

UNION COUNTY BOARD OF CHOSEN FREEHOLDERS

MINUTES OF THE REGULAR MEETING

SEPTEMBER 29, 2005

Chairman Rick Proctor presided. Roll call showed Freeholder Angel G. Estrada, Freeholder Chester Holmes, Freeholder Bette Jane Kowalski, Freeholder Deborah P. Scanlon, Freeholder Daniel P. Sullivan, and Freeholder Nancy Ward in attendance. Vice Chairman Alexander Mirabella and Freeholder Adrian O. Mapp were absent.

Also present were County Manager George Devanney, County Counsel Robert Barry, and Clerk of the Board Nicole L. Tedeschi.

PRAYER AND SALUTE TO THE FLAG were led by the Clerk of the Board.

Vice Chairman Alexander Mirabella entered the meeting at this point.

OPEN PUBLIC MEETINGS ACT was read by the Clerk of the Board.

The Chairman called for a motion to approve the minutes. On a motion by Freeholder Sullivan, seconded by Freeholder Kowalski, roll call showed seven members of the Board voted in the affirmative on the minutes of September 15, 2005, with Freeholder Ward abstaining and with Freeholder Mapp absent, and eight members of the Board voted in the affirmative on the minutes of September 22, 2005 with Freeholder Mapp absent.

APPROVAL OF MINUTES: September 15, 2006 – Regular Meeting; September 22, 2005 – Agenda and Executive Meetings.

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The first order of business was the Final Reading of Bond Ordinance No. 618-2005.

BOND ORDINANCE NO. 618-2005

ORDINANCE PROVIDING THE CONSENT OF THE BOARD OF CHOSEN FREEHOLDERS OF THE COUNTY OF UNION TO THE ISSUANCE BY THE UNION COUNTY IMPROVEMENT AUTHORITY OF ITS BONDS IN THE AMOUNT OF NOT TO EXCEED \$20,000,000 TO FINANCE A PROPOSED RENOVATION OF AN AFFORDABLE HOUSING PROJECT TO BE SPONSORED BY RELATED APARTMENTS PERSEVERATION, LLC, OR ITS DESIGNEE (THE “DEVELOPER”) IN THE BOROUGH OF ROSELLE, IN THE COUNTY OF UNION, NEW JERSEY

WHEREAS, the Union County Improvement Authority (the “Authority”) has been duly

created by an ordinance of the Board of Chosen Freeholders (the “Board of Freeholders”) of the County of Union, New Jersey (the “County”), as a public body corporate and politic of the State of New Jersey (the “State”) pursuant to and in accordance with the county improvement authorities law, constituting Chapter 183 of the Pamphlet Laws of 1960 of the State, as amended and supplemented from time to time (the “Act”); and

WHEREAS, Related Apartments Perseveration, LLC, or its designee (the “Developer”) proposes to undertake a certain project (the “Project”) consisting of the purchase Oak Park, and to undertake improvements to the property, including upgrading unit kitchens, bathrooms, and appliances, replacing windows, upgrading common areas, and site work such as landscaping, all at that certain property located at 1 Garden Drive, being Lot 1 in Block 1502 in the Borough of Roselle (the “Borough”), also known as Oak Park Apartments; and

WHEREAS, Oak Park Apartments is a 254 unit residential apartment community and an affordable housing community with all units covered by a Project-Based Section 8 contract administered by HUD; and

WHEREAS, upon completion of the Project, the apartments shall remain an affordable housing community for tenants of low and moderate income; and

WHEREAS, an application has been made to the Union County Improvement Authority (“Authority”) for a loan to finance the Project; and

WHEREAS, the Authority expects to obtain funds with which to make the loan to the Developer through the issuance of its bonds in an amount not to exceed \$20,000,000 (the “Bonds”); and

WHEREAS, in accordance with Section 13 (“Section 13”) of the Act (N.J.S.A. 40:37A-56), prior to the issuance of the Bonds, the Authority shall make a detailed report with respect to such financing to the Board of Freeholder of the County, which report shall include copies or a description of, without limitation, the Financing Documents; and

WHEREAS, the Authority believes: (i) it is in the public interest to accomplish such purpose; (ii) said purpose is for the health, wealth, convenience or betterment of the inhabitants of the County of Union; (iii) the amounts to be expended for said purpose are not unreasonable or exorbitant; and (iv) the proposal is an efficient and feasible means of providing for the needs of the inhabitants of the County of Union and will not create an undue financial burden to be placed upon the County.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF CHOSEN FREEHOLDERS OF THE COUNTY OF UNION, NEW JERSEY, as follows:

Section 1. In accordance with Section 13 and all other applicable law, the Board of Freeholders hereby consents to (i) the Project and the financing of same, (ii) the execution and delivery by the Authority of the Mortgage, Indenture, Continuing Disclosure Agreement, and such other documents as necessary and reasonable for the transaction (the “Financing

Documents”), which documents shall be filed with the Clerk of the Board prior to the issuance of any Bonds, (iii) the adoption by the Authority of the Bond Resolution, and (iv) the issuance, sale and delivery of the Bonds to effect such purpose. The consent hereto given to the Financing Documents contemplates the insertion of the final financing terms.

Section 2. This resolution shall take at the time and in the manner provided by law.

Section 3. Upon the adoption hereof, the Clerk of the Board of Freeholders shall forward certified copies of this ordinance to the County Manager, County Counsel, Executive Director of the Authority, and John G. Hudak, Esq., Frohling & Hudak, LLC, Bond Counsel to the Authority.

