

**1. CALL TO ORDER**

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

**2. "Sunshine Law" Announcement** - Adequate notice of this public meeting has been published in the Hunterdon Democrat and Courier News, posted on the municipal bulletin board and the Township website in accordance with the Open Public Meeting Act, Chapter 231, P.L. 1975. This notice has also been filed in the Municipal Clerk's office.

**3. FLAG SALUTE**

**4. ROLL CALL**

	Present	Absent
Mr. Mazza		x
Mr. Hirt	x	
Mr. Stiger	x	
Mr. Lordi	x	
Dr. DeGiralamo	x	

Also, present Keri McNally, Esq., Robert Clerico, Engineer, Grace Brennan, CFO and Ella M. Ruta, Municipal Clerk.

Newly appointed Mayor DeGiralamo introduced himself and Richard Lordi. He said they were elected last year, challenging incumbents. He also introduced by name, the other three Committee members, the Municipal Clerk, the Finance Officer and Keri McNally, Esq. who is the Assistant to the Township Attorney.

Mayor DeGiralamo said that he would like to make a few remarks about rules and regulations he has learned since he was appointed as Mayor last week. One of which would be that this Committee cannot meet as a group outside of this chamber. Only two members can be present at the same place and time, because three is a quorum, which constitutes a public meeting.

Mayor DeGiralamo commented that it is his hope these meetings are collaborative, informative and interesting. He said that he would particularly emphasize timely communication, respect, transparency and recognition that elected Committee members are Public Servants to their constituents.

**5. APPROVAL OF PRIOR MEETING MINUTES**

a. Regular and Executive Session Meeting Minutes of December 15, 2021

Roll Call Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Mazza						x
Mr. Hirt		x	x			
Mr. Stiger	x		x			
Mr. Lordi			x			
Dr. DeGiralamo			x			

Motion carried

**6. VISITORS**

**7. REPORTS RECEIVED** – acknowledged

## MINUTES OF REGULAR MEETING January 19, 2022

- a. Road Dept.- Week Ending; 12/17/22; 12/23/21; 12/30/21; 1/07/22
- b. Zoning Officer – December 2021
- c. Animal Control Officer – December 2021
- d. Municipal Court – December 2021
- e. Public Safety Director

Marc Strauss distributed his written report to the Committee and the Clerk. He provided a brief overview of the report.

**f. Engineer's Report**

- Updated the Committee on Baptist Church Road Projects.
- Request by Fallone to reduce the Performance Guarantee Bond is on tonight's agenda for approval.

Mayor DeGiralamo asked the timeline for completion of Baptist Church Road Projects. Engineer Clerico provided detailed information.

At this time Mayor DeGiralamo asked State Trooper Walsh for his comments. Trooper Walsh reported on a neighborly dispute and advised the matter is civil.

**8. CORRESPONDENCE/WRITTEN COMMUNICATIONS – acknowledged**

**9. PUBLIC COMMENTS**

Susan Zimmer, Lisa Lane, commented on derelict property located at 60 Baptist Church Road. She said it is an eyesore on soon to be nicely reconstructed Baptist Church Rd. Ms. Zimmer asked who would be responsible for taking care of the property. The Clerk offered to speak with the Zoning Officer to try to remediate the problem.

John Malone, 11 Gephardt Farm Road, asked for a meeting with the Committee to review the sponsorship of an application for a loan to repair the Lakeside Dam. Mayor DeGiralamo said that he will contact Township Attorney Waterbury-Cecil regarding the issue and respond with the decision as quickly as possible.

Debbie Hirt, Springhouse Lane, stated that in talking to the Township residents there is a lot of interest in having a Community Day this year. She said that Richard Schulman, owner of the Hunterdon Hills Playhouse has expressed his interest in holding a Community Day this year as well. Mrs. Hirt said they agreed on Sunday, September 25, 2022 to hold the event if the Committee would pursue the idea.

Mayor DeGiralamo said the Committee would be very much in support of having Community Day and asked that organizing and planning be spearheaded by Debbie Hirt.

Kara Cherney, 51 Country Acres Drive, advised the Committee that she has been appointed by the Board of Education as a liaison to the Township Committee. She said she will try to attend as many TC meetings as possible. Ms. Cherney will provide updates about activities at schools and answer any Committee questions.

Millie Conti, 10 Lisa Lane, asked about repairing the bridge on Baptist Church Road. Engineer Clerico answered that the County owns the bridge and is in charge of the project. The Committee agreed to obtain additional information from the County regarding Ms. Conti's inquiry.

Mr. Lordi made remarks with regard to the letter sent from the elementary school to parents asking for additional classroom supplies. He said that he already raised the issue with Superintendent Dr. Diaz, who said that he would be bringing the issue before the BOE Finance Committee. Mr. Lordi said he has not heard from the school yet. Mr. Lordi also commented on the impolite message teachers left on their voice mail. He said parents understand that teachers are working without a signed contract, but that fact does not have to be reflected in a voice message.

## 10. PUBLIC HEARING

## 11. UNFINISHED BUSINESS

Mr. Hirt reminded the Committee about three quotes he obtained to purchase and install a generator for the Municipal Building. Briefly discussed. The Clerk will provide copies of quotes to the new Committee members.

