

**MEETING AGENDA OF THE UNION TOWNSHIP COMMITTEE**  
**MEETING DATE: Wednesday, February 18, 2015 7:00 PM**

Actual meeting may contain discussion of items not mentioned on the Agenda and alternatively any items specifically listed may be omitted.

1. **CALL TO ORDER**
2. **"Sunshine Law" Announcement**-Adequate notice of this public meeting has been provided by Amended Annual Notice; published in the Hunterdon Democrat and Courier News; posted on the public bulletin board and on file in the Municipal Clerk's Office.
3. **FLAG SALUTE:** led by Mayor or presiding officer.
4. **ROLL CALL**

	Present	Absent
Mr. Severino	X	
Mr. Hirt	X	
Ms. McBride	X	
Mr. Bischoff		X
Mr. Mazza	X	

5. **APPROVAL OF PRIOR MEETING MINUTES**

- a. Regular and Executive Session Meeting Minutes of January 21, 2015
- b. Special Budget Meeting Minutes of January 21, 2015

Roll Call Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino			X			
Mr. Hirt	X		X			
Ms. McBride		X	X			
Mr. Bischoff						X
Mr. Mazza			X			

6. **VISITORS – none**

7. **REPORTS RECEIVED - Acknowledged**

- a. Road Dept.- Week Ending; 1/16/15; 1/25/15; 2/06/15;
  - b. Zoning Officer – December 2014-January 2015
  - c. Animal Control Officer – January 2015
  - d. Municipal Court – January 2015
  - e. Engineer's Report
- NJDOT grant application – No update
  - Discretionary Aid application – No update, will call NJDOT
  - Township Roads – Met with Craig Hermann re: Maintenance of Roads Asked if Committee would like him to prepare a list of required maintenance and projected cost. The Committee was in agreement with Mr. Clerico's proposal.

8. **CORRESPONDENCE / WRITTEN COMMUNICATIONS - No Comments**

## 9. PUBLIC COMMENTS

- a. Three girls were present on behalf of Girl Scout Troop 80754. The Troop was seeking permission from the Township Committee to build and place a sports equipment exchange container near the mini dump at the Union Township Recycling Center. It would be used by those who live within the boundaries of Union Township. The girls were referred to the Recreation Committee.

## 10. PUBLIC HEARING – None

## 11. OLD BUSINESS – Discussed under public comments

## 12. NEW ORDINANCE – 1<sup>ST</sup> Reading - None

13. **CONSENT AGENDA:** All matters listed under the Consent Agenda are considered to be routine by the Township Committee and will be enacted by one motion in the form listed below. There will be no separate discussion of these items. If discussion is desired, that item will be removed from the consent Agenda and will be considered separate.

### a. RESOLUTION #2015 - 31

#### **Resolution of the Township of Union in Hunterdon County Calling for the Legislature and the Administration to Adopt a New, More Sensible Approach to Affordable Housing**

**WHEREAS**, on September 26, 2013, the New Jersey Supreme Court decision In re Adoption of N.J.A.C. 5:96 & 5:97 by N.J. Council on Affordable Housing, 215 N.J. 578 (2013) invalidated the round three regulations adopted by the Council on Affordable Housing (COAH) in 2008 and charged COAH with the responsibility of adopting a third iteration of round three regulations; and

**WHEREAS**, the Supreme Court also invited the Legislature and the Governor, to devise a new legislative-based approach to affordable housing in our State and promised to show enormous deference to any new legislative pronouncement; and

**WHEREAS**, the Supreme Court extended the five month deadline it established in In re Adoption Of N.J.A.C. 5:96 and 5:97 and set May 1, 2014 as the deadline for COAH to propose new round three regulations, and October 22, 2014 as the deadline for COAH to adopt new round three regulations; and

**WHEREAS**, on October 20, 2014 the COAH Board met and were unable to adopt new regulations due to a 3-3 vote, creating more uncertainty and turmoil for municipalities; and

**WHEREAS**, on January 6, 2015 the New Jersey Supreme Court heard argument in a motion brought forth by the Fair Share Housing Center asking the Court to strip COAH of its authority and return implementation of the Fair Housing Act to the Court, thereby potentially exposing municipalities to costly litigation; and

**WHEREAS**, the confusion and uncertainty that has resulted from costly court actions, prolonged litigation and the lack of reasonable guidance demonstrates the need for a new State housing policy based on good planning, incentivizing participation and the provision of additional affordable housing; and

**WHEREAS**, the Legislature and Governor should seize this opportunity to reform the State's housing laws and implement a statewide housing plan predicated on good planning, providing incentives, directing funding to assist municipalities and protect the interests of taxpayers.

