

1. CALL TO ORDER

Mayor Mazza called the meeting to order at 7:00 p.m.

- 2. **"Sunshine Law" Announcement - "Sunshine Law" Announcement**-Adequate notice of this public meeting has been provided by 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

4. ROLL CALL

	Present	Absent
Mr. Severino	x	
Mr. Mazza	x	
Mr. Hirt	x	
vacant		
Mr. Stothoff	x	

5. APPROVAL OF PRIOR MEETING MINUTES

- a. Regular and Executive Session Meeting Minutes of December 19, 2018
- b. Re-organizational Meeting Minutes of January 2, 2019

Roll Call Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino	x		x			
Mr. Mazza			x			
Mr. Hirt		x	x			
vacant						
Mr. Stothoff			x			

Motion Carried

6. VISITORS

Gary and Claire Forsyth, of 197 Main Street, Jutland, regarding a letter from the Township Engineer, seeking guidance on maintaining the detention basin at Perryville Estates. Discussion followed.

Atty. Jost asked if the Committee would authorize Engineer Clerico to visit the property and assist Mr. Forsyth in evaluation of work needed to bring the basin up to required standards.

7. REPORTS RECEIVED

- a. Road Dept.- Week Ending; 12/31/18; 1/04/19
 - b. Municipal Court – December 2018
 - c. Animal Control Officer – December 2018
 - d. Public Safety Coordinator – Distributed written report and explained the report in detail
 - e. Engineer’s Report
- Received responses from residents as well as some Homeowners Associations regarding a letter mailed out to property owners regarding maintenance of detention basins. Spoke in detail of a few specific basins.

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- Hunterdon County Planning Board Wastewater Management Plan – said that the Township Planner should be contacting the County as they did the original work – will check back with Planner Malcolm
- Executive Session matter
- Said that Municipal Grant Application will not be considered for another few weeks – should hear back from the State in February.
- Mayor Mazza asked about Country Acres Road Improvement Project. Engineer Clerico explained and brief discussion followed.

8. CORRESPONDENCE / WRITTEN COMMUNICATIONS – no comments

9. PUBLIC COMMENTS – no comments

10. PUBLIC HEARING

11. OLD BUSINESS

12. NEW ORDINANCE – 1ST Reading

NOTICE

PLEASE TAKE NOTICE that the following Ordinance was adopted on first reading by the Township Committee of the Township of Union, County of Hunterdon, State of New Jersey, at a meeting held on the 16 day of January 2019. The Ordinance was then ordered to be published according to law. Notice is hereby given that the said Ordinance will be considered for final passage at a public hearing to be held on the 6 day of February 2019, at 7:00 p.m., or as soon thereafter as the matter may be reached, at the Union Township Municipal Building, 140 Perryville Road, Hampton, New Jersey, at which time all interested parties will be heard.

Ella M. Ruta, Municipal Clerk

ORDINANCE #2019-1

AN ORDINANCE OF THE TOWNSHIP OF UNION, COUNTY OF HUNTERDON, NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER XIII ENTITLED STREETS, SIDEWALKS AND DRIVEWAYS BY ADDING SECTION 13-5 ENTITLED “RIGHT-OF-WAY PERMITS.”

WHEREAS, the Township of Union (“Township”) is aware that certain technological developments have made access to its Municipal Rights-of-Way desirable by certain telecommunications companies for the placement of small cell wireless facilities (“Small Cells”); and

WHEREAS, it is “axiomatic that municipal corporations are required to exercise ordinary care to maintain their streets and sidewalks...[n]or may a municipality in any way surrender or impair its control over the streets” McQuillan Mun. Corp. (3rd Ed), Section 30.73; and

WHEREAS, the Township acknowledges that its streets “are used for the ordinary purposes of travel and such other uses as customarily pertain there-to which, in recent years, are numerous and various. It thus follows that these public ways must be kept free from obstruction, nuisances, or unreasonable encroachments which destroy, in whole or in part, or materially impair, their use as public thoroughfares” Id.; and

WHEREAS, the Township has determined that its public Rights-of-Way, such as they are or may be, themselves constitute a valuable resource, finite in nature, and which exists as a common right of the public to pass and repass freely over and across said lands without unreasonable obstruction or interference, and which therefore must be managed carefully ; and

WHEREAS, the Federal Telecommunications Act preserves local government's ability to "manage the public Rights-of-Way...on a competitively neutral and non-discriminatory basis" 47 U.S.C. 253(c); and

WHEREAS, the Federal Telecommunications Act preserves local government's authority over the, "placement, construction and modification of personal wireless service facilities" 47 U.S.C. 332(c)(7)(A); and

WHEREAS, the Federal Telecommunications Act makes it unlawful for local government to prohibit or have the effect of prohibiting the provision of personal wireless service 47 U.S.C. 332(c)(7)(B)(i)(II); and

WHEREAS, the Federal Telecommunications Act provides that municipalities "shall not unreasonably discriminate among providers of functionally equivalent services;" 47 U.S.C. 332(c)(7)(B)(i)(I); and

WHEREAS, recent developments in wireless technology, specifically the development of 5G, involve the placement of Small Cells and Cabinets in the Municipal Right-of-Way. Fitzgerald, Drew Wireless Companies to Offer 5G Plans at Mobile Forum, Wall Street Journal (February 28, 2018); and

