department of Insurance set forth in N.J.A.C. 11:3-38.1 et seq.
- F. The towing operator must provide a current and complete rate schedule to all customers and must conspicuously display the rate schedule at all impound sites.
- G. The towing operator must tow the motor vehicle from the location of the police request to the towing operator's impound site(s). This shall constitute a single tow rate.
- H. The towing operator is expressly prohibited from charging the owner of the vehicle for towing the vehicle from the original impound site to another site affiliated with the towing operator.
- I. The towing operator is prohibited from charging a release fee for releasing vehicles after normal business hours.
- J. The towing operator must accept Visa and MasterCard credit cards and major auto club membership cards (i.e. AAA) twenty-four (24) hours a day, every day of the year.
- K. The towing operator must not charge the owner any additional fees for pulling the vehicle onto the flatbed truck. "Winching" fees are only permitted to pull the vehicle back onto the roadway and put the vehicle in proper position to "hook" the vehicle to the tow truck.
- L. Mileage fees are not permitted when a vehicle is impounded. Mileage fees shall only apply to vehicles, other than County vehicles, which are towed due to disablement or other causes, and the owner/driver provides consent for the towing of the vehicle to a destination of their choice, which may include, but is not limited to the towing operator's storage facility. Additionally, **NO OTHER FEES OR CHARGES ARE PERMITTED** except as set forth above. In the event of an extraordinary circumstance which would invoke undue hardship to the towing company, the Union County Police Chief or his authorized representative must be notified at (908) 654-9800 and give his written approval before the imposition of any assessment.

§ 13. Department of Motor Vehicles Information.

The Police Department of the County of Union shall provide, when requested, towing operators with the Department of Motor Vehicles information regarding registered owners and lien holders. Vehicle information requested and given shall be in conformance with N.J.S.A. 39:1-1 et seq., and shall not in any way violate the confidentiality that is reposed in the Police Department.

§ 14. County takeover of storage operations.

- A. In the event that the County exercises its right to takeover the storage services portion of this license, the County will provide the licensee with a written notice of same thirty (30) days prior to such takeover.
- B. The County will notify the licensee of the County's storage location. Licensee shall be required to deliver any vehicle towed under this license to the County's storage location. The County will be solely responsible for the storage of the vehicles and solely entitled to the fees associated with the storage services provided.
- C. Vehicles towed as a result of a motor vehicle accident shall not be stored in the County's storage location.
- D. Upon receipt of the vehicle by the County at its storage facility, the County shall inspect the vehicle and document the current condition and contents of the vehicle, including any existing damages and shall retain a record for its file.

§ 15. Implementation.

Upon the adoption of this chapter, the Clerk of the Board of Union County Chosen Freeholders shall give thirty (30) days' public notice of the receipt of license application (s) pursuant to this chapter. Public notice shall be given by publication in an appropriate newspaper circulated within the County. All towing operators, consistent with this chapter, who meet the requirements established by this chapter, shall be eligible for the issuance of a license upon payment of the required fees.

§ 16. License-issuing authority.

The license-issuing authority shall be the Board of Chosen Freeholders of the County of Union.

§ 17. Complaints; Violations and Penalties; Hearings.

- A. All violations of this chapter and all complaints by the public or police department against any towing service shall be forwarded to the Union County Board of Chosen Freeholders.
- B. The Union County Board of Chosen Freeholders, in their discretion, shall determine if any complaint or violation against a towing service is of such a serious nature as to warrant a hearing and possible disciplinary measures. If the Union County Board of Chosen Freeholders decides that a hearing is required, it shall upon proper notice to all interested parties, refer the matter to Municipal Court to conduct a hearing in which all parties may present evidence. If, after a hearing, the Municipal Court Judge finds that a towing service has violated any provision of this chapter, it may, depending on the

seriousness of the offense:

1. Fine the violating party not more than One Thousand Dollars (\$1,000.00);
2. Suspend the violating party from the towing list for not more than three (3) months for a first offense; not more than six (6) months for a second offense; not more than one (1) year for a third offense;
3. Permanently remove the violating party from the towing list for any violation after its third offense;
4. Imprisonment for not more than ninety (90) days.

§ 18. Effective date.

This ordinance shall take effect at the time and in the manner provided by law. The Clerk of the Board of Chosen Freeholders shall publish a notice in the appropriate newspaper of such introduction and of a public hearing on October 11, 2012.

RESULT: ADOPTED [UNANIMOUS]; MOVER: Mohamed S. Jalloh, Freeholder; **SECONDER:** Bette Jane Kowalski, Freeholder; **AYES:** Freeholder Estrada, Freeholder Hudak, Freeholder Jalloh, Freeholder Kowalski, Freeholder Scanlon, Freeholder Sullivan, Freeholder Wright, Vice Chairman Carter, Chairman Mirabella;

FIRST READING STATEMENT

Freeholder Jalloh, Policy Subcommittee Chairman, moved Ordinance 742-2012 for First Reading and authorized the Clerk of the Board to advertise same in accordance with the law. The Public Hearing and Final Reading are scheduled for Thursday, October 11, 2012.

PUBLIC COMMENT PORTION

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

Bruce Paterson, Garwood, had questions regarding Resolution 2012-770.

Deputy Director Rountree stated that this Resolution has been done in the past. There are 44 employees and it is 100% grant funded.

Chairman Mirabella stated that the funds are from the Workforce Investment Grant from the federal government.

Tina Renna, Cranford, stated that since the funds are from the Workforce Investment Grant, the employees may not work on campaigning and such, and are subject to the requirements of the HATCH Act.