**NOW THEREFORE BE IT RESOLVED**, by the Governing Body of Township of Union in Hunterdon County that we urge the Governor and the State Legislature to partner with municipalities and enact legislation

to implement a reasonable and rational state affordable housing policy which promotes rational planning, seeks to achieve results with available housing funding and incentives, encourages partnerships, and protects the interests of taxpayers; and

**BE IT FURTHER RESOLVED**, that copies of this Resolution be forwarded to the Governor and Lieutenant Governor of New Jersey, the Commissioner of the Department of Community Affairs, State Senator Michael J. Doherty, Assemblyman John DiMaio and Erik C. Peterson, the President of the New Jersey State Senate, the Speaker of the New Jersey General Assembly and the New Jersey State League of Municipalities.

- b. **RESOLUTION #2015-\_\_**: 2015 Professional Services Contract – Environmental Consulting Services  
– Dr.Souza; Princeton Hydro

Removed from consent agenda. To be placed on the next scheduled Twp. Committee Meeting agenda.

- c. **RESOLUTION #2015 - 32**

**UNION TOWNSHIP, HUNTERDON COUNTY**

**2015 WEBSITE MANAGEMENT AND MAINTENANCE SERVICE CONTRACT**

WHEREAS, there exists a need for management and maintenance of an official Township of Union website;  
and

WHEREAS, the Township has provided funds for such services and said funds have been certified as being available by the Certified Finance Officer; and

WHEREAS, the City Connections, LLC is a professional company offering website management services and has expressed a willingness to offer said services at the annual fee of \$4,138.00;

THEREFORE, be it resolved by the Township Committee of the Township of Union to enter into Contract with the City Connections, LLC for the 2015 calendar year.

Date: February 18, 2015

**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 to award a contract to the City Connections, LLC as appropriated in the 2015 Temporary/Adopted Budget.

Date: \_\_\_\_\_

\_\_\_\_\_  
Grace M. Brennan, CFO

- d. **RESOLUTION #2015 – 33**

**UNION TOWNSHIP, HUNTERDON COUNTY**

**2015 AWARD OF CONTRACT OF PROFESSIONAL SERVICES FOR BOND COUNSEL**

**Anthony J. Pannella, Jr., Esq., Esq.  
of the Firm Wilentz Goldman & Spitzer P.A.**

WHEREAS, there exists a need for specialized legal services in connection with the authorization and issuance of bonds or notes of the Township of Union (the "Township") in the Township of Union, County of Hunterdon, State of New Jersey, including the review of such procedures and the rendering of approving legal opinions acceptable to the financial community; and

WHEREAS, such special legal services can be provided only by a recognized Bond Counsel firm, and the law firm of WILENTZ GOLDMAN & SPITZER P.A., 90 Woodbridge Center Drive, Suite 900, Box 10, Woodbridge, New Jersey, 07095-0958, is so recognized by the financial community; and

WHEREAS, the Local Public Contracts Law N.J.S.A. 40A:11-1 et seq. requires that notice with respect to contracts for Professional Services awarded without competitive bids must be publicly advertised;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Union as follows:

1. The law firm of Wilentz Goldman & Spitzer P.A., Woodbridge, New Jersey, is hereby retained to provide the specialized legal services necessary in connection with the authorization and the issuance of bonds or notes by the Township of Union in accordance with an Agreement at the hourly fee ranging from \$80.00 to \$220.00 per hour;

2. The Contract is awarded without competitive bidding as a "Professional Service" in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-5(1)(a), because it is for services performed by persons authorized by law to practice a recognized profession.

3. POLITICAL CONTRIBUTION DISCLOSURE. This contract has been awarded to professional based on the merits and abilities of professional to provide the goods and services as described herein. This contract was not awarded through a "fair and open" process pursuant to N.J.S.A. 19:44A-20.4 *et seq.* As such, the professional does hereby attest that professional, its subsidiaries, assigns or principals controlling in excess of 10% of the company has neither made a contribution, that is reportable pursuant to the Election Law Enforcement commission pursuant to N.J.S.A.19:44A-8 or 19:44A-16, in the one (1) year period preceding the award of the contract that would, pursuant to P.L. 2004, c.19, affect its eligibility to perform this contract, nor will it make a reportable contribution during the term of the contract to any political party committee in the municipality if a member of that political party is serving in an elective public office of that municipality when the contract is awarded, or to any candidate committee of any person serving in an elective public office of that municipality when the contract is awarded.

