

1 BERGEN COUNTY
2 BOARD OF CHOSEN FREEHOLDERS
3 HACKENSACK, NEW JERSEY
4 WORK SESSION
5 WEDNESDAY, JUNE 22, 2016
6 COMMENCING AT 4:38 P.M.

7 FREEHOLDERS PRESENT:

8 STEVEN A. TANELLI, CHAIRMAN

9 JOHN A. FELICE, CHAIRMAN PRO TEMPORE

10 DAVID L. GANZ

11 DR. JOAN M. VOSS

12 MAURA R. DeNICOLA

13 THOMAS J. SULLIVAN

14
15
16 FREEHOLDERS ABSENT:

17 TRACY S. ZUR, VICE CHAIRWOMAN
18
19
20
21
22
23

24 KIM O. FURBACHER, C.C.R., R.M.R.
25 P.O. BOX 213
ROCHELLE PARK, NEW JERSEY 07662-0213
201-336-6200

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ALSO PRESENT:

LISA SCIANCALEPORE
CLERK TO THE BOARD

MICHAEL V. BELLUCCI, ESQUIRE
DEPUTY COUNTY ADMINISTRATOR

EDWARD J. FLORIO, ESQ.
COUNSEL TO THE BOARD

JARED LUTZ
DIRECTOR OF COMMUNICATIONS & POLICY

JOHN DANUBIO
DEPUTY DIRECTOR OF COMMUNICATIONS & POLICY
and DIRECTOR OF POLICY RESEARCH

KIM O. FURBACHER, C.C.R., R.M.R.
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4:40 PM PUBLIC COMMENT

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Chuck Powers

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Len Nix

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4:48 PM REVIEW OF RESOLUTIONS

13

Gerald Reiner, Director of Purchasing

Raymond W. Dressler, Director
Department of Public Works

James Koth, Director
Department of Parks

Daniel E. Zwillenberg, Esq.
Assistant County Counsel

1 CHAIRMAN TANELLI: The meeting is
2 called to order.

3 Before we begin, could everyone please
4 silence their phones.

5 Would the Clerk please read the Byron
6 Baer Open Public Meetings Act.

7 MS. SCIANCALEPORE: In accordance with
8 Section 5 of the Sen. Byron Baer Open Public Meetings
9 Act, adequate notice of this meeting has been
10 provided in the Annual Notice Schedule, which
11 contained the time, date, and location of this
12 meeting, copies of which Notices were forwarded to
13 the official County newspapers, to wit: The Herald
14 News; The Record; and the Star Ledger, and a copy of
15 which was posted on the bulletin board in the Bergen
16 County Justice Center and Administration Building,
17 One Bergen County Plaza, Hackensack, New Jersey, and
18 filed with the Office of the Bergen County Clerk.

19 CHAIRMAN TANELLI: Please call the
20 roll.

21 (At this point in the proceeding roll
22 call is taken with Freeholders DeNicola, Felice,
23 Ganz, Sullivan, Voss, and Chairman Tanelli present,
24 with Vice-Chairwoman Zur absent.)

25 CHAIRMAN TANELLI: A quorum is present.

1 Would everyone please rise for the
2 Pledge.

3 (At this point in the proceeding all
4 rise for a recitation of the Pledge of Allegiance.)

5 CHAIRMAN TANELLI: Please remain
6 standing for a Moment of Silence in memory of Paul
7 Nichols, a U.S. Army veteran, publisher of the Bergen
8 Dispatch, and tireless homeless advocate, who died
9 suddenly last Thursday.

10 He was often a regular at our meetings,
11 and we acknowledge his role as a valued member of the
12 press who tirelessly reported on local matters here
13 in Bergen County.

14 (Whereupon a Moment of Silence is
15 observed.)

16 CHAIRMAN TANELLI: Thank you.

17 4:40 PM PUBLIC COMMENT

18 CHAIRMAN TANELLI: Can I have a motion
19 to open the meeting to the public?

20 FREEHOLDER GANZ: So moved.

21 FREEHOLDER SULLIVAN: Second.

22 CHAIRMAN TANELLI: All in favor?

23 (All present Freeholders respond in the
24 affirmative.)