## 12. NEW ORDINANCES - 1<sup>st</sup> Reading

## 13. 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 #2022-19 : 2021 Tonnage Grant Application

#### RESOLUTION #2022-19

#### UNION TOWNSHIP; HUNTERDON COUNTY TONNAGE GRANT APPLICATION for 2021

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 **2021** 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

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.

- b. **RESOLUTION #2022-20** : Authorizing the Adoption of the 2021 Hunterdon County, NJ Hazard Mitigation Plan Update

**RESOLUTION #2022-20**

**A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UNION**

**AUTHORIZING THE ADOPTION OF THE**

**2021 HUNTERDON COUNTY, NEW JERSEY HAZARD MITIGATION PLAN UPDATE**

**WHEREAS**, all jurisdictions within Hunterdon County have exposure to hazards that increase the risk to life, property, environment, and the County and local economy; and

**WHEREAS**; pro-active mitigation of known hazards before a disaster event can reduce or eliminate long-term risk to life and property; and

**WHEREAS**, The Disaster Mitigation Act of 2000 (Public Law 106-390) established new requirements for pre and post disaster hazard mitigation programs; and

**WHEREAS**; a coalition of Hunterdon County municipalities with like planning objectives has been formed to pool resources and create consistent mitigation strategies within Hunterdon County; and

**WHEREAS**, the coalition has completed a planning process that engages the public, assesses the risk and vulnerability to the impacts of natural hazards, develops a mitigation strategy consistent with a set of uniform goals and objectives, and creates a plan for implementing, evaluating and revising this strategy;

**NOW, THEREFORE, BE IT RESOLVED** that the Union Township Committee:

- 1) Adopts in its entirety, the 2021 Hunterdon County Hazard Mitigation Plan Update (the “Plan”) as the jurisdiction’s Hazard Mitigation Plan and resolves to execute the actions identified in the Plan that pertain to this jurisdiction.
- 2) Will use the adopted and approved portions of the Plan to guide pre- and post-disaster mitigation of the hazards identified.
- 3) Will coordinate the strategies identified in the Plan with other planning programs and mechanisms under its jurisdictional authority.
- 4) Will continue its support of the Mitigation Planning Committee as described within the Plan.
- 5) Will help to promote and support the mitigation successes of all participants in this Plan.
- 6) Will incorporate mitigation planning as an integral component of government and partner operations.

7) Will provide an update of the Plan in conjunction with the County no less than every five years.

PASSED AND ADOPTED on this 19<sup>th</sup> day of January 2022, by the following vote:

AYES: Hirt                      NAYS:                      ABSENT: Mazza                      ABSTAIN:  
         Stiger  
         Lordi  
         DeGiralamo

Attest:

\_\_\_\_\_  
Ella M. Ruta, Municipal Clerk

\_\_\_\_\_  
David DeGiralamo, Mayor

c. **RESOLUTION #2022-21:** Approving 2022 Professional Services Contract – Van Cleef Engineering;  
Robert Clerico, PE

**RESOLUTION #2022-21**

**UNION TOWNSHIP, HUNTERDON COUNTY  
APPROVING 2022 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 \$158.00 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. Such services shall be compensated in accordance with the “2022 Schedule of Hourly Fees” attached hereto and made a part of this Agreement. Compensation for wittnesting of and Soil Logs and Soil Permeably testing will be at a fixed rate of \$300.00 per day per lot tested.
3. This agreement shall cover the period from January 1, 2022, to December 31, 2022.
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.

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- 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 2022 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 19, 2022

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 2022 Temporary/Adopted Budget to award a contract to Van Cleef Engineering Associates, under the line item "Engineering".

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

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

- d. **RESOLUTION #2022-22:** Approving 2022 Professional Services Contract – Township Attorney- Mason, Griffin & Pierson, P.C.; Trishka Waterbury Cecil

**RESOLUTION #2022-22**

**AGREEMENT FOR PROFESSIONAL SERVICES  
Township Attorney – Trishka Waterbury Cecil, Esq.**

THIS AGREEMENT (“Agreement”) entered into this 1<sup>st</sup> day of January, 2022 by and between the Township of Union, a municipal corporation of the State of New Jersey, with offices at 140 Perryville Road, Hampton, New Jersey 08827 (hereinafter referred to as "TOWNSHIP") and Trishka Waterbury Cecil, Esq. and Mason, Griffin & Pierson, P.C., 101 Poor Farm Road, Princeton, New Jersey 08540 (hereafter referred to as "ATTORNEYS").

WITNESS

WHEREAS, TOWNSHIP wishes to obtain the professional services of ATTORNEYS to serve as the Union Township Attorney during calendar year 2022 and in that capacity to provide Union Township with all legal

## MINUTES OF REGULAR MEETING January 19, 2022

services, including routine services and litigation, as TOWNSHIP may require;

WHEREAS, ATTORNEYS has offered to provide the sought-after professional services to TOWNSHIP in accordance with the rates attached as Exhibit A hereto; and

WHEREAS, by resolution, the Township Committee of Union Township awarded an agreement for professional services to ATTORNEYS without public bidding as authorized by law, in accordance with the provisions of the Local Public Contracts Law, N.J.S.A. 40A:11-1 *et seq.*;

NOW THEREFORE, IT IS AGREED by and between TOWNSHIP and ATTORNEYS as follows:

Scope of Services. Trishka Waterbury Cecil and Mason, Griffin & Pierson, P.C. shall serve as the Township Attorney and provide professional legal services to TOWNSHIP as needed by TOWNSHIP, including routine services and litigation.