WHEREAS, New Jersey municipalities must give consent before a Small Cell, i.e. a small antenna, can be placed on existing poles pursuant to N.J.S.A. 48:3-19 and for the erection of new poles within the public Rights-of-Way pursuant to N.J.S.A. 48:17-10; and

WHEREAS, the Federal Communications Commission (FCC) has recently adopted an order entitled "Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment; Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment" WT Docket No. 17-79; WC Docket 17-84, which places a shot clock on municipal approval for the placement of Small Cells on Existing Poles and the placement of New Poles in the Municipal Right-of-Way; and

WHEREAS, the erection of New Poles and Ground Level Cabinets in the Municipal Right-of-Way raise significant aesthetic and safety concerns; and

WHEREAS, the FCC in its recent order provides that municipalities can impose aesthetic requirements on Small Cells where said requirements are: 1) reasonable; 2) no more burdensome than those applied to other types of infrastructure deployments; and 3) published in advance; and

WHEREAS, the FCC in its recent order further clarified what it considers "reasonable" aesthetic requirements by stating that "in assessing that this standard has been met, aesthetic requirements that are more burdensome than those the state or locality applies to similar infrastructure deployments are not permissible, because such discriminatory application evidences that the requirements are not, in fact, reasonable and directed at remedying the impact of the wireless infrastructure deployment;" and

WHEREAS, the FCC's requirement that, in order to protect the aesthetics of the Township's Municipal Right-of-Way, it must treat like infrastructure in a like manner, necessitates the introduction of broader aesthetic requirements that apply to all Poles and Antennas and Cabinets in the Municipal Right-of-Way and not just Small Cells; and

WHEREAS, the Township has determined that the most efficient way to handle this process is to create a Right-of-Way Permit system for all new Poles, Cabinets and Antennas in the Municipal Right-of-Way; and

WHEREAS, in addition, Ground Level Cabinets attached to small cells trigger certain collocation requirements pursuant to Section 6409(a) of the Middle Class Tax Relief and Jobs Creation Act of 2012 which raises serious concerns as to the ability of local government to protect the public's interest in the Township's rights-of-way when it comes to aesthetics and the ability of the public to pass and repass over same; and

WHEREAS, New Poles also raise concerns as to the public's interest in the Township's rights-of-way as regards aesthetics and the public's ability to pass and repass over same; and

WHEREAS, New Poles and Ground Level Wireless Cabinets also raise concerns related to sight triangles and other safety related issues related to the use of roadways by the public; and

WHEREAS, the Federal Highway Administration has acknowledged this problem by stating, "[as] demand for the finite space in existing ROW increases, the difficulty and cost of adding new utility facilities and relocating existing utility facilities also increases. Just as significant is how utility service interruptions may add to public discontent with overall highway construction. It is therefore essential for planners, designers, and builders of street and highway projects to avoid unnecessary utility relocations..." Federal Highway Administration, Avoiding Utility Relocations, <https://www.fhwa.dot.gov/utilities/utilityrelo/2.cfm> (accessed March 7, 2018); and

WHEREAS, the Township has determined that it is necessary to set forth clear standards in relation to the siting of Poles, Cabinets and Antennas for the benefit of its citizens and any utilities which use or will seek to make use of said Municipal Rights-of-Way.

FOR THE FOREGOING REASONS, it is hereby Ordained by the Township Committee of the Township of Union, in the County of Hunterdon and State of New Jersey as follows:

Section 1 Chapter XIII entitled Streets, Sidewalks and Driveways is hereby amended and supplemented through the addition of Section 13-5 entitled "Right-of-Way Permits" as follows:

13-5.1 DEFINITIONS

- a. "Anticipated Municipal Expenses" mean the cost of processing an application for a Right-of-Way Permit including, but not limited to, all professional fees such as engineer and attorney costs to the Township.
- b. "Cabinet" shall mean a small box-like or rectangular structure used to facilitate utility or wireless service from within the Municipal Right-of-Way.
- c. "Electric Distribution System" shall mean the part of the electric system, after the transmission system, that is dedicated to delivering electric energy to an end user.
- d. "Existing Pole" shall mean a pole that is in lawful existence within the Municipal Right-of-Way.
- e. "Ground Level Cabinets" shall mean a Cabinet that is not attached to an existing pole and is touching the ground.

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- f. "Municipal Right-of-Way" shall mean the surface of, and the space above or below, any public street, road, lane, public way or place, sidewalk, alley, boulevard, parkway, drive, and the like, held by the Township as an easement or in fee simple ownership. This term also includes rights-of-way held by the County of Hunterdon where the Township's approval is required for the use of same pursuant to N.J.S.A. 27:16-6.
- g. "Pole" shall mean a long, slender, rounded piece of wood or metal.
- h. "Pole Mounted Antenna" shall mean a device that is attached to a Pole and used to transmit radio or microwave signals and shall include, but not be limited to, small cell equipment and transmission media such as femtocells, picocells, microcells, and outside distributed antenna systems.
- i. "Pole Mounted Cabinet" shall mean a Cabinet that is proposed to be placed on an Existing or Proposed Pole.
- j. "Proposed Pole" shall mean a Pole that is proposed to be placed in the Municipal Right-of-Way.
- k. "Right-of-Way Agreement" shall mean an agreement that sets forth the terms and conditions for use of the Municipal Right-of-Way and includes, but is not limited to, municipal franchise agreements.
- l. "Right-of-Way Permit" shall mean an approval from the Township setting forth applicant's compliance with the requirements of this Chapter.
- m. "Surrounding Streetscape" shall mean Existing Poles within the same right-of-way which are located within five hundred (500) feet of the Proposed Pole.
- n. "Township Committee" shall mean the Township Committee of the Township of Union.
- o. "Utilities Regulated by the Board of Public Utilities" shall mean companies subject to regulation by the New Jersey Board of Public Utilities under Chapter 48 of the Revised Statutes.
- p. "Utility Service" shall mean electric, telephone, or cable service.