Freeholder Sullivan interjected and stated that there are some exemptions to the HATCH Act.

Mrs. Renna stated that she believes that the County is responsible for those employees. Freeholder Sullivan explained that there is no responsibility to the County regardless of how many employees are paid from the federal government.

RESOLUTIONS

The following Resolutions are being offered for adoption:

2012-770 FREEHOLDER JALLOH: Authorizing the County Manager to award a contract to Mutual of America, Parsippany, New Jersey to implement an employee 401 (a) plan to provide benefits to county employees not covered under the Public Employee Retirement System (PERS) for the contract period July 1, 2012 through June 30, 2013 in an amount not to exceed \$168,562.45.

RESULT: ADOPTED [UNANIMOUS]; MOVER: Daniel P. Sullivan, Freeholder; **SECONDER:** Mohamed S. Jalloh, Freeholder; **AYES:** Freeholder Estrada, Freeholder Hudak, Freeholder Jalloh, Freeholder Kowalski, Freeholder Scanlon, Freeholder Sullivan, Freeholder Wright, Vice Chairman Carter, Chairman Mirabella;

2012-771 FREEHOLDER JALLOH: Authorizing the County Manager to award a contract to Mutual of America, Parsippany, New Jersey to provide Group Life Insurance with Group Accidental Death and Dismemberment Plan for employees not covered under the Public Employee Retirement System (PERS) for contract period July 1, 2012 through June 30, 2013 in an amount not to exceed \$36,000.

RESULT: ADOPTED [UNANIMOUS]; MOVER: Daniel P. Sullivan, Freeholder; **SECONDER:** Mohamed S. Jalloh, Freeholder; **AYES:** Freeholder Estrada, Freeholder Hudak, Freeholder Jalloh, Freeholder Kowalski, Freeholder Scanlon, Freeholder Sullivan, Freeholder Wright, Vice Chairman Carter, Chairman Mirabella;

2012-772 FREEHOLDER KOWALSKI: Authorizing the County Manager to renew the agreement with the Union County Educational Services Commission to provide state mandated education programs for the residents housed in the Juvenile Detention Center for the period of September 1, 2012 through August 31, 2013 in an amount not to exceed \$759,027.

RESULT: ADOPTED [UNANIMOUS]; MOVER: Daniel P. Sullivan, Freeholder; **SECONDER:** Mohamed S. Jalloh, Freeholder; **AYES:** Freeholder Estrada, Freeholder Hudak, Freeholder Jalloh, Freeholder Kowalski, Freeholder Scanlon, Freeholder Sullivan, Freeholder Wright, Vice Chairman Carter, Chairman Mirabella;

2012-773 FREEHOLDER KOWALSKI: Authorizing the County Manager to endorse and approve the 2013 Comprehensive County Youth Services Plan and Application for Grant Funds in the amount of \$736,827 as required by the State of New Jersey Juvenile Justice Commission, for the funding period of January 1, 2013 through December 31, 2013.

RESULT: ADOPTED [UNANIMOUS]; MOVER: Daniel P. Sullivan, Freeholder; **SECONDER:** Mohamed S. Jalloh, Freeholder; **AYES:** Freeholder Estrada, Freeholder Hudak, Freeholder Jalloh, Freeholder Kowalski, Freeholder Scanlon, Freeholder Sullivan, Freeholder Wright, Vice Chairman Carter, Chairman Mirabella;

2012-774 FREEHOLDER KOWALSKI: Amending Resolution Number 2012-258, to reduce the awarded allocation from \$3,386,103 to \$3,115,383 (\$270,720 decrease) by removing one award for

Bridgeway/Elizabeth Housing Authority 2003 Renewal, under the US Department of Housing & Urban Development (HUD) 2011 McKinney-Vento Act Homeless Assistance competitive grant.

RESULT: ADOPTED [UNANIMOUS]; MOVER: Daniel P. Sullivan, Freeholder; **SECONDER:** Mohamed S. Jalloh, Freeholder; **AYES:** Freeholder Estrada, Freeholder Hudak, Freeholder Jalloh, Freeholder Kowalski, Freeholder Scanlon, Freeholder Sullivan, Freeholder Wright, Vice Chairman Carter, Chairman Mirabella;

2012-775 FREEHOLDER KOWALSKI: Authorizing the County Manager to utilize Year Four of the option to extend the contract with Trinitas Regional Medical Center, Elizabeth, New Jersey, for the period of October 1, 2012 through September 30, 2013 in the amount of \$187,018.00 to provide case management and mental health services for juveniles in the Juvenile Detention Center consistent with the federal agreement of the federal "DUCS" initiative.

RESULT: ADOPTED [UNANIMOUS]; MOVER: Daniel P. Sullivan, Freeholder; **SECONDER:** Mohamed S. Jalloh, Freeholder; **AYES:** Freeholder Estrada, Freeholder Hudak, Freeholder Jalloh, Freeholder Kowalski, Freeholder Scanlon, Freeholder Sullivan, Freeholder Wright, Vice Chairman Carter, Chairman Mirabella;

2012-776 FREEHOLDER KOWALSKI: Authorizing the County Manager to exercise Option Year 4 of the Agreement with the U.S. Department of Health & Human Services, Office of Refugee Resettlement (ORR), Division of Unaccompanied Children's Service (DUCS) to provide secure care and placement services to Unaccompanied Alien Children (UAC) in the Union County Juvenile Detention Center by guaranteeing ten (10) secure beds at the rate of \$224.97 per bed per day with access to five (5) additional beds on an as needed space available basis at the rate of \$224.97 per bed per day for the period effective October 1, 2012 through September 30, 2013.