25 CHAIRMAN TANELLI: Opposed?

1 (No response.)

2 CHAIRMAN TANELLI: The ayes have it.
3 We will now have a Hearing of the
4 General Public, with a three-minute time limit in
5 effect.

6 The Board Attorney will keep the time.
7 Anybody wishing to speak?

8 MR. POWERS: Chuck Powers, Teaneck.

9 In addition to the good work you folks
10 are doing, parks and Bergen Regional is both under
11 control and achieving everything we want for them,
12 I'm good to see that the administration has proposed,
13 and I assume you folks are going to pass today, an
14 increase by 50 percent of the tax that the public has
15 voted for Open Public Meetings Act [sic].

16 MR. FLORIO: Open Space?

17 MR. POWERS: Sorry. Open Space.

18 I'm a little stuck on the Open Public
19 Meetings Act, as you folks well know.

20 CHAIRMAN TANELLI: Not to burst your
21 bubble, that's a typo, we are remaining at a quarter
22 of a cent.

23 MR. POWERS: I'm very sorry to hear
24 that.

25 CHAIRMAN TANELLI: I'm sure.

1 MR. POWERS: Because if you take a
2 look, there's a wonderful report, I hope you folks
3 are well aware of, where what has been done on the
4 Open Public Space Act is some of the most important
5 work being done. But a concern I have is something I
6 raised with you last time, which was the fact that
7 the floodplain piece of that remains absolutely tiny.
8 There was no additional floodplain work added to the
9 budget last year.

10 There are two projects, one in Oakland
11 and one in Westwood, that have been done since the
12 populous of Bergen County voted by a 2 to 1 measure,
13 as is actually reported in this report, for Open
14 Space Trust to issues associated with floodplain
15 purchasing.

16 There was an enormously important
17 opportunity to anticipate what we all know is certain
18 to be happening again to our rivers. Our rivers are
19 troubled, we know that. In addition, by what the
20 Environmental Protection Agency has just been talking
21 about in terms of the 17 miles, now the Hackensack,
22 to track also what we've been trying to do with the
23 Passaic, but those rivers not only are enormous
24 opportunities for recreation, but they're also places
25 where we are faced with contamination and they're

1 places where the floods come. To actually not to
2 have made more progress on opening up that piece is
3 too bad, and I am very sorry to hear that you folks
4 are going to return to only the one quarter of one
5 percent.

6 I remind you, by a 2 to 1 vote, people
7 said they wanted this piece opened up in that
8 program, and by a 65 percent to 35 percent major.

9 The last time they got an opportunity
10 to vote for this question, they said that they were
11 prepared to be taxed up to a full one percent. You
12 folks have held that level at a very low level. If
13 you take a look at the graphs incorporated with this
14 report, you'll see just how low that is. I don't
15 understand that, and I'm very sorry to hear that was
16 a typo.

17 Thank you.

18 CHAIRMAN TANELLI: Thank you,
19 Mr. Powers.

20 Would anyone else like to address the
21 Board?

22 Not seeing anyone else, may I take a
23 motion to close -- I'm sorry. I didn't see your
24 hand, Mr. Nix.

25 MR. NIX: Yeah. Nix.

1 I saw in the paper about the zoo, you
2 want to make the zoo bigger.

3 It's overbuilt there in Paramus. You
4 should take the zoo and put it down in the
5 Meadowlands. That's one.

6 The submarine has to be moved, because
7 they're doing a development there. The submarine
8 should go up to the bridge that saved the nation, the
9 Historic New Bridge, whoever they're supposed to be,
10 there's two groups up there, neither one of them know
11 what they're doing, but the sub should go up there.

12 That means you got to take down that
13 New York Susquehanna Bridge, the Court Street Midtown
14 Bridge, Anderson Street Bridge, and the pedestrian
15 bridge in Fairleigh, all got to come down so you can
16 get the sub up there. Plus, you got to dredge the
17 river.

18 That's where the sub should go. If it
19 wasn't for that bridge, we probably wouldn't be --
20 well, the war would have been dragged out a lot
21 longer with George Washington. And you should make
22 that a historic site, something you can go to. Right
23 there now, as it is, there's nothing up there.