13-5.2 POLE MOUNTED ANTENNAS, ACCESS TO RIGHT-OF-WAY, RIGHT-OF-WAY AGREEMENTS

- a. No person shall operate or place any type of Pole Mounted Antenna within the Municipal Right-of-Way without first entering into a Right-of-Way Agreement pursuant to the provisions of this Section.
- b. The terms of said Right-of-Way agreement shall include:
 - i. A term not to exceed 15 (fifteen) years;
 - ii. Reasonable insurance requirements;
 - iii. Fine for unauthorized installations;
 - iv. A reference to the siting standards set forth in this Section; and
 - v. Any other items which may reasonably be required.

13-5.3 APPLICATION TO UTILITIES REGULATED BY THE BOARD OF PUBLIC UTILITIES, OTHER ENTITIES

- a. Notwithstanding any franchise or Right-of-Way Agreement to the contrary, all facilities proposed to be placed within the Municipal Right-of-Way by a Utility Regulated by the Board of Public Utilities and all other entities lawfully within the Municipal Right-of-Way shall be

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subject to the standards and procedures set forth in this Chapter and shall require Right-of-Way Permits for the siting of Poles, Antennas and Cabinets in the Municipal Right-of-Way.

13-5.4 RIGHT-OF-WAY PERMITS, SITING STANDARDS FOR POLES, ANTENNAS AND CABINETS IN THE RIGHT-OF-WAY

- a. No Pole, Antenna or Cabinet shall be installed within the Municipal Right-of-Way without the issuance of a Right-of-Way Permit.
- b. Pole Siting Standards
 - i. Height. No Pole shall be taller than thirty five (35) feet or 110% of the height of Poles in the Surrounding Streetscape, whichever is higher.
 - ii. Distance from the curb line. No pole shall be farther than eighteen (18) inches from the curb line.
 - iii. Location, Safety and Aesthetics. No Pole shall be erected in the Right-of-Way unless it:
 1. Is replacing an Existing Pole; or
 2. Approved pursuant to a land development application by either the Township's Zoning Board of Adjustment or Planning Board pursuant a land use application; or
 3. Located on the opposite side of the street from the Electric Distribution System; and
 4. Is located entirely within the Municipal Right-of-Way; and
 5. Is two hundred (200) linear feet from any other Existing Pole or Proposed Pole along the same side of the street; and
 6. Is not located in an area with Underground Utilities; and
 7. Does not inhibit any existing sight triangles; and
 8. Allows adequate room for the public to pass and re-pass across the Right-of-Way; and
 9. Is finished and/or painted so as to blend in compatibly with its background and so as to minimize its visual impact on surrounding properties.
 - iv. Any necessary equipment is permitted within a Pole where said Pole otherwise conforms with the standards set forth in Section 13-5.4(b).
- c. Ground Level Cabinet Site Standards
 - i. Ground Level Cabinets are prohibited in the Municipal Right-of-Way. Applicants may apply for a waiver of this standard pursuant to subsection 13-5.5(h) of this section.
- d. Pole Mounted Antenna and Pole Mounted Cabinet Siting Standards
 - i. Pole Mounted Antennas are permitted on Existing Poles, provided that each Pole Mounted Antenna:
 1. Does not exceed three (3) cubic feet in volume; and
 2. Is finished and/or painted and otherwise camouflaged, in conformance with best available stealth technology methods, so as to blend in compatibly with its background and so as to minimize its visual impact on surrounding properties; and
 3. Does not inhibit sight triangles; and

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4. Allows adequate room for the public to pass and repass across the municipal right-of-way.
- ii. Pole Mounted Cabinets are permitted on Existing Poles, provided that each Pole Mounted Cabinet:
 1. Does not exceed sixteen (16) cubic feet; and
 2. Is finished and/or painted and otherwise camouflaged, in conformance with best available stealth technology methods, so as to blend in compatibly with its background and so as to minimize its visual impact on surrounding properties; and
 3. Does not inhibit sight triangles; and
 4. Allows adequate room for the public to pass and repass across the municipal right-of-way.
- iii. The Township may also require that an applicant provide a certification from a licensed engineer attesting to the structural integrity of any Pole Mounted Antenna or Pole Mounted Cabinet.