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**MEETING OPEN TO THE PUBLIC FOR THE
PURPOSE OF COMMENTING ON
BOND ORDINANCE NO. 618-2005 ONLY**

Bruce Patterson, Willow Ave., Garwood, asked a question as to how the bond will be repaid. Director Lawrence Caroselli responded to his question stating that this is a consent ordinance not a funding issue involving the County. Mr. Patterson asked further questions and the County Manager and the Chairman responded to his questions.

PUBLIC COMMENT PORTION CONCLUDED

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Freeholder Scanlon moved Bond Ordinance No. 618-2005 for Final Reading and authorized the Clerk of the Board to advertise the same in accordance with the law. Seconded by Freeholder Sullivan roll call showed eight members of the Board voted in the affirmative with Freeholder Mapp absent.

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The next order of business was the First Reading of Bond Ordinance No. 619-2005.

BOND ORDINANCE NO. 619-2005

**ORDINANCE PROVIDING THE CONSENT OF THE BOARD OF
CHOSEN FREEHOLDERS OF THE COUNTY OF UNION TO THE
ISSUANCE BY THE UNION COUNTY IMPROVEMENT AUTHORITY
OF ITS NOT TO EXCEED \$15,700,000 GENERAL OBLIGATION
GUARANTEED LEASE REVENUE REFUNDING BONDS (LINDEN
AIRPORT PROJECT) OF THE UNION COUNTY IMPROVEMENT
AUTHORITY IN AN AGGREGATE PRINCIPAL AMOUNT NOT**

**EXCEEDING \$15,700,000 FOR THE PURPOSE OF PROVIDING
ADDITIONAL SECURITY IN CONNECTION WITH THE
AUTHORITY'S PROJECT**

WHEREAS, the Union County Improvement Authority (the "Authority") has been duly created by a resolution of the Board of Chosen Freeholders (the "Board of Freeholders") of the County of Union, New Jersey (the "County"), as public body corporate and politic of the State of New Jersey (the "State") pursuant to in accordance with the County Improvement Authorities Law, constituting Chapter 183 of the Pamphlet Laws of 1960 of the State, as amended and supplemented from time to time (the "Act"); and

WHEREAS, the City of Linden (the "City") undertook the redevelopment of the Linden Municipal Airport as a redevelopment project (the "Redevelopment Project"); and

WHEREAS, the Authority is authorized by law, specifically Section 11 of the Act (N.J.S.A. 40:37A-54(d)), to provide public facilities for the use of the County and municipalities and certain local governmental units located within the County (collectively, the "Local Units") including the City of Linden (hereinafter the "City") in connection with aviation; and

WHEREAS, the Local Units are authorized by law, specifically Section 35 of the Act (N.J.S.A. 40:37A-78), to enter into and perform any lease with the Authority for the lease to or use by the Local Units of all or any part of any public facility or facilities; and

WHEREAS, to provide for the financing of the Redevelopment Project, the City as lessor, and the Authority, as lessee, entered into a certain "Ground Lease Agreement" (the "Ground Lease"), pursuant to the terms of which the City leased to the Authority the real property upon which the Linden Municipal Airport is located and infrastructure thereon owned by the City, all of which is located in and around the Redevelopment Project (the "Linden Airport Project"); and

WHEREAS, the Authority, as lessor, and the City, as lessee entered into a "Property and Infrastructure Lease Agreement" (the "Lease"), pursuant to the terms of which the Authority leased back to the City the Authority's right, title and interest in and to the Linden Airport Project in exchange for payment by the City of certain general obligation lease payments, which lease payment secure the payment of the principal and redemption premium, if any, of and interest on the bonds of the Authority; and

WHEREAS, the Linden Airport Project was acquired and constructed with the proceeds of the Authority's "City of Linden General Obligation Guaranteed Lease Revenue Bonds, Series 1998 (Linden Airport Project)" (the "1998 Bonds") in an aggregate principal amount of \$18,145,000; and

WHEREAS, the Authority has determined that certain savings can be achieved by refunding all or a portion of the 1998 Bonds (the "Refunding"); and

WHEREAS, the Authority intends to undertaking the Refunding through the issuance of one or more series of its “City of Linden General Obligation Guaranteed Lease Revenue Refunding Bonds (Linden Airport Project)” (the “Bonds”) in an aggregate principal amount of not to exceed \$15,700,000 which may be issued in one or more series; and

WHEREAS, the Bonds shall have such other terms as set forth in that certain Supplemental Bond Resolution authorizing the issuance of the “City of Linden General Obligation Guaranteed Lease Revenue Refunding Bonds (Linden Airport Project)” of the Union County Improvement Authority to be adopted by the Authority prior to the issuance of the Bonds (the “Supplemental Bond Resolution” which together with the initial bond resolution relating to the 1998 Bonds, and any amendments or supplements thereto in accordance with the terms thereof shall be collectively referred to as the “Bond Resolution”); and

WHEREAS, the Authority, as lessor, and the City, as lessee shall enter into a “First Supplemental Property and Infrastructure Lease Agreement” (the “First Supplemental Lease”), to amend certain terms of the Lease, including but not limited to the lease payments, which lease payment secure the payment of the principal and redemption premium, if any, of and interest on the bonds of the Authority; and

WHEREAS, the payment of the principal and redemption premium, if any, of and interest on the Bonds will be secured by certain general obligation lease payments of the City under the Lease as supplemented and amended, to be dated as of the first day of the month of issuance of the Bonds; and

WHEREAS, payment when due of the principal of (including sinking fund installments, if any) and interest on the Bonds shall be additionally secured by a full faith and credit, unconditional and irrevocably guaranty of the City in accordance with a guaranty ordinance to be finally adopted by the Municipal Council of the City and approved by the Mayor of the City and a guaranty certificate executed on the face of each Bond upon the issuance thereof by an authorized officer of the City (collectively, the “Guaranty”), all in connection with Section 37 (“Section 37”) of the Act (N.J.S.A. 40:37A-80) and other applicable law; and

