



UNION COUNTY BOARD OF CHOSEN FREEHOLDERS

**THURSDAY, APRIL 11, 2019
REGULAR MEETING AGENDA**

CALL TO ORDER

Chairman Kowalski presided over the meeting and called the meeting to order at 7:02 P.M.

ROLL CALL

Roll call showed Chairman Bette Jane Kowalski, Vice Chairman Alexander Mirabella, Freeholder Angel G. Estrada, Freeholder Christopher Hudak, Freeholder Kimberly Palmieri – Mouded, Freeholder Andrea Staten, Freeholder Rebecca Williams were present; with Freeholder Angela R. Garretson and Freeholder Sergio Granados absent.

Also present were County Manager Edward T. Oatman, County Counsel Robert E. Barry, Esq., and Clerk of the Board James E. Pellettiere.

PRAYER AND SALUTE TO THE FLAG

The prayer and salute to the flag were led by Clerk of the Board Pellettiere.

STATEMENT OF COMPLIANCE WITH THE OPEN PUBLIC MEETINGS ACT

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

PRESENTATION BY THE BOARD

Check award presentations were made by the Board to the various recipients of the 2019 Infrastructure Grants.

Chairman Kowalski thanked everyone in attendance and noted that the Infrastructure Grants were started by Freeholder Hudak when he was Chairman of the Board. She advised that funds from the sale of Runnell's Hospital have been awarded to the various municipalities within the county as matching grants to fund local improvements.

Freeholder Hudak applauded the Board for their continued support relative to the Infrastructure Grants and noted how funds assist in municipal improvements and their respective communities overall.

Chairman Kowalski joined by Freeholder Hudak presented the check awards to the various recipients. Councilmen Steve Hund, Bill Smith, and Brian Toal accepted the award on behalf of Clark Township; Mayor Angie Devanney accepted the award on behalf of Berkeley Heights Township; Freeholder Estrada and Freeholder Granados joined by Mayor J. Christian Bollwage and Principal Engineer Steve Rinaldi accepted the award on behalf of the City of Elizabeth; Municipal Clerk Eleanor McGovern joined by Vice Chairman Mirabella accepted the award on behalf of the Borough of Fanwood; Municipal Engineer Michael Disko accepted the award on behalf of the Borough of Garwood; Councilman Lawrence

Clementi joined by Sheriff Peter Corvelli accepted the award on behalf of the Borough of Kenilworth; Councilwoman Rhashonna C. Cosby and Councilman John Francis Roman joined by city engineer Nicholas J. Pantina accepted the award on behalf of the City of Linden; Borough Engineer Michael Disko accepted the award on behalf of the City of Mountainside; Township Administrator Hope Smith joined by Director of Public Works Hanifa Z. Johnson accepted the award on behalf of the Township of Hillside; Councilman Robert Muñoz accompanied by Borough Administrator Douglas R. Marvin accepted the award on behalf of the Borough of New Providence; Freeholder Williams joined City Administrator Carlos N. Sanchez and Director of Public Works Oren K. Dabney in accepting the award on behalf of the City of Plainfield; Councilman Jeremy Mojica accepted the award on behalf of the City of Rahway; Freeholder Staten joined Mayor Christine Dansereau in accepting the award on behalf of the City of Roselle; Vice Chairman Mirabella joined Mayor Joseph Signorello III and Borough Clerk Andrew Casals in accepting the check on behalf of the Borough of Roselle Park; Vice Chairman Mirabella joined by Roshan “Roc” White accepted the award on behalf of the Township of Scotch Plains; Mayor Patrick Giblin accepted the award on behalf of the Township of Cranford; Committee Member Alexander Keiser joined by Township Clerk Linda Donnelly accepted the award on behalf of the Township of Springfield; Township Engineer William Hoover accepted the award on behalf of the Township of Union; Freeholder Palmieri- Mouded joined Town Engineer Kris McAloon in accepting the award for the Town of Westfield; Mayor Robert F. Reilly accepted the award on behalf of the Township of Winfield; Mayor Nora G. Radest accepted the award on behalf of the City of Summit.

