

1. CALL TO ORDER

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

- 2. **"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. Hirt | X | |
| Mr. Sroka | X | |
| Mr. Neary | X | |
| Mr. Mazza | X | |

Also present J.P. Jost, Attorney, Robert Clerico, P.E., CFO Grace Brennan and Municipal Clerk Ella M. Ruta.

5. APPROVAL OF PRIOR MEETING MINUTES

- a. Regular and Executive Session Meeting Minutes of January 17, 2018

| Roll Call Vote | Moved | Seconded | Ayes | Nays | Abstain | Absent |
|----------------|-------|----------|------|------|---------|--------|
| Mr. Severino | | | | | | X |
| Mr. Hirt | X | | X | | | |
| Mr. Sroka | | X | X | | | |
| Mr. Neary | | | X | | | |
| Mr. Mazza | | | X | | | |

Motion carried

6. VISITORS

7. PRESENTATION OF PROCLAMATIONS – Rescheduled until February 21, 2018.

- a. Honoring North Hunterdon High School’s 2017 Girls Cross-Country Team
- b. Honoring North Hunterdon High School’s Football Team

8. REPORTS RECEIVED - Acknowledged

- a. Road Dept.- Week Ending; 1/13/18; 1/18/18; 1/26/18
- b. Zoning Officer – January 2018
- c. Public Safety Coordinator – Mr. Strauss mentioned the derelict property on Main Street Pattenburg and the fire at Republic Services. He also said the Fire Chiefs will be meeting on February 22, 2018.

Jason Narbone – Deputy Chief Pattenburg Volunteer Fire Company – Mentioned a fire in a garbage truck at Republic Services, 9 Frontage Road. He said the State Fire Marshal is investigating. Mr. Narbone understood Republic is storing hydraulic oil and diesel fuel. He also will be checking into the number of propane-powered

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trucks and if they are being stored inside. Mr. Clerico told Mr. Narbone that Republic has an application to install a 15,000 gallon diesel fuel storage tank before the Planning Board and the Fire Company should consider reviewing that application.

d. Engineer's Report

- Municipal Storage Building – Gave a status report.
- Perryville Road/Railroad Crossing – Stated there is no new information.
- Pilot Travel Centers LLC: Block 11, Lot 24.03 – Mr. Hirt raised questions about directional signage to the Site. He will make inquiry to NJDOT regarding the problem. Mr. Clerico said there are issues with internal signs at the Site.
- MS4 Storm Water Permits – Prepared an estimate of the potential cost. Plans to attend a meeting in Trenton and will report back to the Committee.
- Municipal Aid Frontage Road – Section 1 – Said he would begin work if authorized by the Committee. The Committee agreed that Mr. Clerico should begin work.
- Liberty Stone & Aggregates-Clinton Quarry, LLC: Block 22, Lot 30, 5 Frontage Road: Mentioned there are some issues pertaining to the Site.
- Capital Issues – Seeking direction from the Committee. Will talk to Mr. Hermann regarding Roads to be considered for maintenance. Mr. Sroka suggested that he, Messrs. Clerico, Mazza and Hermann and CFO Brennan meet to discuss a budget strategy.
- Mr. Sroka asked that the Committee authorize Mr. Clerico to update the Road Inventory. The authorization was granted.

9. CORRESPONDENCE/WRITTEN COMMUNICATIONS - None

10. PUBLIC COMMENTS – None

11. PUBLIC HEARING – Ordinance #2018-1 Hearing has been rescheduled to February 21, 2018 meeting due to omission of publication by the newspaper, as requested in the January 8, 2018 email from the Municipal Clerk.

