

CALL TO ORDER

Deputy Mayor Severino opened the meeting at 7:00 p.m.

ROLL CALL - Present: Matt Severino, Mr. Bischoff, Frank Mazza

Absent: Rob Haynes, Mrs. Dziubek

Others Present: J. Peter Jost, Esq., Kevin Smith, Twp. Engineer and Ella M. Ruta, Township Clerk.

“Sunshine Law” Announcement: Adequate notice of this public meeting has been provided by the Annual Notice; mailed electronically to the Hunterdon Democrat and Courier News; posted on the public bulletin board and on file in the Municipal Clerk’s Office.

FLAG SALUTE**APPROVAL OF MINUTES**

- a. Regular and Executive Session Meeting Minutes of March 4, 2009.

Mr. Bischoff made a motion to approve the said minutes. Mr. Severino seconded the motion. Vote – Ayes: Mr. Severino, Mr. Bischoff. Abstained: Mr. Mazza. Motion carried.

VISITORS

- a. Steve Balzano – Highlands Conformance Grant Application; Wastewater Management Plan Update

Mr. Balzano presented the Committee with Highlands Planning Assistance Grant Application. He explained that there are seven steps in the application process and this application is only the first one. The Highlands Committee will administer the process. Mr. Balzano said that Mr. Bischoff would be a project leader as the representative from the Committee since he has been a great source of support.

Mr. Bischoff made a motion to approve Planning Assistance Grant Application for the first module and authorizing the Deputy Mayor to sign same on behalf of the Township. Mr. Mazza seconded the motion. Vote – Ayes: Mr. Severino, Mr. Bischoff, Mr. Mazza. Motion carried.

- b. No updates on the Wastewater Management Plan – plans were submitted to the County

REPORTS RECEIVED

- a. Road Dept.- Week Ending 2/13/09; 2/20/09
 - Mr. Mazza asked Michele McBride if she was satisfied with work Road Dept. is doing at the Douglass property. She said that the road Dept. is doing terrific job. She is preparing a list of jobs at the Hoffman property.
- b. Municipal Court – February 2009
 - Mr. Bischoff will report on Court in Executive Session
- c. Environmental Commission – Agenda for March 10, 2009
 - Meeting Minutes for February 10, 2009

Mr. Mazza confirmed with Ms. McBride that thirty residents had their water tested. Ms. McBride said that the price of testing had an impact on the number of requests.

CORRESPONDENCEMr. Bischoff mentioned the following correspondence:

- NJLM letter re: Governor Corzine's Budget Message. Mr. Bischoff pointed out the request for OPRA extension from 7 to 30 days and allow local units to recoup the full cost of materials and labor time.
- NJLM notice from NJ National Guard. They are collecting money for troops; information where to send donations included. Clerk to place the notice on bulletin board.
- A letter from CW Consulting Services for Verizon concerning locations for a wireless site (cell tower). Mr. Bischoff will contact Mr. Bailey for more details.
- HC Planning Board correspondence with respect to HC Open Space Trust Fund, Municipal Grant. Mr. Jost has made the application for '08-'09.
- Letter from Beth DeGerolamo interested in COAH rental unit. She will be added to waiting/lottery list. Clerk is to contact Special COAH Counsel Koenig regarding this matter.

Mr. Mazza mentioned the following correspondence:

- Letter from South Branch Watershed Association (SBWA) about the river cleanup on April 18th from 9 am to 12 pm at Spruce Run Park. Event has been posted on the Township website. SBWA is looking for financial support of \$300.

Mr. Severino mentioned the following correspondence:

- NJLM Alert Notice - Age Restricted Conversion Bill, A-3772 & S-2577 - discussion.

PUBLIC COMMENTS

- Michele McBride, 10 Olde Forge Lane. Intersection of Charlestown Road and Rt 173, the two signs pointing to the direction of truck stop are missing. Requested that the signs be replaced. Kevin Smith will contact Mr. Glynn at the County and report back to the Committee.
- Parking along Rt. 173 is a problem. There are no parking/no-standing signs along road. Matt Severino will contact the State Police to discuss.

PUBLIC HEARING – 2nd reading

**ORDINANCE NO. 2009-1
REGARDING THE POSITIONS OF ZONING OFFICER, CERTIFIED RECYCLING
COORDINATOR AND ANIMAL CONTROL OFFICER IN THE TOWNSHIP OF UNION,
HUNTERDON COUNTY, STATE OF NEW JERSEY**

Atty. Jost stated that the ordinance change from three-year terms to one-year terms appointments.

Mr. Mazza made a motion and Mr. Bischoff seconded to open the Public Hearing portion of the meeting. Vote: Ayes – Mr. Severino, Mr. Bischoff and Mr. Mazza. Motion Carried.

