

MINUTES OF REGULAR MEETING February 17, 2021

BECAUSE OF THE COVID-19 STATE OF EMERGENCY AND THE CLOSURE OF THE MUNICIPAL BUILDING THIS MEETING WAS HELD ELECTRONICALLY. FOLLOWING WAS THE LINK TO THE MEETING:

Topic: Township Committee Meeting
Time: February 17, 2021 07:00 PM Eastern Time (US and Canada)

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1. CALL TO ORDER

Mayor Mazza called the meeting to order at 7:02 p.m.

2. "Sunshine Law" Announcement- Adequate notice of this public meeting has been provided by Annual Notice; published in the Hunterdon Democrat and Courier News; posted on the public bulletin board and on file in the Municipal Clerk's Office. In addition, due to the current situation, notices of the virtual meeting were published/posted in compliance with the Sunshine Law.

3. FLAG SALUTE

4. ROLL CALL

Table with 3 columns: Name, Present, Absent. Rows include Mr. Severino, Mr. Mazza, Mr. Hirt, Mr. Stiger, Mr. Stothoff.

Also present, Trishka Cecil- Township Attorney, Robert Clerico-Township Engineer, Grace Brennan-CFO, Michael Schlaefer – Liberty Stone & Quarry, Jay Thatcher – Attorney, Liberty Stone & Quarry, Dr. John Crow, Applicant’s Environmental Professional and Ella M. Ruta- Municipal Clerk.

5. APPROVAL OF PRIOR MEETING MINUTES

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a. Regular and Executive Session Meeting Minutes of January 20, 2021

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

Motion to Amend the Agenda to add Executive Session for 52 Cooks Cross Road

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

6. **VISITORS** - William Reilly, commented regarding trucks on Charlestown Road and signs for the trucks. Mr. Severino advised it was discussed at the last meeting. Mr. Clerico is looking into signage with the owner of the property. Mr. Reilly also commented regarding parking in the front of Pilot and the refuse left behind. Mr. Severino will reach out to the State Police.

7. **REPORTS RECEIVED** – Acknowledged and briefly discussed

- a. Road Dept.- Week Ending; 1/15/21; 1/22/21
- b. Animal Control Officer – January 2021
- c. Municipal Court – January 2021
- d. Public Safety Director

– Mr. Strauss updated the Township Committee regarding his report and highlighted a few sections from the report. He commented on communication between the DPW and the Pattenburg Volunteer Fire Company with regards to snow removal.

e. Engineer’s Report

– Mr. Clerico advised the contract for the road improvement project for Baptist Church Road section 1 had been awarded. 11 contractors picked up applications and there were 9 submitted bids.

8. **CORRESPONDENCE/WRITTEN COMMUNICATIONS**

– None

9. **PUBLIC COMMENTS** – Mr. Mazza asked if there were any comments from the public. There were none.

10. **PUBLIC HEARING**

a. Liberty Stone & Aggregate – Clinton Quarry LLC - Application for 2021 License Renewal
 Attorney Waterbury Cecil gave a brief overview of the reason for the public hearing tonight. Mr. Clerico reviewed his report dated December 13, 2020 and updated December 29, 2020. Ms. Waterbury Cecil documented this report as Exhibit T-1. She advised that Section D of the report is a summary of the violations. Ms.

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Waterbury Cecil swore in Michael Schlaefer, one of the principal owners of the quarry. Mr. Clerico read into the record section D-1. Mr. Schlaefer testified that last year they had moved the quarry limit to the bottom floor where the trailers were parked looking for the face. When looking for the face, they found the previous owners had dumped refuse into the area. Mr. Schlaefer was digging and removing the debris. He said they did not realize they were in the buffer. He testified that this area was previously worked in from 1984, before he owned the quarry, as such; he believes they have a right to work in this area.

Mr. Mazza advised this had not been on the plan. Mr. Schlaefer confirmed that it was not, but now it is on the new plan showing how it is going to be regraded and restored.

Mr. Clerico advised that Item 1 is about the Filling element and that Mr. Schlaefer testified to item 2 excavation. Mr. Clerico advised that item 1 of the report stated that in the area of the site that was outside the fence, the prior applications were limited to activities within the fence. Prior plans show that outside the fence was where they were parking the trailers, boxes, etc. In this year's physical inspection of the site, which was documented when the photographs were submitted, that area is now being filled. Item 1 talks about that it was not a part of the prior documentation. Item 2 says that some of the fill is actually in the riparian buffer.

Ms. Waterbury Cecil asked when the amendments for the plan were submitted. Mr. Schlaefer said there was an amendment on 12/23/2020 which shows the area being disturbed and a regrading of the area on pages 7 & 8.