12. OLD BUSINESS – None

13. NEW ORDINANCE – 1st Reading

14. NEW BUSINESS

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 #2018-29**: Approving 2018 Contract for Planning Board Legal Services- Mark Anderson, Esq. -Woolson Anderson Maziarz

**RESOLUTION #2018-29
UNION TOWNSHIP, HUNTERDON COUNTY**

**APPROVING CONTRACT FOR LEGAL SERVICES/PLANNING BOARD 2018
Woolson Sutphen Anderson/Mark S. Anderson, Esq.**

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WHEREAS, the Township of Union has a need to acquire legal services for the Planning Board/Board of Adjustment as a non-fair and open contract pursuant to the provisions of N.J.S.A.19:44-A-20.5; and

WHEREAS, the maximum amount of the contract may exceed the threshold amount established pursuant to N.J.S.A.40A:11-3(b); and

WHEREAS, funds are available; and

WHEREAS, MARK S. ANDERSON, Esq. has submitted a proposal indicating the fee of \$150.00 per hour for his services. Charges directly to the Board shall not exceed the sum of \$30,000.00; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1, et seq.) requires that the resolution authorizing the award of contracts for "Professional Services" without competitive bids and the contract itself must be available for public inspection;

WHEREAS, MARK S. ANDERSON, Esq. has completed and submitted a Business Entity Disclosure Certification which certifies that MARK S. ANDERSON, Esq. has not made any reportable contributions to a political candidate or committee in the Township of Union in the previous one year, and that the contract will prohibit MARK S. ANDERSON, Esq. from making any reportable contributions through the term of the contract; and

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

1. The Mayor and Township Clerk are hereby authorized and directed to execute the attached agreement with Mark S. Anderson, Esq., for legal services/Planning Board for 2018.
2. This contract is awarded without competitive bidding as a "Professional Service" in accordance with 40A:11-5(1) (a) of the Local Public Contracts Law.
3. Approval of the attached contract is subject to availability and appropriation of sufficient funds as may be required in the 2017 temporary and permanent Municipal budgets.
4. A Notice of this action shall be printed once in the official newspaper.

Date: February 7, 2018

**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 in the 2018 Temporary/Adopted Budget to award a contract to Mark S. Anderson, Esq., under the line item "_____".

Date: _____

Grace M. Brennan, CFO

- b. **RESOLUTION #2018-30** : Approving Contract for Engineering Services 2018 – Robert Clerico P.E., Van Cleef Engineering Associates

RESOLUTION #2018-30

**UNION TOWNSHIP, HUNTERDON COUNTY
APPROVING 2018 PROFESSIONAL SERVICE CONTRACT/ENGINEERING SERVICES
Robert Clerico P.E.; Van Cleef Engineering Associates**

WHEREAS, the Township of Union has a need to acquire engineering services as a non-fair and open contract pursuant to the provisions of N.J.S.A.19:44-A-20.5; and

WHEREAS, the Chief Financial Officer has determined that the value of the services will exceed \$17,500; and

WHEREAS, the firm of Van Cleef Engineering Associates, 1128 Route 31, Lebanon, NJ 08833, has completed and submitted a Business Entity Disclosure Certification which certified that Van Cleef Engineering Associates, 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 Van Cleef Engineering Associates from making any reportable contributions through the term of the contract; and

NOW, THEREFORE, BE IT AGREED by and between the Township of Union and Van Cleef Engineering Associates as follows:

1. The Engineer shall be compensated at the hourly rate of \$152.00 per hour for his engineering services rendered as needed or requested by the Township Committee, Planning Board/Board of Adjustment, or other Township agencies.
2. Engineering services may be performed for the Township by other principals and employees of the firm of Van Cleef Engineering Associates under the direct supervision of Robert Clerico, P.E., when Robert Clerico, P.E. is unavailable or when otherwise necessary and desirable.
3. This agreement shall cover the period from January 1, 2018, to December 31, 2018.
4. The Township Engineer agrees that no services are to be performed unless specific approval is granted by an appropriate Township official either verbally or in writing.
5. An Affirmative Action Employee Information Report is attached and is part of this agreement. In addition, a copy of Exhibit A, Mandatory Affirmative Action Language, and business Disclosure Entity Certification and the Determination of Value are attached and part of this agreement.
6. Van Cleef Engineering Associates will carry, at its expense, during the appointment period professional liability insurance.
7. If any provision or part thereof of this agreement is held to be void or unenforceable under any law and shall be deemed stricken all remaining provisions shall nevertheless continue to be valid and binding upon the parties. The parties agree that this agreement shall be reformed to replace such stricken provision or part thereof with a valid and enforceable provision which comes as close as possible to expressing the intention of the stricken provision.
8. In accordance with Local Finance Notice 2010-3 this 2018 calendar year contract for Engineering Services is established at a not-to-exceed limit of \$100,000.00. Any exceedance of that limit will require the issuance of a change order.

