

1. CALL TO ORDER

Mayor Mazza 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. Severino	x	
Mr. Mazza	x	
Mr. Hirt	x	
Mr. Stiger	x	
Mr. Stothoff		x

Also, present Keri McNally for Trishka Waterbury Cecil, Township Attorney, Robert Clerico, Engineer, Grace Brennan, CFO and Ella M. Ruta, Municipal Clerk.

5. APPROVAL OF PRIOR MEETING MINUTES

a. Regular Meeting Minutes of September 15, 2021

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

Motion carried

6. VISITORS

a. Review and Approval of Highlands Initial Assessment Plan

Mr. Stiger opened the presentation stating that about a year ago the Township Committee set an objective to strive to obtain the maximum amount of funding to revise/update various components of the Master Plan and other documents that are required to be updated. The Petition for Highlands Plan Conformance and the Farmland Preservation Plan are just two that will allow the Township to conform with the NJ Highlands Regional Master Plan. Mr. Stiger said that the set objective is progressing and hopefully will be accomplished by working together with NJ Highlands Council.

Emily Goldman, Township Planner, made a power point presentation of the Plan and the process that has to be followed before conforming to the NJ Highlands Regional Plan. She mentioned that grants from NJ Highlands Council would be available to prepare or update required documents. The Highlands Council will never require a Municipality to create or prepare documents that are not required. Everything will be funded by NJ Highlands Council.

Mayor Mazza asked if there are changes to the Highlands Planning Area. Ms. Goldman answered that there are none.

Steve Hurford, 225 Main Street, Jutland asked about TDR's (Transfer Development Rights) Program. Ms. Goldman answered that the program is still existing and could be explored by the Township.

Mr. Stiger said the next presenter, Barbara Heskins Davis from the Land Conservancy of NJ, might have more information with regard to TDR's.

Ms. Heskins Davis said that as a part of the next presentation she will report that the Land Conservancy looked into the Highlands Development Credits and the Transfer Development Rights Program. She stated that the Program was rather active about five years ago. There are four properties in Union Township that sold their developments rights to the Highlands Development Credit Bank for which they have been paid. They are protected by the State of New Jersey which holds easements. Ms. Heskins Davis confirmed that the program is still in existence.

Steve Hurford asked what would be the benefit to the Township to conform to the Highlands Regional Master Plan.

Ms. Goldman said the benefit would be availability of grant monies in the future for updating Various Plans and documents that are a part of the Township Master Plan.

David DeGiralamo, 70 Driftway West, asked what would be the impact to an average homeowner when the Plan is implemented and what would the homeowner be giving up.

Ms. Goldman explained that unless the homeowner is extensively developing a property located in the Highlands Preservation Area there is no impact on an individual homeowner.

Mr. Severino reiterated a question about benefits to the Township after conformance.

Ms. Goldman said it really is the grant money for mandatory updating and/or creating Planning documents. She added that instead of finding money in the budget, the NJ Highlands Council will cover the cost.

Mr. Stiger stated that the Township went through the process of conforming to the NJ Highlands Master Plan, but withdrew the Petition at the end. In addition he said the NJ Highlands Council covered the six figures cost at that time and is willing to do it again this time.

Mr. Severino asked if litigation assistance would be provided by the NJ Highlands Council if necessary.

Ms. Goldman was not sure, but will be providing an answer after speaking with Highlands Council Planner Piasecki.

Mr. DeGiralamo asked why this issue was deliberated before, withdrawn before final approval and what has changed since then.

Mayor Mazza answered that the Foster Wheeler Property and all ratable properties along that area being in the Highlands Planning Area, the Committee wanted to make sure that the Township does not lose control over the Planning Area along the Frontage Road corridor.

Mr. DeGiralamo said that not much has changed from 2010.

Mr. Stiger said that it is mandatory for all municipalities in the Highlands Preservation Area to conform. Union Township is the only Township in Hunterdon County that did not conform to the NJ Highlands Regional Master Plan.