24 Not the Bergen County Historic Society,
25 the other one with the guy that writes the children's

1 books, you know what I'm talking about?

2 FREEHOLDER DeNICOLA: Kevin Wright?

3 MR. NIX: Yes.

4 That guy is the biggest son-of-a-gun I
5 can think of. I've been down there 30 years. He's
6 got this idea he don't want the walkway going through
7 there. They have completely destroyed that piece of
8 property up there, and I go to the meetings. I was
9 there when the DEP Martin was there, and it's a good
10 thing I didn't know he was there because I would have
11 gave him an earful. They want to build in the
12 wetlands. They're trying to fill in the wetlands.
13 I've been turning in that son-of-a-gun for 40 years.
14 They have no business doing it, and I was there when
15 the flood came and everything. Them guys spend, then
16 they became a some kind of state agency, now they are
17 getting state funds.

18 They got no business getting a nickel.
19 They are just stupid people. If they want to run
20 around like Washington and that, fine, but let them
21 do it on their own money.

22 They brought chairs there after the
23 flood, \$500 a chair. I almost fell off my chair.

24 The head of the DEP, Martin, another
25 idiot, thinks they can build in the wetlands somehow.

1 The place floods all the way up to Sanzari's
2 restaurant.

3 And I'm calling up the state Attorney
4 General. I'm trying to shutdown the City of
5 Hackensack, and next you guys are in line.

6 MR. FLORIO: Three minutes, Mr. Nix.

7 CHAIRMAN TANELLI: Please wrap it up,
8 Mr. Nix.

9 MR. NIX: Who said "three minutes"?

10 MR. FLORIO: I did.

11 MR. NIX: Who the hell are you?

12 MR. FLORIO: I'm counsel to the
13 Freeholder Board.

14 MR. NIX: Where do you get three
15 minutes, 180 seconds, from?

16 MR. FLORIO: That's the time limit for
17 public speakers.

18 MR. NIX: Well, who else wants to speak
19 today?

20 MR. FLORIO: I think you will be the
21 last.

22 CHAIRMAN TANELLI: Please wrap it up.

23 MR. NIX: Huh?

24 CHAIRMAN TANELLI: Please wrap it up.

25 MR. NIX: Bergen Regional, I was up

1 there the other night, the guy said I was drunk.

2 I dropped off a kid the cops were going
3 to arrest, and I took him up there to dry out.

4 Bergen Regional, you can't run it, you can't run the
5 government.

6 I'm working with the New York
7 Susquehanna and Western Railroad, private money, I
8 got all the money I want --

9 CHAIRMAN TANELLI: This is not county
10 business.

11 MR. NIX: I got all the money I want to
12 run the railroad from Hackensack --

13 CHAIRMAN TANELLI: That's all.

14 MR. NIX: -- through the Edgewater
15 tunnel, to the hotel Daibes, and to the ferry that
16 Daibes is proposing on the Hudson River to New York
17 City.

18 You guys deserve -- you guys should all
19 go on vacation or jail, one or the other.

20 CHAIRMAN TANELLI: Motion to close the
21 public comment.

22 FREEHOLDER SULLIVAN: Second.

23 CHAIRMAN TANELLI: All in favor?

24 (All present Freeholders respond in the
25 affirmative.)

1 CHAIRMAN TANELLI: Opposed?

2 (No response.)

3 CHAIRMAN TANELLI: The ayes have it.

4 MR. NIX: You can't let somebody speak
5 for more than three minutes? And you want an Open
6 Public Meeting? You're full of crap!