9. A notice of this action shall be printed once in the official newspaper.

Date: January

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, Chief Financial Officer of the Township of Union, have ascertained that there are available sufficient uncommitted appropriated funds in the 2018 Temporary/Adopted Budget to award a contract to Van Cleef Engineering Associates, under the line item "Engineering".

Date: _____
Grace M. Brennan, CFO

c. **RESOLUTION #2018-** : Approving 2018 Contract for Special Affordable Housing Counsel – Jonathan E. Drill, Esq. Stickel, Koenig & Sullivan

**RESOLUTION #2018-31
UNION TOWNSHIP; HUNTERDON COUNTY**

**AUTHORIZING CONTRACT FOR LEGAL SERVICES 2018
Jonathan E. Drill, Esq. Special Counsel – Affordable Housing**

WHEREAS, the Township of Union has a need to acquire legal services as a non-fair and open contract pursuant to the provisions of N.J.S.A.19:44-A-20.5; and

WHEREAS, the maximum amount of the contract may exceed the threshold amount established pursuant to N.J.S.A.40A:11-3(b); and

WHEREAS, funds are available in an appropriation entitled Legal Services and Costs, Other Expenses and have been certified by the local finance officer; and

WHEREAS, Stickel, Koenig & Sullivan, has completed and submitted a Business Entity Disclosure Certification which certifies that Stickel, Koenig & Sullivan 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 Stickel, Koenig & Sullivan from making any reportable contributions through the term of the contract; and

WHEREAS, the Local Public Contracts Law (N.J.S.A.40A:11-1, et seq.) required that the resolution authorizing the award of contracts for "Professional Services" without competitive bids and the contract itself must be available for public inspection;

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

1. The Mayor and Clerk are hereby authorized and directed to execute the attached agreement with Jonathan E. Drill, Esq., of Stickel, Koenig & Sullivan, a Professional Corporation, 571 Pompton Avenue, Cedar Grove, New Jersey 07009 for his legal services for **2018** at the hourly rate of \$175.00. The agreement is for a not to exceed amount of \$30,000.00. Any exceedance of that limit will require the issuance of a change order.

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- 2. This contract is awarded without competitive bidding as a “Professional Service” in accordance with 40A:11-5(1)(a) of the Local Public Contracts Law because Jonathan E. Drill, Esq. is an attorney at Law of the State of NJ in good standing and is a person authorized to practice a recognized profession.
- 3. Approval of the attached contract is subject to availability and appropriation of sufficient funds as may be required in the **2018** adopted municipal budget.
- 4. A Notice of this action shall be printed once in the official newspaper of this municipality.

Date: February 7, 2018

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, CFO of the Township of Union, have ascertained that there are available sufficient uncommitted appropriated funds in the **2018** Temporary/Adopted Budget to award a contract to Jonathan E. Drill, Esq., as appropriated under the line item "Legal".

Date: _____
Grace M. Brennan, CFO

- d. **RESOLUTION #2018-** : Approving Contract for Engineering Services 2018 – Richard Roseberry P.E., Maser Consulting P.A.

RESOLUTION #2018-32
UNION TOWNSHIP, HUNTERDON COUNTY
APPROVING 2018 PROFESSIONAL SERVICE CONTRACT/ENGINEERING SERVICES
Richard Roseberry / Maser Consulting P. A.

WHEREAS, the Township of Union has a need to acquire engineering services as a non-fair and open contract pursuant to the provisions of N.J.S.A.19:44-A-20.5; and

WHEREAS, the Chief Financial Officer has determined that the value of the services will exceed \$17,500; and

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

WHEREAS, the firm of Maser Consulting P.A., has completed and submitted a Business Entity Disclosure Certification which certified that Maser Consulting P.A. 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 Maser Consulting P.A. from making any reportable contributions through the term of the contract; and

NOW, THEREFORE, BE IT AGREED by and between the Township of Union and Richard Roseberry from Maser Consulting P.A. as follows:

- 1. The Engineer shall be compensated at the hourly rate of \$150.00 per hour and shall not exceed the sum of \$20,000.00 for his engineering services rendered as needed or requested by the Township Committee, Planning Board/Board of Adjustment, or other Township agencies.
- 2. Alternate Engineering services may be performed for the Township by other principals and employees of the firm of Maser Consulting P.A. under the direct supervision of C. Richard Roseberry, P.E. is unavailable or when otherwise necessary and desirable.