4. A copy of this Resolution as well as the Contract shall be placed on file with the Clerk of the Township of Union.

5. A notice in accordance with the Local Public Contracts Law of New Jersey shall be published in the Hunterdon Democrat.

Date: February 18, 2015

#### CERTIFICATION AS TO AVAILABILITY OF FUNDS

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 **2015** Temporary/Adopted Budget to award a contract to Wilentz Goldman & Spitzer P.A., as appropriated under the line item "\_\_\_\_\_".

Date: \_\_\_\_\_

\_\_\_\_\_  
Grace M. Brennan, CFO

e. **RESOLUTION #2015 – 34**

**UNION TOWNSHIP, HUNTERDON COUNTY  
AUTHORIZING THE AWARD OF A  
2015 PROFESSIONAL SERVICES RESOLUTION/AUDITOR:  
SUPLEE, CLOONEY & COMPANY**

WHEREAS, there exists a need for a municipal Auditor as a non-fair and open contract pursuant to provisions of N.J.S.A.19:44A-20.5; and

WHEREAS, the Chief Financial Officer has determined and certified in writing that the value of the acquisition will exceed \$17,500; and

WHEREAS, the anticipated term of this contract is one year; and

WHEREAS, SUPLEE, CLOONEY & COMPANY has submitted a proposal, indicating they will provide the auditor services for the fee not to exceed \$29,500.00; and

WHEREAS, SUPLEE, CLOONEY & COMPANY has completed and submitted a Business Entity Disclosure Certification which certified that SUPLEE, CLOONEY & COMPANY has not made any reportable contributions to a political or candidate committee in the Township of Union in the previous one year, and that the contract will prohibit SUPLEE, CLOONEY & COMPANY from making any reportable contributions through the term of the contract; and

WHEREAS, the required certificate for the availability of funds has been filed by the Chief Financial Officer providing that legally appropriated balances are available to cover the amount of the contract as required by N.J.A.C.5:30-14.5 and that fees for the aforementioned auditing and non-auditing services shall be made available by appropriate inclusion in either an annual municipal budget which includes current, revenue sharing and utility provisions, by budget amendments for Federal program spending or by inclusion in an appropriate bond ordinance.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Union, authorizes the Mayor and Clerk of the Township of Union to enter into a contract with SUPLEE, CLOONEY & COMPANY as described herein as auditors on and in behalf of the Township of Union for the year **2015**; and

BE IT FURTHER RESOLVED that a notice of this action shall be printed once in the official Township newspaper and a copy of this Resolution shall be forwarded to SUPLEE, CLOONEY & COMPANY, the Township Clerk and the Township Financial Officer.

**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, Chief Financial Officer, of the Township of Union, have ascertained that there are available sufficient uncommitted appropriated funds to award a contract to SUPLEE, CLOONEY & COMPANY, as appropriated in the **2015** Temporary/Adopted Budget under the line item "Finance OE".

Date:

\_\_\_\_\_  
Grace M. Brennan, CFO

f. **RESOLUTION #2015 – 35**

**ESCROW REFUND  
David Fischer, Main Street Pattenburg LLC**

**594 Main Street, Asbury, NJ 08802  
Block 15.01 Lot 18.01**

**WHEREAS**, David Fischer, Main Street Pattenburg LLC did post an escrow account for an application, and

**WHEREAS**, application is complete and all professional fees have been paid,

**WHEREAS**, there is a remaining balance of \$1,049.91 in the escrow account

**NOW, THEREFORE, BE IT RESOLVED** that the balance of this escrow account, in the amount of \$1,049.91 be refunded to David Fischer, Main Street Pattenburg, LLC.

**g. RESOLUTION #2015 – 36**

**Demolition Bond Refund  
SSF ACQUISITION  
100 Central Avenue, Hillside, NJ 07205  
Block 30 Lot 7**

**WHEREAS**, SSF Acquisition, did post a demolition bond, in the amount of \$500.00, for work performed at Block 30 Lot 7, in the Township, and

**WHEREAS**, the work and inspections are complete, and

**WHEREAS**, the Department of Community Affairs, representing the Township of Union, has issued the Certificate of Occupancy.