**Freeholder Granados arrived at the meeting.

APPROVAL OF COMMUNICATIONS

Note and File

Chairman Kowalski called for a motion to approve the Communications. On a motion made by Vice Chairman Mirabella and seconded by Freeholder Granados, roll call showed eight members of the Board voted in the affirmative; with Freeholder Garretson absent.

ORDINANCE FOR INTRODUCTION

806-2019 AN ORDINANCE TO AMEND “THE LAWS OF UNION COUNTY: ADMINISTRATIVE CODE AND POLICES AND GENERAL LEGISLATION” BY AMENDING PART 1, CHAPTER 49 – FEES, 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 outlined in the attached Schedule A:

SCHEDULE A

PART I - ADMINISTRATIVE CODE

Chapter 49, FEES

[HISTORY: Adopted by the Board of Chosen Freeholders of the County of Union as indicated in article histories. Amendments noted where applicable.]

Article VII, Waiver of Fees

§ 49-11. Accept as provided in subsection A, upon the recommendation of the Fiscal Affairs Committee, the Board may waive any fee established by the Administrative Code, where the Board has sponsored an event.

No fees established, herein, concerning the provision of Public Safety personnel, including Police Officers and Paramedics or fees established by the Office of Health Management, including the fees for inspections and permits, may be waived.

Chapter 132, TOWING

[Ordinance No. 393, adopted 8-11-1994, amended by Ordinance 681-2009 adopted 2/26/2009, 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.]

WHEREAS, this Board adopted Ordinance No. 393-1994 dated August 11, 1994 Setting the Standards, Regulations and Rates for Police Requested and Non Preference Towing and Storage Services for the County of Union, and an amendment was authorized by this Board on October 11, 2012 by Ord. 2012-742; and

BE IT ORDAINED by the Board of Chosen Freeholders of the County of Union that Ordinance No. 2012-742 is hereby amended as outlined below:

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.
- § 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.

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

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.

LICENSEE - Towing operator.

NON-PREFERENCE 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.

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.

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 - N.J.S.A. 40:48-2.49 and N.J.A.C.13:45A-31- as allowed by the New Jersey Division of Consumer Affairs schedule of towing and storage services for which a towing operator 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 operator takes possession of, and provides storage services for vehicles and/or equipment; towing operator 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.

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.

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 Changes

§ 4. Licensing standards.

A. through C. No Changes

D. General standards.

1. through 18. No Changes

(19) The towing operator will dispatch, within the time permitted by this chapter, tow truck(s) when requested by the police department 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 Union County Police Department 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. through K. No changes

22. through 33. No Changes

(34) All towing operators including their dispatched and responding tow trucks shall be located within the County of Union in order to ensure response within thirty (30) minutes to calls, as needed.

35. through 41. No Changes

(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 operator's custody and control. If the County exercises its right to take over 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 operator's custody and control as documented by the County inspection.

43. through 54. No Changes

§ 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;

One thousand and five hundred (\$1500.00) for two licenses;

Two thousand two hundred and fifty dollars (\$2250.00) for three licenses.

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

§ 6. Term of license.

No Changes

§ 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 Union County Police Chief or designee. Such towing operator shall be called upon to respond to the needs of the Union County Police Department on a weekly rotational basis.

§ 8. Zones.

No Changes

§ 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 Union County Police Chief or designee 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 Union County 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 other 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 Union County 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 Union County Police Department with a receipt that towing service fees have been paid. At times, Union County Law Enforcement Agencies 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 license 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 semi-annually, 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 of the County of Union 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 Union County Police Chief 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 Union County Police Chief 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 operator 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 §4D (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.