WHEREAS, in accordance with the terms of Section 37 of the Act (N.J.S.A. 40:37A-80) and the Guaranty, the City shall be obligated, if necessary, to levy ad valorem taxes upon all the taxable property within the City without limitation as to rate or amount to make the timely payment of the principal of (including mandatory sinking fund installments, if any) and interest on the Bonds; and

WHEREAS, in order to market and sell the Bonds, (i) the Authority shall issue a Preliminary Official Statement (the “POS”) and a final Official Statement (the “OS”) , (ii) the Authority shall enter into a negotiated sale of the Bonds with one or more underwriters (collectively, the “Underwriter”) pursuant to the terms of a bond purchase agreement (the “BPA”), (iii) the Authority, the City and the trustee for the Bonds, or any successor thereto in accordance with the terms of the Bond Resolution (the “Trustee”) shall enter into a Continuing Disclosure Agreement (the “Continuing Disclosure Agreement”) upon the issuance of the Bonds if necessary, convenient, useful or desirable in connection with Rule 15c2-12 promulgated by the

Securities and Exchange Commission Act of 1934, as amended, or any successor rule or regulation thereto (“Rule 15c2-12”), (iv) the City shall make certain representations, warranties and covenants regarding, among other things, the Linden Airport Project and the Bonds in a Letter of Representation (the “City Letter”) and a Tax Letter of Representation (the “City Tax Letter”, and together with the City Letter, the “City Letters”), and (v) the City and the Authority shall take such actions and shall authorize, execute or acknowledge, as the case may be, and deliver such other documents, instruments or certificates as Bond Counsel to the Authority and to the City deem necessary, convenient, useful or desirable in order to issue the Bond (collectively, the “Certificate”, and together with the Supplemental Bond Resolution, First Supplemental Lease Agreement, the Bonds, the Guaranty, the Bond Insurance Policy(if it is determined to insure the Bonds), the POS, the OS, the BPA, the Continuing Disclosure Agreement and the City Letters, the “Financing Documents”); and

WHEREAS, in order to induce the prospective purchasers of the Bonds to purchase same, the Bonds shall otherwise be secured by this ordinance unconditionally and irrevocably guaranteeing the principal of and interest on the Bonds, all pursuant to Section 37 of the Act (N.J.S.A. 40:37A-80) (the “Guaranty”); and

WHEREAS, the Authority believes: (i) it is in the public interest to accomplish such purpose; (ii) said purpose is for the health, wealth, convenience or betterment of the inhabitants of the County of Union; (iii) the amounts to be expended for said purpose are not unreasonable or exorbitant; and (iv) the proposal is an efficient and feasible means of providing for the needs of the inhabitants of the County of Union and will not create an undue financial burden to be placed upon the County.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF CHOSEN FREEHOLDERS OF THE COUNTY OF UNION, NEW JERSEY, as follows:

Section 1. In accordance with Section 13 and all other applicable law, the Board of Freeholders hereby consents to (i) the Project and the financing of same, (ii) the execution and delivery by the Authority of the Financing Documents and such other documents as necessary and reasonable for the transaction, which documents shall be filed with the Clerk of the Board prior to the issuance of any Bonds, (iii) the adoption by the Authority of the Bond Resolution, and (iv) the issuance, sale and delivery of the Bonds to effect such purpose. The consent hereto given to the Financing Documents contemplates the insertion of the final financing terms.

Section 2. This ordinance shall take at the time and in the manner provided by law.

Section 3. Upon the adoption hereof, the Clerk of the Board of Freeholders shall forward certified copies of this ordinance to the County Manager, County Counsel, Executive Director of the Authority, and John G. Hudak, Esq., Frohling & Hudak, LLC, Bond Counsel to the Authority.

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Freeholder Scanlon moved Bond Ordinance No. 619-2005 for First Reading and authorized the Clerk of the Board to advertise the same in accordance with the law. (Final Reading: 10/27/05) Seconded by Freeholder Sullivan, roll call showed eight members of the Board voted in the affirmative with Freeholder Mapp absent.

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**MEETING OPEN TO THE PUBLIC FOR THE
PURPOSE OF COMMENTING ON
RESOLUTIONS ON THE AGENDA ONLY**

Patricia Quatrocchi, Garwood, commented on 977-2005 with a question as to who will be cleaning up the property. County Manager Devanney responded to her question outlining the cleanup plan which involves oversight services in order to comply with the DEP regulations. She also commented she is glad to see the remediation of Meisel field is moving forward.

Bruce Patterson, Garwood, also commented on Resolution 977-2005 with a question as to how long the oversight would continue. The County Manager stated that it would be one year. Mr. Patterson also commented on Resolution 980-2005 asking why the amount was being increased. The County Manager responded that an additional allocation had to be made to reach the lowest bid. Mr. Patterson also asked about Resolution 990-2005, the Position Controls, asking what they were. The County Manager stated that there were some adjustments in the department of Emergency Management, The Surrogate's Office and several other departments.

PUBLIC COMMENT PORTION CONCLUDED

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The Chairman called for a motion to move the Resolutions. Prior to the vote, Freeholder Holmes amended Resolution 1018-2005 adding his name to the sponsorship of the Resolution and the Chairman amended Resolution 1022-2005 adding the Entire Board to the sponsorship of the Resolution. On a motion by Freeholder Sullivan, seconded by Vice Chairman Mirabella roll call showed eight members of the Board voted in the affirmative with Freeholder Mapp absent.

