

CALL TO ORDER

Mayor Severino opened the meeting at 7:05 p.m.

“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

ROLL CALL - Present: Mr. Severino, Mr. Bischoff, Mr. Mazza, Mrs. Dziubek

Absent: Mr. Haynes

Others Present: J. Peter Jost, Esq., Robert Clerico, Twp. Engineer and Ella M. Ruta Municipal Clerk

APPROVAL OF PRIOR MEETING MINUTES

- a. Regular and Executive Session Meeting Minutes of August 18, 2010

Mrs. Dziubek made changes to the regular minutes on page 9, change Mr. Meehan to Mr. Horvath in the second sentence.

Mrs. Dziubek made a motion to approve the above-mentioned minutes, as amended. Mr. Bischoff seconded. Vote: Ayes – Mr. Severino, Mr. Bischoff, Mrs. Dziubek. Abstain: Mr. Mazza. Motion carried.

VISITORS

- a. Mr. Earle Steeves – Max Spann Realty re: Milligan House Auction.

Mr. Steeves suggested the “Bidders Choice Auction” which, in his opinion, would generate more interest and potential bidders. The three similar properties auctioned at the same time would be: the Milligan House, the house on Mechlin’s Corner Road belonging to the school, and a property in Kingwood Township. Mr. Steeves explained the “Bidders Choice Auction” to the Committee.

Mr. Steeves provided the contract with Max Spann Realty for Attorney’s review.

Mr. Bischoff made a motion to authorize the Township Attorney to prepare necessary documents to proceed with the sale of property at the earliest practical date. Mr. Mazza seconded. Vote: Ayes – Mr. Severino, Mr. Bischoff, Mr. Mazza, Mrs. Dziubek. Motion carried.

- b. The Pattenburg House - Re: Conditions attached to the Liquor License – no one present
- c. UT Fire Dept. & Rescue Squad-Status Update – Steve Kasinsky of Bethlehem Township. Presentation of program to train fire fighters to be first aid responders at accidents until first aid squad arrives.

The Mayor thanked the Squad for their letter of appreciation.

REPORTS RECEIVED

- Road Dept - Weeks Ending 8/13/10; 8/20/10
- UTEC – Discussion/Report – Hoffman House

Presentation by Michele McBride re: Milligan/Hoffman House.

Update of the work being done/completed for Milligan farm. Michele requested that a driveway easement be considered for access to the two barns on the property.

Hoffman House - update of RFP activity of people interested in the property and then eventual no interest.

Several alternative plans were presented and the final recommendation was to demolish the Hoffman House.

Mr. Mazza made a motion to authorize the Stewardship Committee to investigate methods and procedures for recycling and/or salvaging parts and pieces of the Hoffman House. Mr. Bischoff seconded. Vote: Ayes – Mr. Severino, Mr. Bischoff, Mr. Mazza, Mrs. Dziubek. Motion carried.

Engineer’s Report

- At the request of the Committee, the Engineer reduced the scope of the work on Perryville Road. Mr. Clerico reviewed the changes in detail for the Committee.

Mrs. Dziubek made a motion to authorize the Twp. Engineer to send a letter to DOT asking to reduce the scope of the project on Perryville Road – Section 2B. Mr. Bischoff seconded. Vote: Ayes – Mr. Severino, Mr. Bischoff, Mr. Mazza, Mrs. Dziubek. Motion carried.

CORRESPONDENCE/WRITTEN COMMUNICATIONS

Mrs. Dziubek mentioned the following correspondence:

- PARIS Grant – An introduction of the new PARIS Grant approved vendor and an overview of the second phase of the project.

Mr. Clerico left the meeting at 9:05 p.m.

Mr. Bischoff mentioned the following correspondence:

- NJ Mayors Fax Advisory - Re: County Deer Management Plans
- NJ Mayors Fax Advisory - Unfunded mandates. Some of the unfunded mandates include stormwater management.
- JCP&L – Willing to give free money for their NJ Clean Energy Program. Mayor will call for details.

Mr. Mazza mentioned the following correspondence: None

Mr. Severino mentioned the following correspondence: None

PUBLIC COMMENTS

- Pat Lingelbach – Douglass Farm. The tenant house and the barn look wonderful. The new owner did a great job.

PUBLIC HEARING – none

OLD BUSINESS

- The following resolution was introduced for adoption:

RESOLUTION #2010-121

Approval to submit a grant application and execute a grant agreement with the New Jersey Department of Transportation for the Perryville Road Section 2A Improvement Project.

WHEREAS, Perryville Road Section 2A are in need of Improvement

WHEREAS, Robert J. Clerico, P.E., Township of Union Engineer, has prepared a cost estimate for improvements to this road.

NOW, THEREFORE, BE IT RESOLVED that Council of the Township of Union formally approved the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as MA-2011-Union Township-00712 to the New Jersey Department of Transportation on behalf of Township of Union.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Township of Union and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approved the execution of the grant agreement.

Mrs. Dziubek made a motion to approve the above resolution. Mr. Mazza seconded. Vote: Ayes – Mr. Severino, Mr. Mazza, Mrs. Dziubek. Nays – Mr. Bischoff. Motion carried.