(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 Union County Police Department, 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 of the County of Union shall have the right to suspend or revoke any license issued under this chapter for good cause, upon written complaint of the Union County Police Chief 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 Changes

§ 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
Impounded and Released Vehicles with title Surrender to towing operator	25.00
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
Category IV	
All vehicles 26,001 lbs. and over GVW	225.00 Single unit
Category IV	
All vehicles 26,001 lbs. and over GVW	350.00 combination
Winching Cable (to be used only when vehicle has left the roadway)	3.50 per cable foot
Recovery-Winching	
Heavy Duty (Category I & II Vehicles Only)	- per hour -
One Person-One Tow Truck	125.00
Recovery-Winching	
Heavy Duty (Category III & IV Vehicles Only)	- per hour -
One Person-One Tow Truck	250.00
Manually Release Brake Cylinder	25.00
Manually Drop Drive Shaft	25.00
Manually Drop Axle	25.00
OUTSIDE STORAGE	- per day -
Category I	25.00
Category II	35.00
Category I and II combinations	50.00
Category III and IV combinations	50.00 single unit
	75.00
Jump Starts	40.00
Tire Changes	40.00
Lockouts	40.00

Decoupling Fee	(Heavy Duty)	50.00
Decoupling Fee	(Standard)	25.00
Road Service towing		not to exceed contract towing rates
Fuel Delivery (plus cost of fuel)		40.00
Notification of Possession		actual cost
Site Cleanup based on the number of absorbent bags used		actual cost
Tarping	Flat fee	50.00
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, including those vehicles which title has been surrendered to the towing operator. The towing operator shall provide a copy of the title to the Union County Police records room via e-mail, in person, or facsimile upon receiving title from the owner of the vehicle. The administrative fee will be collected by the individual towing companies and forwarded with copies of both the towing bills and surrendered titles to the Union 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 operator 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 Union County Police upon the delivery of the vehicle to the storage location or immediately thereafter by means of e-mail, facsimile, postal mail or in person, in order to verify the fees to be collected at the time of the release and 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 and charges for travel time to and from the impound/recovery location are NOT permitted. 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 operator, the Union County Police Chief or his authorized representative must be notified at (908) 654-9800 and must provide written approval before the imposition of any assessment.

§ 13. Department of Motor Vehicles Information.

The Union County Police Department 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 Union County Police Department.

§ 14. County takeover of storage operations.

A. In the event that the County exercises its right to take over 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.

No Changes

§ 16. License-issuing authority.

No Changes

§ 17. Complaints; Violations and Penalties; Hearings.

No Changes

§ 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 April 25, 2019.

FIRST READING STATEMENT

Freeholder Rebecca Williams, Policy Subcommittee Chairwoman, moved Ordinance Number 806-2019 for First Reading and authorized the Clerk of the Board to advertise same in accordance with the law. The Public Hearing and Final Reading will be scheduled to be held on April 25, 2019.

On a motion made by Freeholder Williams and seconded by Freeholder Hudak; roll call showed eight members of the Board voted in the affirmative; with Freeholder Garretson absent.

PUBLIC COMMENT PORTION

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

Bruce Paterson, of Garwood, made comments and inquires relative to several resolutions.

Freeholder Hudak advised in reference to Resolution No. 2019-298 that Summit's Infrastructure and Municipal Aid Grant Program award amount was \$95,000. He further advised that certain funds had been set aside to satisfy existing bond debt after the sale of Runnell's Hospital. Freeholder Hudak noted that the Infrastructure Program's match contingency allowed municipalities to prioritize projects and maximize existing budget restrictions in lieu of receiving such financial grants from outside sources.

Director Anderson advised that Resolution Nos. 2019-292 and 2019- 293 related to revenue-based agreements with Paratransit and the non-profit providers cited to provide pre-scheduled transportation services in accordance with treatment plans.

Relative to Resolution No. 2019-312, County Manager Oatman advised that additional information, including a list of requirements related to induction into the Elected Officials Hall of Fame could be found on the League of Municipalities website. He added that there had been thirteen individuals nominated this year.

County Counsel elaborated on Resolution No. 2019-301 and noted that it related to a personnel matter, in particular Civil Service Commission titles and Public Employees' Retirement System (PERS) entitlement.