Mr. Clerico said his observation is that the proposal is not consistent with what is in the field. Mr. Clerico asked about the source and date of the contour information shown on the plan.

Mr. Stothoff asked to clarify the date and version of plans discussed tonight.

Mr. Schlaefer said it is revision 15 dated 12/ 23/2020.

Mr. Clerico advised he made them an exhibit in his report which is sheet 6 of 8.

Mr. Schlaefer advised he is using sheet 7 of 8, which is the proposed grading.

Mr. Clerico said the drone photography on sheet 6 shows additional disturbance and grading beyond the line as proposed. Mr. Clerico advised Clinton Quarry is not giving them updated topographical information only updated photographic information with the drone. He said the underlying topography Clinton Quarry is showing is not from the drone; it is from the original topography survey of the site. Mr. Clerico advised the discussion is about what is occurring in that area which was not part of a prior license renewal applications. He advised looking at sheet 6 & 7 it is his observation that there is fill way beyond the area they are proposing on sheet 7. The activity also encroaches into what is the riparian buffer.

Mr. Schlaefer advised they are moving the stockpiles to meet the grading on sheet 7. Mr. Clerico clarified that last year's plan did not propose this and the new plan proposes what has already occurred. He advised if you are storing materials outside the limit of where the plan shows it would be stored, then it is something controlled by the Ordinance. For example, storing the stockpile outside the 50 foot buffer or in the riparian buffer, it needs to be documented before any work is completed and not after which is the issue at hand. It is an after the fact representation of what you are doing or intending to do. As an example, he stated that had Clinton Quarry not gone into that area and it was on the plan for next year it would have been a legitimate request. The Planning Board would have reviewed it for defining the wetlands and the riparian areas. He continued that if at that time the applicants' argument had been this is not a regulated area because the previous owners had been in that area, then it would have been acceptable. He advised now the Committee is looking at the condition that is out there and not the preexisting condition.

Mr. Schlaefer testified that they went into that area to remove garbage and if he made a mistake it was not intentional. He asked what they should do now. Mr. Clerico advised that the applicant needs to get on the record

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and wasn't sure what Dr. Crow was going to tell the Committee. Attorney Waterbury Cecil swore in Dr. John Crow. Dr. Crow provided evidence of his qualifications to the Committee and his qualifications were accepted by the Committee as a certified expert with regards to wetlands, riparian buffers, soils and general environmental and ecological matters and on the regulatory side as well. Mr. Schlaefer asked Dr. Crow about the engineer's assessment regarding the violation into the riparian buffer and how this is not an accurate statement. Dr. Crow testified that this is a pre-existing condition and that the quarry has continually operated in this area generally since 1984. He obtained aerial photos back to the 1930's. The extent of the operations were placed on an aerial map by Dr. Crow to document where the operation took place over all those years. He provided that map and the overall operation to Mr. Schlaefer. Dr. Crow observed that the areas the quarry was operating in, have historically been part of quarrying. He testified that where they are operating in the riparian buffer is okay and if it were not the case, others that are operating in this area would need to vacate those areas as well. He advised there is someone operating practically directly on the buffer and as long as they do not get out of that area where they have historically operated then they are okay. The rules for preexisting operations are provided so as not to destroy businesses who have operated in these areas. It is clear enough that the extent of the operations are evidenced. He advised there are still areas of the buffer that Mr. Schlaefer is not operating in.

Mr. Clerico asked Mr. Schlaefer why Dr. Crow's information was not submitted to the Board. There was a brief discussion regarding the submission of these documents. Mr. Clerico summarized that what Dr. Crow is saying is that the quarry has operated in this area for some time; therefore is not subject to the NJ DEP requirements. Dr. Crow confirmed this summary.

Mr. Clerico advised that in a prior application this area was to be restored and asked Dr. Crow if this changes his opinion. Dr. Crow advised it does not and that the quarry may not have known what their rights were. He continued that they might have chosen to restore part of it, and in looking through the aerial photographs, you can see the activity is the matter of the concern. Dr. Crow said that in some areas with quarries it is common for an area to be set aside for a while because a quarry cannot operate every place at one time and that quarry operations are dynamic. A section could be restored for a time period to put trailers, parking, and equipment. As the quarry changes they may go in and dig out that area and another area would restore. Dr. Crow advised he could draft limits of operation for Mr. Schlaefer.