RESULT: ADOPTED [UNANIMOUS]; MOVER: Daniel P. Sullivan, Freeholder; **SECONDER:** Mohamed S. Jalloh, Freeholder; **AYES:** Freeholder Estrada, Freeholder Hudak, Freeholder Jalloh, Freeholder Kowalski, Freeholder Scanlon, Freeholder Sullivan, Freeholder Wright, Vice Chairman Carter, Chairman Mirabella;

2012-777 FREEHOLDER SCANLON: Amending Resolution Number 2011-926, to reflect a change in the account number only.

RESULT: ADOPTED [UNANIMOUS]; MOVER: Daniel P. Sullivan, Freeholder; **SECONDER:** Mohamed S. Jalloh, Freeholder; **AYES:** Freeholder Estrada, Freeholder Hudak, Freeholder Jalloh, Freeholder Kowalski, Freeholder Scanlon, Freeholder Sullivan, Freeholder Wright, Vice Chairman Carter, Chairman Mirabella;

2012-778 FREEHOLDER SULLIVAN: Authorizing the County of Union Pension Certifying Officer to process an Involuntary Disability Retirement Application for Union County employee, Correction Officer Michael Hoffart.

RESULT: ADOPTED [UNANIMOUS]; MOVER: Daniel P. Sullivan, Freeholder; **SECONDER:** Mohamed S. Jalloh, Freeholder; **AYES:** Freeholder Estrada, Freeholder Hudak, Freeholder Jalloh, Freeholder Kowalski, Freeholder Scanlon, Freeholder Sullivan, Freeholder Wright, Vice Chairman Carter, Chairman Mirabella;

2012-779 FREEHOLDER SULLIVAN: Amending Resolution Number 2011-799, (BA#84) a contract (through the public bidding process) with Flanagan's Contracting Group, Hillsborough, New Jersey, approving Change Order No. 2 (final) for the Meisel Avenue Park Reconstruction Project in the amount of \$21,582.99 for a new total amount of \$2,893,008.49.

RESULT: ADOPTED [UNANIMOUS]; MOVER: Daniel P. Sullivan, Freeholder; **SECONDER:** Mohamed S. Jalloh, Freeholder; **AYES:** Freeholder Estrada, Freeholder Hudak, Freeholder Jalloh, Freeholder Kowalski, Freeholder Scanlon, Freeholder Sullivan, Freeholder Wright, Vice Chairman Carter, Chairman Mirabella;

2012-780 FREEHOLDER SULLIVAN: Authorizing the County Manager to award the proposed contract obtained through advertised public bidding in accordance with the Local Public Contracts Law, NJSA 40A:11-1 et seq: Department of Parks and Community Renewal: Storr Tractor Company of Branchburg, New Jersey, for the purpose of providing an Irrigation Control System at Ash Brook Golf Course in the amount of \$56,050.58.

RESULT: ADOPTED [UNANIMOUS]; MOVER: Daniel P. Sullivan, Freeholder; **SECONDER:** Mohamed S. Jalloh, Freeholder; **AYES:** Freeholder Estrada, Freeholder Hudak, Freeholder Jalloh, Freeholder Kowalski, Freeholder Scanlon, Freeholder Sullivan, Freeholder Wright, Vice Chairman Carter, Chairman Mirabella;

2012-781 FREEHOLDER WRIGHT: Amending Resolution Number 2012-670, to reflect a change in the name from Kratos Mid-Atlantic, Inc., Newport, Delaware, to Kratos Public Safety & Security, Fairlawn, New Jersey.

RESULT: ADOPTED [UNANIMOUS]; MOVER: Daniel P. Sullivan, Freeholder; **SECONDER:** Mohamed S. Jalloh, Freeholder; **AYES:** Freeholder Estrada, Freeholder Hudak, Freeholder Jalloh, Freeholder Kowalski, Freeholder Scanlon, Freeholder Sullivan, Freeholder Wright, Vice Chairman Carter, Chairman Mirabella;

2012-782 FREEHOLDER WRIGHT: Authorizing the County Manager to enter into an Affiliation Agreement between Runnells Specialized Hospital and Kean University, Union, New Jersey, to provide field work experience for students enrolled in the Counselor Education Program at Kean University for the period of September 1, 2012 through September 1, 2014 at no cost to the County.

RESULT: ADOPTED [UNANIMOUS]; MOVER: Daniel P. Sullivan, Freeholder; **SECONDER:** Mohamed S. Jalloh, Freeholder; **AYES:** Freeholder Estrada, Freeholder Hudak, Freeholder Jalloh, Freeholder Kowalski, Freeholder Scanlon, Freeholder Sullivan, Freeholder Wright, Vice Chairman Carter, Chairman Mirabella;

2012-783 CHAIRMAN MIRABELLA: Authorizing the County Manager, through the Union County Prosecutor's Office, to enter into a contract with Integrated Systems & Services for purchase of Cardinal Peak Interview Management System, for the period of October 1, 2012 through September 30, 2013 in an amount not to exceed \$28,000.

RESULT: ADOPTED [UNANIMOUS]; MOVER: Daniel P. Sullivan, Freeholder; **SECONDER:** Mohamed S. Jalloh, Freeholder; **AYES:** Freeholder Estrada, Freeholder Hudak, Freeholder Jalloh, Freeholder Kowalski, Freeholder Scanlon, Freeholder Sullivan, Freeholder Wright, Vice Chairman Carter, Chairman Mirabella;

2012-784 CHAIRMAN MIRABELLA: Authorizing the County Manager to designate the following vehicle as surplus, no longer needed for County purposes, and authorizes the County Manager to dispose of the vehicle in accordance with N.J.S.A.40A:11-36: 1999 Ford Van.