Seeing no other speakers, Chairman Kowalski closed public comments on resolutions.

RESOLUTIONS

The following Resolutions were offered for adoption:

2019-292 FREEHOLDER ANGEL G. ESTRADA: Authorizing the County Manager to enter into an agreement with Inroads to Opportunities, Roselle, New Jersey, for the period of January 1, 2019 through December 31, 2019 for reimbursement to the County of Union in the amount of \$6.00 per one way trip for the provision of transportation service through the Union County Paratransit System for Partial Care clients attending their programs based upon pre-scheduled trips provided by the County on Mondays through Fridays.

On a motion made by Freeholder Granados seconded by Freeholder Staten, roll call showed eight members of the Board voted in the affirmative, with Freeholder Garretson absent.

2019-293 FREEHOLDER ANGEL G. ESTRADA: Authorizing the County Manager to enter into an agreement with Bridgeway Rehabilitation Services, Elizabeth, New Jersey, for the period of January 1, 2019 through December 31, 2019 for reimbursement in the amount of \$7.00 per one way trip to the County of Union for the provision of Transportation Service through the Union County Paratransit System for Partial Care clients attending their programs, based upon scheduled trips provided by the County on Mondays through Fridays.

On a motion made by Freeholder Granados seconded by Freeholder Staten, roll call showed eight members of the Board voted in the affirmative, with Freeholder Garretson absent.

2019-294 FREEHOLDER KIMBERLY PALMIERI-MOUED: Amending Resolution 2018-624, adopting the 2018 Union County Homeless Trust Fund (HTF) One-Time Spending Plan, to extend the grant term an additional two (2) months for a new grant term of August 1, 2018 through May 31, 2019; with no change in funding nor to the overall spending plan.

On a motion made by Freeholder Granados seconded by Freeholder Staten, roll call showed eight members of the Board voted in the affirmative, with Freeholder Garretson absent.

2019-295 FREEHOLDER ANDREA STATEN: Re-appointing Michelle Ghali (Criminal Justice) to the Local Advisory Committee on Alcoholism and Drug Abuse (LACADA) to a two year term ending December 31, 2020.

On a motion made by Freeholder Granados seconded by Freeholder Staten, roll call showed eight members of the Board voted in the affirmative, with Freeholder Garretson absent.

2019-296 FREEHOLDER SERGIO GRANADOS: Authorizing the County Manager to enter into an agreement with Clearview Data Systems for the Dataworks Maintenance Agreement for the contract period of January 1, 2019 through December 31, 2019 in an amount not to exceed \$11,188.84.

On a motion made by Freeholder Granados seconded by Freeholder Staten, roll call showed eight members of the Board voted in the affirmative, with Freeholder Garretson absent.

2019-297 CHAIR BETTE JANE KOWALSKI: Authorizing the County Manager to enter into an agreement to provide liability coverage for ambulances owned and operated by the County Emergency Services in an amount not to exceed \$24,964.00 with General Star Management Company, Stamford, CT for the period of April 26, 2019 to April 25, 2020.

On a motion made by Freeholder Granados seconded by Freeholder Staten, roll call showed eight members of the Board voted in the affirmative, with Freeholder Garretson absent.

- 2019-298 CHAIR BETTE JANE KOWALSKI:** Authorizing the County Manager to award funding for the 2019 Infrastructure and Municipal Aid Grant Program in an amount not to exceed \$1,500,000.00 to the twenty-one (21) municipalities in the County of Union identified in the attached hereto and made a part hereof.

On a motion made by Freeholder Granados seconded by Freeholder Staten, roll call showed eight members of the Board voted in the affirmative, with Freeholder Garretson absent.

- 2019-299 CHAIR BETTE JANE KOWALSKI:** Amending Resolution Number 2018-653, awarding contracts to various sub-recipients under the WorkFirst New Jersey's Program Year 2018 grant funding, to obligate an additional \$375,000.00 of WFNJ funding for a new Program Year 2018 award amount of \$1,440,000.00.