Mr. Clerico advised that in prior applications, there was a request made for a delineation of wetland areas and regulated areas on the site and no documentation was submitted in this regard. However, the representation was that they were staying within the fenced area of the quarry. As such, they were not going to deviate beyond that. He observed in his report this year that they did not receive a request to deviate but when the Planning Board received the application and following his inspection there was a lot of activity that had occurred in an area. This activity was not previously proposed. Mr. Clerico asked if Dr. Crow would agree that it would be easier to deal with this if you could look at the condition, and at the proposal, and be able to approve it with any conditions that might be imposed. He advised right now the Committee is working without the knowledge if anything outside the fenced area is a regulated area. He advised that the Board accepted this up to this point because the representation was that the quarry was not going to go beyond these areas. Dr. Crow advised that with respect to the wetlands they are confined to the area in which you have riparian buffers. He testified that if not for COVID and an injury; he would have had the delineation prepared. He advised that from being on the property that it is well within the riparian buffer zone. He advised the same thing would apply with wetlands, if the activities existed before then it is okay. He continued there is a requirement that wetlands be delineated in the growing season and not to be delineated when they are saturated or dry. He further explained that you want to see appropriate natural soil conditions and good examples of natural vegetation over a period of time. He advised now is not a proper time for a NJDEP delineation.

Mr. Severino asked if it would not have been better for the quarry to wait until the delineation could be done. Dr. Crow said even though there was not a formal delineation of the wetlands that he can tell that the quarry was not working in the wetlands and that it is not suitable right now for a DEP or Army Core of Engineers level delineation.

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Mr. Clerico asked if an appropriate solution would be for the applicant to file a footprint of disturbance of delineation with NJDEP absence or presence, define the areas, which are impacted, and ask the DEP to confirm that there are no wetlands within those areas. Dr. Crow said that the quarry could not, because it does not fit the footprint of disturbance rules because it is more than an acre and that he has a footprint of disturbance over a great period and that the NJDEP wants to look at the whole property. Mr. Clerico advised they can be done for up to acres, quadrants up to three and he has done them. He advised they are not interested in the whole 18 acres and that the Committee is only interested in the area of the eastern and southeastern border where there is a filling operation, not quarrying. Dr. Crow advised they would get to that when the weather is right. Mr. Clerico stated that for the record, there has been a standing request for several years to have the wetlands delineated. The response from the quarry has always been that they will be working on it, however they are not going anywhere near the wetlands and are staying within the fenced area of the quarry. These have been the plans that have been filed up to this point. Mr. Schlaefer advised there is a fence on the plan that is outside the limit of the area. Mr. Clerico advised that the quarrying activity and the stockpiling activity has always been within the fenced area and that on prior applications all that was being done was inside the fenced area. The only thing done outside the fenced area was parking their trailers and using the area for storage. Dr. Crow advised that they are allowed to work by regulation in anyplace that they have worked before as an operating quarry. Mr. Clerico restated that the issue is with regards to the quarry advising the Township that they would not work anywhere in that area but now they are and that the Township has always accepted this answer but has asked for a delineation for the record. He continued that the Township has allowed the delineation to be delayed because the applicant advised they were not going to operate in that area. This year the activity has already occurred in that area. Mr. Schlaefer advised that there had been disturbance in that area before taking ownership. Mr. Clerico advised that the prior applications, not necessarily from the current owner, showed that area was a restored area. He continued that if the quarry's application advised this was a disturbed area because the quarry is generating so much material and that they need a place to stockpile and to move the trailers out of there and put the stockpile in its place. It would have been a legitimate request to make and could have been evaluated before it was done. If after that there was a question about the riparian zone, Dr. Crow would be able to come in and document what it is and this after the fact conversation would not be necessary. Mr. Clerico advised the quarry will need to document what he has found, put it in the record as to why working in this area is appropriate. The quarry should then take the plan which is proposing for fill and document what they are actually filling and put it on the record. The quarry is filling way beyond what they are proposing. Mr. Schlaefer said that this was shown on sheet 6. There is a stockpile delineation on the plan. The pile the township engineer was referencing was encompassed in the notation when that stockpile was removed from sheet 7. Mr. Clerico said that his plan shows they will not be working in the riparian zone. Dr. Crow said that they have the right to work in this area. When the engineer looked at the aerial photograph, he said they had already worked in that area. Mr. Schlaefer asked what the engineer would like them to do. Mr. Clerico advised they should start with a plan showing their intentions. If their intentions are what is on this current plan then his response would be to stake out those limits, have Dr. Crow look at those areas and if there is fill that is beyond those limits, then they could tell the Township what they are going to do and why it is okay. Mr. Schlaefer advised that was fair. He called their surveyor two or three weeks ago after a conversation with the Township engineer and he was planning on staking out those limits but due to the blizzard and continual snow the surveyor was backed up with work. He has been calling the surveyor and has every intention of staking out the property line and the buffer areas to make it clear to everyone. He asked for a timeframe of 30 to 60 days so that the surveyor has time and can give him a cut sheet and overlay it to the plan. Mr. Clerico asked that his proposal right now is to not stockpile within the riparian buffer. Mr. Schlaefer advised his proposal right now is to stake it out to know really where they are with relation to the buffer and if they are in an area where they think they shouldn't be the quarry will address it. If they are in an area that is irrelevant, then he will let the Township know and give the supporting documentation. Mr. Schlaefer reiterated the reason he ended up getting into this area. Mr. Schlaefer advised they are a property owner and business in the Township, they own the land and want to treat it with respect. Mr. Stothoff asked Mr. Schlaefer what happened to the refuse that was found. Mr. Schlaefer advised it went to a dumpster and was dumped.