RESULT: ADOPTED [UNANIMOUS]; MOVER: Daniel P. Sullivan, Freeholder; **SECONDER:** Mohamed S. Jalloh, Freeholder; **AYES:** Freeholder Estrada, Freeholder Hudak, Freeholder Jalloh, Freeholder Kowalski, Freeholder Scanlon, Freeholder Sullivan, Freeholder Wright, Vice Chairman Carter, Chairman Mirabella;

2012-785 CHAIRMAN MIRABELLA: Authorizing the County Manager to donate the following vehicle: A 1999 Ford Van to the Borough of Roselle Park as it is no longer needed for County purposes pursuant to N.J.S.A. 40A:11-36(2).

RESULT: ADOPTED [UNANIMOUS]; MOVER: Daniel P. Sullivan, Freeholder; **SECONDER:** Mohamed S. Jalloh, Freeholder; **AYES:** Freeholder Estrada, Freeholder Hudak, Freeholder Jalloh, Freeholder Kowalski, Freeholder Scanlon, Freeholder Sullivan, Freeholder Wright, Vice Chairman Carter, Chairman Mirabella;

2012-786 CHAIRMAN MIRABELLA: Amending Resolution Number 2012-524, a contract with Bauch, Zucker, Hatfield, LLC., Springfield, New Jersey, special counsel for labor negotiations and personnel affairs to increase the cap for legal services in an amount not to exceed \$75,000 for a total amount not to exceed \$245,000.

RESULT: ADOPTED [UNANIMOUS]; MOVER: Daniel P. Sullivan, Freeholder; **SECONDER:** Mohamed S. Jalloh, Freeholder; **AYES:** Freeholder Estrada, Freeholder Hudak, Freeholder Jalloh, Freeholder Kowalski, Freeholder Scanlon, Freeholder Sullivan, Freeholder Wright, Vice Chairman Carter, Chairman Mirabella;

2012-787 CHAIRMAN MIRABELLA: Authorizing the County Manager to award the proposed contract obtained through advertised public bidding in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq: Department of Engineering, Public Works & Facilities; Division of Facilities Management; Runnells Specialized Hospital: Interstate Home Services, Fairlawn, New Jersey, for the purpose of providing Roofing Maintenance & Repair Services for a contract period of twenty-four (24) consecutive months, in the amount of \$303,960.00.

RESULT: ADOPTED [UNANIMOUS]; MOVER: Daniel P. Sullivan, Freeholder; **SECONDER:** Mohamed S. Jalloh, Freeholder; **AYES:** Freeholder Estrada, Freeholder Hudak, Freeholder Jalloh, Freeholder Kowalski, Freeholder Scanlon, Freeholder Sullivan, Freeholder Wright, Vice Chairman Carter, Chairman Mirabella;

2012-788 CHAIRMAN MIRABELLA: Resolution concurring with the Township of Springfield, granting permission to the Springfield Patriot Chamber of Commerce to close Mountain Avenue, between Caldwell Place and Morris Avenue, between the hours of 11:00 a.m. and 5:00 p.m. on Sunday, October 14, 2012 with a rain date of Sunday October 21, 2012 for the Fall Festival. Also, granting permission to the Chamber of Commerce to hang a banner, Take Pride in Springfield Committee, Auxiliary Police, on Mountain and Meisel Avenue from September 28, 2012 to October 23, 2012.

RESULT: ADOPTED [UNANIMOUS]; MOVER: Daniel P. Sullivan, Freeholder; **SECONDER:** Mohamed S. Jalloh, Freeholder; **AYES:** Freeholder Estrada, Freeholder Hudak,

Freeholder Jalloh, Freeholder Kowalski, Freeholder Scanlon, Freeholder Sullivan, Freeholder Wright, Vice Chairman Carter, Chairman Mirabella;

2012-789 CHAIRMAN MIRABELLA: Resolution authorizing the County Manager to award the proposed contract obtained through advertised public bidding in accordance with the Local Public Contracts Laws, NJSA 40A:11-1 et seq: Department of Engineering, Public Works & Facilities: International Salt Company, LLC., Clarks Summit, Pennsylvania, for a contract period of twelve (12) consecutive months with an option to extend contract to twenty-four (24) months in an amount not to exceed \$415,120.00.

RESULT: ADOPTED [UNANIMOUS]; MOVER: Daniel P. Sullivan, Freeholder; **SECONDER:** Mohamed S. Jalloh, Freeholder; **AYES:** Freeholder Estrada, Freeholder Hudak, Freeholder Jalloh, Freeholder Kowalski, Freeholder Scanlon, Freeholder Sullivan, Freeholder Wright, Vice Chairman Carter, Chairman Mirabella;

2012-790 CHAIRMAN MIRABELLA: Resolution concurring with the City of Plainfield to hang a banner on Park Avenue from October 1, 2012 through November 5, 2012 for the Plainfield Public School's Homecoming Parade.

RESULT: ADOPTED [UNANIMOUS]; MOVER: Daniel P. Sullivan, Freeholder; **SECONDER:** Mohamed S. Jalloh, Freeholder; **AYES:** Freeholder Estrada, Freeholder Hudak, Freeholder Jalloh, Freeholder Kowalski, Freeholder Scanlon, Freeholder Sullivan, Freeholder Wright, Vice Chairman Carter, Chairman Mirabella;

2012-791 CHAIRMAN MIRABELLA: Authorizing the County Manager to accept and expend a grant from the Port Authority of New York and New Jersey in the amount of \$100,416.