Term; Termination. This Agreement shall be effective from January 1, 2022 to December 31, 2022, except that either party may terminate the Agreement prior to December 31, 2022, by providing sixty (60) days advanced written notice to the other, to the address as set forth above.

Compensation; Manner of Payment.

- a. The anticipated cost of ATTORNEYS' services as described herein shall not exceed sixty thousand dollars (\$60,000.00), subject to annual budgetary appropriations at an hourly rate of \$170.00 to \$185.00.
- b. ATTORNEYS shall bill TOWNSHIP monthly on municipal vouchers for services rendered and reimbursement for such expenses incurred during the prior month, based on the hourly rates and fees set forth in Exhibit A.
- c. TOWNSHIP agrees to pay ATTORNEYS within thirty (30) days of receipt of an audited and approved voucher.

Affirmative Action/Equal Employment. The parties hereby incorporate into this Agreement the Affirmative Action/Non-Discrimination addendum per the attached Exhibit B.

Business Registration & Sales and Use Tax. The parties hereby incorporate into this Agreement the Business Registration and Sales and Use Tax addendum per the attached Exhibit C.

Political Contributions.

d. This Agreement has been awarded to ATTORNEYS based on the merits and abilities of ATTORNEYS to provide the goods or services as described herein. This Agreement was not awarded through a "fair and open process" as that phrase is defined in N.J.S.A. 19:44A-20.7. As such, ATTORNEYS hereby certify that ATTORNEYS (including persons and other business entities having an interest in ATTORNEYS, as defined by N.J.S.A. 19:44A-20.7) have neither made a contribution, that is reportable pursuant to the Election Law Enforcement Commission pursuant to N.J.S.A. 19:44A-1 et seq. (i.e., in excess of \$300.00), in the one (1) year period preceding the award of this Agreement that would, pursuant to P.L. 2004, c.19, affect their eligibility to perform this Agreement, nor will they make a reportable contribution during the term of this Agreement to any municipal committee of a political party if a member of that political party is serving in an elective public office of the TOWNSHIP when the Agreement is awarded, or to any candidate committee of any person serving in an elective public office of the TOWNSHIP when the Agreement is awarded.

e. ATTORNEYS shall not make or solicit any contribution of money, or pledge of a contribution, including in-kind contributions, or loans, to a municipal campaign committee or fund of any candidate for, or holder of, a public office within the TOWNSHIP having ultimate responsibility for the award of this Agreement, or campaign committee financially supporting such candidate or officeholder, or to any political action committee (PAC) that engages in the support of municipal elections and/or municipal parties, or to any TOWNSHIP or Hunterdon County party committee, between the time of first communications between that business entity and the TOWNSHIP regarding this Agreement and the later of the termination of negotiations or the completion of the Agreement.

c. ATTORNEYS are aware of the responsibility to file an annual disclosure statement on political contributions with the New Jersey Election Law Enforcement Commission (ELEC) pursuant to N.J.S.A. 19:44A-20.27 (P.L. 2005, c.271, §3) if ATTORNEYS receive contracts in excess of \$50,000 from public entities in a calendar year. It is ATTORNEYS' responsibility to determine if filing is necessary. Additional information on this requirement is available from ELEC at (888) 313-3532 or [www.elec.state.nj.us](http://www.elec.state.nj.us).

7. Insurance; Hold Harmless.

a. Prior to commencing work, ATTORNEYS shall furnish TOWNSHIP with a Certificate of Insurance as evidence that it has procured such commercial, automobile, workers' compensation, employer's and professional liability insurance coverage as is customary for the type and scope of services to be rendered under this Agreement. TOWNSHIP, and its officers, employees, agents and consultants, shall be listed as additional insured on such policies.

b. ATTORNEYS shall defend, indemnify and hold harmless TOWNSHIP, its officers, employees, agents and consultants from any and all claims, suits, actions, damages or costs, of any nature whatsoever, whether for personal injury, property damage or other liability, arising out of or in any way connected with the ATTORNEYS' acts or omissions, or those of their officers, employees, agents and consultants, in connection with this Agreement.

8. Complete Agreement. This Agreement and any attachments hereto or incorporated by reference represents the entire contract between the parties and shall take precedence over all other prior or existing understandings or agreements, if any, whether oral or written.

IN WITNESS WHEREOF, the parties have set their hand and seal the day and date first written above.

ATTEST:

TOWNSHIP OF UNION

\_\_\_\_\_  
Ella M. Ruta, RMC, Municipal Clerk

By: \_\_\_\_\_  
David DeGiralamo, Mayor

e. **RESOLUTION #2022-23:** Approving 2022 Professional Services Contract - Auditor-Suplee, Clooney & Company

**RESOLUTION #2022-23**

**UNION TOWNSHIP, HUNTERDON COUNTY  
APPROVING THE AWARD OF A  
2022 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 **2022**; 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 **2022** Temporary/Adopted Budget under the line item "Finance OE".

Date: January 19, 2022

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

- f. **RESOLUTION #2022-24**: Approving 2022 Professional Services Contract – Labor Atty.- Matthew Giacobbe, Esq.

**RESOLUTION #2022-24  
UNION TOWNSHIP; HUNTERDON COUNTY**

**RESOLUTION AUTHORIZING CONTRACT FOR LEGAL SERVICES 2022  
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

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 **2022** at the hourly rate of \$160.00. 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 **2022** adopted municipal budget.
4. A Notice of this action shall be printed once in the official newspaper of this municipality.