THE FOLLOWING RESOLUTIONS WERE BEING OFFERED FOR ADOPTION:

977-2005 **FREEHOLDER ESTRADA**, authorizing the County Manager to enter into an agreement with **PMK Group, Cranford, New Jersey**, for the purpose of providing the County of Union with oversight services pertaining to the remediation of the Synder Avenue/Stanford Drive property in Berkeley Heights, New Jersey; in conjunction with and for the Union County Office of Open Space, Recreation and Historic Preservation Trust Fund in an amount not to exceed **\$202,222.25**.

On a motion by Freeholder Sullivan, seconded by Vice Chairman Mirabella roll call showed eight members of the Board voted in the affirmative with Freeholder Mapp absent.

- 978-2005** **FREEHOLDER ESTRADA**, authorizing the County Manager to enter into an agreement with **T&M Associates, Middletown, New Jersey**, for the purpose of providing the County of Union with professional service to design the mechanical associated civil portions of replacing the refrigeration system at the Warinanco Skating Center; in conjunction with and for the Union County Office of Open Space, Recreation Historic Preservation Trust Fund in an amount not to exceed **\$98,600**.

On a motion by Freeholder Sullivan, seconded by Vice Chairman Mirabella roll call showed eight members of the Board voted in the affirmative with Freeholder Mapp absent.

- 979-2005** **FREEHOLDER ESTRADA**, authorizing the County Manager to enter into an Interlocal Services Agreement with the **City of Summit** for the joint acquisition of an approx. 5.34 acre tract land commonly known as **249 Glenside Avenue, Summit, New Jersey**, for use as open space for recreational purposes.

On a motion by Freeholder Sullivan, seconded by Vice Chairman Mirabella roll call showed eight members of the Board voted in the affirmative with Freeholder Mapp absent.

- 980-2005** **FREEHOLDER ESTRADA**, amending **Resolution No. 892-2005** authorizes the Department of Open Space, Recreation and Historic Preservation Trust Fund to allocate additional funds in the amount of **\$120,425.50** for a new total amount of **\$1,520,425.50** for reconstruction of Meisel Avenue Park in Springfield, New Jersey, for a new total amount not to exceed **\$2,620,425.50**.

On a motion by Freeholder Sullivan, seconded by Vice Chairman Mirabella roll call showed eight members of the Board voted in the affirmative with Freeholder Mapp absent.

- 981-2005** **VOID**

- 982-2005** **FREEHOLDER KOWALSKI**, authorizing the County Manager to sponsor the **Union County Baseball Association** for its Youth League fall activities in an amount not to exceed **\$5,000**.

On a motion by Freeholder Sullivan, seconded by Vice Chairman Mirabella roll call showed eight members of the Board voted in the affirmative with Freeholder Mapp absent.

983-2005 **FREEHOLDER KOWALSKI**, authorizing the County Manager to enter into a licensing agreement with **SESAC, Nashville, TN**, to cover music played or performed on County owned premises or at County sponsored events during 2005 in an amount not to exceed **\$2,371**.

On a motion by Freeholder Sullivan, seconded by Vice Chairman Mirabella roll call showed eight members of the Board voted in the affirmative with Freeholder Mapp absent.

984-2005 **FREEHOLDER KOWALSKI**, authorizing the County Manager to enter into an agreement with the **Cranford Swimming Club, Inc., Cranford, New Jersey**, for a long term easement to use County Park Drive, Cranford, New Jersey, in order for members, guests and vendors to access the Club property in an amount of **\$1.00**.

On a motion by Freeholder Sullivan, seconded by Vice Chairman Mirabella roll call showed eight members of the Board voted in the affirmative with Freeholder Mapp absent.

985-2005 **FREEHOLDER KOWALSKI**, authorizing the County Manager to enter into a contract with **Rabbi Moshe A. Abramowitz, Elizabeth, New Jersey**, to provide religious services for the Jewish residents/patients at Runnells Specialized Hospital for the contract period of November 1, 2005 – October 31, 2006 in an amount of **\$6,000**.

On a motion by Freeholder Sullivan, seconded by Vice Chairman Mirabella roll call showed eight members of the Board voted in the affirmative with Freeholder Mapp absent.

986-2005 **FREEHOLDER KOWALSKI**, authorizing the County Manager to enter into a contract with **Leevon N. Coles, Plainfield, New Jersey**, to provide religious services for the Protestant residents/patients at Runnells Specialized Hospital for the contract period of November 1, 2005 – October 31, 2006 in an amount of **\$8,000**.

On a motion by Freeholder Sullivan, seconded by Vice Chairman Mirabella roll call showed eight members of the Board voted in the affirmative with Freeholder Mapp absent.

987-2005 **FREEHOLDER KOWALSKI**, amending **Resolution No. 657-2005** to the contract with **Sammons Preston Rehabilitation Products, Bolingbrook, IL**, to purchase additional physical and occupational therapy supplies for the contract period of January 1, 2005 – December 31, 2005 in an additional amount of **\$2,000** for a new contract amount of **\$26,500**.

On a motion by Freeholder Sullivan, seconded by Vice Chairman Mirabella roll call showed eight members of the Board voted in the affirmative with Freeholder Mapp absent.

- 988-2005** **FREEHOLDER KOWALSKI**, authorizing the County Manager to enter into a contract with **Steven Peck (Farrier), Long Valley, New Jersey**, to provide routine horseshoeing services to the horses at Watchung Stables for a twenty-four (24) consecutive month period with a two (2) year extension option in an amount not to exceed **\$147,250**.

On a motion by Freeholder Sullivan, seconded by Vice Chairman Mirabella roll call showed eight members of the Board voted in the affirmative with Freeholder Mapp absent.