Mr. Bischoff made a motion and Mr. Mazza seconded to close the Public Hearing. Vote: Ayes – Mr. Severino, Mr. Bischoff and Mr. Mazza. Motion Carried.

There being no further questions/comments, Mr. Mazza made a motion to close the public hearing. Mr. Bischoff seconded the motion. Vote: Ayes – Mr. Severino, Mr. Bischoff and Mr. Mazza. Motion Carried.

OLD BUSINESS

- a. The following resolution was introduced for adoption:

**RESOLUTION 2009-
Animal Control Service Contract**

Deputy Mayor Severino requested the matter be discussed in Executive Session

- b. Discussion – Union Township Municipal Offices Organizational Chart – tabled.
- c. Discussion – Bus Shelter at the Brass Castle Estates – tabled.

NEW BUSINESS

- a. The following resolution was introduced for adoption:

**RESOLUTION #2009-61
Developers Agreement-Pilot Travel Centers LLC**

BE IT RESOLVED that the Pilot Travel Centers LLC Developers Agreement is hereby approved subject to the minor corrections by the Attorney and to the approval of the insurance certificate by the Insurance Agent/ Risk Manager and subject to all escrow being current. A condition of the approval of the Developers Agreement is contingent upon all improvements being constructed. An additional condition is the receipt of DOT Access Approval before construction permits are issued.

Mr. Severino gave an overview of the project beginning with the purchase of the property by Pilot Travel Centers LLC, applications before the Planning Board, permits, litigation etc. and finally coming to mutual agreement to permit construction.

Atty. Jost stated that there was an extensive review of the Developers Agreement and Stormwater Agreement by the Planning Bd. Attorney and the Township Attorney.

Township Engineer Smith pointed out a few minor issues that Pilot would have to comply with before starting construction. He said that the DOT access approval is pending and building permits are pending as well. Engineer Smith emphasized that the receipt of DOT access approval is required before any construction starts.

Pilot representative said that they are anticipating 93 days to complete construction.

Mr. Bischoff made a motion to adopt the above resolution. Mr. Mazza seconded. Vote – Ayes: Mr. Severino, Mr. Bischoff and Mr. Mazza. Motion Carried.

- b. The following resolution was introduced for adoption:

**RESOLUTION# 2009-62
Stormwater Management Facility Agreement – Pilot Travel Centers LLC**

BE IT RESOLVED that the Stormwater Management Facility Agreement – Pilot Centers LLC is hereby approved and the Mayor or Deputy Mayor may sign same on behalf of the Township of Union. This approval is subject to any minor corrections or changes by the Municipal Attorney or Engineer and subject to payment of any escrow due.

Atty. Jost stated that the purpose of the agreement is to ensure that the new constructed facilities will receive proper maintenance over the years and decades and is a part of Pilot’s agreement.

Mr. Mazza made a motion and Mr. Bischoff seconded to adopt the above resolution. Vote – Ayes: Mr. Severino, Mr. Bischoff and Mr. Mazza.

c. The following resolution was introduced for adoption:

**RESOLUTION #2009-63
UNION TOWNSHIP; HUNTERDON COUNTY
2009 REFUND OF TAX OVERPAYMENT**

WHEREAS, there exists for 2009 an overpayment of taxes for the following:

BLOCK	LOT	QUALI- FIER	NAME	AMOUNT
24.02	2.01	C0312	J. Gubernat	\$676.79

To Be Refunded to Wells Fargo

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Union, County of Hunterdon, State of New Jersey, that the 2009 tax overpayment refund(s) be paid to the above stated name(s) or designee and that the Treasure of the Township of Union is hereby authorized to issue a check in the stated amount(s).

Mr. Bischoff made a motion and Mr. Mazza seconded to adopt the above resolution. Vote – Ayes: Mr. Severino, Mr. Bischoff and Mr. Mazza.

13. NEW ORDINANCE – 1st Reading

14. REPORTS

- a. **Engineer’s Report** – a written copy of the report has been submitted with following topics:
 - Pilot Travel Centers
 - Van Syckles Road Drainage Improvements.
 - Gravel Hill Road – Preparing a brief description and cost estimate of the recommended repairs to the road.
 - Maintenance & Repair-2008-Maintenance Guarantee – Engineer Smith and Mr. Hermann will meet with contractor to discuss problem and his proposed solution.
 - Annual Stormwater Report to the State - Public education flyer to be included in 2009 tax bill mailing.
 - NJDOT Local Aid Application – Project cost data for Perryville Rd will be provided for budget meetings.
 -

b. Attorney's Report

- Has matters for Executive Session
- Working on RFP's for Douglas Farm

c. Mayor's Report – Not present at the meeting; Deputy Mayor Severino reported the following:

- Received "Thank you for Support" plaque from Pattenburg Fire Company
- Need a printer for the Zoning Office/Conference Room

A motion was made by Mr. Bischoff to replace the printer in the Zoning Officer's office at a cost not to exceed \$150. Mr. Mazza seconded. Vote: Ayes – Mr. Severino, Mr. Bischoff and Mr. Mazza. Motion carried.

d. COMMITTEE REPORT

Mr. Mazza reported the following:

- Along with other Township representatives met with Doug Gyuro representing a non-profit who are interested in a long-term lease of the Douglas property. Mr. Mazza suggested they speak with Foster Wheeler who may have some land available.