13-5.5 APPLICATION PROCESS

- a. Pre-Application Meeting- Prior to making a formal application with the Township for use of the Municipal Right-of-Way, all applicants are advised to meet with the Township Engineer to review the scope of applicant's proposal.
- b. The Township Committees shall, by resolution, approve or disapprove every Right-of-Way Permit application based on the recommendations provided to it pursuant to subsections (e) and (f) below.
- c. All applications made under this section shall be expedited so as to comply with the shot clocks set forth in the Federal Communications Commission Order titled "Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment; Accelerating Wireline Broadband Deployment by the Removal of Barriers to Infrastructure Investment." WT Docket No. 17-79; WC Docket No. 17-84.
- d. Every application for a Proposed Pole made pursuant to this Chapter must include a stamped survey prepared by a New Jersey licensed surveyor demonstrating that any such Proposed Pole is located within the Municipal Right-of-Way. Any such application which does not include such a survey shall immediately be deemed incomplete.
- e. Proposed Poles and Ground Level Cabinets
 - i. The Planning Board shall, pursuant to N.J.S.A. 40:55D-25(B)(3), review applications for the placement of Proposed Poles and Ground Level Cabinets within the Municipal Right-of-Way and advise the Township Committees of its recommendation to approve or disapprove same.
 1. If the Planning Board recommends a denial of an application, it shall set forth the factual basis for such a denial in writing.
- f. Pole Mounted Antenna and Pole Mounted Cabinets
 - i. The Township Engineer shall review application to place Pole Mounted Antenna and Pole Mounted Cabinets within the Municipal Right-of-Way and advise the Township Committee of his or her recommendation to approve or disapprove same.

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1. If the Township Engineer recommends a denial of an application, he or she shall set forth the factual basis for such a denial in writing.
- g. If the Township Committee denies any application made under this Section, it shall do so in writing and set forth the factual basis therefor.
- h. Waiver. The Township Committee may waive any siting standard set forth in Section 13-5.4 where the applicant demonstrates that strict enforcement of said standard:
 - i. Will prohibit or have the effect of prohibiting any interstate or intrastate telecommunications service pursuant to 47 U.S.C. 253(a); or
 - ii. Will prohibit or have the effect of prohibiting personal wireless service pursuant to 47 U.S.C. 332(c)(7)(B)(i)(II); or
 - iii. Will violate any requirement set forth by the Federal Communications Commission Order entitled "Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment; Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment." WT Docket No. 17-79; WC Docket 17-84; or

13-5.6 RIGHT-OF-WAY PERMIT FEES AND DEPOSIT TOWARDS ANTICIPATED MUNICIPAL EXPENSES

- a. Every Right-of-Way Permit application must include a Right-of-Way Permit Fee in the following amounts:
 - i. One (1) to five (5) sites- \$500.00
 - ii. Each additional site- \$100.00
- b. Deposit Towards Anticipated Municipal Expenses
 - i. In addition to the Right-of-Way Permit Fee, the Township Engineer may, in his or her own discretion, require the posting of a two thousand dollar (\$2,000.00) Deposit Towards Anticipated Municipal Expenses related to an application made pursuant to this Chapter.
 - ii. Applicant's Deposit Towards Anticipated Municipal Expenses shall be placed in an escrow account. If said deposit contains insufficient funds to enable the Township to perform its review, the Chief Financial Officer of the Township shall provide applicant a notice of insufficient balance. In order for review to continue, the Applicant shall, within ten (10) days post a deposit to the account in an amount to be mutually agreed upon.
 - iii. The Chief Financial Officer shall, upon request by the Applicant after a final decision has been made by the Township Committee regarding his or her pending Right-of-Way Permit application, refund any unused balance from applicant's Deposit Towards Anticipated Municipal Expenses.

13-5.7 MISCELLANEOUS PROVISIONS

- a. Any approval received pursuant to this Chapter does not relieve the applicant from receiving consent from the owner of the land above which an applicant's facility may be located as may be required under New Jersey law.
- b. Applicant must, in addition to receiving a Right-of-Way Permit, also receive all necessary road opening permits, construction permits and any other requirement set forth in the Revised Ordinances of the Township of Union or state statutes.
- c. The Township's consent for use of County Roads, as required pursuant to N.J.S.A. 27:16-6, shall take the form of a Right-of-Way Permit subject to the standards and application process set forth

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in this chapter. No such applicant shall be required to enter into a Right-of-Way Agreement with the Township.

Section 2. If any section or provision of this Ordinance shall be held invalid in any court of competent jurisdiction, the same shall not affect the other sections or provisions of this Ordinance, except so far as the section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.

Section 3. All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

Section 4. This Ordinance shall take effect upon final adoption and publication in accordance with law

Attest:

Ella M. Ruta, Municipal Clerk

Frank Mazza, Mayor

First Reading: January 16, 2019
Publication: January 24, 2019
Public Hearing/Adoption: February 6, 2019
Published by February 14, 2019

Roll Call Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino	x		x			
Mr. Mazza			x			
Mr. Hirt			x			
vacant						
Mr. Stothoff		x	x			

Motion Carried

13. NEW BUSINESS

a. The following Resolution was introduced for approval:

Resolution #2019-21

2019

AGREEMENT for CONTINUING DISCLOSURE and INDEPENDENT REGISTERED MUNICIPAL ADVISOR SERVICES

THIS AGREEMENT, made and entered into on this day of January 2019 (the "Agreement") by and between Union Township, 140 Perryville Road, Hampton, NJ 08827-9717 (the "Issuer"), and Phoenix Advisors, LLC, 625 Farnsworth Avenue, Bordentown, New Jersey 08505 ("Phoenix Advisors") for the provision of professional services as more fully described in the accompanying Scope of Services.