- 989-2005** **FREEHOLDER SCANLON**, adopting the **Union County Electronic Mail Management Policy**.

On a motion by Freeholder Sullivan, seconded by Vice Chairman Mirabella roll call showed eight members of the Board voted in the affirmative with Freeholder Mapp absent.

- 990-2005** **FREEHOLDER SULLIVAN**, authorizing the County Manager to adjust and/or change the **Internal Position Controls** of the Budget.

On a motion by Freeholder Sullivan, seconded by Vice Chairman Mirabella roll call showed eight members of the Board voted in the affirmative with Freeholder Mapp absent.

- 991-2005** **CHAIRMAN PROCTOR**, authorizing the County Manager to award the proposed contracts obtained through advertised public bidding in accordance with **Local Public Contracts Law 40A:11-1 et seq:**

- a. RUNNELLS SPECIALIZED HOSPITAL: **WHL Enterprises, Inc., T/A Bill Leary A/C & Htg., Metuchen, New Jersey**, to furnish thirty (30) replacement incremental heating / air conditioning units in an amount of **\$34,500**.
- b. OFFICE OF THE PROSECUTOR: **Applied Biosystems, Foster City, CA.**, to provide one (1) DNA Analysis System which is composed of three (3) different instruments used in testing DNA in an amount of **\$156,510.97**.
- c. UNION COUNTY OFFICE OF OPEN SPACE, RECREATION AND HISTORIC PRESERVATION TRUST FUND: **Flanagan's Construction Group, Inc., Hillsborough, New Jersey**, for the redesign of Meisel Park, Springfield, New Jersey, in conjunction with and for the Union

County Office of Open Space, Recreation and Historic Preservation
in an amount not to exceed **\$2,620,425.50**.

On a motion by Freeholder Sullivan, seconded by Vice Chairman Mirabella roll call showed eight members of the Board voted in the affirmative with Freeholder Mapp absent.

992-2005 **CHAIRMAN PROCTOR**, authorizing the County Manager to renew the following policies as recommended by the **Citizen Insurance Review Committee (CIRC)**

?? Renewing the **Emergency Management Accident Policy** for volunteers with **AIG Insurance Company, Berkeley Heights, New Jersey**, for the contract period of September 14, 2005 – September 14, 2006 in an amount not to exceed **\$1,600. (No increase)**

On a motion by Freeholder Sullivan, seconded by Vice Chairman Mirabella roll call showed eight members of the Board voted in the affirmative with Freeholder Mapp absent.

993-2005 **CHAIRMAN PROCTOR**, granting permission to the **City of Linden** to close Wood Avenue from Elm Street to Elizabeth Avenue, Linden, New Jersey, from 6:00 p.m. on Friday, October 7, 2005 to 11:00 p.m. on Sunday, October 9, 2005 for the City of Linden's "**Annual Fall Festival**" run by the Cultural & Heritage Committee.

On a motion by Freeholder Sullivan, seconded by Vice Chairman Mirabella roll call showed eight members of the Board voted in the affirmative with Freeholder Mapp absent.

994-2005 **CHAIRMAN PROCTOR**, granting permission to the **Township of Scotch Plains** to hang a banner across Park Avenue, at Front Street, Scotch Plains, New Jersey, from September 30, 2005 to October 10, 2005 to advertise "**Scotch Plains Day**" to be held on Sunday, October 9, 2005.

On a motion by Freeholder Sullivan, seconded by Vice Chairman Mirabella roll call showed eight members of the Board voted in the affirmative with Freeholder Mapp absent.

995-2005 **CHAIRMAN PROCTOR**, granting permission to the **Township of Scotch Plains** to hang a banner across Park Avenue, at Front Street, Scotch Plains, New Jersey, from October 10, 2005 to October 24, 2005 to advertise the "**New Hope For Recoverers, Inc., Walk-A-Thon**" to be held on Saturday, October 22, 2005.

On a motion by Freeholder Sullivan, seconded by Vice Chairman Mirabella roll call showed eight members of the Board voted in the affirmative with Freeholder Mapp absent.

- 996-2005** **CHAIRMAN PROCTOR**, granting permission to the **City of Summit** in conjunction with the YMCA to close Broad Street from Summit Avenue to Maple Street, Summit, New Jersey, between 12:00 p.m. and 5:00 p.m. on Sunday, October 16, 2005 for a **“5-Mile Run and 1.5-Mile Walk”** sponsored by the YMCA.

On a motion by Freeholder Sullivan, seconded by Vice Chairman Mirabella roll call showed eight members of the Board voted in the affirmative with Freeholder Mapp absent.

- 997-2005** **CHAIRMAN PROCTOR**, supporting the **Township of Springfield’s Ordinance No. 2003-17**, establishing new speed limits along Shunpike Road, from City of Summit Line to Mountain Avenue increase the established speed limit from 25 MPH to 35 MPH and from Mountain Avenue to South Springfield Avenue decrease the established speed limit from 35 MPH to 30 MPH. (Both of these speed limit changes are based on speed studies conducted in accordance with established NJDOT procedures).

On a motion by Freeholder Sullivan, seconded by Vice Chairman Mirabella roll call showed eight members of the Board voted in the affirmative with Freeholder Mapp absent.

- 998-2005** **CHAIRMAN PROCTOR**, authorizing **Change Order No. 1 and (Final)** to the contract with **Sparwick Contracting, Inc., Lafayette, New Jersey**, for the replacement of UC Bridge No. Un45 – Townships of Springfield & Union Superstructure – Milltown Road Bridge over Rahway River, reducing the contract amount by **\$113,492.03** for a new contract amount of **\$1,021,056.97**.