Mr. Bischoff reported the following:

- Has matter for Executive Session
- Asked that the following comment be put in the record and promise to mention it once or twice a month. The late great Sir Winston Churchill intended "that a nation trying to tax themselves into prosperity is like a man standing in a bucket and trying to lift himself up with the handle."

Mr. Severino reported the following: No report

e. Clerk's Report

Received inquiry about applying for a raffle license at Spruce Run. Mr. Jost said they need Township approval for raffle license.

PUBLIC COMMENTS

Michele McBride voiced her concerns regarding truck parking on Pilot's property under gas pumps canopy. Engineer Smith mentioned that the problem might subside after construction is finished.

PAYMENT OF THE BILLS

Mr. Mazza moved that all claims against the Township of Union as appearing in the Claims Register of this date be paid and that all checks listed hereinafter be issued in payment thereof. Mr. Bischoff seconded. Vote: Ayes - Mr. Severino, Mr. Bischoff, Mr. Mazza. Motion Carried.

Mr. Bischoff mentioned that a Public Hearing on the Union Twp. School Budget will be held on Monday, March 30, 2009 at 7:00 pm at the Middle School in the library.

Township Engineer left the meeting at 7:38 pm

EXECUTIVE SESSION – the following resolution was introduced for adoption:

RESOLUTION 2009-64

Providing for a Meeting Not Open to the Public in Accordance with the Provisions of the New Jersey Open Public Meetings Act, N.J.S.A. 10:4-12

WHEREAS, the Township Committee of the Township of Union is subject to certain requirements of the *Open Public Meetings Act*, N.J.S.A. 10:4-6, et. seq.; and

WHEREAS, the *Open Public Meetings Act*, N.J.S.A. 10-4-12, provides that an Executive Session, not open to the public, may be held for certain specified purposes when authorized by Resolution; and

WHEREAS, it is necessary for the Township Committee of the Township of Union to discuss in a session not open to the public certain matters relating to the item or items authorized by N.J.S.A. 10:4-12b and designated below:

1. _____ *Matters Relating to Litigation, Negotiations and the Attorney-Client Privilege*: Any pending or anticipated litigation or contract negotiation in which the public body is, or may become a party. Any matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his ethical duties as a lawyer.
2. _____ *Matters Relating to the Employment Relationship*: Any matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance of promotion or disciplining of any specific prospective public officer or employee or current public officer or employee employed or appointed by the public body, unless all the individual employees or appointees whose rights could be adversely affected request in writing that such matter or matters be discussed at a public meeting.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Union, assembled in Executive session on March 18, 2009, at 7:35 p.m. in the Union Township Municipal Building, 140 Perryville Road, Hampton, New Jersey, for the discussion of matters relating to the specific items designated above.

It is anticipated that the deliberations conducted in closed session may be disclosed to the public upon the determination of the Township Committee that the public interest will no longer be served by such confidentiality.

Mr. Bischoff made a motion to adopt the above resolution. Mr. Mazza seconded. Vote – Ayes: Mr. Severino, Mr. Bischoff, Mr. Mazza. Motion Carried.

At 9:15 p.m., Mr. Bischoff made a motion to come out of the Executive Session. Mr. Mazza seconded. Vote – Ayes: Mr. Severino, Mr. Bischoff, Mr. Mazza. Motion Carried.

After returning from Executive Session, the following motion was made:

Mr. Bischoff made a motion to authorize the Deputy Mayor to sign the release to Municipal Excess Liability Joint Insurance Fund in the amount of \$7,500 in settlement of any and all claims arising out of the Pilot Travel Centers, LLC litigation. Mr. Mazza seconded the motion. Vote: Ayes – Mr. Severino, Mr. Bischoff, Mr. Mazza.

ADJOURNMENT – There being no further business to come before the Township Committee at this time, Mr. Bischoff made a motion to adjourn. Mr. Mazza seconded the motion. Motion carried by unanimous favorable roll call vote.

Meeting adjourned at approximately 8:27 p.m.

Respectfully submitted,

Ella M. Ruta, RMC
Municipal Clerk