- b. **Discussion** – Accepting Property Tax Payments via Credit and Debit cards – Info from Tax Collector. No further information, tabled.
- c. **Motion to Approve** – Service Contract Renewal with Merlins Pest Control – Hoffman House.

Mrs. Dziubek made a motion to approve service contract renewal with Merlins Pest Control for the Hoffman House. Mr. Bischoff seconded. Vote: Ayes – None. Nays – Mr. Severino, Mr. Bischoff, Mr. Mazza, Mrs. Dziubek. Motion defeated.

NEW BUSINESS

- a. The following resolution was introduced for adoption:

RESOLUTION #2010-122
UNION TOWNSHIP; HUNTERDON COUNTY
2010 FIRE SERVICE CONTRACT
FRANKLIN TOWNSHIP FIRE DISTRICT NO. 1

WHEREAS, the Township Committee of the Township of Union has determined that it is necessary to secure fire protection services for the Township; and

WHEREAS, Franklin Township Fire District No. 1 has agreed to provide fire protection services to Union Township pursuant to certain terms and conditions of the attached Agreement;

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Union to authorize the Mayor and Clerk to execute such Agreement.

Date: September 1, 2010

**CERTIFICATION AS TO AVAILABILITY OF FUNDS
UNION TOWNSHIP, HUNTERDON COUNTY**

As required by N.J.S.A. 40A:4-57, N.J.A.C. 5:34-5.1 et seq., I, Grace M. Brennan, as Chief Financial Officer of the Township of Union, have ascertained that there are available sufficient uncommitted appropriated funds in the 2010 adopted Budget to award a contract to , under the line item “_____”.

Date:_____

Grace M. Brennan, CFO

Mr. Mazza made a motion to approve the above resolution. Mrs. Dziubek seconded. Vote: Ayes – Mr. Severino, Mr. Bischoff, Mr. Mazza, Mrs. Dziubek. Motion carried.

b. The following resolution was introduced for adoption:

**RESOLUTION 2010-123
ESCROW REFUND
Al Dellavalle, Developer
118 Van Lieus Road, Ringoes, NJ 08551
Block 14 Lot 22, 16 Main Street Pattenburg**

WHEREAS, Al Dellavalle, did post an escrow account for a Driveway Construction Project at 16 Main Street, Pattenburg, and

WHEREAS, the work and inspections are complete and all invoices have been paid,

WHEREAS, there is a remaining balance of \$1,683.75 in the escrow account

NOW, THEREFORE, BE IT RESOLVED that the balance of this escrow account, in the amount of \$1,683.75 be refunded to Mr. Al Dellavalle.

Mr. Bischoff made a motion to approve the above resolution. Mrs. Dziubek seconded. Vote: Ayes – Mr. Severino, Mr. Bischoff, Mr. Mazza, Mrs. Dziubek. Motion carried.

c. The following resolution was introduced for adoption:

**RESOLUTION 2010-124
ESCROW REFUND
Union Station Associates, Inc.
C/o Andrew Oliveri, CPA, 30 Technology Drive
Warren, NJ 07059**

WHEREAS, Union Station Associates, Inc. did post an escrow account for a planning board application on block 22 lot 19, and

WHEREAS, the application was complete and all invoices for professional services have been paid,

WHEREAS, there is a remaining balance of \$7.35 in the escrow account,

NOW, THEREFORE, BE IT RESOLVED that the balance of this escrow account, in the amount of \$7.35 be refunded to Union Station Associates.

Mr. Mazza made a motion to approve the above resolution. Mr. Bischoff seconded. Vote: Ayes – Mr. Severino, Mr. Bischoff, Mr. Mazza, Mrs. Dziubek. Motion carried.

NEW ORDINANCE – 1st Reading

REPORTS

Attorney’s Report – Mr. Jost reported the following:

- Roerig open space. The Attorney prepared and distributed the resolution to be adopted at the next meeting.
- The following resolution was introduced by Atty. Jost for adoption:

**RESOLUTION 2010-125
RE: OBTAINING OF OPEN SPACE TRUST FUNDS
FROM THE HUNTERDON COUNTY BOARD OF CHOSEN FREEHOLDERS**

WHEREAS, the Hunterdon County Board of Chosen Freeholders has approved an Open Space Trust Fund and established a Municipal Grants Program to provide Program Funds in connection with municipal acquisition of lands for recreation, conservation and general open space purposes, farmland preservation, preparation of plan elements of a municipal Master Plan and/or restoration of county-owned historic facilities; and

WHEREAS, The Governing Body of the Township of Union, County of Hunterdon, desires to obtain Open Space Trust Funds in the amount of \$46,181.45, to fund the following project(s):

Milligan Farm – Union Township Open Space Plan – Green Acres Project No. 1025-02-075 – acquisition in fee simple of 83.913 acres to be permanently preserved as open space.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Union, in the County of Hunterdon, State of New Jersey, that:

1. Union Township Mayor Matt Severino is authorized to: (a) make an application to the County of Hunterdon for Open Space Trust Funds, (b) provide additional application information and furnish such documents as may be required for the Municipal Grants Program and (c) act as the principal contact person and correspondent of the above-named municipality;
2. If the County of Hunterdon determines that the application is complete and in conformance with the Hunterdon County Open Space, Farmland and Historic Preservation Trust Fund Plan, and the Policies and Procedures Manual for the Municipal Grants Program adopted thereto, the municipality is willing to use the approved Open Space Trust Funds in accordance with such adopted policies and procedures, and applicable state and local government rules, regulations and statutes thereto;
3. Mayor Matt Severino is hereby authorized to sign and execute any required documents and agreements with the County of Hunterdon for the approved Open Space Trust Funds.