On a motion by Freeholder Sullivan, seconded by Vice Chairman Mirabella roll call showed eight members of the Board voted in the affirmative with Freeholder Mapp absent.

- 999-2005** **CHAIRMAN PROCTOR**, authorizing the County Manager to award a professional engineering service contract to **O’Brien & Gere Engineers, Inc., Edison, New Jersey**, for the purpose of providing the 2005 cycle of the mandatory biannual dam safety inspections, in accordance with N.J.A.C. 7:20-1.11 in an amount of **\$19,200**.

On a motion by Freeholder Sullivan, seconded by Vice Chairman Mirabella roll call showed eight members of the Board voted in the affirmative with Freeholder Mapp absent.

- 1000-2005** **CHAIRMAN PROCTOR**, authorizing the County Manager to award a professional engineering service contract to **Keller & Kirkpatrick Consulting Engineers, Parsippany, New Jersey**, for the purpose of providing construction administration and inspection services for the intersection improvements in Clark & Westfield in an amount not to exceed **\$63,525**. (This project includes the intersection of Westfield Avenue at Raritan Road, Clark, New Jersey, and East Broad Street at Mountain Avenue/Central Avenue/Elm Street, Westfield, New Jersey).

On a motion by Freeholder Sullivan, seconded by Vice Chairman Mirabella roll call showed eight members of the Board voted in the affirmative with Freeholder Mapp absent.

- 1001-2005** **CHAIRMAN PROCTOR**, authorizing the County Manager to award a professional engineering and land surveying service contract to **Harbor Consultants, Cranford, New Jersey**, to perform on-call services for various small projects within the County of Union in an amount of **\$70,000**. (Included in this is an expanded scope of work required to complete Waterfront Development, Stream Encroachment, General Permit #10, and Tideland Grant Application Process for East Inman Avenue Bridge in Rahway, New Jersey).

On a motion by Freeholder Sullivan, seconded by Vice Chairman Mirabella roll call showed eight members of the Board voted in the affirmative with Freeholder Mapp absent.

- 1002-2005** **CHAIRMAN PROCTOR**, authorizing the County Manager to award a professional engineering service contract to **Maser Consulting, P.A., Hamilton, New Jersey**, for the purpose of providing an Intersection Improvement Study for the Intersection of Chestnut Street with West Chestnut Street and Stuyvesant Avenue, Township of Union, in an amount not to exceed **\$54,480**.

On a motion by Freeholder Sullivan, seconded by Vice Chairman Mirabella roll call showed eight members of the Board voted in the affirmative with Freeholder Mapp absent.

- 1003-2005** **CHAIRMAN PROCTOR**, granting permission to the **Township of Scotch Plains** to close Park Avenue from Front Street to Second Street, Scotch Plains, New Jersey, on Sunday, October 9, 2005 from 9:00 a.m. to 5:00 p.m. for the **“Scotch Plains Day”** ceremony and activities.

On a motion by Freeholder Sullivan, seconded by Vice Chairman Mirabella roll call showed eight members of the Board voted in the affirmative with Freeholder Mapp absent.

- 1004-2005** **CHAIRMAN PROCTOR**, authorizing the County Manager to apply for and accept the **Enhanced 9-1-1 Grant Program** offered by the **State of New Jersey, Office of Information Technology, Office of Emergency Telecommunications Services** in an amount of **\$880,562** for the purpose of purchasing, upgrading, maintaining and operating the technology necessary to provide the most reliable, cost effective, state-of-the-art emergency telephone reporting system in New Jersey.

On a motion by Freeholder Sullivan, seconded by Vice Chairman Mirabella roll call showed eight members of the Board voted in the affirmative with Freeholder Mapp absent.

- 1005-2005** **CHAIRMAN PROCTOR**, amending **Resolution No. 793-2005** to increase the appropriation to **Edward Kologi, Esq., Linden, New Jersey**, as special counsel in the matter entitled **Brunson v. Dougherty, et als.** in an additional amount of **\$5,000** for the final total contract amount not to exceed **\$20,000**.

On a motion by Freeholder Sullivan, seconded by Vice Chairman Mirabella roll call showed eight members of the Board voted in the affirmative with Freeholder Mapp absent.

- 1006-2005** **CHAIRMAN PROCTOR**, amending **Resolution No. 622-2005** to increase the appropriation to **Edward Kologi, Esq., Linden, New Jersey**, as special counsel in the matter entitled **Baptiste v. Barber et als.** in an additional amount of **\$5,000** for a new total contract amount not to exceed **\$15,000**.

On a motion by Freeholder Sullivan, seconded Vice Chairman Mirabella by roll call showed eight members of the Board voted in the affirmative with Freeholder Mapp absent.

- 1007-2005** **CHAIRMAN PROCTOR**, amending **Resolution No. 872-2005** to increase the appropriation to **Robert Renaud, Esq., Cranford, New Jersey**, as special counsel in the matter entitled **Baptiste v. Barber et als.** in an additional amount of **\$5,000** for a new total contract amount not to exceed **\$20,000**.

On a motion by Freeholder Sullivan, seconded Vice Chairman Mirabella by roll call showed eight members of the Board voted in the affirmative with Freeholder Mapp absent.

1008-2005 CHAIRMAN PROCTOR, amending **Resolution No. 156-2005** to increase the appropriation to **Thomas C. Jardim, Esq., Morristown, New Jersey**, as special counsel in the matter entitled **Baptiste v. Barber et als.** in an additional amount of **\$5,000** for a new total contract amount not to exceed **\$20,000**.

On a motion by Freeholder Sullivan, seconded Vice Chairman Mirabella by roll call showed eight members of the Board voted in the affirmative with Freeholder Mapp absent.