RESULT: ADOPTED [UNANIMOUS]; MOVER: Daniel P. Sullivan, Freeholder; **SECONDER:** Mohamed S. Jalloh, Freeholder; **AYES:** Freeholder Estrada, Freeholder Hudak, Freeholder Jalloh, Freeholder Kowalski, Freeholder Scanlon, Freeholder Sullivan, Freeholder Wright, Vice Chairman Carter, Chairman Mirabella;

2012-792 CHAIRMAN MIRABELLA: Authorizing the County Manager to apply for and accept a Federal Emergency Management Performance Grant (EMPG) in the amount of \$45,533.00 with a Union County 100% in-kind match.

RESULT: ADOPTED [UNANIMOUS]; MOVER: Daniel P. Sullivan, Freeholder; **SECONDER:** Mohamed S. Jalloh, Freeholder; **AYES:** Freeholder Estrada, Freeholder Hudak, Freeholder Jalloh, Freeholder Kowalski, Freeholder Scanlon, Freeholder Sullivan, Freeholder Wright, Vice Chairman Carter, Chairman Mirabella;

2012-793 CHAIRMAN MIRABELLA: Amending Resolution Number 2012-237, to increase the appropriation to Weber Dowd Law, Woodland Park, New Jersey, in the matter entitled Beverly Figueroa v. UC, et als, in the amount of \$10,000 for total sum not to exceed \$20,000.00.

RESULT: ADOPTED [UNANIMOUS]; MOVER: Daniel P. Sullivan, Freeholder; **SECONDER:** Mohamed S. Jalloh, Freeholder; **AYES:** Freeholder Estrada, Freeholder Hudak, Freeholder Jalloh, Freeholder Kowalski, Freeholder Scanlon, Freeholder Sullivan, Freeholder Wright, Vice Chairman Carter, Chairman Mirabella;

2012-794 CHAIRMAN MIRABELLA: Amending Resolution Number 2012-488, to increase the appropriation to Kologi Simitz, Linden, New Jersey, in the matter entitled Rose Bravo v. UC, et als, in the amount of \$5,000.00 for a total amount not to exceed \$15,000.00.

RESULT: ADOPTED [UNANIMOUS]; MOVER: Daniel P. Sullivan, Freeholder; **SECONDER:** Mohamed S. Jalloh, Freeholder; **AYES:** Freeholder Estrada, Freeholder Hudak, Freeholder Jalloh, Freeholder Kowalski, Freeholder Scanlon, Freeholder Sullivan, Freeholder Wright, Vice Chairman Carter, Chairman Mirabella;

2012-795 CHAIRMAN MIRABELLA: Amending Resolution Number 2012-589, to increase the appropriation to DeCotiis, Fitzpatrick & Cole, Teaneck, New Jersey, in the matter entitled Jonathan Dawkins v. UC, et als, in the amount of \$10,000.00 for a total amount not to exceed \$95,000.00.

RESULT: ADOPTED [UNANIMOUS]; MOVER: Daniel P. Sullivan, Freeholder; **SECONDER:** Mohamed S. Jalloh, Freeholder; **AYES:** Freeholder Estrada, Freeholder Hudak, Freeholder Jalloh, Freeholder Kowalski, Freeholder Scanlon, Freeholder Sullivan, Freeholder Wright, Vice Chairman Carter, Chairman Mirabella;

FREEHOLDER SPONSORED RESOLUTIONS

2012-796 FREEHOLDER ESTRADA: Expressing the Board's deepest sympathy to the family of Larry Body of Roselle, New Jersey, in this their time of sorrow

RESULT: ADOPTED [UNANIMOUS]; MOVER: Daniel P. Sullivan, Freeholder; **SECONDER:** Mohamed S. Jalloh, Freeholder; **AYES:** Freeholder Estrada, Freeholder Hudak, Freeholder Jalloh, Freeholder Kowalski, Freeholder Scanlon, Freeholder Sullivan, Freeholder Wright, Vice Chairman Carter, Chairman Mirabella;

2012-797 FREEHOLDER HUDAK: Extending the Board's deepest sympathy to the family of Virginia D. Graziano of Linden, New Jersey, in their time of sorrow.

RESULT: ADOPTED [UNANIMOUS]; MOVER: Daniel P. Sullivan, Freeholder; **SECONDER:** Mohamed S. Jalloh, Freeholder; **AYES:** Freeholder Estrada, Freeholder Hudak, Freeholder Jalloh, Freeholder Kowalski, Freeholder Scanlon, Freeholder Sullivan, Freeholder Wright, Vice Chairman Carter, Chairman Mirabella;

2012-798 FREEHOLDER KOWALSKI: Congratulating Ben Ilaria of Cranford Boy Scout Troop 80 on attaining the rank of Eagle Scout at a Court of Honor on Saturday, October 6, 2012.

RESULT: ADOPTED [UNANIMOUS]; MOVER: Daniel P. Sullivan, Freeholder; **SECONDER:** Mohamed S. Jalloh, Freeholder; **AYES:** Freeholder Estrada, Freeholder Hudak, Freeholder Jalloh, Freeholder Kowalski, Freeholder Scanlon, Freeholder Sullivan, Freeholder Wright, Vice Chairman Carter, Chairman Mirabella;

2012-799 FREEHOLDER KOWALSKI, FREEHOLDER ESTRADA: Recognizing September 15, 2012 through October 15, 2012 as National Hispanic Heritage Month.