7 And I want to know where the picture
8 is? You're full of crap!

9 4:48 PM REVIEW OF RESOLUTIONS

10 CHAIRMAN TANELLI: Review of
11 Resolutions.

12 MR. NIX: Open Public Meeting,
13 180 seconds, what country are we in?

14 You know what, you run the meeting.
15 You're in charge, be in charge.

16 MS. SCIANCALEPORE: Resolutions #668-16
17 through #685-16.

18 CHAIRMAN TANELLI: I'd like to ask the
19 Board for #669 through #673.

20 FREEHOLDER SULLIVAN: As a body?

21 CHAIRMAN TANELLI: Yes, if everybody is
22 okay with that.

23 FREEHOLDER GANZ: Yes.

24 FREEHOLDER FELICE: Yes.

25 MS. SCIANCALEPORE: Page 2.

1 FREEHOLDER DeNICOLA: I'd like to
2 sponsor #680 and #681, please.

3 FREEHOLDER VOSS: I'll co-sponsor that
4 with you.

5 FREEHOLDER DeNICOLA: Thank you.

6 MS. SCIANCALEPORE: Page 3.

7 FREEHOLDER DeNICOLA: I did have a
8 question on #682, please.

9 MR. REINER: #683?

10 FREEHOLDER DeNICOLA: #682, Gerald.

11 MR. REINER: Okay.

12 MR. DRESSLER: Good evening.

13 FREEHOLDER DeNICOLA: Good evening.

14 How are you, Ray?

15 MR. DRESSLER: Good.

16 FREEHOLDER DeNICOLA: We only had one
17 responsive bid on this.

18 MR. REINER: Uh-huh.

19 FREEHOLDER DeNICOLA: Is that because
20 it's such a unique service, and how do we know that
21 we're getting a good price at \$40,000?

22 MR. DRESSLER: It is a unique service,
23 you know, the spraying and pesticide license,
24 obviously.

25 I think Gerald went over the numbers

1 with our old contractors compared to what we expect
2 in the future, and I think the numbers were in line,
3 if I'm not correct, right?

4 MR. REINER: Yes.

5 Freeholder, just a note.

6 Also, this is a not to exceed amount.
7 So if we don't use up to this, we'll obviously return
8 that back to General. It's just with the rain and
9 everything, you don't know how the vegetation is
10 going to grow or not.

11 FREEHOLDER DeNICOLA: Okay. And you're
12 comfortable with it?

13 MR. REINER: I am.

14 FREEHOLDER DeNICOLA: Okay. Thank you.

15 FREEHOLDER SULLIVAN: Are you
16 comfortable then?

17 FREEHOLDER DeNICOLA: With the number.

18 MS. SCIANCALEPORE: Anything else?

19 CHAIRMAN TANELLI: We have the
20 additions.

21 MS. SCIANCALEPORE: Additions on Page
22 1, #685-16, which was also revised today.

23 CHAIRMAN TANELLI: Do this Body of the
24 Whole?

25 FREEHOLDER FELICE: Sure.

1 FREEHOLDER SULLIVAN: Good.

2 CHAIRMAN TANELLI: Everyone?

3 FREEHOLDER DeNICOLA: Yes.

4 CHAIRMAN TANELLI: Okay. May I have a
5 motion to accept the Resolutions on the agenda as
6 read by the Clerk?

7 FREEHOLDER GANZ: So moved.

8 FREEHOLDER DeNICOLA: So moved.

9 FREEHOLDER VOSS: Second.

10 CHAIRMAN TANELLI: That was David and
11 Joan.

12 Please call the roll.

13 (At this point in the proceeding roll
14 call is taken, and Resolutions #668-16 through
15 #685-16 are passed by a vote of six in favor, with
16 Vice-Chairwoman Zur absent.)

17 CHAIRMAN TANELLI: Are there any
18 Resolutions on Nonconsent, pulled or tabled?

19 If so, would the Clerk please read
20 them.

21 MS. SCIANCALEPORE: There are none.

22 CHAIRMAN TANELLI: There being nothing
23 further before this Board --

24 FREEHOLDER DeNICOLA: Actually, Mr.
25 Chairman, I do have a point of old business.

1 CHAIRMAN TANELLI: Sure.

2 FREEHOLDER DeNICOLA: Or new business.

3 Catching up on things from The Bergen
4 Record, I had a question about the article that was
5 in the paper regarding the dinosaur exhibit that's
6 for Teaneck, it's going to be moved, and the property
7 is now going to be prepared for it, and it's open on
8 the other side.

9 Why isn't this coming before us, and,
10 doesn't it need to be?

11 We pass resolutions about the smallest
12 bills. We haven't seen a contract and haven't
13 ratified the contract, and yet this exhibit is open,
14 charging the public money, and it's on public
15 property.