On a motion made by Freeholder Granados seconded by Freeholder Staten, roll call showed eight members of the Board voted in the affirmative, with Freeholder Garretson absent.

- 2019-300 CHAIR BETTE JANE KOWALSKI:** Amending Resolution 2018-0881, to reflect and specify that Sports Facilities Management, LLC assigned the Qualified Management Contract for the Warinanco Sports Center to Kemper Sports Management, Inc. and the Concessionaire Services Contract to KemperSports Golf Group, LLC.

On a motion made by Freeholder Granados seconded by Freeholder Staten, roll call showed eight members of the Board voted in the affirmative, with Freeholder Garretson absent.

- 2019-301 CHAIR BETTE JANE KOWALSKI:** A Resolution appointing Florio, Perrucci, Steinhardt & Cappelli of Rochelle Park, NJ as special counsel to represent the County of Union in the matter entitled Lisa Bonanno v. County of Union, et als in an amount not to exceed \$20,000.00.

On a motion made by Freeholder Granados seconded by Freeholder Staten, roll call showed eight members of the Board voted in the affirmative, with Freeholder Garretson absent.

FREEHOLDER SPONSORED RESOLUTIONS

- 2019-302 FREEHOLDER ANGELA R. GARRETSON:** Extending the Board's deepest condolences to the family of Isaac Durette, Sr., during their time of sorrow.

On a motion made by Freeholder Granados seconded by Freeholder Staten, roll call showed eight members of the Board voted in the affirmative, with Freeholder Garretson absent.

- 2019-303 FREEHOLDER ANGELA R. GARRETSON & THE ENTIRE BOARD:** Resolution offering the Board's deepest condolences to the family of Kenneth A. Gibson, Mayor of the City of Newark, during their time of sorrow.

On a motion made by Freeholder Granados seconded by Freeholder Staten, roll call showed eight members of the Board voted in the affirmative, with Freeholder Garretson absent.

2019-304 FREEHOLDER SERGIO GRANADOS & THE ENTIRE BOARD: Congratulating the four honorees of the 2019 HomeFirst Heroes Evening of Thanks on April 10, 2019: Benjamin Serna, Youth Homefirst Hero, Adrian Mapp, Mayor of Plainfield, Armando Guerra, New Jersey Governor of Lions Club International and Annette Quijano, Assemblywoman NJ Legislative District 20.

On a motion made by Freeholder Granados seconded by Freeholder Staten, roll call showed eight members of the Board voted in the affirmative, with Freeholder Garretson absent.

2019-305 FREEHOLDER SERGIO GRANADOS: Congratulating the Village Family Success Center on their event April 17, 2019 a public forum geared to raise awareness during the child abuse prevention month.

On a motion made by Freeholder Granados seconded by Freeholder Staten, roll call showed eight members of the Board voted in the affirmative, with Freeholder Garretson absent.

2019-306 FREEHOLDER REBECCA LYNNE WILLIAMS: Extending the Board's deepest condolences to the family of Gayle Lewis during their time of sorrow.

On a motion made by Freeholder Granados seconded by Freeholder Staten, roll call showed eight members of the Board voted in the affirmative, with Freeholder Garretson absent.

2019-307 FREEHOLDER REBECCA LYNNE WILLIAMS: Extending the Board's deepest condolences to the family of Shirley Whitaker during their time of sorrow.

On a motion made by Freeholder Granados seconded by Freeholder Staten, roll call showed eight members of the Board voted in the affirmative, with Freeholder Garretson absent.

2019-308 VICE CHAIRMAN ALEXANDER MIRABELLA & FREEHOLDER CHRISTOPHER HUDAK: Congratulating John's Meat Market upon its 80th anniversary celebration.

On a motion made by Freeholder Granados seconded by Freeholder Staten, roll call showed eight members of the Board voted in the affirmative, with Freeholder Garretson absent.