- 3. This agreement shall cover the period from January 1, 2018, to December 31, 2018.
- 4. The Alternate Township Engineer agrees that no services are to be performed unless specific approval is granted by an appropriate Township official either verbally or in writing.
- 5. An Affirmative Action Employee Information Report is attached and is part of this agreement. In addition, a copy of Exhibit A, Mandatory Affirmative Action Language, and business Disclosure Entity Certification and the Determination of Value are attached and also part of this agreement.
- 6. Maser Consulting P.A. will carry, at its expense, during the appointment period professional liability insurance.
- 7. If any provision or part thereof of this agreement is held to be void or unenforceable under any law and shall be deemed stricken all remaining provisions shall nevertheless continue to be valid and binding upon the parties. The parties agree that this agreement shall be reformed to replace such stricken provision or part thereof with a valid and enforceable provision which comes as close as possible to expressing the intention of the stricken provision.
- 8. A notice of this action shall be printed once in the official newspaper.

Date: February 7, 2018

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, Chief Financial Officer of the Township of Union, have ascertained that there are available sufficient uncommitted appropriated funds in the 2018 Temporary/Adopted Budget to award a contract to Maser Consulting P.A. under the line item "Engineering".

Date: _____

Grace M. Brennan, CFO

- e. **RESOLUTION #2018-__** : Approving 2018 Contract for Legal Counsel – Matthew J. Giacobbe, Esq.-Labor Atty.

**RESOLUTION #2018-33
UNION TOWNSHIP; HUNTERDON COUNTY**

**RESOLUTION AUTHORIZING CONTRACT FOR LEGAL SERVICES 2018
Matthew J. Giacobbe, Esq. Special Labor Counsel**

WHEREAS, the Township of Union has a need to acquire legal services as a non-fair and open contract pursuant to the provisions of N.J.S.A.19:44-A-20.5; and

WHEREAS, the maximum amount of the contract may exceed the threshold amount established pursuant to N.J.S.A.40A:11-3(b); and

WHEREAS, funds are available in an appropriation entitled Legal Services and Costs, Other Expenses and have been certified by the local finance officer; and

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WHEREAS, Cleary, Giacobbe Alfieri Jacobs, LLC has completed and submitted a Business Entity Disclosure Certification which certifies that Cleary, Giacobbe Alfieri Jacobs, LLC 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 Cleary, Giacobbe Alfieri Jacobs, LLC from making any reportable contributions through the term of the contract; and

WHEREAS, the Local Public Contracts Law (N.J.S.A.40A:11-1, et seq.) required that the resolution authorizing the award of contracts for "Professional Services" without competitive bids and the contract itself must be available for public inspection;

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

1. The Mayor and Clerk are hereby authorized and directed to execute the attached agreement with Matthew J. Giacobbe, Esq., of Cleary, Giacobbe Alfieri Jacobs, LLC, a Professional Corporation, 169 Ramapo Valley Road, Oakland, New Jersey 07436 for his legal services for **2018** at the hourly rate of \$150.00. In no event shall services rendered exceed the maximum yearly sum of \$10,000.00 without issuance of change order.
2. This contract is awarded without competitive bidding as a "Professional Service" in accordance with 40A:11-5(1)(a) of the Local Public Contracts Law because Matthew J. Giacobbe, Esq. is an attorney at Law of the State of NJ in good standing and is a person authorized to practice a recognized profession.
3. Approval of the attached contract is subject to availability and appropriation of sufficient funds as may be required in the **2018** adopted municipal budget.
4. A Notice of this action shall be printed once in the official newspaper of this municipality.

Date: February 7, 2018

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, CFO of the Township of Union, have ascertained that there are available sufficient uncommitted appropriated funds in the **2018** Temporary/Adopted Budget to award a contract to Matthew J. Giacobbe, Esq., as appropriated under the line item "Legal".

