

CALL TO ORDER

Mayor Severino opened the meeting at 7:03 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

Absent: Mr. Haynes, Mrs. Dziubek

Others Present: J. Peter Jost, Esq., Ella M. Ruta Municipal Clerk

APPROVAL OF PRIOR MEETING MINUTES

- a. Regular and Executive Meeting Minutes of September 15, 2010

Mr. Bischoff made a motion to approve the above said Minutes of September 15, 2010. Mr. Mazza seconded.
Vote: Ayes – Mr. Severino, Mr. Bischoff, Mr. Mazza. Motion carried.

VISITORS

Debbie Hirt and Mike Helbing – Proposal to Renovate Hoffman House

- Debbie Hirt gave an overview of reports by professionals on the condition of the Hoffman House. She also expressed her support for the renovations and rehabilitation.
- Michael Helbing, a member of the Metro Trails Club gave a presentation and outline of stabilization and rehabilitation of former Hoffman Beverage Property.
- Per the Township Attorney, the Committee will take this under advisement and would like input from the Stewardship and Historical Committees.
- Pat Lingelbach, member of the Historical Committee, suggested that the entire Hoffman House be rented and the “white house” be used for a museum.
- The Mayor requested that Mike Helbing prepare a response to the existing RFP a week before the October 20, 2010 Committee meeting.

REPORTS RECEIVED

- a. Road Dept - Weeks Ending 9/10/10; 9/17/10

- Federal Street Signs Regulation and Compliance. Frank Mazza made corrections to the report. Discussion of cost associated to meet the 2012 deadline.
- Roads Overlay Suggestion List – 2010. Mr. Bischoff checked with Congressman Lance’s office about stimulus funds for road paving. They will check with USDOT and get back to him.

- b. Tax Collector Report – August 2010. Request the Tax Collector to include in the report the percent of collections compared to prior year.

- c. Zoning Officer Report
- d. Engineer Report. No report submitted. Spoke with Engineer who confirmed that the changes to the Perryville Road project are accepted. A letter about planting pine trees near or at 10 Albert Drive at Lookout Pointe discussed.
- e. UTEC –

CORRESPONDENCE/WRITTEN COMMUNICATIONS

Mr. Mazza mentioned the following:

- The Pattenburg Fire Company received new truck.
- Court receipts are very good.

Mr. Bischoff mentioned the following correspondence:

- Senate Bill S-2025. Authorizes executive county superintendent of schools to require implementation of shared services arrangements and to approve school district collective negotiations agreements prior to execution of agreement.
- S-2233 would permit the early termination of appointed municipal court judge when entering a shared services agreement.
- Proper Perspective on Pension Problems.
- Public Notice, Town of Clinton Planning Board – Country View Builders, Inc. Atty. Jost tried to call Walter Wilson, the attorney for the applicant.
- Williams Pipeline, Northeast Supply Link Expansion Project. Mayor Severino and Mr. Bischoff will set up meeting with Williams Pipeline to discuss the project.
- HC Planning Board, Hunterdon County Open Space Trust Program. Resolution attached adopting the revised Procedures Manual. The Clerk will forward a copy to UTEC.
- HC Bd. of Chosen Freeholders, re: Shared Services. Clerk, Road Foreman, CFO and Committee to review list and make recommendations on potential shared service opportunities.
- Archer & Greiner, PC, Request for Consideration of Village Center Proposal to Highlands Council. Mr. Bischoff suggested that a copy be provided to our Planning Board and Mr. Balzano for a recommendation.

Mr. Bischoff made a motion to send the Archer & Greiner, PC correspondence to Mr. Balzano for comment. Mr. Mazza seconded. Vote: Ayes – Mr. Severino, Mr. Bischoff, Mr. Mazza. Motion carried.

Mr. Severino mentioned the following correspondence: None

PUBLIC COMMENTS - None

PUBLIC HEARING - None

OLD BUSINESS

- a. **Discussion** – Accepting Property Tax Payments via Credit and Debit cards – Info from Tax Collector. Tabled, no additional information received.
- b. **Discussion** - The Proposed Renewable Energy Ordinance. Memo from Mr. Hintz with issues. Committee referred memo with forms to Planning Board.

NEW BUSINESS

Mr. Steeves of Max Spann provided comments after reviewing Resolution to auction off the Milligan Farm.

Mr. Jost reviewed section 4 of the Resolution with the Committee.

The Committee and Michele McBride of the Stewardship Committee discussed cleaning and asbestos removal from the Milligan house before the auction.