RESULT: ADOPTED [UNANIMOUS]; MOVER: Daniel P. Sullivan, Freeholder; **SECONDER:** Mohamed S. Jalloh, Freeholder; **AYES:** Freeholder Estrada, Freeholder Hudak,

Freeholder Jalloh, Freeholder Kowalski, Freeholder Scanlon, Freeholder Sullivan, Freeholder Wright, Vice Chairman Carter, Chairman Mirabella;

2012-800 FREEHOLDER SULLIVAN: Commending the Union County Emergency SWAT team on their fourth place performance at the 8th Annual Connecticut SWAT Challenge.

RESULT: ADOPTED [UNANIMOUS]; MOVER: Daniel P. Sullivan, Freeholder; **SECONDER:** Mohamed S. Jalloh, Freeholder; **AYES:** Freeholder Estrada, Freeholder Hudak, Freeholder Jalloh, Freeholder Kowalski, Freeholder Scanlon, Freeholder Sullivan, Freeholder Wright, Vice Chairman Carter, Chairman Mirabella;

2012-801 VICE CHAIRMAN CARTER: Extending the Board's deepest sympathy to the family of Charles D. "Pete" Brown of Plainfield, New Jersey, in this their time of sorrow.

RESULT: ADOPTED [UNANIMOUS]; MOVER: Daniel P. Sullivan, Freeholder; **SECONDER:** Mohamed S. Jalloh, Freeholder; **AYES:** Freeholder Estrada, Freeholder Hudak, Freeholder Jalloh, Freeholder Kowalski, Freeholder Scanlon, Freeholder Sullivan, Freeholder Wright, Vice Chairman Carter, Chairman Mirabella;

2012-802 MR. AND THE ENTIRE BOARD: Expressing the Board's deepest sympathies to the family of Myrta (Lopez) Velez of Elizabeth, New Jersey, in this their time of sorrow.

RESULT: ADOPTED [UNANIMOUS]; MOVER: Daniel P. Sullivan, Freeholder; **SECONDER:** Mohamed S. Jalloh, Freeholder; **AYES:** Freeholder Estrada, Freeholder Hudak, Freeholder Jalloh, Freeholder Kowalski, Freeholder Scanlon, Freeholder Sullivan, Freeholder Wright, Vice Chairman Carter, Chairman Mirabella;

2012-803 MR. AND THE ENTIRE BOARD: Recognizing former Union County Freeholder, Chester Holmes, for his 50 plus years of public service in the City of Rahway, New Jersey and the County of Union as he is honored on October 13, 2012 at the JFK Community Center in Rahway.

RESULT: ADOPTED [UNANIMOUS]; MOVER: Daniel P. Sullivan, Freeholder; **SECONDER:** Mohamed S. Jalloh, Freeholder; **AYES:** Freeholder Estrada, Freeholder Hudak, Freeholder Jalloh, Freeholder Kowalski, Freeholder Scanlon, Freeholder Sullivan, Freeholder Wright, Vice Chairman Carter, Chairman Mirabella;

2012-804 MR. AND THE ENTIRE BOARD: Congratulating the students, staff, and administrators of the Union County Vocational-Technical High School on being designated a Blue Ribbon School by the National Blue Ribbon Schools Program.

RESULT: ADOPTED [UNANIMOUS]; MOVER: Daniel P. Sullivan, Freeholder; **SECONDER:** Mohamed S. Jalloh, Freeholder; **AYES:** Freeholder Estrada, Freeholder Hudak, Freeholder Jalloh, Freeholder Kowalski, Freeholder Scanlon, Freeholder Sullivan, Freeholder Wright, Vice Chairman Carter, Chairman Mirabella;

PUBLIC COMMENT PORTION

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

Tom Getzendanner, City Council Member of Summit, made comments regarding privatizing

departments and merging police, the tax levy, and electing Freeholders at-large.

A copy of Mr. Getzendanner's comments are attached.

Chairman Mirabella stated that he appreciates Mr. Getzenanner's comments and the other Council Members who have attended the Freeholder Meetings in the past. He said that he believes that most of the counties in the State elect their Freeholders at-large. He said if a change is warranted, it needs to be done by State interaction.

Pat Mochetti, New Providence, had questions pertaining to the budget for the Division of Cultural and Heritage, the Group Insurance Plan and the Union County College System.

County Manager Faella stated that most of the positions for Cultural and Heritage are grant funded.

Deputy Director Rountree said they receive a number of grants, some of them are paid through grant dollars. She said there are approximately 8 to 10 that work out of Office of Cultural and Heritage. This department has programs for seniors, the Teen Art Show, 4 Centuries in a Weekend. It allows for schools and kids to get involved.

Comptroller Frank Patusniak spoke on the question relative to the group insurance, stating that the difference between the 2011 funding is because some of the funding was from the Open Space, Recreation and Historic Preservation Trust Fund. He said the State said they require the operating budget be shown.

Mr. Patusniak confirmed that it was the case.

Director DiRado stated that there was a 2.94% increase in the health and prescription plan for 2012/2013. The contract runs from July 1, 2012 through June 30, 2013. The budget shows half in 2011 and half in 2012.

Chairman Mirabella asked what if the remaining dollars are added to the surplus or if they are applied to other items.

Chairman Mirabella stated that Dr. Margaret McMenamin, President of Union County College does a great job, and he, and the entire Board have total faith in her and her staff. He said the Board cares deeply how the money is spent.

Freeholder Sullivan stated that the Board does not "micro-manage" Union County College. He said we are part of their funding stream and the Board does not sit on the College's Board of Trustees.

Ginger Jenkins, Nurse at Runnells Specialized Hospital stated that they have been hearing a lot of rumors that the Hospital is either going to be sold, closed or merged. She said they would appreciate some information.

