



UNION COUNTY PROSECUTOR'S OFFICE

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January 24, 2012

Tina Renna
Union County Watchdog Association
202 Walnut Avenue
Cranford, New Jersey 07016

Re: Alleged Violation of OPMA by Union County Freeholders on July 21, 2011

Dear Ms. Renna:

Please be advised that the Union County Prosecutor's Office has reviewed this matter and has determined that the Freeholders did **not** violate the Open Public Meetings Act when they met in executive session on July 21, 2011.

The Freeholders went to executive session that day so that Netta Architects and MAST Construction Management Services could provide them and the parties most affected by the project with an overview of the proposed design and projected cost of a new County Courts building on Cherry Street in Elizabeth. This is a project the Freeholders have been considering for the past two years. The project consists of a new building to house the Union County Family Courts and a parking deck.

In 2010, the Freeholders passed Resolutions 2010-92 and 2010-611 awarding contracts to Netta Architects of Springfield and MAST Construction Services of Little Falls to design a new Courts Building and parking deck and determine its projected cost. To date, no bonds have been authorized to fund the construction and no construction contracts have been awarded to build it.

Unlike the situation in *Nevin v. Asbury Park City Council*, the unpublished Law Division case you cited in your letter, this was not a meeting to discuss contract negotiations with an opposing party but rather to prepare for future contract negotiations with the entities to who the construction contracts are ultimately awarded. MAST Construction Services will be the project manager. It will not construct the new building or the parking deck.

MAST and Netta Architects were invited to the meeting to present their work on the design of the building and an overview of the projected construction costs to the Freeholders and to the Union County Assignment Judge, the Union County Superior Court Administrator and the Directors of the Union County Department of Engineering, Public Works and Facilities and Operational Services.

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The Freeholders did not take any action on the presentations made at the July 21, 2011 executive session. Instead, they invited Nick Netta of Netta Architects to their next meeting on July 28, 2011 so he could provide a public explanation of the project and the work that had been done so far. He also explained that the size of the project had to be increased because the State is requiring that the building function as an independent Courthouse (see Regular Meeting Minutes of July 28, 2011 attached).

Accordingly, having determined that the Freeholders did not violate the OPMA when they went to executive session on July 21, 2011, our office is taking no further action on this matter.

Very truly yours,

THEODORE J. ROMANKOW
Prosecutor of Union County



By: ANN R. RUBIN
Assistant Prosecutor

to accommodate ages 2-5 and 5-12. He added that the funds to complete the project will come from Park Maintenance budget and the Open Space, Recreation and Historic Preservation Trust Fund.

Vice Chairman Mirabella requested that the Departments begin providing diagrams and site plans of anticipated projects.

Bibi Taylor, Director, Department of Finance, explained that the County received approval from the Local Finance Board to cancel the funds, referring to Resolution 2011-684, because our balances are greater than our liability, as of year-end 2010. She stated that the County does realize revenue from the Agreement with Roselle Park in the amount of \$27.50 for every fine, referring to Resolution 2011-685, and in reference to Resolution 2011-691, she said that all the referenced grants are public and private revenues which offset programming costs.

Nick Netta of Netta Architects, LLC, commented on Resolution 2011-693. He provided background data on the project and indicated that the requirements are as per the State. The building needs to function as an independent Courthouse. He stated it is now 78,000 square feet, which is three times its original size.

Director Moran, Department of Public Safety, stated that in reference to Resolution 2011-695, the Center currently has 2 dispatch positions and after the project is complete, there will be a total of 9 positions. The County does handle dispatch of the County ambulance. In reference to 2011-701, he explained that this only deals with Medicare patients which are transported by our ambulances and treated by paramedics. Medicare only accepts one bill. This will allow our services to be included in the invoice.

County Counsel Robert Barry agreed that the County is able to conduct the Red Light Study. He said four of seven approved red light cameras are operational. The municipality is the only authority which can have the red light cameras implemented. The County has the option to participate in one half of the fines generated, if the county shares one half of the implementation and maintenance.

Vice Chairman Mirabella commented on the retirement of Mr. Devanney and Mr. Faella as his replacement. He expressed the Board's intent to hire from within to continue the direction and momentum of the County. We chose to interview Mr. Faella based on review of his resume. There is a salary savings.

Director Guzzo responded to 2011-665, stating that it represents money to run year-round and summer programs for Union County youth for job training. Additionally, running a summer program allows kids to get work experience and earn money which is often earned to help support the household. Various non-profits will employ 135-140 kids throughout the County for a four week program.

Director Guzzo stated that Veterans transportation do ride for free and the small fee requested on Paratransit helps offset the costs.

Chairman Scanlon added that insurance will be paying \$87,000 because the pipe organ was damaged during construction. The organ is located under the stage and the pipes are located above the theatre.

Vikki Durbin-Drake, Administrator of the Open Space, Recreation and Historic Preservation Trust