1009-2005 CHAIRMAN PROCTOR, amending **Resolution No. 621-2005** to increase the appropriation to **Edward Kologi, Esq., Linden, New Jersey**, as special counsel in the matter entitled **Roberts v. Union County et als.** in an additional amount of **\$5,000** for a new total contract amount not to exceed **\$15,000**.

On a motion by Freeholder Sullivan, seconded Vice Chairman Mirabella by roll call showed eight members of the Board voted in the affirmative with Freeholder Mapp absent.

1010-2005 CHAIRMAN PROCTOR, amending **Resolution No. 836-2004** to increase the appropriation to **Robert Renaud, Esq., Cranford, New Jersey**, as special counsel in the matter entitled **Murphy v. Union County et als.** in an additional amount of **\$5,000** for a new total contract amount not to exceed **\$10,000**.

On a motion by Freeholder Sullivan, seconded Vice Chairman Mirabella by roll call showed eight members of the Board voted in the affirmative with Freeholder Mapp absent.

1011-2005 CHAIRMAN PROCTOR, amending **Resolution No. 835-2004** to increase the appropriation to **Edward Kologi, Esq., Linden, New Jersey**, as special counsel in the matter entitled **Murphy v. Union County et als.** in an additional amount of **\$5,000** for a new total contract amount not to exceed **\$10,000**.

On a motion by Freeholder Sullivan, seconded Vice Chairman Mirabella by roll call showed eight members of the Board voted in the affirmative with Freeholder Mapp absent.

1012-2005 CHAIRMAN PROCTOR, amending **Resolution No. 1107-2004** to increase the appropriation to **Edward Kologi, Esq., Linden, New Jersey**, as special counsel in the matter entitled **Fanelli v. Union County et als.** in an additional amount of **\$15,000** for a new total contract amount not to exceed **\$120,000**.

On a motion by Freeholder Sullivan, seconded Vice Chairman Mirabella by roll call showed eight members of the Board voted in the affirmative with Freeholder Mapp absent.

- 1013-2005** **CHAIRMAN PROCTOR**, amending **Resolution No. 92-2005** to increase the appropriation to **Robert Renaud, Esq., Cranford, New Jersey**, as special counsel in the matter entitled **Nazario v. Union County et als.** in an additional amount of **\$5,000** for a new total contract amount not to exceed **\$15,000**.

On a motion by Freeholder Sullivan, seconded Vice Chairman Mirabella by roll call showed eight members of the Board voted in the affirmative with Freeholder Mapp absent.

THE FOLLOWING RESOLUTIONS WERE LAUDATORY IN CONTENT:

- 1014-2005** **FREEHOLDERS ESTRADA AND SCANLON**, congratulating the **Amerigroup Foundation** on their nomination and receipt of the 2005 “Best of the Best” Outstanding Foundation Award by the Boys and Girls Clubs of Union County.

On a motion by Freeholder Sullivan, seconded Vice Chairman Mirabella by roll call showed eight members of the Board voted in the affirmative with Freeholder Mapp absent.

- 1015-2005** **FREEHOLDERS ESTRADA AND SCANLON**, congratulating the **Union Center National Bank** on their nomination and receipt of the 2005 “Best of the Best” Outstanding Corporation Award by the Boys and Girls Clubs of Union County.

On a motion by Freeholder Sullivan, seconded Vice Chairman Mirabella by roll call showed eight members of the Board voted in the affirmative with Freeholder Mapp absent.

- 1016-2005** **FREEHOLDERS ESTRADA AND SCANLON**, congratulating **Assemblyman Joseph Cryan** on his nomination and receipt of the 2005 “Best of the Best” Elizabeth and Carl Laggren Award for Outstanding Individual Stewardship by the Boys and Girls Clubs of Union County.

On a motion by Freeholder Sullivan, seconded Vice Chairman Mirabella by roll call showed eight members of the Board voted in the affirmative with Freeholder Mapp absent.

- 1017-2005** **FREEHOLDERS ESTRADA AND SCANLON**, congratulating **Union County Department of Human Services (UCDHS)** on their nomination and receipt of the 2005 “Best of the Best” Outstanding Community Organization Award by the Boys and Girls Clubs of Union County.

On a motion by Freeholder Sullivan, seconded Vice Chairman Mirabella by roll call showed eight members of the Board voted in the affirmative with Freeholder Mapp absent.

1018-2005 FREEHOLDER KOWALSKI & FREEHOLDER HOLMES, congratulating **Ethel Heim, Cranford, New Jersey**, on her 101st Birthday, which she celebrated on August 15, 2005.

On a motion by Freeholder Sullivan, seconded Vice Chairman Mirabella by roll call showed eight members of the Board voted in the affirmative with Freeholder Mapp absent.

1019-2005 FREEHOLDER MAPP, congratulating the **Barbados Charitable Organization of New Jersey** on their 39th Anniversary of independence.

On a motion by Freeholder Sullivan, seconded Vice Chairman Mirabella by roll call showed eight members of the Board voted in the affirmative with Freeholder Mapp absent.

1020-2005 FREEHOLDERS MAPP AND HOLMES, extending deepest condolences to the family of **Carmetha Brodie, Plainfield, New Jersey**, in this, their time of sorrow.

On a motion by Freeholder Sullivan, seconded Vice Chairman Mirabella by roll call showed eight members of the Board voted in the affirmative with Freeholder Mapp absent.

1021-2005 FREEHOLDER SCANLON AND THE ENTIRE BOARD, congratulating **Ann Baran** for receiving the Dolores Del Raudelumus Spirit of Caring Award.

On a motion by Freeholder Sullivan, seconded Vice Chairman Mirabella by roll call showed eight members of the Board voted in the affirmative with Freeholder Mapp absent.