Chairman Mirabella stated that they are conducting a study, and no decisions have been made to date. He asked Administrator Wheeler to speak to the employees to keep them abreast of what is going on.

Jim Buettner, Cranford, asked how the funding to Union County College is being spent.

Chairman Mirabella stated that Union County College has a Board of School Estimates, in which they present their budget to the Board of Freeholders and we discuss how much funding they will receive. The funding goes towards paying the teachers and maintenance of the buildings. He advised those interested to view the College's audit of how the money is being spent.

Chairman Mirabella stated that the Board is pleased to fund money for education. He said Union County College is one of the best college's in the State.

Chairman Mirabella stated that the County has entered into a partnership with the Union County Performing Arts Center. It is a separate entity having their own budget.

Bruce Paterson, Garwood, asked for an apology from Freeholder Sullivan regarding a past Freeholder Meeting.

County Counsel Barry stated that comments should be addressed to the Chairman of the Board only, otherwise, it is considered to be out of order.

Mr. Paterson called County Counsel Barry, "stupid."

Mr. Paterson thanked Freeholder Wright and Freeholder Estrada for voting no for Resolution 2012-724 at the previous Regular Meeting.

Mr. Paterson spoke about accountability for the funding to Union County College. He spoke about the former President of Union County College, Dr. Brown's compensation. He urged the Freeholder Board to sit on the Union County Board of Trustees.

Mr. Paterson spoke about the Union County Improvement Authority's solar project. He appreciates the presentation made by Executive Director Charlotte DeFilippo and Special Bond Counsel Jonathan Williams last week, but stated that the presentation should have been done at a Regular Freeholder Meeting. He does not agree with some of the comments made by Executive Director DeFilippo.

Mr. Paterson stated that the Freeholders should be elected by district.

John Bury, Kenilworth, stated that the check registries includes how the money has been spent at the Union County Performing Arts Center. He stated that he regrets that he missed the presentation of the solar program at the last meeting.

Chairman Mirabella stated that the Solar project report is available to the public.

Mr. Bury stated that he saw the report and asked if there is a possibility that the bonds will default. He asked if there is a timeline in place of the default, and if it does default, if the County will be responsible.

County Manager Faella stated that Mr. Williams, Esq. had planned on attending the meeting to answer any questions, but he had a death in the family and was unable to make it.

Chairman Mirabella stated that the report contains the scope of the work. He also asked that Mr. Bury share with his friends how the funding for the Union County Performing Arts Center is being utilized.

Tina Renna, Cranford, had questions regarding accountability. She said the Union County Alliance does not have a budget or minutes in place. She said she visited the Alliance about one month ago and sent a letter, but has received no reply.

Mrs. Renna asked why grass is being planted on a construction site at the former Union County Improvement Authority site. She stated that a fourth person has filed a lawsuit for being laid off from the County, and one person was hired back to another department. She asked by the fairness. She made comments regarding an employee having had their license revoked, and being "chauffered" from place to place, and asked why he was not transferred to another department.

Mrs. Renna asked if there was an update on the stolen equipment.

Director DiRado gave an explanation of the rehiring process relative to civil service and constitutional office hires permitted by law.

FREEHOLDER REPORTS AND COMMENTS

Freeholder Wright spoke about the November 6th Presidential Election, and reminded the public about the County Clerk's Vote-By-Mail service for eligible voters. The Vote-By-Mail service is an easy, secure process that has replaced the absentee ballot. Voters do not need to give a reason why they wish to use Vote-By-Mail. Voters can apply for a ballot in person at either of the County Clerk's offices in Elizabeth or Westfield, receive their ballot, and cast the ballot all at the same time. Applications are also available at your local municipal building, or you can download it online at the Union County Clerk's website, [ucnj.org/votebymail](http://www.ucnj.org/votebymail) <<http://www.ucnj.org/votebymail>>.

Freeholder Wright also mentioned that she attended the Dispatch Center Ribbon cutting on Monday.

Freeholder Hudak announced that Union County will be participating in the National Take Back Initiative this Saturday. The program is designed to help you dispose of outdated or unwanted prescription drugs safely and securely, so they don't fall into the wrong hands or harm the environment. Prescriptions must be in their original containers to the County's Ralph Froehlich Public Safety Building, at 300 North Avenue East in Westfield, on Saturday, September 29th from 9:00 a.m. to 5:00 p.m. This is a fully staffed drop-off point so you know that your prescriptions will be disposed of properly. He stated that last year, the statewide collection totaled 9,831 pounds and we are hoping to do our part in beating that record this year.

Freeholder Hudak urged the public to visit the County's website for a list of other drop-off locations at ucnj.org/medication-disposal <<http://ucnj.org/medication-disposal>> or call the Union County Police Department at 908-654-9800.

Freeholder Kowalski spoke about the passing of Larry Body, who was very involved in the community. He said he was involved with the Urban League, Roselle School system and community affairs. She and the entire Board sent their condolences to his family.

Freeholder Kowalski announced that Harvest Fest will be held at Trailside on Sunday, September 30th from 11 to 5.

Freeholder Kowalski thanked the nurses of Runnells Specialized Hospital for attending the Freeholder Meeting. She said the Hospital is an exemplary facility, but there have been problems resulting in Medicare/Medicaid reimbursement cuts made by the State. She said the Freeholders

have attended State meetings and added that there are many counties that can no longer run hospitals. She urged the public to contact Governor Christie's office. She said when the study of the Hospital is complete, a decision will be made and the study will be made available to the public.

Freeholder Sullivan made comments regarding districting. He said that there are three Counties that are elected by district in the State, and the remaining is elected at-large and said Union County has a County Manager form of government.