16 CHAIRMAN TANELLI: Can you just wait a
17 minute?

18 Mr. Koth, can you address the question
19 about the dinosaur exhibit?

20 MR. KOTH: Yes, sir.

21 CHAIRMAN TANELLI: Okay.

22 FREEHOLDER DeNICOLA: Restate the
23 question?

24 CHAIRMAN TANELLI: Please.

25 FREEHOLDER DeNICOLA: It was of the

1 administration, but certainly I'll ask through you,
2 Jim.

3 MR. KOTH: Okay.

4 FREEHOLDER DeNICOLA: I read the
5 article that was in The Bergen Record about the
6 exhibit, and how it's going to be moved to the other
7 portion of the park, and that the property is going
8 to be prepared there, and the exhibit is currently
9 open over by Hoebel there.

10 MR. KOTH: Correct.

11 FREEHOLDER DeNICOLA: And they're
12 charging the public.

13 And my question is really an
14 administrative one, in that we as a body approve all
15 contracts, all purchase orders, all of the bills, and
16 yet none of this has come before us as a Freeholder
17 Board. Why hasn't that happened? And doesn't that,
18 by law, have to happen? And will it happen in the
19 future? Where is the contract now? And, lastly, of
20 course, as a member of this governing body, why am I
21 learning about it in the newspaper like the rest of
22 the public?

23 MR. KOTH: So, to answer some of your
24 questions, Freeholder.

25 The contract absolutely would come

1 before this Board for a vote, an endorsement, as we
2 move forward. It has not been finalized, which is
3 why it has not been brought to the board, for the
4 permanent site. We have been in discussions with the
5 exhibit on how this would have been an excellent fit
6 for an environmentally sensitive piece of property,
7 and how their arrival would allow us to meet the
8 county's obligation to cap the landfill in that area.

9 And the Board approved approximately a
10 month ago a professional service contract for CME
11 Associates, our environmental engineer, for the
12 overall project site at Overpeck, to begin the
13 investigation of preparing capping documents to
14 submit to the DEP to meet our obligation in Area 2.

15 We understand from them that a surgical
16 approach is required and is very different than
17 what's been done in the past in other areas of
18 Overpeck, which have been a basic wall-to-wall
19 capping, I'll call it. There are certain locations
20 within the park that require capping.

21 And the advantage or the benefit of
22 what the dinosaur exhibit would do for Bergen County
23 coming to this site is that the revenues generated by
24 their arrival would allow us to meet that goal ahead
25 of schedule, which currently there is none for, but

1 the county has an obligation to close this landfill
2 under our DEP permit.

3 FREEHOLDER DeNICOLA: Right.

4 MR. KOTH: So, as far as dinosaurs as a
5 permanent site, that still has to come before this
6 Board. No contract has been entered into. It's
7 still under negotiation.

8 They're in the Hoebel section of the
9 park through a permit from the Department of Parks,
10 which is not a contract but we're assessing them
11 permit fees, and that's I think the best answer to
12 the questions you posed.

13 FREEHOLDER DeNICOLA: Then let me ask,
14 they have a permit to operate a business on public
15 land?

16 MR. KOTH: They have a permit as, I
17 don't want to call it a "concession," and I would
18 defer to County Counsel to speak to the legalities of
19 it, or Freeholder Counsel but I think it's more in
20 line with County Counsel. We looked at the fee
21 ordinance and how we could best apply that to bring
22 them in a temporary sense to a limited site of
23 Overpeck that we felt was consistent with Green Acres
24 regulations that didn't violate that and it's a
25 temporary thing, it's no different than if, I hate to

1 use this expression, but a traveling show or the
2 Vietnam wall that was brought into Overpeck or any
3 other type of exhibit would come through the park,
4 there's no permanent utilities, there's no permanent
5 anything, other than a footprint that we are giving
6 them in exchange for rent.

7 FREEHOLDER DeNICOLA: With all due
8 respect, Jim, and I do respect your work, the Vietnam
9 Memorial Wall, we didn't charge the public, that was
10 a public service that we as a county provided in
11 bringing that here for our veterans and families.

12 This is an entity that's making money,
13 and that's my concern, and is going to be permanently
14 making money on county property. How does that
15 happen without this Board?