Date: January 19, 2022

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 **2022** Temporary/Adopted Budget to award a contract to Matthew J. Giacobbe, Esq., as appropriated under the line item "Legal".

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

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

- g. **RESOLUTION #2022-25:** Approving 2022 Professional Services Contract – Special Counsel – J. Peter Jost, Esq.

**RESOLUTION #2022-25  
UNION TOWNSHIP; HUNTERDON COUNTY**

**RESOLUTION AUTHORIZING CONTRACT FOR LEGAL SERVICES 2022**

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 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, J. PETER JOST, ESQ. has submitted a proposal indicating the fee for all other legal services rendered shall be \$170.00 per hour and in no event shall the amount of this contract exceed \$30,000.00, without prior approval of the Township governing body; and

WHEREAS, J. PETER JOST, ESQ. has completed and submitted a Business Entity Disclosure Certification which certifies that J. PETER JOST, ESQ. 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 J. PETER JOST, ESQ. 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 Legal Services, OE; and

NOW THEREFORE, BE IT RESOLVED by the Township Committee authorizes the Mayor and Clerk to enter into a contract with J. PETER JOST, ESQ. as described herein; 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 Hunterdon County Democrat.

Date: January 19, 2022

**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 Finance Officer of the Township of Union, have ascertained that there are available sufficient uncommitted appropriated funds in the 2022 Temporary/Adopted Budget to award a contract to J. Peter Jost, as appropriated under the line item "\_\_\_\_\_".

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

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

reslegal

- h. **RESOLUTION #2022-26:** Approving 2022 Professional Services Contract – Planner- Clarke Caton Hintz; Emily Goldman

**RESOLUTION #2022-26  
UNION TOWNSHIP, HUNTERDON COUNTY**

**AUTHORIZING CONTRACT FOR PLANNING CONSULTANT SERVICES FOR 2022  
With The Firm of Clarke·Caton·Hintz**

WHEREAS, the Township of Union has a need to acquire planning 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, CLARKE CATON HINTZ has submitted a proposal indicating an hourly fee up to \$230.00 per hour as per attached fee schedule and subject to a maximum of \$40,000.00 appropriated for services performed hereunder during the term of this contract; 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, CLARKE CATON HINTZ has completed and submitted a Business Entity Disclosure Certification which certifies that CLARKE CATON HINTZ 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 CLARKE CATON HINTZ 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 the firm of Clarke·Caton·Hintz, for planning consulting services for **2022**
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 all persons providing services for the Township are professional planner.
3. Approval of the attached contract is subject to availability and appropriation of sufficient funds as may be required in the **2022** temporary and permanent Municipal budgets.
4. A Notice of this action shall be printed once in the official newspaper.

Date: January 19, 2022

**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 **2022**

Temporary/Adopted Budget to award a contract to Clarke-Caton-Hintz under the line item "\_\_\_\_\_".

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

Grace M. Brennan, CFO

- i. **RESOLUTION #2022-27**: Approving 2022 Professional Services Contract – Special Counsel-Affordable Housing; Jonathan Drill, Esq.

**RESOLUTION #2022-27  
UNION TOWNSHIP; HUNTERDON COUNTY**

**AUTHORIZING CONTRACT FOR LEGAL SERVICES 2022  
Jonathan E. Drill, Esq. Special 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

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 **2022** 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.
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 **2022** adopted municipal budget.
4. A Notice of this action shall be printed once in the official newspaper of this municipality.

Date: January 19, 2022

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 2022 Temporary/Adopted Budget to award a contract to Jonathan E. Drill, Esq., as appropriated under the line item "Legal".

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

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

- j. **RESOLUTION #2022-28:** Approving 2022 Professional Services Contract – Traffic Engineer; Walter Lublanecki

**RESOLUTION #2022-28**  
**UNION TOWNSHIP, HUNTERDON COUNTY**  
**APPROVING 2022 PROFESSIONAL SERVICE CONTRACT/TRAFFIC ENGINEERING SERVICES**  
**Walter Lublanecki / Lublanecki Engineering, Inc.**

WHEREAS, the Township of Union has a need to acquire Traffic Engineer 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 Lublanecki Engineering, Inc., has completed and submitted a Business Entity Disclosure Certification which certified that Lublanecki Engineering Inc. 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 Lublanecki Engineering Inc. 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 Walter Lublanecki as follows:

1. The Engineer shall be compensated at the hourly rate of \$150.00 per hour and shall not exceed the sum of \$10,000.00 for his engineering services rendered as needed or requested by the Township Committee, Planning Board/Board of Adjustment, or other Township agencies.
3. This agreement shall cover the period from January 1, 2022, to December 31, 2022.
4. The Engineer agrees that no services shall 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. Lublanecki Engineering, Inc 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: January 19, 2022

**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 2022 Temporary/Adopted Budget to award a contract to Maser Consulting P.A. under the line item "Engineering".

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

- k. **RESOLUTION #2022-29:** Approving 2022 Professional Services Contract – Special Tax Appeal Counsel; Joseph Tauriello, Esq.