1022-2005 CHAIRMAN PROCTOR and the ENTIRE BOARD, congratulating the following on being deployed to New Orleans, Louisiana to help with the Hurricane Katrina Relief Efforts: **UC CERT Team, Union County Sheriff's Officers, Union County Police Officers, Union County Prosecutor's Officers and Police Officers from Berkeley Heights, Clark, Linden, Hillside, Kenilworth, Plainfield, Mountainside, New Providence, Rahway, Scotch Plains, Summit and Westfield.**

On a motion by Freeholder Sullivan, seconded Vice Chairman Mirabella by roll call showed eight members of the Board voted in the affirmative with Freeholder Mapp absent.

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**MEETING OPEN TO THE PUBLIC FOR THE
PURPOSE OF COMMENTING ON
ANY MATTER**

Tony Grace, Elizabeth, Vice Commander of Bayway Post 260 of the American Legion commented on Mount Olive Cemetery and on the 300 footstones of deceased veterans which are in poor condition. He said that Bayway post 260 has made efforts to restore them but he requested a \$15,000 donation from the Board to continue their efforts. He gave a written letter to the Clerk of the Board (see attached).

Patricia Quatrocchi, Garwood, commented on various charitable activities going on throughout the county for the victims of Hurricane Katrina. She also stated that she was glad to see agendas of prior meetings on the County website and said she hoped the Minutes would also appear there.

Bruce Patterson, Garwood, commented on Garwood receiving 10 trees from the Greening the Streets program. He also commented in opposition to the cost of a county wide comprehensive master plan for a bike-way. The County Manager responded that an NJTPA Grant is funding the study. The Chairman also responded to his comments. Mr. Patterson also commented on a recent article in the Star Ledger on the subject of County cars and the use of vehicles.

PUBLIC COMMENT PORTION CONCLUDED

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FREEHOLDER REPORTS AND COMMENTS

Freeholder Estrada commented on the study of the bike paths and noted how needed such a path was and how important it was to have a good plan for the path. The Freeholder also commented on the Veteran's graves issue, and stated that the Board is trying to investigate the condition of veteran's graves on a county-wide basis, and is looking into the issue, even though Mt. Olive cemetery is not located in Union County. He assured Mr. Grace that the Board is very concerned about this subject.

Freeholder Holmes stated that he agreed with Freeholder Estrada's comments regarding the veteran's graves and echoed the Board's concerns.

Freeholder Kowalski stated that although the summer activities are now over there are many Parks Department and Culture and Heritage activities coming up in the fall and encouraged people to check the website.

Freeholder Ward had no comments.

Freeholder Sullivan responded to Mr. Patterson's comments on the bike path study and outlined the NJTPA financing and grant funding process. He also responded to Mr. Grace, stating that he believed that particular cemetery is owned by St. Patrick's Church, but the Board would consider ways to help. Also he commented on how the UC CERT team had worked in New Orleans, and how the Board took enormous pride in the team's work down there, and noted that our team had all the equipment they needed to do the job. Union County residents should be proud our officers are kept well equipped by the Board.

Freeholder Scanlon reminded everyone that October is Breast Cancer Awareness month, and that it is important that every woman should be checked annually for this disease. The Freeholder also said that at a meeting last week she was discussing trees and the impact they have on people. She then read an excerpt from an article that discussed the importance of the sight of greenery and awareness of nature for youth, and how it enhances their self discipline. The Freeholder also noted that October is Domestic Violence Awareness month. She noted an upcoming vigil in recognition of this month at Kean University.

Vice Chairman Mirabella commented on the recently held MusicFest and congratulated Carolyn Sullivan for her efforts on that event. He also congratulated the County Police and the Parks Department for the event's success. The Vice Chairman also commented on a recent visit by the President of Colombia to Union County, and on the recent Rolling Thunder gathering of motorcycles in Warinanco Park, which is part of the recognition of POW/MIA day. The Vice Chairman also commented on Harvest Fest held at the Trailside Nature and Science Center. He also commented on former President William Clinton's visit to Union County in support of Democratic gubernatorial candidate U.S. Senator Jon Corizne.

County Manager Devanne y also commented on upcoming fall parks events, and congratulated Carolyn Sullivan of the County Manager's office and the Parks Department on the success of Music Fest. He said it was a very successful event with a fireworks show at the end for the first time.

County Counsel had no comments.

The Vice Chairman interjected a comment about the Linden POW/MIA event, saying that it was very important and very moving.

Chairman Proctor congratulated the Parks and Recreation Department, the County Police and other departments on the success of so many recent events.

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The Chairman called for a motion to enter into Executive Session. On a motion by Vice Chairman Mirabella, seconded by Freeholder Scanlon, roll call showed eight members of the Board voted in the affirmative with Freeholder Mapp absent.

EXECUTIVE SESSION

The Chairman called for a motion to return to the Regular meeting. On a motion by Freeholder Holmes, seconded by Freeholder Scanlon, roll call showed eight members of the Board voted in the affirmative with Freeholder Mapp absent.

The Chairman called for a motion to adjourn the meeting. On a motion by Freeholder Scanlon seconded by Freeholder Holmes roll call showed eight members of the Board voted in the affirmative with Freeholder Mapp absent.

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The voucher list through **September 21, 2005** will be available for public perusal in the Office of the Clerk of the Board.

The next **Regular Meeting** of the Union County Board of Chosen Freeholders will be held on, **October 6, 2005 at 7:00 PM** in the Freeholders Meeting Room, Administration Building, 6th Floor, Elizabeth, New Jersey.

ADJOURNMENT

Nicole L. Tedeschi
Clerk of the Board

NLT/amc