Styra Eisinger, a resident from Ironbridge Road in Bethlehem Township, commented on the importance of preservation of the land and drinking water in the State in New Jersey.

b. Presentation of the Comprehensive Farmland Preservation Plan Update

Mr. Stiger opened the presentation by introducing the speaker, Barbara Heskins Davis, Planner from the Land Conservancy of New Jersey. He said that Ms. Heskins Davis and the Land Conservancy worked together with the Agricultural Committee of the Township to develop the Plan in 2010 and are once again providing assistance with updates.

Ms. Heskins Davis stated that the purpose of updating the Township's Farmland Preservation Plan is to have access to State funding for farmland preservation. The Township received a grant from the State Agricultural Development Committee to cover 50% of the cost to update the Plan. Ms. Heskins Davis also stated that as Planner Goldman mentioned, the Highlands Council will cover the other 50% of the cost.

Ms. Heskins Davis presented a very informative Power Point summary of the Updated Plan. At the end of the presentation she asked that a Hearing/Comment Period be opened for the Public.

Mayor Mazza asked if it was advantage or disadvantage that the State owns 30% of the land in the Township.

Ms. Heskins Davis answered it does not have any effect from the farmland preservation prospective.

Mr. Stiger made a motion to open the Public Hearing. Mr. Hirt seconded the motion. Motion carried by unanimous voice call vote.

There being no comments or questions from the Public, Mr. Stiger made a motion to close the Public Hearing. Mr. Hirt seconded the motion. Motion carried by unanimous voice call vote.

Styra Eisinger, a resident from Ironbridge Road in Bethlehem Township, complained about trailer trucks that are parked at night on the shoulder along Route 173. She suggested that all neighboring municipalities work together to try to remediate the problem.

Mayor Mazza said that the issue was discussed before, but without having a local Police Department there is not much the Township can do. He said the Committee will be revisiting the problem. Mr. Mazza said representatives from Pilot and the State Police will be invited to meet with the Committee Liaison to discuss the issue.

7. REPORTS RECEIVED – Acknowledged and briefly discussed

- a. Road Dept.- Week Ending; 9/10/21; 9/17/21; 9/24/21; 10/01/21; 10/08/21
- b. Animal Control Officer – September 2021
- c. Zoning Officer – September 2021
- d. Municipal Court – September 2021
- e. Public Safety Director – Mr. Strauss distributed his written report

Mr. Strauss gave a brief overview of his report.

- f. Engineer's Report

MINUTES OF REGULAR MEETING October 20, 2021

- Baptist Church Rd. Section 1 Project has been completed.
- Waiting for South State, Inc. to commit to start working on the Baptist Church Rd. Section 2A Road Improvement Project.
- Four bids were received for Baptist Church Section 2B Road Improvement Project. The lowest bidder is the same contractor that did Section 1 Project. The bid is under review by the Township Attorney. If acceptable it will be awarded at the next scheduled Committee meeting on November 10th.
- Updated the Committee regarding directional signs at the Pilot Travel Center. Said that placement of signs is under NJ DOT jurisdiction. The proposed signs were not approved by the State. Issue briefly discussed. The Committee agreed that a letter signed by the Committee and State Police be send to NJ DOT.

Mr. Hirt asked that white stripes, at least along curves be painted on the newly improved Baptist Church Road. He also mentioned that the intersection at Baptist Church and Frontage Roads needs an additional stop sign as drivers do not adhere to stop signs that are already posted there. Engineer Clerico said a T-intersection would possibly solve the problem. Briefly discussed.

8. CORRESPONDENCE/WRITTEN COMMUNICATIONS

9. PUBLIC COMMENTS

John Malone, 11 Gephardt Farm Road, advised that he is speaking on behalf of the Lakeside Estates Homeowners Association. He said they are a small community of seven houses. A private lake with a dam is a part of the development which was recently inspected by NJ DEP and determined that there was excessive damage and erosion due to high water flows. After a lengthy presentation of steps taken by the HOA to remediate the problem and the cost of remediation Mr. Malone asked if the Township would be willing to provide financial assistance. After discussion, Mr. Severino asked that comments made tonight be submitted in writing to the Township Clerk for distribution to Committee members.