Date: _____

Grace M. Brennan, CFO

- f. **RESOLUTION #2018-** : Approving 2018 Contract for Audit Services – Suplee, Clooney & Company

RESOLUTION #2018-34

**UNION TOWNSHIP, HUNTERDON COUNTY
 APPROVING THE AWARD OF A
 2018 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 \$35,000.00; 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 **2018**; 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 **2018** Temporary/Adopted Budget under the line item "Finance OE".

Date: February 7, 2018

Grace M. Brennan, CFO

- g. **RESOLUTION #2018-35**: Approving 2018 Contract for Environmental Consulting Services – Princeton Hydro

**RESOLUTION #2018-35
UNION TOWNSHIP; HUNTERDON COUNTY**

Approving 2018 PROFESSIONAL SERVICE CONTRACT; ENVIRONMENTAL CONSULTING SERVICES; Stephen J. Souza, Ph. D.; Princeton Hydro, LLC

MINUTES OF REGULAR MEETING February 7, 2018

WHEREAS, the Township of Union has a need for environmental consultant services as a non-fair and open contract pursuant to the provisions of N.J.S.A.19:44-A-20.5; and

WHEREAS, the maximum amount of the contract may exceed the threshold amount established pursuant to N.J.S.A. 40A:11-3(b); and

WHEREAS, funds are available; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1, et seq.) requires that the resolution authorizing the award of contracts for "Professional Services" without competitive bids and the contract itself must be available for public inspection;

WHEREAS, PRINCETON HYDRO LLC has completed and submitted a Business Entity Disclosure Certification which certifies that PRINCETON HYDRO LLC 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 PRINCETON HYDRO LLC from making any reportable contributions through the term of the contract; and

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

1. The Mayor and Township Clerk are hereby authorized and directed to execute a professional services agreement with Princeton Hydro, LLC, (Stephen J. Souza, Ph. D.) for environmental consulting services at the rate of \$211.00 per hour and shall not exceed the sum of \$10,000.00;
2. This Contract is awarded without competitive bidding as a "Professional Service" in accordance with 40A:11-5(1)(a) of the Local Public Contracts Law.
3. Approval of the attached Contract is subject to availability and appropriation of sufficient funds as may be required in the **2018** temporary/permanent Municipal budgets.
4. A notice of this action shall be printed once in the official newspaper.

Date: February 7, 2018

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 **2018** Temporary/Adopted Budget to award a contract to Stephen J. Souza, Ph. D.; Princeton Hydro, LLC, as appropriated under the line item _____.

Date: _____

Grace M. Brennan, CFO

h. **RESOLUTION #2018-36**: Approving 2018 Contract for Bond Counsel – Anthony A. Pannella, Esq.

**RESOLUTION #2018-36
UNION TOWNSHIP, HUNTERDON COUNTY**

Approving 2018 AWARD OF CONTRACT OF PROFESSIONAL SERVICES FOR BOND COUNSEL

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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 AND shall not exceed \$20,000.00;
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 7, 2018

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

2018 Temporary/Adopted Budget to award a contract to Wilentz Goldman & Spitzer P.A., as appropriated under the line item "_____".

Date: _____

Grace M. Brennan, CFO

- i. **RESOLUTION #2018-37:** Approving 2018 Contract for Geologist/Hydrogeologist – Eric DeRicco/Cherry Webber & Associates

**RESOLUTION #2018-37
UNION TOWNSHIP, HUNTERDON COUNTY**

**APPROVING 2018 PROFESSIONAL SERVICE CONTRACT –GEOLOGIST/HYDROGEOLOGIST
CONSULTANT**

Eric DeRicco, Cherry, Weber & Associates

WHEREAS, the Township of Union has a need to acquire hydrogeologic services as a non-fair and open contract pursuant to the provisions of N.J.S.A.19:44-A-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, anticipated term of this contract is one year; and

WHEREAS Cherry, Weber & Associates has completed and submitted a Business Entity Disclosure Certification which certifies that Cherry, Weber & Associates 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 Cherry, Weber & Associates from making any reportable contributions through the term of the contract; and

WHEREAS, the Township Chief Financial Officer has certified to the governing body the availability of funds for said contract in a line item entitled Planning Board, OE; and

NOW THEREFORE, BE IT RESOLVED by the Township Committee authorizes the Mayor and the Clerk to enter into a contract with Cherry, Weber & Associates, for hydrogeologic consulting services for 2018 at the hourly rate of \$143.00 and not to exceed limit of \$25,000.00; and

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution; and

BE IT FURTHER RESOLVED that a Notice of this action shall be printed once in the official newspaper of this municipality.