**RESOLUTION #2022-29  
UNION TOWNSHIP; HUNTERDON COUNTY**

**AUTHORIZING CONTRACT FOR LEGAL SERVICES 2022  
Joseph C. Tauriello, Esq. Special Legal Counsel – United Telephone Tax Appeal**

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, the Attorney is hereby retained by the Contracting Unit to represent the Contracting Unit in relation to defense of the tax appeals entitled, United Telephone, LLC v.Union Township, and any other matters with regard to United Telephone; and

WHEREAS, the Attorney shall keep the Contracting Unit advised of all developments in the above matters; and

WHEREAS, the Attorney shall report to the Township Tax Assessor; and

WHEREAS, this contract shall cover the period from January 1, 2022 until December 31, 2022.

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:

- a. The Mayor and Clerk are hereby authorized and directed to execute the attached agreement with JOSEPH C. TAURIELLO, ESQ., 221 WITHERSPOON STREET, PRINCETON, NEW JERSEY 08542
  - 1. The Township agrees to compensate the Attorney, which shall not exceed \$175.00 per hour unless amended by further action of the Township for the above-mentioned services. The agreement is for a not to exceed amount of \$40,000.00. Any exceedance of that limit will require the issuance of a change order.
  - 2. The consideration for services shall be paid as vouchers as submitted and approved by the Contracting Unit. The Attorney will be reimbursed for out-of-pocket expenses as incurred.
- b. 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 Joseph C. Tauriello, Esq. is an attorney at Law of the State of NJ in good standing and is a person authorized to practice a recognized profession.
- c. Approval of the attached contract is subject to availability and appropriation of sufficient funds as may be required in the **2022** adopted municipal budget.
- 4. A Notice of this action shall be printed once in the official newspaper of this municipality.

Date: January 19, 2021

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 **2022** Temporary/Adopted Budget to award a contract to Martin Allen, Esq., as appropriated under the line item "Legal".

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

- I. **RESOLUTION #2022-30:** Approving 2022 Professional Services Contract – Planning Board/Board of Adjustment Legal Services; Mark Anderson, Esq.

**RESOLUTION #2022-30  
UNION TOWNSHIP, HUNTERDON COUNTY**

**APPROVING CONTRACT FOR LEGAL SERVICES/PLANNING BOARD 2022  
Woolson Sutphen Anderson/Mark S. Anderson, Esq.**

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 2022.
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 2022 temporary and permanent Municipal budgets.
4. A Notice of this action shall be printed once in the official newspaper.

Date: January 19, 2022

**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 2022 Temporary/Adopted Budget to award a contract to Mark S. Anderson, Esq., under the line item "\_\_\_\_\_".

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

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

**m. RESOLUTION #2022-31: Approving Person-to-Person Liquor License Transfer; Pattenburg House**

**RESOLUTION #2022-31**

**UNION TOWNSHIP, HUNTERDON COUNTY**

**PERSON-TO-PERSON TRANSFER  
from  
HONEY BADGER ENTERTAINMENT, LLC  
to  
LEGACY EAST LLC**

## MINUTES OF REGULAR MEETING January 19, 2022

WHEREAS, an application has been filed for a person-to-person transfer of Plenary Retail Consumption License #1025-33-004-010, heretofore issued to Honey Badger Entertainment, LLC. for premises located at 512 County Road 614, Union Township, Hunterdon County, New Jersey; and

WHEREAS, the submitted application form is complete in all respects, the transfer fees have been paid; and

WHEREAS, the applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey Statutes, regulations promulgated thereunder, as well as pertinent local ordinances and conditions consistent with Title 33; and

WHEREAS, the applicant, Legacy East LLC, has disclosed and the issuing authority reviewed the source of funds used in the purchase of the license and the licensed business and all additional financing obtained in connection with the licensed business;

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee, of the Township of Union, does hereby approve, effective January 19, 2022, the transfer of the aforesaid Plenary Retail Consumption License to Legacy East LLC and does hereby direct the Municipal Clerk to endorse the license certificate to the new ownership as follows: "This license, subject to all its terms and conditions, is hereby transferred to Legacy East LLC. with a premise location of 512 County Road 614, Union Township, Hunterdon County effective January 19, 2022".

- n. **RESOLUTION #2022-32:** Authorizing the use of the Public Rights-Of-Way by Planet Networks, Inc. for Installation of Fiber Optic Cable

**RESOLUTION #2022-32****Township of Union Hunterdon  
County, New Jersey****RESOLUTION AUTHORIZING THE USE OF THE PUBLIC RIGHTS-OF-WAY BY PLANET NETWORKS, INC. FOR INSTALLATION OF FIBER OPTIC CABLE**

WHEREAS, Planet Networks Inc. ("Planet Networks") is a provider of telecommunications services and is authorized by the New Jersey Board of Public Utilities to provide local exchange and interexchange telecommunications services throughout the State of New Jersey; and

WHEREAS, Planet Networks has petitioned the Township of Union ("Township") for consent to use the public rights-of-way to place its telecommunication facilities aerially on existing and, where necessary, new utility poles, and/or in underground conduit; and

WHEREAS, the Federal Communications Commission ("FCC") in its Declaratory Ruling and Third Report and Order WT Docket No. 17-79; WC Docket No. 17-84, FCC-18- 133A1, at paragraph 36, page 15-16, has held that "an effective prohibition [under the Telecommunications Act of 1996] occurs where a state or local legal requirement materially inhibits a provider's ability to engage in any of a variety of activities related to its provision of a covered service \*\*\* not only by rendering a service provider unable to provide an existing service in a new geographic area or by restricting the entry of a new provider in providing services in a particular area, but also by materially inhibiting the introduction of new services or the improvement of existing services"; and