2019-309 VICE CHAIRMAN ALEXANDER MIRABELLA & CHAIR BETTE JANE KOWALSKI, FREEHOLDER CHRISTOPHER HUDAK: Congratulating Nicholas Ryan Macchi of Boy Scout Troop 75, Cranford, upon attaining the rank of Eagle Scout.

On a motion made by Freeholder Granados seconded by Freeholder Staten, roll call showed eight members of the Board voted in the affirmative, with Freeholder Garretson absent.

2019-310 FREEHOLDER ANDREA STATEN & THE ENTIRE BOARD: Extending the Board's deepest condolences to the family of Dr. Derek Nelson, Principal of Westfield High School, during their time of sorrow.

On a motion made by Freeholder Granados seconded by Freeholder Staten, roll call showed eight members of the Board voted in the affirmative, with Freeholder Garretson absent.

2019-311 CHAIR BETTE JANE KOWALSKI & FREEHOLDER CHRISTOPHER HUDAK: Congratulating Brendan J. Hanlon of Boy Scout Troop 75, Cranford, upon attaining the rank of Eagle Scout.

On a motion made by Freeholder Granados seconded by Freeholder Staten, roll call showed eight members of the Board voted in the affirmative, with Freeholder Garretson absent.

- 2019-312 CHAIR BETTE JANE KOWALSKI & THE ENTIRE BOARD:** Congratulating Township of Union's Deputy Mayor Florio on the honor of his nomination to the Elected Officials Hall of Fame.

On a motion made by Freeholder Granados seconded by Freeholder Staten, roll call showed eight members of the Board voted in the affirmative, with Freeholder Garretson absent.

PUBLIC COMMENT PORTION

The meeting was opened to the public for comment on any governmental issue that a member of the public feels may be of concern to the residents of the county.

Christopher Nelson, of Elizabeth, and founder of Citizens Going Forward asked the Board to consider partnering with his organization in order to facilitate and expand on youth services. He noted that he would be providing reference letters to Board.

Bruce Paterson, of Garwood, made comments relative to the budget and asked for additional clarification related to Resolution Nos. 2019-299 and 2019-300.

Relative to Resolution No. 2019-300, Director Zuber advised that in 2017 a 2-year contract was established with Sports Facilities Management LLC (SFM) and shortly before the contract was set to expire, the vendor decided against pursuing an extension. He added that the county opted to utilize Kemper Sports Management Inc., which already provided similar services to the county, in place of (SFM) to honor the remaining months of the initial contract followed by a more long-term agreement.

Freeholder Hudak amended a figure he previously cited relative to the Infrastructure Grant initiative.

Deputy County Manager Wagner advised that the use of the word obligate in Resolution No. 2019-299 referred to the allocation of grant money to fund specific purposes.

Jeffrey Taylor, of Linden, advised that he would be providing the various letters cited earlier by Christopher Nelson to Clerk of the Board Pelletiere.

EXECUTIVE SESSION

Chairman Kowalski asked County Counsel Robert E. Barry to address the pending Executive Session.

County Counsel Barry advised that the session related to the discussion regarding the cited case added that respective minutes for the Executive Session would be available, separate from the agenda setting meeting minutes, in approximately 30 days as prescribed by law.

To the extent known, the following was discussed in Executive Session:

Attorney-Client Privileged Communications and discussions relative to a possible settlement in the matter of Stephen Repella v. U.C. Police Department, et al.

Chairman Kowalski asked for a motion to move the meeting to the Executive Session. On a motion made by Vice Chairman Mirabella and seconded by Freeholder Hudak a voice vote showed eight members of the Board voted in the affirmative; with Freeholder Garretson absent.

Chairman Kowalski asked for a motion to return from the Executive Session. On a motion made by Vice Chairman Mirabella and seconded by Freeholder Williams a voice vote showed eight members of the Board voted in the affirmative; with Freeholder Garretson absent.