Date: February 7, 2018

**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 in the 2018 Temporary/Adopted Budget to award a contract Cherry, Weber & Associates, under the line item "_____".

Date: _____
Grace M. Brennan, CFO

- j. **RESOLUTION #2018-38:** Authorizing Application for Municipal Exemption from Requirement to Appoint a Principal Public Works Manager

**TOWNSHIP OF UNION
COUNTY OF HUNTERDON
STATE OF NEW JERSEY**

RESOLUTION 2018 - 38

AUTHORIZING APPLICATION FOR MUNICIPAL EXEMPTION FROM REQUIREMENT TO APPOINT A PRINCIPAL PUBLIC WORKS MANAGER

WHEREAS, N.J.S.A. 40a:9-154.6g et seq. specifically subsection (d) provides that any municipality that conducts minimal or no public works activity may apply to the Director of the Division of Local Government Services for an exemption from the requirement to appoint a principal public works manager; and

WHEREAS, this governing body is of the opinion that this municipality conducts minimal public works activity and therefore qualifies for the exemption set forth in the above statutes;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Union, in the County of Hunterdon, State of New Jersey, that this governing body hereby requests that the Director of the Division of Local Government Services allow an exemption to this municipality from the requirement to appoint a principal public works manager; and

BE IT FURTHER RESOLVED, that the Mayor and/or Personnel Administrator are hereby authorized to prepare, sign and submit the appropriate application for municipal exemption from the requirement to appoint a principal public works manager (N.J.S.A. 40A-154(6g) to the Director of the Division of Local Government Services as soon as possible, and take all other necessary actions to qualify for such exemption.

- k. **RESOLUTION #2018-39:** 2017 Reserve Budget Appropriation Transfer(s)

Resolution #2018-39

**UNION TOWNSHIP, HUNTERDON COUNTY
2017 RESERVE BUDGET APPROPRIATION TRANSFER(S)**

Be it resolved by the Township Committee of the Township of Union, County of Hunterdon, State of New Jersey, that there are insufficient funds to meet the demands necessary for the 2017 Reserve appropriations, in the following accounts:

| | | | |
|-----|-----------|-------------|--------------------|
| TO: | 10516520A | ENGINEERING | \$ 4,000.00 |
| | TOTAL | | <u>\$ 4,000.00</u> |

WHEREAS, the following account(s) have sufficient excess funds to meet such demands:

FROM:

10518020A PLANNING BOARD OE \$ 4,000.00

TOTAL \$ 4,000.00

BE IT RESOLVED that in accordance with the provisions of R.S. 40A: 4-58 the Chief Financial Officer is hereby authorized to make the transfer(s) required to meet the obligations of Union Township.

- 1. **RESOLUTION #2018-40:** Opposition to Beekeeping Regulations

UNION TOWNSHIP
HUNTERDON COUNTY, NEW JERSEY

RESOLUTION NO. 2018-40

OPPOSITION TO PROPOSED BEEKEEPING REGULATIONS

Whereas, New Jersey’s state insect is the honey bee; and

Whereas, honey bees are of benefit to mankind, and to New Jersey in particular, by providing plant pollination, recreation for the beekeeper, honey, wax, and other beneficial hive products; and

Whereas, New Jersey is among the leading states in agricultural products dependent on beekeeping throughout the United States, i.e., second in blueberry production and third in cranberry production; and imports over 15,000 honeybee colonies annually for crop pollination; and

Whereas, New Jersey is also the home of many gardeners who, just like commercial farmers, depend upon insect pollination for fruitful orchards and home gardens; and