WHEREAS, Planet Networks has or will enter into agreements with the utility companies for the use of their poles; and

## MINUTES OF REGULAR MEETING January 19, 2022

WHEREAS, N.J.S.A. 48:3-19 provides that “[t]he consent of the municipality shall be obtained for the use by a person of the poles of another person unless each person has a lawful right to maintain poles in such street, highway or other public place”; and

WHEREAS, N.J.S.A. 27:16-6 provides, in part, that “[t]he board of chosen freeholders shall not grant an easement, right of way, or use in, under, or over, any portion of a county road in a municipality, unless the governing body of the municipality \*\*\* shall consent thereto”; and

WHEREAS, N.J.S.A. 46:17-8 provides that “[a]ny telegraph or telephone company organized under the laws of this or any other State, or of the United States, may erect, construct and maintain the necessary poles, wires, conduits, and other fixtures for its lines, in upon, along, over or under any public street, road, or highway, upon first obtaining the consent in writing of the owner of the soil to the erection of such poles, and through, across or under any of the waters within this State and upon, through or over any other land, subject to the right of the owners thereof to full compensation for the same; and

WHEREAS, N.J.S.A. 54:30A-124(a) provides that a municipality may not impose any fees, taxes, levies or assessments in the nature of a local franchise, right of way, or gross receipts fee, tax, levy or assessment against telecommunications companies but that a municipality may impose reasonable fees for actual services made by any municipal agency; and

WHEREAS, it is in the best interest of the Township and its citizens to grant consent to Planet Networks to install fiber optic cables and related facilities in the Township;

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

1. The preamble to this resolution is hereby incorporated as if more fully set forth herein.
2. The governing body does hereby grant permission and authority to Planet Networks, Inc. to install fiber optic cables and related facilities on existing utility poles within the public right-of-way and to install new utility poles or underground conduit where necessary, upon the following terms and conditions:
  - a) Planet Networks shall adhere to all applicable federal, State, and local laws in connection with its use of the public right-of-way.
  - b) Planet Networks shall obtain any applicable permits in connection with the installation of its facilities.
  - c) Planet Networks shall indemnify, defend, and hold harmless the Township of Union, its officials, agents, and employees, from and against any claim of liability, damages or loss resulting in bodily injury or property damage arising out of Planet Network's use of the public right-of-way, except to the extent such loss, injury or property damage resulting from the acts or omissions of the Township.
  - d) Planet Networks shall procure and maintain, at its cost and expense, commercial general liability insurance with limits not less than \$1,000,000 for injury to or death of one or more persons in any one occurrence and \$500,000 for damage or destruction to property in any one occurrence and shall include the Township as an additional insured on said insurance policy. Proof of said insurance shall be provided to the Township Clerk on an annual basis.

e) Planet Networks shall be responsible for the repair of any damage to pavement or any structure arising from its construction, installation, or maintenance of its facilities.

f) Notwithstanding any provision contained herein, neither the Township nor Planet Networks shall be liable to the other for consequential, incidental, exemplary, or punitive damages on account of any activity pursuant to this consent.

3. The Mayor, Clerk, Township Attorney, and other appropriate officers, employees, and professionals, are hereby authorized and directed to undertake any and all acts necessary to effectuate the terms hereof.

4. This resolution shall take effect immediately.

- o. **RESOLUTION #2022-33:** Approving Request by Fallone Developers, LLC for Reduction of Performance Guarantee (Block 22.02, Lot 34)

**RESOLUTION #2022-33**

**Township of Union Hunterdon  
County, New Jersey**

**RESOLUTION APPROVING REQUEST BY FALLONE DEVELOPERS, LLC FOR  
REDUCTION OF PERFORMANCE GUARANTEE (BLOCK 22.02, LOT 34)**

WHEREAS, the Township of Union (“Township” is the beneficiary of a performance guarantee posted by Fallone Developers, LLC (“Fallone”) on June 3, 2021 in connection with development approvals granted by the Union Township Planning Board (“Board”) for property located Perryville Road and designated on the Clinton Township tax maps as Block 22.02, Lot 34; and

WHEREAS, the specific site improvements for which the guarantee was posted are set forth in that certain Engineer’s Estimate prepared by Township Engineer Robert Clerico, PE of Van Cleef Engineering Associates, LLC dated March 4, 2021 and attached as an exhibit to the March 17, 2021 developer’s agreement entered into between Fallone and the Township; and

WHEREAS, the total amount of the performance guarantee is \$1,270,408.08, of which \$1,143,367.27 was posted in the form of a performance bond issued by First Indemnity of America Insurance Company (Bond No. KI100078) and \$127,040.81 was posted in cash; and

WHEREAS, by letter dated November 4, 2021 from Robert Fallone to Township Clerk Ella Ruta, Fallone has requested to have the performance guarantee reduced; and

WHEREAS, a copy of the request by Fallone is attached hereto as Exhibit “A” and made a part hereof; and

WHEREAS, the Township Engineer has inspected the improvements made to date and provided a report to the Township Clerk regarding the reduction request, which report is dated January 17, 2022 and is attached hereto as Exhibit “B” and made a part hereof; and