Mrs. Dziubek made a motion to approve the above resolution. Mr. Bischoff seconded. Vote: Ayes – Mr. Severino, Mr. Bischoff, Mr. Mazza, Mrs. Dziubek. Motion carried.

- Matters for Executive Session (potential litigation).
- The Attorney and Mr. Bischoff met and discussed the Parks and Recreation Committees. The issue of having both committees was discussed and the result of that is a draft of an ordinance that Mr. Bischoff will review and discuss at the next meeting.
- Mrs. Dziubek inquired about wind/solar power ordinance.

Mayor’s Report - Mayor Severino reported the following:

- Received letter from Mr. Hintz with regard to invoices for Highlands.
- Inquired about Traffic/Code enforcement officer. Atty. Jost responded that there is a State statute that permits a municipality to appoint a traffic enforcement officer. That statute revised specifically for local, county and state parking regulations. Brief discussion to be continued.

Committee Report

Mr. Mazza reported the following:

- A water fountain/cooler has been donated by Mr. Castellano for the Finn Road Park.

Mrs. Dziubek reported the following: None

Mr. Bischoff reported the following:

- "When injustice becomes law, resistance becomes duty." Thomas Jefferson.
- Nothing from Green Acres, Milligan. The Attorney will follow up.
- Matter for Executive Session (personnel).
- Asked Atty. Jost to talk to Mr. Hintz regarding solar ordinance.
- UT Court. Calculation for 2009 vs 2010 for projected revenue that would come to the Township vs cost. Revenue in 2010 of \$90,000.
- Met with Messrs. Hintz and Balzano and requested that they segregate Highlands and Fair Share Master Plan Elements billings.
- Mr. Mazza requested permission to spend money on fertilizer to spray the parks.

Mr. Severino reported the following: None

Clerk’s Report - None

PUBLIC COMMENTS

PAYMENT OF THE BILLS

Mr. Mazza moved that the approved list of bills and 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. Mrs. Dziubek seconded. Vote: Ayes – Mr. Severino, Mr. Bischoff, Mr. Mazza, Mrs. Dziubek. Motion carried.

EXECUTIVE SESSION – the following resolution introduced for adoption:

RESOLUTION #2010-126
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 require 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 September 1, 2010, at 9:38 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. Mazza made a motion to approve the above resolution. Mr. Bischoff seconded. Vote: Ayes – Mr. Severino, Mr. Bischoff, Mr. Mazza, Mrs. Dziubek. Motion carried.

At 9:53 p.m. Mrs. Dziubek made a motion to come out of Executive Session. Mr. Mazza seconded. Vote: Ayes – Mr. Severino, Mr. Bischoff, Mr. Mazza, Mrs. Dziubek. Motion carried.

At 9:53 p.m. Mayor Severino was asked to recuse himself and leave the meeting room.

The following resolution was dictated by Atty. Jost and introduced for adoption:

**RESOLUTION #2010-127
TOWNSHIP OF UNION, HUNTERDON COUNTY
AUTHORIZING THE PAYMENT OF PENSION CREDITS**

WHEREAS, through inadvertence or neglect, the Township failed to send in the appropriate documentation for then Committeeman Severino to enroll in the Public Employee Retirement System (PERS); and

WHEREAS he was clearly eligible for membership in the State Pension System and was subsequently enrolled and is eligible to purchase his service credits back to the effective date of taking office, the date to be ascertained

WHEREAS it appears that, the amount necessary to purchase the credits by the Township is \$638.31 subject to audit as to the exact amount with a similar amount to be paid by Mr. Severino.

NOW THEREFORE BE IT RESOLVED by the Union Township Committee that the sum necessary to purchase Committeeman Severino's service credit back to the date of taking office is hereby authorized in the approximate amount of \$638.31 or such additional amount as shall be determined by the Chief Finance Officer.

BE IT FURTHER RESOLVED that this resolution will take effect immediately.

Mr. Bischoff made a motion to approve the above resolution. Mrs. Dziubek seconded. Vote: Ayes – Mr. Bischoff, Mr. Mazza, Mrs. Dziubek. Motion carried.

At 9:57 p.m. Mayor Severino returned to the meeting.

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

Meeting adjourned at approximately 9:57 p.m.

Respectfully submitted,

Ella M. Ruta, RMC
by Pat Essig
Administrative Assistant