**NOW, THEREFORE, BE IT RESOLVED**, that the demolition bond in the amount of \$500.00, be released to SSF Acquisition.

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

Roll Call Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino		X	X			
Mr. Hirt			X			
Ms. McBride	X		X			
Mr. Bischoff						X
Mr. Mazza			X			

Motion Carried. Approval of Professional Services Contract Resolutions are subject to Attorney review.

**14. NEW BUSINESS**

- a. **Motion to Approve:** – Request by Thomas R. Baldwin for the Mayor to sign a letter to DOT; no objection for flying hot air balloons

Roll Call Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino	X		X			
Mr. Hirt			X			
Ms. McBride		X	X			
Mr. Bischoff						X
Mr. Mazza			X			

Motion Carried.

- b. Mayoral Appointment – Mayor Mazza appointed Amy Masters as a Member on UT Recreation Committee following resignation by Russ Talamo.

## 15. REPORTS

### a. Attorney's Report

- Union Hills Condominiums Reconstruction - Stated that DCA is getting ready to issue permits
- Fire Department Ordinance – Will send re-draft of Ordinance to Attorney for Fire Company, if the Committee is in agreement.
- Personnel Manual - Met with Mr. Bischoff and Mrs. Brennan – Questions arose. Will contact Labor Attorney about the matter.
- Green Acres Open Space Grant for Milligan Farm – Not received as of this date.
- Everett Road Driveway Permit - The matter has been resolved.
- Matters for Executive Session

### b. Committee Report

Ms. McBride reported the following:

- Mentioned a letter from Mike Gronsky, Union Forge Heritage Association, asking permission to use the Township's bulk mailing permit to inform residents about the Association. Clerk stated that the Township does not have a permit. Mr. Gronsky was advised to contact Hunterdon County Print Shop regarding the matter.
- Mentioned availability of NJDEP grant monies for 319 project for the Park, as per e-mail from Princeton Hydro. Committee wants additional information.
- UTEC – Worked with UTEC to develop a response to the Storm Water Report, as requested by Mr. Clerico.
- Surveillance Cameras recording license plate has been installed - Mr. Severino downloaded software to computer in deputy clerk's office.
- Deputy OEM coordinator position – Posted on Website and Facebook – Four applications received. Mr. Roth will meet with Mr. Bischoff for interviews with candidates.

Mr. Severino reported the following:

- Tire Trailer – Because of insufficient use, the trailer will be removed permanently.
- Tonnage Report - Increased to 4,575 tons in 2014.
- County asked if Committee would host a pilot program for paint Collection. After a brief discussion, the Committee agreed not to participate. County adding more dates for hazardous waste collection. Next date is March 14, 2015. Various options to notify residents were discussed.
- Paper Shredding Event – County will hold events in April and October 2015. Township will publicize events.

Mr. Hirt reported the following:

- Vacant properties – Will prepare a list. Atty. Jost said he could prepare an appropriate ordinance.

### c. Mayor's Report

- Kramer Electronics, Route 173 West - Would like Township to install a stop sign in place of the existing yield sign. Mr. Clerico said the State is in process of making improvements in that area. Suggested calling the State to obtain a copy of their proposed plan. Atty. Jost advised that a letter should be sent to NJDOT and asked for a motion to authorize him to write a letter.

Roll Call Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino		X	X			
Mr. Hirt			X			
Ms. McBride	X		X			
Mr. Bischoff						X
Mr. Mazza			X			

Motion Carried

### Clerk's Report

- Apprised the Committee that Laura Roerig, Animal Control Officer, called residents who had failed to license their dogs. There has been a positive response.

### 16. PUBLIC COMMENTS - none

### 17. PAYMENTS OF BILLS

#### a. RESOLUTION #2015-37:

#### Resolution confirming issuance of payments for Bills List dated February 4, 2015 by the Township of Union Treasurer

BE IT RESOLVED, by the Township Committee of the Township of Union, that the bills list dated February 4, 2015 be confirmed and approved for payment.

BE IT FURTHER RESOLVED, that the Treasurer of the Township of Union was authorized and directed to issue checks in payment of the same.