WHEREAS, the report was received by the Township Clerk on January 17, 2022; and

WHEREAS, the Municipal Land Use Law at N.J.S.A. 40:55D-53e(1) requires the governing body by resolution to “either approve the bonded improvements determined to be complete and satisfactory by the municipal engineer, or reject any or all of these bonded improvements upon the establishment in the resolution of cause for rejection, and shall approve and authorize the amount of reduction to be made in the performance guarantee relating to the improvements accepted”; and

WHEREAS, the Township Engineer’s report indicates that the performance guarantee be reduced in accordance with the improvements completed to date; and

WHEREAS, the specific bonded improvements that the Township Engineer has determined to be complete and satisfactory, and for which the performance guarantee is being reduced, are identified on a spreadsheet included in the Township Engineer’s report; and

WHEREAS, no cause has been established to reject the completed improvements;

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

1. The findings set forth in the preamble to this resolution are hereby incorporated as if fully restated herein.
2. The request by Fallon Developers, LLC for a reduction in its performance guarantee is hereby approved.
3. The completed improvements identified on the spreadsheet included with the Township Engineer’s January 17, 2022 report (Exhibit B to this resolution) are hereby approved.
4. As recommended by the Township Engineer, the total performance guarantee shall be reduced to \$390,657.00, consisting of a surety bond in the amount of \$351,591.30 and cash in the amount of \$39,065.70, which shall be retained until all bonded items have been completed, found by the Township Engineer to be satisfactory, and approved by the Township, and the appropriate maintenance guarantees have been posted.
5. This resolution shall take effect immediately.

**p. Payment of Bills**

Roll Call Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Mazza						x
Mr. Hirt	x		x			
Mr. Stiger		x	x			
Mr. Lordi			x			
Dr. DeGiralamo			x			

Motion Carried

End of Consent Agenda

**14. REPORTS**

**a. Attorney's Report –**

Atty. McNally reported on issues and matters she had been assigned to work on last year. The first major item is the renewal of Cable Television Franchise with Comcast. Atty. McNally said the Ordinance approving the renewal is currently under review by the State Office of Cable Television and Communications. Documents were submitted in June of 2021. As soon as the review is completed Atty. McNally said, the Ordinance will be presented to the Committee for introduction. She also informed the Committee with respect to fast speed internet access for residents on Coachman Drive. Discussion ensued about other areas of the Township having access to fast speed internet.

The other item Atty. McNally said she has been working on is an Application for a Fireworks Display. She is waiting for input from Public Safety Director Strauss and PVFC Chief Narbonne before finalizing the document.

**b. Committee Report**

Mr. Lordi reported the following:

Recycling Center, Website, Buildings & Grounds

- Recycling Center - Due to very cold weather last Saturday the meeting with the Recycling Center Crew was very brief. Talked to the crew as to the process of verifying identity of individuals bringing recyclables. Mr. Lordi said it needs to be improved. Proposed a few possible options. Also mentioned that it is his understanding the position of the Recycling Coordinator is not only managing the Center, but also reporting to the State. Currently the CFO prepares all reports.
- Website - Stated that the current contract for website services expires January 31, 2022. Mr. Lordi said he would like to update the look and functionality of the website. He said that in speaking with GovOffice (website master) he was informed that the company provides three levels of website platform. At this time, Union Township is at the lowest Value Level. Mr. Lordi recommended renewing the current contract, but upgrade to at least the next level that includes additional features.
- Working with Mr. Hirt on assessing necessary improvements to the exterior and interior of the Municipal Building. Mr. Lordi proposed **addressing the exterior first**. Articulated projects that should be addressed immediately. Mr. Hirt agreed. Mayor DeGiralamo asked that Mr. Lordi provide a list of projects and have the Committee discuss them at the budget meeting.
- Contacted the Company providing our current email system. The discussion included security and technical support for the system. Will be approaching the Committee regarding upgrading the system.

Mr. Stiger reported the following:

- As the liaison to the Hunterdon County Planning Board, Mr. Stiger reported that the HC Economic Development Group became a Department. As one of the Departments of the County they will qualify to receive additional State and Federal funds.
- Mayor and I are members of I 78 and Route 22 Coalition Committee. The Committee is working diligently adopting Ordinances to make the corridor attractive for home based businesses.
- Hunterdon Harvest is a new segment that will become a part of the Route 579 Trail in the near future.
- Preparing for upcoming February 2<sup>nd</sup> Budget Meeting.
- May 4, 2022 is the day when a ban for using plastic bags will take effect. In anticipation of that day the Environmental Commission met in January of 2020 and decided to purchase reusable bags with its logo. When that idea did not work because of copyright issues, Mr. Stiger designed the picture of an evergreen tree with fully spelled name and location of UTEC. Reusable bags are available at the Municipal Building or at the Recycling Center.