16 And the answer to that question may not
17 lie in Parks, but in Administration or through County
18 Counsel, but we haven't approved a contract for them
19 and --

20 CHAIRMAN TANELLI: Can I just interrupt
21 you for a second.

22 What I'm hearing from you is that we
23 set them up temporarily, because we do have a
24 permanent spot that they're going in. The county's
25 obligated to clean the landfill up, and we're

1 responsible to pay to clean the landfill up. So in a
2 time sensitive situation, if I'm not mistaken, this
3 attraction was being shopped around in a lot of
4 different areas, we were able to secure it to come to
5 Bergen County. And in the meantime, once they get
6 permanently located, we're going to use some of the
7 funds that they generate in revenue to help cleanup
8 the landfill. This was a stop gap measure until the
9 landfill is capped.

10 So you came up with a creative way to
11 keep them and be able to attract them into Bergen
12 County Parks. We certainly can move forward and get
13 a little bit better legal explanation from County
14 Counsel as to how that's done, to make sure we're
15 doing it correctly, and there is no contract for us
16 to approve, because none has been drafted yet or
17 finalized yet.

18 MR. KOTH: In summary, that is
19 accurate.

20 The only thing I would add is that in
21 the temporary location, the county is being paid rent
22 and is compensated for the time that they're there.
23 So it's not that they're given parkland to then make
24 money off of and charge residents. We're receiving
25 fees from that.

1 FREEHOLDER DeNICOLA: But that's my
2 point, there's money being exchanged and there's been
3 no approval by this Board.

4 And while I understand your
5 explanation, Mr. Chairman, that adds to the other
6 question of who are the "we"? Because I'm a member
7 of the Parks Committee too, and I had no idea that
8 this was happening.

9 CHAIRMAN TANELLI: I don't know what
10 you didn't understand what was happening.

11 I wasn't part of any conversations,
12 either, Jim, right? I mean, other than the
13 ribbon-cutting and welcoming them into the park.

14 FREEHOLDER DeNICOLA: Which we were
15 invited to after the fact.

16 CHAIRMAN TANELLI: All I know is I
17 stood in the rain while we cut the ribbon and
18 welcoming them with the County Executive to the park.

19 As far as the arrangements that were
20 worked out through the Parks Department, I know as
21 much as you do. So my point is that I think we
22 should have Freeholder Counsel talk to County Counsel
23 and find out how it's being structured and if it's
24 properly done, if anything needs, right now,
25 immediately, to come before this Board.

1 But as far as the contract, the
2 contract, he states, is not finalized for it to come
3 before the Board. But I understand that there was
4 also an urgency in order to secure them, because,
5 like I said, they were being shopped to multiple
6 places.

7 FREEHOLDER DeNICOLA: But that's not
8 our concern, our concern is for Bergen County and our
9 taxpayers.

10 CHAIRMAN TANELLI: I totally disagree.
11 Our concern is that we want to have public and
12 private partnerships with companies and bring them in
13 that could help generate revenue. This is a great
14 opportunity for us to clean a landfill. So if we
15 have to work with somebody to bring them in to give
16 them a temporary location, I think we're well within
17 what we're doing.

18 FREEHOLDER DeNICOLA: Then we should do
19 it in the light of day, because it opens us up to a
20 tremendous amount of liability as well.

21 CHAIRMAN TANELLI: I understand, but I
22 think --

23 FREEHOLDER DeNICOLA: Fires. The
24 public getting hurt there.

25 CHAIRMAN TANELLI: I think we will have

1 Freeholder Counsel meet with County Counsel and come
2 up with a summary of what happened, what transpired,
3 and if there's any action that needs to be taken by
4 this Board right now to alleviate any immediate risks
5 or any immediate concerns, and have Ed report back to
6 us.

7 FREEHOLDER FELICE: Mr. Chairman, if I
8 may?

9 If a nonprofit uses one of the parks,
10 Campgaw, for whatever event, is there a mechanism in
11 place that they have to be bonded so if something
12 were to happen, somebody gets hurt or a county
13 employee gets hurt or a visitor gets hurt, that the
14 county is indemnified? And that's my first question.