Whereas, domestic strains of honey bees have been selectively bred for desirable traits, including gentleness, honey production, tendency not to swarm and non-aggressive behavior, which are all characteristics desirable for fostering and maintaining honey bee colonies within all populated areas; and

Whereas, gentle strains of honey bees can be maintained within populated areas in reasonable densities without creating a detriment to public health and safety if the bees are properly located, managed and maintained; and

Whereas, many New Jersey residents desire to provide sustainability and value for New Jersey’s home gardeners, farms, and all homeowners with a variety of locally grown vegetables and fruits for New Jersey residents; and

Whereas, the honey bee assists the agricultural community to increase productivity and through sustained productivity maintain an environment that promotes agricultural land use as opposed to development; and

Whereas, the New Jersey Department of Agriculture has published new beekeeping regulations in the New Jersey Register which are now open to public comment, which must be submitted by January 19, 2018; and

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Whereas, these new regulations include a section on Apiary Standards which states that bee colony density will be regulated as follows: on a residential lot of less than one-quarter acre where agriculture has not otherwise been determined as permitted new (not already in existence) hives are not permitted; on a residential lot of less than one-quarter acre where hives are in existence as of July 31, 2015, the hobbyist beekeeper may seek a waiver; on a residential lot of one-quarter acre to less than five acres, a person wishing to keep bees as a hobbyist may seek a waiver to keep two hives per lot; and

Whereas, these new regulations include a section on Apiary Standards which states that bee colony density will be regulated as follows: on a residential lot of less than one-quarter acre where agriculture has been determined as permitted, new (not already in existence) hives are not permitted; on a residential lot of less than one-quarter acre, where agriculture has been determined as permitted where hives are in existence as of July 31, 2015, the hobbyist beekeeper may seek a waiver; on a residential lot of one-quarter to less than five acres, where agriculture has been determined as permitted, a person wishing to keep bees as a hobbyist may keep two new hives; on a residential lot of one-quarter to less than five acres, where agriculture has been determined as permitted where hives are in existence as of July 31, 2015, a person wishing to keep bees as a hobbyist may seek a waiver to keep more than two hives; and

Whereas, these new regulations include a section on Location of Hives, which requires that all hives must be located at least 10 feet from any property line and at least 25 feet from any roadside, sidewalk, or path and 85 feet from any public place including playgrounds, sports fields, schools or churches, unless permission is granted for educational or research purposes, as well as establishing a Flyway Barrier at least six feet in height consisting of a solid wall, fence, or dense vegetation parallel to the property line and extending 10 feet beyond the colony in each direction; and

NOW, THEREFORE, BE IT RESOLVED by Union Township wishes to go on record with the New Jersey Department of Agriculture that the Mayor and Council is opposed to the proposed beekeeping regulations which would have a detrimental effect on beekeeping in the Union Township as well as throughout New Jersey and urges the New Jersey State League of Municipalities to work towards creating legislation with straightforward regulations based on facts, science, and best management practices which will protect both beekeepers and non-beekeepers within the State of New Jersey; and

BE IT FURTHER RESOLVED that copies of this resolution be sent to the New Jersey State League of Municipalities; the New Jersey Beekeepers Association; and all Hunterdon County municipalities, urging that they oppose the adoption of the new beekeeping regulations as proposed by the New Jersey Department of Agriculture.

m. **Motion to Approve:** Application for Social Affair Permit – Bethlehem Twp. PTA – March 16, 2018

End of Consent Agenda

| Roll Call Vote | Moved | Seconded | Ayes | Nays | Abstain | Absent |
|----------------|-------|----------|------|------|---------|--------|
| Mr. Severino | | | | | | X |
| Mr. Hirt | X | | X | | | |
| Mr. Sroka | | X | X | | | |
| Mr. Neary | | | X | | | |
| Mr. Mazza | | | X | | | |

Motion carried

15. REPORTS

a. Attorney's Report:

- Said he, Messrs. Clerico and Neary had a meeting regarding the Driveway Ordinance.
- Contacted by Animal Control Officer regarding a dog bite case that is before the Municipal Court .
- COAH Discussion – Awaiting the arrival of Atty. Jon Drill.

b. Committee ReportMr. Hirt reported the following:

- Exterior Electrical Lighting Problem – Maglio Electric replaced Light over flagpole.
- Heating System not working in the Municipal Building – Spoke with the service man from Fras Air when he was assessing the problem.
- Baptist Church Road Signs – Mr. Hermann moved the signs to alleviate problems with truck traffic.