Freeholder Sullivan stated that in reference to comments made about Union County College, it is a three part funding system: county taxes, student fees and state aid. He said the College has the same salary raise policy as the County because the Board approves their budget. The Board is not involved in their day to day functions, and cannot sit on the Board of Trustees due to a conflict of interest. He said they have a great relationship with the College.

Freeholder Sullivan spoke about the HATCH Act policies and procedures.

Freeholder Sullivan made comments pertaining to the *Travisano v. County of Union* lawsuit and stated that it cost the County in large sums in legal fees. He said the case went to the Supreme Court and Mr. Travisano lost his case.

County Counsel Barry stated that the HATCH Act does not prohibit employees participating on campaigning, and explained the Acts rules.

County Manager Faella thanked Mrs. Jenkins for attending the Freeholder Meeting. He stated that they will meet with the staff at Runnells Specialized Hospital to keep them abreast of their plans at the Hospital. He said he appreciates the staff's work.

Vice Chairman Carter said that she is very pleased to report that we have just received notification about two Green Acres grants from New Jersey's Garden State Preservation Trust. We are going to receive a matching grant of \$975,000 designated for land acquisitions by our Union County Open Space, Recreation and Historic Preservation Trust Fund. We are also going to receive a matching grant of \$900,000, which will go toward upgrades for Oak Ridge Park in Clark. Oak Ridge is a former golf course that we opened up to multi-use recreation in 2009. We also converted the driving range to a new Olympic scale archery range, which has proved to be a great success. This grant will go a long way toward making further improvements, and realizing the park's full potential to benefit Union County residents and visitors into the future.

Chairman Mirabella spoke about Union County Means Business sixth session that will be upcoming on October 16th from 8:00 a.m. to 9:30 a.m. at the NJ Sharing Network in New Providence. It is called "21st Century Business:" Navigating Technology and Social Media." It will help with exploring and using the internet to your advantage. It is a free event.

Chairman Mirabella urged the public to visit the website at ucnj.org/ucmeansbusiness, or contact the County Manager's Office at 908-527-4200. He stated that the series is designed to help business connect with all the local, state and federal resources that are available. The last five sessions had an overwhelming response.

Chairman Mirabella thanked all the Directors for their hard work with the event, especially Bureau Chief of the Bureau of Government Relations and Community Outreach Amy Wagner and Deputy Director of Parks and Community Renewal Cherron Rountree.

Chairman Mirabella announced that the County will be holding the fourth Annual Columbus Day Flag Raising event set for Friday, October 5th, at 1:30 p.m. on the steps of the historic Union County Courthouse. He said it is an event that we started when I served previously as chairman, and we have had many prominent supporters over the years appear with us. This year's keynote speaker is Former Governor James J. Florio, and we will also be featuring a number of other prominent personalities and business people. We will be joined by representatives from UNICO, the Italian American Service organization that helps us to organize this event each year.

After the flag-raising, all are invited a reception featuring espresso and Italian food and pastries in the court house.

Italian Americans continue to make amazing contributions to America, and we celebrate those contributions as well as a culture that has made great contributions to modern society.

Chairman Mirabella stated that he is looking forward to this day, and looking forward to seeing many of my colleagues and members of the public at the courthouse on this day. He urged the public to attend the Town of Clark's Columbus Day fair/feast.

Chairman Mirabella referenced comments made earlier regarding Dr. Brown of Union County College. He stated Dr. Brown's contract was negotiated more than 20 years ago, when none of the Freeholders who are currently on the Board were Freeholders at that time.

Chairman Mirabella stated that Union County Vocational-Technical Schools started their Information Centers. He said there was an overwhelming response. He urged the public to view the Union County Vocational-Technical Schools website. He said the next session will be held on October 10th at 6:00pm.

ADJOURNMENT

Motion to adjourn the meeting at 8:18 PM.

RESULT: ADOPTED [UNANIMOUS]; MOVER: Christopher Hudak, Freeholder; **SECONDER:** Deborah P. Scanlon, Freeholder; **AYES:** Freeholder Estrada, Freeholder Hudak, Freeholder Jalloh, Freeholder Kowalski, Freeholder Scanlon, Freeholder Sullivan, Freeholder Wright, Vice Chairman Carter, Chairman Mirabella;

2012 UNION COUNTY BOARD OF CHOSEN FREEHOLDERS' 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.

REORGANIZATION MEETING - SUNDAY, JANUARY 8, 2012 at 12:00pm
Assignment Judge Karen M. Cassidy's Courtroom, 2 Broad Street, Elizabeth, NJ

AGENDA SETTING MEETINGS

January 19, 2012

February 2, 2012

REGULAR MEETINGS

January 26, 2012

February 9, 2012

February 16, 2012

March 1, 2012
March 15, 2012

April 5, 2012
April 26, 2012

May 3, 2012
May 17, 2012

June 14 2012
June 28, 2012

July 12, 2012

August 9, 2012

September 6, 2012
September 20, 2012

October 4, 2012
October 18, 2012

November 8, 2012
Tues., November 20, 2012

December 6, 2012
December 20, 2012

February 23, 2012

March 8, 2012
March 22, 2012

April 19, 2012
April 26, 2012

May 3, 2012
May 31, 2012

June 14 2012
June 28, 2012

July 19, 2012


August 16, 2012

September 13, 2012
September 27, 2012

October 11, 2012
October 18, 2012

November 8, 2012
November 29, 2012

December 6, 2012
December 20, 2012



James E. Pellettiere

Clerk of the Board

JEP:mb