15 The second question is: The fee
16 ordinance that we voted on, I'm going to say like two
17 and a half years ago, like it was at the end of
18 December, are those rates based on what we're
19 charging this dinosaur exhibit? Is it based off of
20 that?

21 So those are two questions. You know,
22 are we indemnified for somebody using the park --

23 MR. BELLUCCI: If I may, Mr. Chairman?

24 CHAIRMAN TANELLI: Yes.

25 MR. BELLUCCI: Indemnification, Dan, if

1 you wouldn't mind speaking on it, because he will
2 give you the better legal synopsis than I will.

3 MR. ZWILLENBERG: Dan Zwillenberg,
4 Assistant County Counsel. I'm covering for Julien,
5 who is out today.

6 The Parks Department has permit
7 processes in place. Anyone who wants to use any of
8 the parks facilities has to fill out a permanent
9 application and receive a permit. The
10 indemnification language is a form and part of the
11 permit application.

12 So, yes, anyone using the parks, when
13 they get their permit, is agreeing to defend and
14 indemnify and obtain any required insurance for that
15 particular permit.

16 FREEHOLDER FELICE: And, Mr. Chairman,
17 my second question: Are the fees being assessed to
18 the dinosaur people?

19 Dinosaurs are people too.

20 (Laughter.)

21 FREEHOLDER FELICE: Is it commensurate
22 with the ordinance that we voted on -- I had to say
23 it -- that we voted on a couple of years ago? Is
24 based off of that, would you say?

25 MR. KOTH: I think it would probably be

1 best we could provide the Board a memo explaining how
2 we came to arrive at the fees. I think that's best
3 done for all of your information, to answer the
4 question completely, and we're happy to do that.

5 CHAIRMAN TANELLI: I also think that it
6 should be from you, with an explanation if there's
7 liability, if there's no liability. I mean, the
8 Freeholder brought up some valid points that need to
9 be addressed, so that should come from you guys.

10 FREEHOLDER SULLIVAN: Can I just ask,
11 is there any reason why we weren't notified they were
12 going in or is that above you?

13 MR. KOTH: My understanding, as the
14 department director, was that that communication was
15 made back in April, when we scheduled the
16 groundbreaking.

17 FREEHOLDER SULLIVAN: All right.

18 CHAIRMAN TANELLI: The day of the
19 groundbreaking, they announced that they would be
20 ready for Memorial Day. That's the last I heard.
21 And then they had the fire that supposedly set them
22 back, but other than that day, I didn't get any other
23 information other than that. When we stood there in
24 the rain, they said that they would be open and ready
25 for business Memorial Day.

1 FREEHOLDER FELICE: Thank you, Mr.
2 Chairman.

3 MR. KOTH: Thank you.

4 MR. ZWILLENBERG: Thank you.

5 CHAIRMAN TANELLI: There being nothing
6 further to come before this meeting, may I have a
7 motion to adjourn?

8 FREEHOLDER VOSS: So moved.

9 FREEHOLDER DeNICOLA: So moved.

10 FREEHOLDER FELICE: Second.

11 CHAIRMAN TANELLI: All in favor?

12 (All present Freeholders respond in the
13 affirmative.)

14 CHAIRMAN TANELLI: Opposed?

15 (No response.)

16 CHAIRMAN TANELLI: The ayes have it.

17 We are adjourned at 5:05.

18 (Whereupon, the Work Session is
19 adjourned at 5:05 p.m.)
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C E R T I F I C A T I O N

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I, KIM O. FURBACHER, License No. XIO1042, a Certified Court Reporter, Registered Merit Reporter, Certified Realtime Court Reporter, and Notary Public of the State of New Jersey, hereby certify that the foregoing is a verbatim record of the testimony provided under oath before any court, referee, board, commission or other body created by statute of the State of New Jersey.

I am not related to the parties involved in this action; I have no financial interest, nor am I related to an agent of or employed by anyone with a financial interest in the outcome of this action.

This transcript complies with Regulation 13:43-5.9 of the New Jersey Administrative Code.

KIM O. FURBACHER, CRCR, CCR, RMR
License #XIO1042, and Notary Public
of New Jersey

My Commission Expires:
7/11/19