## MINUTES OF REGULAR MEETING January 19, 2022

- Mr. Stiger said that he and Mr. Strauss are waiting for Chief Narbonne to schedule and conduct a meeting regarding PVFC compliance with the Township Ordinance.
- c. **Finance Officer's Report** -
  - Mrs. Brennan stated that the Auditors are in the process of finalizing an Annual Financial Statement. Township's Annual Debt Statement has already been filed. CFO Brennan said she has been meeting with individual Committee members and Finance Committee to discuss/review the 2022 municipal budget.
- d. **Pattensburg Volunteer Fire Dept.** – Deputy Fire Chief present at the meeting
  - Deputy Fire Chief Sadusky said the information requested by the Committee had been provided.
  - Mentioned exposed PVC pipe at the Rolling Hills Estates Development. He was directed to contact Atty. Jost or Engineer Roseberry who are overseeing that project.
- e. **Mayor's Report**
  - Planning Board/Board of Adjustment - Gave a brief summary of the PB/BOA meeting. Mayor DeGiralamo said that Alternate III member will be added to the Board. Mayor DeGiralamo asked Mr. Stothoff to serve as Alternate III and he agreed. Mayor apprised the Committee regarding the 2022 Quarry License renewal status for Liberty Quarry and GreenRock Recycling.
  - 2022 Municipal Budget - Analyzing and discussing the 2022 budget as already mentioned tonight. Invited members of the Public to attend budget meetings and provided a schedule of all budget meetings.
  - Pattensburg Volunteer Fire Company - Had a productive conversation with Chief Narbonne and President Harding regarding PVFC's compliance with the 2016 Ordinance and the organization leadership.
  - Township Events planning – Considering a number of events to help the Community to come closer together, particularly right after a very successful Holiday Tree Lighting Celebration. Mayor also mentioned that it had the greatest attendance of any celebration in the County. At this time, Mayor DeGiralamo said the Committee is contemplating having an Easter Egg Hunt in April. Has been discussing organizing a summer Olympic event at the Spruce Run Reservoir with Town of Clinton Mayor Kovach. Also, mentioned the possibility of Oktoberfest and of course, the 2<sup>nd</sup> Annual Tree Lighting.
  - Other Items – Mayor DeGiralamo said that recently someone told him about three things residents are expecting from their leaders. He said they are safety, road conditions and taxes. Mayor said that he would like to communicate those three to a higher level and provide as much transparency and details as allowed. He said that he would like to invite all Safety and Emergency Service Organizations serving the Township to attend all Township Committee meetings.
  - In honor of PVFC K-9 Officer Nash passing away recently Mayor DeGiralamo read and presented the following Proclamation to Dan VanFossen, member of PVFC:

*Union Township, Hunterdon County,  
State of New Jersey*

**PROCLAMATION**

*Recognition of K-9 Officer NASH for outstanding Service to the Pattenburg Volunteer Fire Company and the Union Township Community*

*Whereas*, K-9 Officer Nash has been an integral member of our Union Township community since 2017, having been acquired through the charitable donations of numerous residents and friends of the Township; and

*Whereas*, K-9 Officer Nash, in his early life, successfully completed months of tests and received numerous certifications to become a K-9 officer, with duties including (among other things) searching for drugs and explosives, locating missing people and finding crime scene evidence; and

*Whereas*, K-9 Officer Nash, while continuing to serve our Township, endured a years-long battle with illness and numerous treatments to curtail it, doing so with extraordinary grace; and

*Whereas*, K-9 Officer Nash ultimately lost this battle in late 2021; and

*Whereas*, K-9 Officer Nash was a beloved member of our Union Township community, bringing smiles and warmth to all who knew him and loved him; and

*Whereas*, K-9 Officer Nash will serve as a clear example to other K-9s and citizens of how to demonstrate bravery and dedication toward this community; and

*Now Therefore Be It Resolved*, this Nineteenth day of January in the year 2022, by Mayor David M. DeGiralamo and the Township Committee of Union Township, Hunterdon County, New Jersey that we provide acknowledgment and recognition of the outstanding life of K-9 Officer Nash. May he now rest in peace.

**GIVEN**, under my hand and seal of the Township of Union, as of this 19<sup>th</sup> day of January 2022.

By: \_\_\_\_\_  
David M. DeGiralamo, MD DMD  
Mayor

### 13. PUBLIC COMMENTS

Karen Wisnosky, 797 Deerfield Lane, asked that Deerfield Lane would be considered for repaving. She said that tarring and chipping will not help anymore. Mayor said that Deerfield Lane is at the top of the list for overlay and it was just discussed with Road Foreman Fleming.

Mr. Lordi informed the Committee about a meeting on February 3, 2022 with NJ DOT representative Barbara Forin regarding Quiet Zone designation of the rail crossing in Jutland.

Mr. Lordi inquired about Road Inventory Condition Assessment list. Mayor DeGiralamo said it is a working document, but he assured that the Public will be informed and updated on plans and decisions regarding maintenance of roads.

A member of the public made comments regarding all Committee meeting be also accessible virtually. Mr. Lordi said he would be looking into that possibility. He said the Committee is eager to have residents participate in meetings either in person or virtually.

Mr. Stiger announced that Leigh Gronau, who is the Secretary to the Planning Board, has been taking the Municipal Clerk’s courses. There are five courses she has to take to become a Certified Clerk to fill the position when the current Clerk finally retires. Mrs. Gronau applied for a scholarship from the NJ Municipal Clerk’s Association and received \$500.00 towards the cost of the program.

**14. ADJOURNMENT**

There being no further business to come before the Township Committee at this time Mr. Stiger made a motion to adjourn the meeting at 8:43 p.m. Mr. Hirt seconded the motion. Motion carried by unanimous favorable roll call vote.

\_\_\_\_\_  
Transcribed by: Ella M. Ruta, Municipal Clerk

\_\_\_\_\_  
David DeGiralamo, Mayor