Roll Call Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino			X			
Mr. Hirt		X	X			
Ms. McBride	X		X			
Mr. Bischoff						X
Mr. Mazza			X			

Motion Carried

#### b. Motion to Approve – Bills List of February 18, 2015

Roll Call Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino			X			
Mr. Hirt		X	X			
Ms. McBride	X		X			
Mr. Bischoff						X
Mr. Mazza			X			

Motion Carried

### 18. EXECUTIVE SESSION

#### RESOLUTION #2015 – 38 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 Required by Law to be Confidential: Any matter which, by express provision of Federal law or State statute or rule of court shall be rendered confidential or excluded from the provisions of the Open Public Meetings Act.
2. \_\_\_\_\_Matters Where the Release of Information Would Impair the Right to Receive Funds: Any matter in which the release of information would impair a right to receive funds from the Government of the United States.
3. \_\_\_\_\_Matters Involving Individual Privacy: Any material the disclosure of which constitutes an unwarranted invasion of individual privacy such as any records, data, reports, recommendations, or other personal material of any educational, training, social service, medical, health, custodial, child protection, rehabilitation, legal defense, welfare, housing, relocation, insurance and similar program or institution operated by a public body pertaining to any specific individual admitted to or served by such institution or program , including but not limited to information relative to the individual's personal and family circumstances, and any material pertaining to admission, discharge, treatment, progress or condition of any individual, unless the individual concerned (or, in the case of a minor or incompetent, his guardian) shall request in writing that the same be disclosed publicly.
4. \_\_\_\_\_Matters Relating to Collective Bargaining Agreements: Any collective bargaining agreement, or the terms and conditions which are proposed for inclusion in any collective bargaining agreement, including the negotiation of the terms and conditions thereof with employees or representatives of employees of the public body.
5. \_\_\_\_\_Matters Relating to the Purchase, Lease of Acquisition of Real Property or the Investment of Public Funds: Any matter involving the purchase, lease or acquisition of real property with public funds, the setting of banking rates or investment of public funds, where it could adversely affect the public interest if discussion of such matters were disclosed.
6. \_\_\_\_\_Matters Relating to Public Safety and Property: Any tactics and techniques utilized in protecting the safety and property of the public, provided that their disclosure could impair such protection. Any investigations of violations of possible violations of the law.
7. X \_\_\_\_\_ 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.
8. \_\_\_\_\_ 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.

9. \_\_\_\_\_Matters Relating to the Potential Imposition of a Penalty: Any deliberations of a public body occurring after a public hearing that may result in the imposition of a specific civil penalty upon the responding party or the suspension or loss of a license or permit belonging to the responding party bears responsibility.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Union, assembled in public session on February 18, 2015 at 8:05 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

Roll Call Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino	X		X			
Mr. Hirt		X	X			
Ms. McBride			X			
Mr. Bischoff						X
Mr. Mazza			X			

Motion Carried

The Committee came out of Executive Session at about 8:13 p.m.

Roll Call Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino	X		X			
Mr. Hirt		X	X			
Ms. McBride			X			
Mr. Bischoff						
Mr. Mazza			X			

Motion Carried

**The following motions were introduced after the Committee came out of Executive Session**

- a. Atty. Jost introduced the following resolution:

**RESOLUTION #2015-39**

Be It Resolved that the Township Attorney and Engineer are hereby authorized to take all actions necessary to proceed against the Irrevocable Standby Letter of Credit, issued by Unity Bank for Block 22, Lot 30, Number UB0001076, on behalf of Red Hills Industrial Park Inc., with regard to the Union Township Quarry Ordinance and Red Hills Quarry and to draw upon that same Letter of Credit for all amounts deemed thereunder as determined by the Township Engineer.

Roll Call Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino		X	X			
Mr. Hirt			X			
Ms. McBride	X		X			
Mr. Bischoff						X
Mr. Mazza			X			

Motion Carried

b. Atty. Jost asked that the following motion be introduced:

**To authorize the Township Attorney to work on the potential agreement with regard to the sewer litigation with the Town of Clinton, as discussed in Executive Session.**

Roll Call Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino		X	X			
Mr. Hirt			X			
Ms. McBride	X		X			
Mr. Bischoff						X
Mr. Mazza			X			

**19. ADJOURNMENT** – There being no further business to come before the Township Committee at this time, Mr. Severino made a motion to adjourn at about 8:34 p.m. Ms. McBride seconded the motion. Motion carried by unanimous favorable roll call vote.

\_\_\_\_\_  
Grace Kocher, Deputy Township Clerk

\_\_\_\_\_  
Frank Mazza, Mayor