Mr. Mazza reported the following:

- Garage Roof – Problem with the flashing and vents. Met with contractor who will be providing a cost estimate for repair.
- Municipal Building Basement Problem – Said the Committee will discuss resolution of the problem. Asked about purchasing a dehumidifier.
- Charleston Road Tractor Trailer Problem – Mentioned trucks getting stuck in mud and making u-turns. Mr. Hirt will contact representative from Hunterdon County Road and Bridges Department.

c. Mayor's Report**15. PUBLIC COMMENTS**

Bob Wisnosky, Assistant Chief Pattenburg Volunteer Fire Company – Provided the year-end report for the Committee, as well as a budget for 2018. The Fire Company would like to purchase six sets of gear. Mr. Wisnosky showed a Proclamation from Frenchtown for appreciation of important service by the Pattenburg Fire K-9 Search and Rescue Team. Mr. Sroka asked how 2017 finished. Mr. Wisnosky said income and expenses for 2017 and proposed income and expenses for 2018 are approximately the same.

Jason Narbone – Mentioned that OSHA and PEOSHA Safety Officers came unannounced in response to anonymous letter to investigate the Fire Company and they found Pattenburg to have the least amount of minor violations they had ever seen. Mr. Narbone offered to answer questions from the Committee. Mr. Mazza asked the number of fire drills performed with the Town of Clinton, High Bridge and Quakertown. Mr. Narbone said because of disagreements there are not as many as in the past. He thanked Marc Strauss for facilitating meetings. He spoke of responding to different Levels of Alarms by departments servicing the Township. Mr. Narbone emphasized that PVFC is the Fire Company of record for Union Township. He said the issue regarding coverage of response assigned to fireboxes must be addressed and resolved immediately. Mr. Narbone voiced a concern about working together with the Town of Clinton based on a recent incident. He said the email was sent to Chief Dorf without response as of this date. Mr. Narbone congratulated Mr. Mazza for assisting Quakertown Fire Company raise money for their new truck. Mr. Mazza said he attended the banquet given by Quakertown, but did not participate in any fundraising. Mr. Mazza said for the record that at the banquet Chief Brad Patkochis thanked his father, Chris Vallat and Frank Mazza representing the Union Township Committee for their annual contribution. Chief Patkochis went on to say that none of that would be possible without their help.

16. PAYMENT 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. Hirt | | X | X | | | |
| Mr. Sroka | X | | X | | | |
| Mr. Neary | | | X | | | |
| Mr. Mazza | | | X | | | |
| | | | | | | |

Motion carried

9. EXECUTIVE SESSION – Affordable Housing Litigation and Potential Violation

The following Resolution was introduced for adoption:

**RESOLUTION #2018-41
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

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negotiation of the terms and conditions thereof with employees or representatives of employees of the public body.

5. _____ Matters Relating to the Purchase, Lease or 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. _____ 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 7, 2018, at 8:13 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 |
| Mr. Hirt | | X | X | | | |
| Mr. Sroka | X | | X | | | |
| Mr. Neary | | | X | | | |
| Mr. Mazza | | | X | | | |

Motion Carried

The Committee returned to regular meeting session at 9:28 p.m.

| Roll Call Vote | Moved | Seconded | Ayes | Nays | Abstain | Absent |
|----------------|-------|----------|------|------|---------|--------|
| Mr. Severino | | | | | | X |
| Mr. Hirt | | X | X | | | |
| Mr. Sroka | X | | X | | | |
| Mr. Neary | | | X | | | |
| Mr. Mazza | | | X | | | |

Motion Carried

17. ADJOURNMENT

There being no further business to come before the Township Committee at this time Mr. Hirt made a motion to adjourn the meeting at 9:29 p.m. Mr. Sroka seconded the motion. Motion carried by unanimous favorable roll call vote.

Transcribed by: Grace A. Kocher, Deputy Clerk

Matt Severino, Mayor