Mr. Bischoff made a motion to authorize the Stewardship Committee to advertise and receive bids for asbestos removal the cleaning of the area in the basement of the Milligan Farmhouse. Mr. Mazza seconded. Vote: Ayes – Mr. Severino, Mr. Bischoff, Mr. Mazza. Motion carried.

a. The following resolution presented for adoption:

**RESOLUTION #2010-130
Authorizing Sale of Block 22, Lot 20.02
Township of Union (“Milligan Farmhouse”)**

WHEREAS, the Township of Union acquired property known as Block 22, Lot 20, having a total gross acreage of 101.964 acres ±, located on County Route 513 in the Township of Union, County of Hunterdon, State of New Jersey, by deed dated January 30, 2006 and recorded on January 30, 2006 in Book 2146 of Deeds at Page 459 et. seq. in Hunterdon County Clerk’s office, and commonly known as Milligan Farm; and

WHEREAS, 13.950 acres of the above property was subsequently subdivided for future low/moderate affordable housing as submitted to the New Jersey Council on Affordable Housing (COAH); and

WHEREAS, an additional tract of 2.393 acres containing the historic Milligan farmhouse and two outbuildings, was also subdivided from the original tract said farmhouse lot to be known and designated as Lot 20.02 in Block 22 on the Tax Map of the Township of Union; with the remainder of Lot 20 in Block 22 to be permanent deed-restricted open space in the amount of 85.592 acres, all as set forth on the final plat of Milligan Farm by Ferriero Engineering, Inc. originally dated January 8, 2008, Project No. 061030, and recorded in the Hunterdon County Clerk’s office as Filed Map No. 20081121000268360 on November 21, 2008; and

WHEREAS, at the time of the acquisition of the Milligan Farm, it was the intention of the Union Township Committee to subdivide the Milligan Farmhouse, so that could be sold and restored as a residential property; and

WHEREAS, the Union Township Committee has confirmed that the Milligan Farmhouse is not needed for public use and should be sold so that it can be rehabilitated by the purchaser for residential use, and restored to the tax rolls; and

WHEREAS, the sale of the Milligan Farmhouse will also recoup for the taxpayers of Union Township a portion of the monies expended for the acquisition of the Milligan Farm, to be used for payment of any bonded indebtedness incurred in connection with the acquisition of said property, and good cause appearing,

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

1. In accordance with P.L. 1973, Chapter 355, §1, (N.J.S.A. 40A:12-13.1), the sale by auction of the above described real property, commonly known as the Milligan Farmhouse, being known as Lot 20.02 in Block 22 on the tax map of the Township of the Union, having a gross acreage of 2.393 acres, is hereby authorized and approved.

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2. The sale of said property shall be pursuant to the provisions of subsection (a) of Section 13 of P.L. 1971, c. 199 (N.J.S.A. 40A:12-13), by open public sale at auction to the highest bidder after advertisement thereof in a newspaper circulating in Union Township, by two insertions at least once a week during two consecutive weeks, the last publication to be not earlier than seven days prior to such sale. The Township Committee reserves the right to reject all bids where the highest bid is not accepted, and notice of such reservation shall be included in the advertisement of the sale, and public notice thereof shall given at the time of sale. No minimum bid or price shall be specified, and upon the completion of bidding, the highest bid may be accepted or all the bids may be rejected by the Union Township Committee.

3. Pursuant to N.J.S.A. 40A:12-13(a), each bidder shall be required to submit one bid under each Option A and Option B below.

(1) Option A - shall be for the real property subject to the following restrictions on the use to be made of such property, which shall be conditions or restrictions imposed, or interest or state retained, which the Township proposes to retain or impose:

a. The deed of conveyance to the successful bidder for Block 22, Lot 20.02 shall contain an easement permitting and allowing the Township of Union and its authorized designee, including any authorized farmer of the remaining open space, to utilize the said existing driveway for access to Block 22, Lot 20. The said driveway shall not be open to the general public, nor shall it be available to park patrons.

b. Such other restrictions, easements, rules and regulations as are contained in the above referred to deeds, the information to bidders and related documentation in connection with this sale.

c. All restrictions, requirements and easements imposed as conditions of the sale of the above property shall run with the land, and any subsequent sale or conveyance of the property by the buyers' successors in right, title, or interest, shall be subject to said restrictions, requirements and easements.

(2) Option B – shall be for the real property to be sold free of all such restrictions, conditions, interests or estates on the part of the Township. (Note: Option B is listed solely in compliance with N.J.S.A. 40A: 12-13(a)(2). The Township Committee does not intend to accept any bids under Option B).

4. The Township may accept or reject either or both options and the highest bid for each. Such acceptance or rejection shall be made not later than at the second regular meeting of the Township Committee following the sale, and, if the Township Committee shall not so accept such highest bid, or reject all bids, said bids shall be deemed to have been rejected. Any such sale may be adjourned at the time advertised for not more than one week without readvertising.