WITNESSEH:

WHEREAS, the Issuer has heretofore agreed through the execution of Continuing Disclosure Agreements ("CDAs") in connection with one or more bond issuances to provide certain financial and other information and

notices, within specified timeframes, to the marketplace in a manner prescribed by the regulators of the underwriter that purchased said bond issues; and

WHEREAS, Rule 15c2-12 of the Securities and Exchange Commission (the “Rule”) governs the many aspects of continuing disclosure; and

WHEREAS, Phoenix Advisors provides continuing disclosure agent services, has expertise as Continuing Disclosure Agent (“Disclosure Agent”), and has heretofore been appointed by the Issuer to serve as its Disclosure Agent until the expiration of this Agreement, as defined in Section 4 herein; and

WHEREAS, Phoenix Advisors, being duly registered as a Municipal Advisor with the Securities and Exchange Commission (the “SEC”) and the Municipal Securities Rulemaking Board (the “MSRB”), provides professional municipal advisory services and has heretofore been appointed by the Issuer to be its Independent Registered Municipal Advisor (“IRMA”) and to provide such municipal advisory services as may be requested until the expiration of this Agreement, as defined in Section 4 herein; and

WHEREAS, the parties desire to set forth herein the terms and conditions under which Phoenix Advisors will provide such services to the Issuer.

NOW, THEREFORE, THE PARTIES HERETO, IN CONSIDERATION OF MUTUAL COVENANTS HEREIN CONTAINED AND OTHER GOOD AND VALUABLE CONSIDERATION, EACH INTENDING TO BE LEGALLY BOUND, HEREBY AGREE AS FOLLOWS:

Section 1 - CONTINUING DISCLOSURE SERVICES

I. The Issuer’s Disclosure Agent will assist the Issuer in meeting the secondary market disclosure obligations delineated in its relevant CDAs as specified under the Rule, including the required posting of certain material event (“Event”) notices.

The Issuer understands and acknowledges that its full and complete cooperation is requisite to the Disclosure Agent’s success assisting the Issuer in maintaining compliance with its CDAs and requirements of the Rule. The Issuer agrees that it will:

- i. Make all documents required to be filed under its CDAs available to the Disclosure Agent in a timely manner.
- ii. Notify the Disclosure Agent immediately of any Event requiring the filing of a notice under the Rule or its CDAs.

II. This Agreement applies to bonds issued since the effective date of the secondary market disclosure requirements of the Rule, unless said bonds are excepted under the Rule.

III. Phoenix Advisors will perform such services relating to its role as the Issuer’s Disclosure Agent to a professional standard. The scope of the Disclosure Agent services and methodology are described below:

- i. Codify Issues That Are Subject to Continuing Disclosure

To make timely and accurate disclosure filings on the MSRB’s Electronic Municipal Market Access Data Port website (“EMMA”), the Disclosure Agent will obtain and examine the Issuer’s Official Statements relating to the outstanding bond issues to research the requirements found in the CDAs.

ii. Security Setup

Details of each outstanding issue and filing obligations will be entered into our proprietary database. This security setup allows all database functions to be applied to each outstanding issue.

iii. Review Data contained in Annual Financial Statements

The Disclosure Agent will carefully review the Issuer's financial statements for information concerning debt and lease obligations and discuss with the Issuer its filing or reporting obligations. This will include requirements imposed by financial obligations other than publicly offered securities.

iv. Monitor, React, and Meet Filing Deadlines

A variety of deadlines can be difficult for an issuer to monitor. A schedule of filing dates for outstanding bond issues is a part of the database to ensure that required filings are not missed. We actively monitor each client's unique deadlines to ensure timely filing of required documents. Our proprietary database produces ongoing reports that are used to alert the Issuer to approaching filing deadlines providing an important safeguard for the timely filing of continuing disclosure information.

The Disclosure Agent endeavors to gather required documents from public sources, e.g., state and local websites, to lessen the client's burden. Often, dissemination agents wait for an issuer to provide required documents, then file only on the specific issues for which they were hired. Phoenix Advisors takes a more helpful, proactive approach to client service. When we must obtain documents from clients, we provide email reminders sufficiently in advance of upcoming deadlines, then follow up as necessary until the filing is completed.

v. File Financial and Operating Data to Meet Your Obligations

In addition to filing Audited Financial information, CDAs require the filing of Operating Data. If the operating data is prepared with the assistance of the Disclosure Agent, the report will typically contain information consistent with the statistical data found in relevant Official Statements. This process often requires collaboration with other of the Issuer's obtained professionals.

vi. Confirm Filings to Client in Real Time

The MSR generates a submission confirmation for all disclosure filings made on EMMA. The Disclosure Agent will promptly send the Issuer an email copy of the MSR's confirmation of every required, voluntary or Event filing made on the Issuer's behalf.

vii. File Documents Uniformly, Accurately, and Promptly

EMMA is a powerful resource for investors, analysts and, importantly, underwriters that bid on debt issues. It is vital that information filed with EMMA be easily identified. The Disclosure Agent uses consistent naming and filing conventions, applying descriptive titles to filings, and properly associating them with the correct CUSIP on EMMA. The result is a uniform and logical chronology of data where EMMA users can easily find what they need.