Chris Hood, 3 Gephardt Farm Road, asked about plans of sewer drainage around the dam area. He also asked if financial assistance could be provided by the Township.

Matthew Dabrowski, 45 Frontage Road, said that water runoff from the new development on Perryville Road had contaminated his pond. Mr. Dabrowski said that he had contacted NJ DEP himself and through Assemblyman Peterson's Office with no response as of yet. He stated that he is trying to remedy the problem himself. Mrs. Dabrowski mentioned that HC Soil Conservation District was also contacted and came in May to inspect. Mr. Dabrowski said that they never had a problem until construction started at the new development.

Chris Hood, 3 Gephardt Farm Road, asked if the Township is in any way responsible for remediation of the Lakeside Estates dam or assistance in applying for a loan. The Committee reiterated that any questions or concerns should be submitted in writing.

10. PUBLIC HEARING

11. UNFINISHED BUSINESS

12. NEW ORDINANCES - 1st 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.

Grace Brennan, Personnel Administrator, requested that the Resolution Adopting Changes to the Personnel Manual be removed from the Consent Agenda and approved later in the meeting.

- a. **RESOLUTION #2021-98:** Authorizing the Salary Increase for Jack Sabol

Resolution # 2021 – 98

**Authorizing the Salary Increase for Jack Sabol
Full Time Employee for the Department of Roads and Facilities**

WHEREAS, the Personnel Administrator and the Township Committee Personnel Liaison have recommended that the salary be increased for Jack Sabol, member of the Department of Roads and Facilities to \$40,000.00 per year; and

WHEREAS, there is no need to amend the 2021 salary ordinance because the salary falls within the range of pay for this position;

NOW THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Union that Jack Sabol receive the salary of \$40,000.00 per year starting on October 17, 2021.

- b. **RESOLUTION #2021-99:** Waiving the Requirement to Post Excavation Bonds for House Construction (Mountain Top Estates – Block 22.02 Lot 34)

RESOLUTION #2021-99

Township of Union, Hunterdon County

**RESOLUTION WAIVING THE REQUIREMENT TO POST EXCAVATION BONDS FOR
HOUSE CONSTRUCTION
(MOUNTAIN TOP ESTATES – BLOCK 22.02, LOT 34)**

WHEREAS, Fallone Developers, LLC (“Developer”) is constructing a single-family residential development on an approximately 55-acre parcel of real property located on Perryville Road and identified on the Township’s Tax Maps as Block 22.02 (formerly Block 22), Lot 34 (the “Property”), consisting of seventy-four residential lots and one open space lot together with limited recreation facilities, a common wastewater disposal system on the open space lot, and related site improvements, which project will be known as “Mountain Top Estates”; and

WHEREAS, section 10-5.1 of the “Code of the Township of Union” (“Code” or “Township Code”) states that “[p]rior to the issuance of any permit requiring excavation” a developer must provide a performance guarantee to the Township “in the amount of the excavation contract or the estimated cost of the excavation,” the purpose of which is to ensure that the site is restored to its pre-construction condition and that all excavation is backfilled; and

WHEREAS, pursuant to the above-quoted language from section 10-5.1 of the Code, Developer (or Developer’s successor-in-interest) will be required to post individual excavation bonds prior to constructing the homes on the individual lots (seventy-four separate guarantees in total); and

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WHEREAS, by memorandum dated October 13, 2021 to the Township’s Chief financial Officer, a copy of which is attached hereto, Township Engineer Robert J. Clerico advised as follows:

In the case of the Fallone Development, the entire onsite disturbance, including the areas of future home construction, is covered under the SESC Permit obtained from the HCSCD and the performance guarantee filed with the Township by the developer. Accordingly, the HCSCD is responsible for the inspection of the overall project to insure that the SESC measures are in place and being maintained during the construction of this project, which includes the construction of the individual homes. As noted in the October 7, 2021 email from Mike DePalma, the HCSCD must certify that the onsite disturbance in the area around any of the individual homes is properly graded and stabilized prior to their office issuing a Certification of Compliance before the Construction Official would be allowed to issue a CO for the structure. Mike also noted that:

In winter, the district would require a bond for the lot to be stabilized in the spring. The bond is a \$6,000 cash bond and the district would issue a temporary report of compliance. Once stabilization is completed, the district returns the bond to the person or company that posts the bond.

and

WHEREAS, the Township Engineer has indicated that in light of the above, the posting of separate excavation bonds for each building lot pursuant to Code section 10-5.1 would be a redundant and unnecessary requirement;

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. For the above-quoted reasons set forth by the Union Township Engineer in his October 13, 2021 memorandum, the requirement of Code section 10-5.1 regarding the posting of individual excavation bonds for each building lot in the Fallone Development is hereby waived.
 3. The Mayor, Clerk, Township Attorney, and other appropriate officers, employees and professionals, are hereby authorized and directed undertake any and all acts necessary to effectuate the terms hereof.
 4. This resolution shall take effect immediately.
- c. **RESOLUTION #2021-100:** Authorizing the Execution of a Developers Agreement with Quickchek Corporation 170 and 172 Perryville Road, Block 22 Lots 39 and 41 (formerly Block 22, Lots 39, 40 and 41)

RESOLUTION #2021-100

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

**RESOLUTION AUTHORIZING THE EXECUTION OF A DEVELOPER’S AGREEMENT WITH
QUICKCHEK CORPORATION**

**170 and 172 Perryville Road
Block 22, Lots 39 and 41 (formerly Block 22, Lots 39, 40 and 41)**

MINUTES OF REGULAR MEETING October 20, 2021

WHEREAS, QuickChek Corporation (“Developer”) is the lessee of a ±7.2-acre site located at 170 and 172 Perryville Road and designated (or to be designated) on the Union Township tax maps as Block 22, Lots 39 and 41 (formerly Block 22, Lots 39, 40 and 41) (the “Property”); and

WHEREAS, on September 12, 2019, the Union the Township Planning Board (“Board”) granted preliminary and final major site plan approval, minor subdivision approval, use and bulk variances, and site plan exceptions to the Developer to consolidate the parcels designated as Lots 39, 40 and 41 and re-subdivide them into two parcels to be designated as Lots 39 and 41; demolish an existing building on former lot 41 and an existing single-family home on former lot 40; allow a second existing single-family home to remain on proposed lot 39; and construct a new QuickChek convenience store with fuel sales on proposed lot 41 (the “Approval”); and

WHEREAS, the details of the Approval are set forth in the Board’s resolution of memorialization adopted on December 19, 2019 (the “Resolution”); and

WHEREAS, the Approval is subject to the conditions set forth in the Resolution as well as to the Developer entering into a developer’s agreement with the Township in accordance with section 30-11.5.c.1 of the Township Code;

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 developer’s agreement between the Township of Union and QuickChek Corporation, a copy of which is on file with Clerk of the Township of Union, is hereby approved, and the Mayor and Clerk are hereby authorized and directed to execute said agreement on behalf of the Township, or such other substantially similar agreement as shall have been reviewed and approved by the Township Attorney.
- 3. The Mayor, Clerk, Township Attorney, and other appropriate officers, employees and professionals, are hereby authorized and directed to prepare and execute any and all other documents and undertake any and all acts necessary to effectuate the terms hereof.
- 4. This resolution shall take effect immediately.

- d. **Motion to Approve** – Request for Putting Barricades in the Brass Castle Neighborhood on Halloween
- e. **Motion to Approve** – To reschedule November 17, 2021 Regular Meetings of the Township Committee and the Board of Health to an earlier date of November 10, 2021

c. **Payment of Bills**

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

Motion Carried

End of Consent Agenda

- f. Discussion – 2021 Best Practices Inventory

CFO Brennan summarized this year’s Inventory and asked for questions. There were no questions from the Committee. Mrs. Brennan said the document will be filed with the State.