5. Title shall be as set forth in the title information and survey supplied with the information to bidders. In the unlikely event of a title or survey defect, which cannot be cured prior to the anticipated date of closing, the Buyer's sole remedy shall be the refund of the Buyer's reasonable search and survey expenses. Under no circumstances shall the Buyer be entitled to any consequential or benefit of the bargain damages.

7. Environmental Assessment and soil testing information and documentation shall be made available to bidders in the bid package in the event that a prospective bidder wishes to have additional investigation or testing conducted by a licensed professional, same may be performed at the bidder's expense by arrangement with the owner. Parties submitting bids shall be deemed to have reviewed the information supplied and caused such additional testing for environmental sampling to be conducted as they deem appropriate, and to have accepted the property "as is" as to environmental conditions.

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8. Conveyance shall be made subject to all existing and reserved future rights of way for County and municipal roads as set forth in Seller's deed and survey.
9. Sale of the above described property shall be subject to the following additional terms and conditions:
- a. Registration: by fax and at open house.
 - b. Date and place of auction: to be set by Union Township Committee.
 - c. Terms of Sale: a 10% deposit of the contract price is required auction day upon execution of the contract. All bidders must be pre-registered and are required to have a blank cashier's check in the amount of \$10,000. Check should be made payable to yourself and endorsed to Escrow Holder after completion of the auction. A second check is required in the form of a personal check for the balance of the 10% deposit. No exceptions please!
 - d. A 10% Buyer's Premium will be added to the final bid and be included in the total contract price. Auctioneer reserves right to deny admittance to any person. Auctioneer may alter terms of sale through announcement on Auction Day.
 - e. Contract: The successful high bidder will be required to sign a contract of sale immediately upon the conclusion of the auction with the deposit acting as a down payment (earnest money). This is an Auction Sale and is not subject to an attorney review period. Contract of sale was prepared by Seller's Counsel and should be reviewed prior to the auction.
 - f. Closing: Will be on or before 45 days following the Auction Date. Payment of the balance of purchase price by certified check or bank cashiers check.
 - g. Broker participation: Invited, call for details.
 - h. Disclaimer: THE PROPERTY IS SOLD "AS IS." All information regarding the properties for sale are from sources deemed reliable, but no warranty or representation is made by the Seller, Auctioneer, Realtor, Affiliates or Employees of the Realtor as to the accuracy or reliability thereof and same is subject to errors, omissions, other conditions, or withdrawal without notice. Prospective purchasers must rely solely upon their own investigations and due diligence.
 - i. Financing: Available to qualified buyers, purchase is not contingent on purchaser financing.

BE IT FURTHER RESOLVED that the Mayor, Clerk and Township Attorney are authorized to sign all documents and do all things necessary to effectuate the sale and conveyance of the above described property as a permanently preserved farm in accordance with the terms of this resolution and other applicable requirements of law.

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

Mr. Bischoff made a motion to adopt the above Resolution as amended tonight. Mr. Mazza seconded. Vote: Ayes – Mr. Severino, Mr. Bischoff, Mr. Mazza. Motion carried.

- b. The following resolution presented for adoption:

RESOLUTION #2010-131

**Re: Authorizing the Execution of Professional Services
Agreement for Auction Services with Max Spann R.E. & Auction Co.
For the Sale of Surplus Municipal Land**

WHEREAS, the Township of Union, County of Hunterdon, has determined that it is in the best interest to contract with Max Spann R.E. Auction Co., P.O. Box 4992, Clinton, New Jersey 08809, for the public auction of public lands not needed by the Township of Union; and

WHEREAS, a “Professional Services Agreement” has been submitted by Max Spann Auction Co. and the same is permitted and authorized pursuant to N.J.S.A. 40A:12-13;

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

1. That the Mayor and Township Clerk are hereby authorized and directed to execute the attached “Professional Services Agreement.”
2. That the Township Clerk send an executed copy of the “Professional Services Agreement” and this Resolution to Max Spann Auction Co., at the above address.