FREEHOLDER REPORTS AND COMMENTS

Freeholder Palmieri-Mouded extended her condolences to the family of Derrick Nelson, educator, veteran, and Principal of Westfield High School in lieu of his recent passing following a procedure he underwent to donate bone marrow to a child in need.

Freeholder Estrada, Freeholder Granados, and Freeholder Hudak offered their condolences to the family of Derrick Nelson.

Freeholder Williams also offered her condolences to the family of Principal Derrick Nelson. She also noted the new mobile office in Plainfield for the We Are One NJ organization, which provides free and affordable immigration related services to residents in need.

Vice Chairman Mirabella offered his condolences to the family of Derrick Nelson as well, noting last week's Resolution Presentation related to organ and tissue donation. On a different note, he referenced certain summer-related employment opportunities available at Walter E. Ulrich Memorial Pool in Rahway River Park. He also issued a reminder relative to the Sensory-Friendly Theatre, in particular an upcoming musical Henry and Mudge. He also noted his recent visit to the Peanut Gallery in Summit that showcased artwork created by individuals on the autism spectrum. He mentioned Zachary Brooks who pioneered the event 'Artfully Able' in 2017, inspired by his twin brother Jack who suffers from autism. Vice Chairman Mirabella commended Zachary for his efforts in bringing awareness to the cause. He concluded by mentioning his recent attendance of the U.C.C.'s Foundation Scholarship Reception, joined by Freeholders Granados and Williams. He advised that this event allowed scholarship donors to meet the various scholarship recipients, noting the tremendous generosity of the donors and the excitement of the recipients and their enthusiasm to pursue higher learning.

Chairman Kowalski advised that the new DHS Action Hotline was now operational. She noted that this hotline allowed residents to access information and resources related to the various services provided through the Department of Human Services, including senior citizen services, job training, and homeless prevention, among others. Chairman Kowalski also expressed her personal concerns regarding the proposed construction of a cell tower at U.C.C.'s Cranford Campus as a Cranford resident herself. She noted that a forum has yet to be made available to allow residents, township officials, and Verizon representatives to have a discussion related to the issue. She closed by offering her condolences to the Nelson family

in lieu of their recent loss, noting that she had attended the vigil in honor of Derrick Nelson at Westfield High School, along with Freeholders Palmieri-Mouded and Staten.

ADJOURNMENT

Chairman Kowalski asked for a motion to adjourn the meeting. On a motion made by Freeholder Granados and seconded by Freeholder Williams a voice vote showed eight members of the Board voted in the affirmative; with Freeholder Garretson absent. The meeting was adjourned at 8:20 P.M.

UNION COUNTY BOARD OF CHOSEN FREEHOLDERS 2019 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 6, 2019 at 12:00 pm
Assignment Judge Karen M. Cassidy's Courtroom, 2 Broad Street, Elizabeth, NJ

<u>AGENDA SETTING SESSION</u>	<u>REGULAR MEETINGS</u>
January 17, 2019	January 24, 2019
February 7, 2019	February 14, 2019
February 21, 2019	February 21, 2019
March 7, 2019	March 14, 2019
March 28, 2019	March 28, 2019
April 4, 2019	April 11, 2019
April 25, 2019	April 25, 2019
May 9, 2019*	May 16, 2019
May 30, 2019**	May 30, 2019**
June 13, 2019	June 20, 2019
June 27, 2019	June 27, 2019
July 25, 2019	July 25, 2019
August 22, 2019	August 22, 2019
September 5, 2019	September 12, 2019
September 26, 2019	September 26, 2019
October 3, 2019	October 10, 2019
October 24, 2019	October 24, 2019
November 7, 2019	November 14, 2019
December 5, 2019	December 5, 2019
December 19, 2019	December 19, 2019

AMENDMENTS TO THE 2019 FREEHOLDER MEETING SCHEDULE

* The Agenda Setting Session of May 9, 2019 has been rescheduled to be held on May 2, 2019. Same time and location.

**The Agenda Setting Session and the Regular Meeting of May 30th has been rescheduled to be held on May 23, 2019. Same time and location.