14. REPORTS

a. **Attorney’s Report** – no report

b. **Committee Report**

Mr. Stiger reported the following:

- Attended “Breakfast Talk” Zoom meeting with the County Planning Board. Recycled plastic reached the highest price since 1995. Caps should be left on plastic bottles to be recycled.
- I-78 Coalition at its meeting approved a draft RFP for home based businesses to be used in any Township within the Coalition.
- In addition to Wine Trail, a Beer Trail is coming to Hunterdon County. It should help with tourism.

Mr. Severino reported the following:

- Asked that the Committee dispense with the request from the last TC meeting regarding rezoning to accommodate a Warehousing Project in the Township. Mr. Severino feels that a formal answer should be provided and asked that the following motion be approved:

To reject the request for rezoning and Warehousing Project in the Township

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

Motion Carried

Mr. Hirt reported the following:

- Mentioned estimates that were submitted for installation of a commercial generator at the Municipal Building. Briefly discussed bringing natural gas to the building.

c. **Finance Officer’s Report** - has items for Executive Session

d. **Pattenburg Volunteer Fire Dept.**

- Chief Narbonne said that they went to School today to do a presentation about Fire Prevention.
- PVFC is having an Open House on Friday, October 22nd from 5 pm to 9 pm at the Fire House. Mr. Narbonne invited Committee members to visit.
- Chief Narbonne advised that overgrown bushes by the property at 510 Route 614 are creating unsafe driving conditions. There were already two accidents in that area. Mr. Stiger said he had communicated with the County Engineer’s Office emphasizing driver’s safety. County Engineer is not available this week. Mr. Stiger said he will contacting the County again.
- Chief Narbonne said that an audit, not a tax return will be filed with the Township next year.

e. Mayor’s Report

- Mayor Mazza said that he was contacted by Franklin Township representative and Assemblyman Peterson regarding painting a double solid lane on Pittstown Road by Grow-a-Row. Their property is now on both sides of the road. Currently it is a passing lane. The Committee did not voice any objections.

15. EXECUTIVE SESSION – 8:58 pm

Resolution #2021-101

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;

NOW THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Union will convene in an Executive Session that will be limited only to consideration of items with respect to which the public may be excluded pursuant to N.J.S.A. 10:4-12b.

The general nature of the subject or subjects to be discussed in this session is as follows:

1. N.J.S.A. 10:4-12b(7): Contract negotiations/matters falling within the attorney-client privilege involving Comcast’s franchise renewal and extension of service.
2. N.J.S.A. 10:4-12b(8): Personnel matters

The items discussed in this session will be disclosed to the public when the need for confidentiality no longer exists.

Formal action may be taken following the conclusion of the executive session.

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

Motion Carried

The Committee returned to regular meeting session at 9:21 p.m.

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

Motion Carried

CFO Brennan asked that the Resolution Adopting Changes to the Township Personnel Manual be approved with amendments to the Manual discussed in Executive Session.

RESOLUTION #2021-102

**Adopting Changes to Township of Union
Personnel Policies and Procedures Manual and
Union Township Employee Handbook**

WHEREAS, there is a need to amend the Township of Union Personnel Policies and Procedures Manual and the Union Township Employee Handbook, to reflect changes recommended by the Municipal Excess Liability Joint Insurance Fund (MEL) for the 2021/2022 MEL Employment Practices Liability Program; and good cause appearing

NOW, THEREFORE, BE IT RESOLVED that the changes as set forth in the Township of Union Personnel Policies and Procedures Manual and the Union Township Employee Handbook, as revised through October 20, 2021, are hereby adopted, and the Personnel Policies and Procedures Manual and the Employee Handbook are hereby amended accordingly; and

BE IT FURTHER RESOLVED that copies of the revised Employee Handbook with changes through October 20, 2021 shall be provided by the Personnel Administrator to all employees of the Township of Union.

Ella M. Ruta, Municipal Clerk

Frank T. Mazza, Mayor

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

Motion Carried

16. ADJOURNMENT

There being no further business to come before the Township Committee at this time Mr. Severino made a motion to adjourn the meeting at 9:22 p.m. Mr. Stiger seconded the motion. Motion carried by unanimous favorable roll call vote.

Transcribed by: Ella M. Ruta, Municipal Clerk

Frank Mazza, Mayor