The Disclosure Agent files documents on EMMA within forty-eight (48) hours of receipt. However, most documents are filed on the same business day they are received.

viii. Coordinate and Submit Voluntary Information

Voluntary filings are important. We gather documents including Budgets, Debt Statements, and unaudited financials, then file them as voluntary submissions. Phoenix Advisors' Continuing Disclosure Service goes

several important steps further than standard dissemination services. The marketplace is hungry for information. The more factual and complete information the Issuer provides, the more professional and forthcoming their appearance will be to market participants. This encourages market participants to buy and trade debt. Increased demand means better interest rates.

ix. Monitor Need for Material Events and Timely Filing of Notices

There is a significant list of items that regulators deem to be Events which, if they occur, require a notice to be filed within ten (10) business days of the Event. The occurrence of an Event is often not apparent to those who are not directly involved with a transaction or with the Issuer's financial operations. It is the Issuer's responsibility to always notify the Disclosure Agent of any reportable Event.

x. Actively Monitor Issuer Rating Changes

Rating changes are also Events which require notices to be filed on EMMA. The Disclosure Agent's staff regularly monitors rating agency news and updates for rating changes that affect the Issuer and the appropriate Event notices are filed. Issuers are always notified by the rating agencies when their ratings are adjusted, when they do, the Issuer must alert the Disclosure Agent.

xi. Monitor Bond Insurer and Program Rating Changes

If a municipal bond insurer or a state program, e.g., a school bond enhancement program, is affected by a rating change, then all the bonds that carry that insurance or participate in that program will undergo a rating change, too. We monitor these types of rating changes, determine which, if any, of our clients are affected, and file the appropriate Event notices.

xii. Provide a Comprehensive Report Each Fiscal Year

We know the importance of documentation, and of well-organized files. The Disclosure Agent prepares a continuing disclosure report ("Annual Report") each year that shows every issue on which there is a continuing disclosure obligation, every filing, and every Event notice filed on the Issuer's behalf during the year. The Annual Report also recaps a five (5) year history of the Issuers filings. Investors, underwriters of bonds, and the Issuer want to see the record of filing history extending back for this time period. An accurate record during this timeframe is important to the Issuer when it prepares Official Statements since a misstatement in such a document could have serious legal consequences.

xiii. Acceptance of Annual Report

The Annual Report highlights any exceptions to filings which were required and the timeliness of filings. The Annual Report is in addition to the copy of the filing confirmation sent to the Issuer when each filing is done by the Disclosure Agent. The Issuer must carefully review said report and relay to the Disclosure within ten (10) business days, any error, discrepancy, omission, or concern relating to the accuracy or completeness of the Annual Report. It is agreed that after ten (10) business days and absent notice from the Issuer, the Annual Report is accepted by the Issuer is accurate and complete.

Section 2 - CONTINUING DISCLOSURE SERVICES COMPENSATION

I. The bond Issuer will compensate Phoenix Advisors for its services as Disclosure Agent, in accordance as set forth below:

i. Disclosure Agent Service:

\$1,050 – base fee (for up to three (3) outstanding issues), plus \$100 for each additional outstanding issue, if any, for which filings may be required.

A setup fee will be charged for each new bond issuance. The setup fee will be

\$200 on a bond issue on which Phoenix Advisors acts as Municipal Advisor, or

\$450 if Phoenix Advisor is not engaged as Municipal Advisor. The setup fee will be invoiced at the time the new bonds are issued.

An amendment made to the Rule, effective February 27, 2019, increases the number of material events (“Events”) which must be posted through the MSRB’s Electronic Municipal Market Access Data Port (“EMMA”). Phoenix Advisors will charge \$100 for each Event filing made under the Rule’s new Events. When Phoenix Advisors is engaged as Municipal Advisor on a transaction that involves such Event filing, the fee will be waived.

Section 3 – INDEPENDENT REGISTERED MUNICIPAL ADVISOR

I. Under the Dodd-Frank law the SEC requires that any person or entity that provides advice to an issuer of municipal securities be licensed and regulated by the SEC and the MSRB to provide any such advice.

i. Professionals providing advice to the Issuer must hold a Series 50 securities license.

ii. Phoenix Advisors professionals are Series 50 licensed and are also subject to a continuing education protocol.

iii. Under the SEC and MSRB regulations the Municipal Advisor owes a Fiduciary Obligation to the Issuer.

II. There is no separate fee, financial cost or obligation with regard to the Issuer’s appointment of Phoenix Advisors as the Issuer’s Independent Registered Municipal Advisor (“IRMA” or “Municipal Advisor”). As the Issuer’s IRMA, we will be available to answer general questions concerning outstanding debt issues, market conditions, prepare a preliminary project analysis, or preliminarily review financing proposals received by the Issuer on an as requested basis.

iv. The Issuer by designating an IRMA allows third parties, primarily broker-dealer underwriting firms, but also other professional disciplines to submit proposals and ideas concerning financings to the Issuer.

v. Failure to actively seek advice from the Municipal Advisor means there is no one on your side appropriately licensed to advise the Issuer concerning the issuance or structure of municipal obligations, including bonds, notes, leases or bank loans the Issuer may embark upon.

III. When and if the Issuer requests the Municipal Advisor’s involvement in a debt issuance, the undertaking of a financial obligation, an in-depth evaluation of a proposal or project, perform a consultant service, or assist with rating agency surveillance, a separate Fee Addendum to this Agreement together with a scope of service will be provided for the Issuer’s acknowledgement.

Section 4 – AGREEMENT TERM AND CONDITIONS

I. Neither Phoenix Advisors nor any individual representing Phoenix Advisors possesses any authority with respect to any decision of the Issuer or any official of the Issuer beyond the rendition of information or advice. Phoenix Advisors is not legal counsel nor an accountant and is not providing legal or accounting guidance. None of the services contemplated in this Agreement shall be construed as legal services or a substitute for legal services. The Issuer hereby acknowledges its responsibility with respect to federal securities laws and represents its intention to comply in all respects with federal securities laws.