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

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

c. The following resolution presented for adoption:

RESOLUTION #2010-132

RESOLUTION CALLING ON THE STATE LEGISLATURE AND THE GOVERNOR TO ENACT PROPERTY TAX REFORM WITH PASSAGE OF THE “MUNICIPAL TOOLKIT” AND MANDATES RELIEF

WHEREAS, difficult times demand difficult choices, and facing an unprecedented revenue gap this year, Governor Christie introduced, and the Legislature passed, a budget that cut municipal property tax relief funding by about \$450 million, from last year’s already reduced totals; and

WHEREAS, realizing that a 20% cut in revenue replacement funding, instead of the statutorily required increase, would present a serious challenge to local budget makers, Governor Christie intended to provide local officials with meaningful tools to limit the, otherwise devastating, impact of the cuts; and

WHEREAS, the Governor’s “Tool Kit to Meet Today’s Fiscal Challenges” was supposed to accomplish six objectives: collective bargaining reform; pension and benefits reform; civil service reform; management reform; a constitutional cap on increases in spending for direct State government services; and a constitutional cap on property tax increases; and

WHEREAS, Governor Christopher Christie and the State Legislature have agreed on and enacted a 2% statutory cap for annual property tax levy increases; and

WHEREAS, the Governor was correct when he said, ‘New caps without the toolkit are unworkable.’ and

WHEREAS, with the cuts assured in the State’s new budget and with bi-partisan agreement reached on new property tax caps, New Jersey Mayors - from municipalities, large and small, and from all around our Garden State – still wait for Trenton policy makers to enact meaningful local government cost containment reforms; now therefore be it

RESOLVED, by the Township Committee of the Township of Union, Hunterdon County, New Jersey calls for immediate passage of the "Toolkit" reforms and mandates relief, including, but not limited to interest arbitration reform, civil service reforms, public employee pension and benefits, disciplinary procedures, school and special district elections, reforms to the Fair Housing Act and the Council on Affordable Housing and mandates relief; and

BE IT FURTHER RESOLVED, that statutory arbitration reforms must limit the full economic impact of awards to conform to the 2% cap; and

BE IT FURTHER RESOLVED, that statutory Health benefit reforms must conform future health benefit costs to the 2% cap; and

BE IT FURTHER RESOLVED, that municipal revenues, such as the Energy Tax, which are now collected by, and diverted to, the State, but which are legally intended for municipal property tax relief, must be constitutionally dedicated for their original purpose; or in the alternative, those taxes should be reformed to allow collection directly by municipalities; and

BE IT FURTHER RESOLVED, that the Administration and Legislature must advance immediate mandates relief initiatives to assist municipalities in managing within the 2% cap; and

BE IT FURTHER RESOLVED, that the Administration and Legislature must advance reforms to the Fair Housing Act and the Council on Affordable Housing (COAH); and

BE IT FURTHER RESOLVED, that a cap exception for the costs associated with tax appeals should be included, and costs mandated by the Administrative Office of the Courts (AOC) should be excepted from the 2% cap or the costs of new AOC mandates should be capped at 2%; and

BE IT FURTHER RESOLVED, that copies of this Resolution be forwarded to New Jersey Governor Christopher Christie, to Senate President Stephen Sweeney, to Assembly Speaker Sheila Oliver, to our State Senator, to our two Representatives in the General Assembly, and to the New Jersey League of Municipalities.

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

NEW ORDINANCE – 1st Reading

REPORTS

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

- Background checks for volunteers, move to the next meeting.

Mayor's Report - Mayor Severino reported the following:

- Mayor attended Sidney Brook Project meeting. Identified areas of concern for pollution. The prime source would be septic systems. Dr. Souza, Environmental Consultant assured the Mayor that the people in close proximity to the creek are not targeted.
- Pavilion at the Finn Road Park will be inspected next week by the County Board of Health.
- The meeting with the State Police Barracks CO is scheduled for next Thursday to discuss/arrange for a Trooper to come to a Township Committee Meeting monthly to update the Committee and answer resident questions/concerns.

Committee Report

Mr. Mazza reported the following:

- Asked the Committee if the Appreciation Dinner should be held this year. After brief discussion, the Committee agreed to have it this year. Per Twp. CFO, funds are available.

Mr. Bischoff reported the following:

- “The world is a dangerous place to live; not because of the people who are evil, but because of the people who don't do anything about it.” Albert Einstein
- Mr. Hintz is trying to resolve the billing issue with regard to COAH/Highlands charges.
- Affordable Housing request resolved.
- Asked about County’s model recycling ordinance. Atty. Jost said the County has not responded.
- Called Acting Director of COAH, made changes to service list.

Mr. Severino reported the following:

- Recycling nearly doubled since the single stream recycling was initiated.

Clerk’s Report - None

PUBLIC COMMENTS

Michele McBride – Re: Milligan House cleaning. Will ask Craig Herman, Road Foreman to remove plywood from house windows a few days before cleaning.

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. Mr. Bischoff seconded. Vote: Ayes – Mr. Severino, Mr. Bischoff, Mr. Mazza. Motion carried.

EXECUTIVE SESSION – None

Atty. Jost stated for the record that the Board of Health Mtg. will not be held tonight due to the lack of quorum.

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 8:51 p.m.

Respectfully submitted,

Ella M. Ruta, RMC
by Pat Essig
Administrative Assistant