II. This Agreement, as to continuing disclosure services and municipal advisory services, is subject to annual renewal, and may be terminated by either the Issuer or Phoenix Advisors upon thirty (30) days’ prior written notice.

III. This Agreement shall be construed in accordance with and governed by the laws of the State of New Jersey.

IN WITNESS WHEREOF, The Issuer and Phoenix Advisors has caused this Agreement to be duly executed by its authorized representative, as of the day and year first above written

Roll Call Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino			x			
Mr. Mazza			x			
Mr. Hirt	x		x			
vacant						
Mr. Stothoff		x	x			

Motion Carried

b. The following Resolution was introduced for approval:

**RESOLUTION #2019-22
UNION TOWNSHIP; HUNTERDON COUNTY
TONNAGE GRANT APPLICATION for 2018**

WHEREAS, The Mandatory Source Separation and Recycling Act, P.L. 1987, c.102, has established a recycling fund from which tonnage grant may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, It is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and

WHEREAS, The New Jersey Department of Environmental Protection has promulgated recycling regulations to implement the Mandatory Source Separation and Recycling Act; and

WHEREAS, The recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

WHEREAS, A resolution authorizing this municipality to apply for such tonnage grants for calendar year **2018** will memorialize the commitment of this municipality to recycling and to indicate the assent of the Township Committee of the Township of Union, Hunterdon County to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

WHEREAS, such a resolution should designate the individual authorized to ensure the application is property completed and timely filed.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Union, Hunterdon County, hereby endorses the submission of the recycling tonnage grant application to the New Jersey Department of Environmental Protection and designates Matt Boyden to ensure that the application is properly filed; and

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BE IT FURTHER RESOLVED that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.

Roll Call Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino	x		x			
Mr. Mazza			x			
Mr. Hirt		x	x			
vacant						
Mr. Stothoff			x			

Motion Carried

c. The following Resolution was introduced for approval:

**RESOLUTION #2019-23
Re Planning Board Secretary**

WHEREAS, Grace Kocher has been serving as Deputy Clerk of Union Township as well as Secretary to the Union Township Planning Board, allocated as two days on Planning Board matters and three days as Deputy Clerk; and

WHEREAS, the workload of the Planning Board has increased to the point that it is necessary to make administrative changes to handle the increased volume, and Grace Kocher having agreed to the following administrative changes, and good cause appearing;

NOW, THEREFORE, BE IT RESOLVED that by the Township Committee of the Township of Union, Hunterdon County, New Jersey that Grace Kocher is hereby relieved of her duties as Deputy Municipal Clerk; and

BE IT FURTHER RESOLVED that Grace Kocher is hereby assigned to work four days per week as Planning Board Secretary, at an annual salary of \$42,500; and

BE IT FURTHER RESOLVED that the current Union Township salary resolution is hereby amended in accordance with the above, effective as of November 1, 2018.

Roll Call Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino			x			
Mr. Mazza			x			
Mr. Hirt	x		x			
vacant						
Mr. Stothoff		x	x			

Motion Carried

d. The following Resolution was introduced for approval:

**RESOLUTION 2019 – 24
APPOINTMENT OF FRANCES RITTMAN TO THE POSITION OF
DEPUTY CLERK/ADMINISTRATIVE ASSISTANT
EFFECTIVE JANUARY 16, 2019**

WHEREAS, the Township Committee sees it appropriate to replace the previous Deputy Clerk/Administrative Assistant, and

WHEREAS, Frances Rittman has the qualifications

NOW, THEREFORE BE IT RESOLVED

1. Frances Rittman is hereby appointed to the position of Deputy Clerk/Administrative Assistant effective January 16, 2019.
(Probationary period from January 16, 2019 through April 16, 2019)
2. The salary for this position is \$15.00.

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

BE IT FURTHER RESOLVED that the current Union Township salary resolution is hereby amended in accordance with the above, effective as of January 1, 2019.

Roll Call Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino	x		x			
Mr. Mazza			x			
Mr. Hirt			x			
vacant						
Mr. Stothoff		x	x			

Motion Carried

e. The following Resolution was introduced for approval:

**RESOLUTION #2019-25
TOWNSHIP OF UNION, HUNTERDON COUNTY**

WHEREAS, Certificate of Sale #2018-001 was issued to Union Township, 140 Perryville Road, Hampton, New Jersey, for delinquent taxes on Block 1.09, Lot 25 (525 Route 614), assessed to Thomas, William, at a tax sale held on November 19, 2018; and,

WHEREAS, the lien has been redeemed by the Corelogic (the servicing company for the mortgagee) by paying the full amount of the delinquency.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Union, Hunterdon County, State of New Jersey, that the Mayor and Municipal Clerk of Union Township are hereby authorized to endorse Certificate of Sale #2018-001 for cancellation.

Roll Call Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino			x			
Mr. Mazza			x			
Mr. Hirt	x		x			
vacant						
Mr. Stothoff		x	x			

Motion Carried

f. The following Resolution was introduced for approval:

**RESOLUTION #2019-26
TOWNSHIP OF UNION, HUNTERDON COUNTY
RESOLUTION TO REFUND REDEMPTION TO LIENHOLDER**

WHEREAS, Tax Sale Certificate #06-02 was issued to Park Finance, in the amount of \$82.71 on September 19, 2006; and

WHEREAS, the lien was redeemed on January 11, 2019, in the amount of \$797.29 in accordance with provisions of NJSA 54:5-60 et seq.; and

NOW, THEREFORE, BE IT RESOLVED, on this 16th day of January, 2019, by the Township Committee of the Township of Union, Hunterdon County, State of New Jersey, as follows:

1. The Treasurer issue a check in the amount of \$797.29 payable to Park Finance, LLC, PO Box 109, Cedar Knolls, NJ 07927
2. That this resolution shall take effect immediately upon adoption.

Roll Call Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino			x			
Mr. Mazza			x			
Mr. Hirt		x	x			
vacant						
Mr. Stothoff	x		x			

Motion Carried

- g. **Discussion:** Installation of a New Sound System in the meeting chamber

Mayor Mazza apprised the Committee about the new system improvements, set up, and stated the equipment has been ordered.

- h. **Discussion:** Appointment of a Traffic Engineer to be discussed in Executive Session
 i. **Discussion:** Creating a position of a Public Safety Director - tabled for future discussion

14. REPORTS

a. **Attorney’s Report**

- Completed the Wireless Facilities Ordinance
- Said that although the Albert Drive illegal fill matter has been resolved, would like the Committee to consider introducing an Ordinance regarding fill being brought into the Township.

b. **Committee Report**

- Mayor Mazza asked Mr. Hirt about the house on Main Street in Pattenburg. Mr. Hirt said as previously discussed, the scaffolding needs to be removed. Discussed at length. The Committee agreed that Atty. Jost send a letter requesting scaffolding dismantled by February 6, 2019.

c. **Mayor’s Report**

Mayoral Appointments to the Planning Board/Board of Adjustment:

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Daniel Petitt as a Class IV (Citizen Member) for an unexpired term ending 12/31/2020 - tabled
 Daniel Dix as a Class IV (Citizen Member) for an unexpired term ending 12/31/2021 - tabled

- Received phone calls from neighbors concerned about scaffolding still up and lots of equipment stored on the Milligan Farm house property. Atty. Jost said that the Construction Office at DCA should be contacted for answers. Mr. Mazza will follow up with the Zoning Officer.
- Railroad tracks issue had been addressed.
- Spoke of a house on Perryville Road that was abandoned with piles of garbage left behind. Letter will be sent to the bank that owns the property to clean up the outside. Atty. Jost will prepare the letter.
- Had been aware of the Township recycling debris blowing onto the neighboring property since last year. The property owner just recently complained again. Mayor Mazza said a 100 foot fence will be installed to prevent recycling garbage blowing in neighbor’s yard. As to cleaning her back yard now Mayor Mazza spoke with Alan Ford and agreed that BSA Troop 119 will work on clean up, with written neighbor’s permission and agreement that the dog is kept inside. Insurance liability was briefly discussed.
- Mr. Severino would like to relocate one of the security cameras to a position that can read license plates of cars entering recycling center. He said it would only be used to deter and identify residents bringing and dumping non-recyclable items.

15. PUBLIC COMMENTS - none

16. PAYMENTS OF BILLS

The approved list of bills and all claims against the Township of Union as appearing in the Claims Register of this date paid and that all checks listed hereinafter issued in payment thereof.

Roll Call Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino			x			
Mr. Mazza			x			
Mr. Hirt		x	x			
vacant						
Mr. Stothoff	x		x			

Motion carried

Mr. Severino said he would like to say thank you to Susan Mason who is in the audience for volunteering to serve as a Physician Member on the Township of Union Board of Health. Mrs. Mason is working as a Local School Nurse and a Union Township resident.

Atty. Jost stated that the Township Committee appoints members to the Board of Health and asked the following motion be approved:

Be it resolved that Susan Mason be hereby appointed to the Union Township Statutory Board of Health as the Physician member because she is a School Nurse, falls within that category, and is a resident of the Township.

Roll Call Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino			x			
Mr. Mazza			x			
Mr. Hirt	x		x			
vacant						
Mr. Stothoff		x	x			

Motion carried

17. EXECUTIVE SESSION – Action may be taken following Executive Session

The following Resolution was introduced for adoption:

RESOLUTION #2019-27
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 investigation 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 required in order for the attorney to exercise his ethical duties as a lawyer.

8. X 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 January 16, at 8:06 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. Mazza			x			
Mr. Hirt			x			
vacant						
Mr. Stothoff		x	x			

Motion Carried

The Committee returned to regular meeting session at 8:36 p.m.

Roll Call Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino	x		x			
Mr. Mazza			x			
Mr. Hirt			x			
vacant						
Mr. Stothoff		x	x			

Motion Carried

Atty. Jost asked that the following motion be approved:

To appoint Walter Lublanecki as the Township Traffic Engineer for the year 2019 subject to appropriate Professional Services Contract being executed.

Roll Call Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino	x		x			
Mr. Mazza			x			
Mr. Hirt		x	x			
vacant						

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Mr. Stothoff			x			
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Motion Carried

18. ADJOURNMENT

Roll Call Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino			x			
Mr. Mazza			x			
Mr. Hirt		x	x			
vacant						
Mr. Stothoff	x		x			

Motion Carried