Mr. Clerico continued to item 3 which deals with the east side of the site. Mr. Clerico asked for an explanation of the horse manure and encroachment into the buffer. When he did the site inspection what was shown to him as the property line was not near the buffer zone; however, the maps that were submitted tell him that is not the case.

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Mr. Schlaefer advised that there was confusion as to where the property line was. He advised that he and the neighboring quarry owner, Plushanski, had told him that he put out PVC pipe over his property corners, however these pipes were actually on the applicant's property. Mr. Schlaefer continued that they believed for 5 years that the markers that were there was the property line. He advised that when they did the overlay with the drone they realized it didn't make sense because the pile was in the buffer. He advised since the conversation with Mr. Clerico, they moved the pile outside the buffer which they believe is the further one. Mr. Clerico confirmed they would stake the property lines and amend the plan. Mr. Clerico asked what is being done with the horse manure. Mr. Schlaefer advised they mix it with quarry materials and has supplied this mixture to the NJDOT for a project with Route 78. Mr. Clerico advised this pertains to zoning as to whether this activity is part of quarrying. He advised he would leave this to the zoning officer. Mr. Clerico summarized that what the applicant is going to do is stake the property line, show the Township where they move the piles, show that the applicant is not in the buffer area, and how the applicant will restore the buffer area as part of the plan. The plan will be an accurate depiction of where the buffer is, an accurate depiction of where these piles have been moved to, and an accurate plan of how they intend to restore the buffer for review by the Township engineer. Mr. Schlaefer said yes, and added that the buffer where the piles are has always been disturbed. He continued that this area has washed off and been parked on and has always been disturbed. However, Mr. Schlaefer will give the engineer a restoration plan because it is part of the plan on the application.

Mr. Stothoff advised his question is in regards to stormwater runoff from the manure stockpile and how it is being managed and protected. Mr. Schlaefer advised there really was no guidance provided from any of the agencies he contacted. He advised he contacted Rutgers, the County health department, and the NJDEP. The only guidance they have is for agricultural use. He advised that Dr. Crow did some calculations and the impact is moot. Mr. Clerico advised there needs to be a ruling by the zoning officer to see if this falls within the definition of quarrying. Mr. Schlaefer advised that he feels that this fits within the definition of quarrying. Mr. Clerico advised Mr. Schlaefer that he can respond to this comment in written form of his beliefs that this falls within the quarrying definition. Mr. Schlaefer advised he would do this.

Mr. Clerico moved onto item 4, which deals with the quarry limits. He advised there is a drone photograph indicating where the activity is taking place. Sheet 5 shows the intended quarrying operation and when the two are compared, they are not the same. The applicant's quarrying plan needs to reflect what is actually being done and what they intend to do. He continued that the current plan does not reflect what is actually being done. Mr. Schlaefer commented that he believes it does reflect what is being done and that the plan is laid out on sheet 6. Mr. Clerico advised sheet 5 shows the quarrying activity and proposed activity which is fine and was approved as part of last year's submission. However, when he compares sheet 5 to sheet 6, he can see that they are in areas that are not proposed. If this is where the applicant wants to quarry then sheet 5 needs to be amended to say this is what they want to do. Mr. Schlaefer disagreed. Mr. Clerico clarified that he is not saying what he is doing is against the quarrying ordinance but he is saying that is not what is being proposed on the plan. Mr. Schlaefer said to be clear they are going to lay out the buffer and the property line and that they are not working in that direction any longer anyway. They are going in the opposite direction and are within the fenced in area all the time now, except for those areas that they will lay out and address them. Mr. Clerico added to have sheet 5 amended to reflect what they are doing. He added sheet 5 is proposing something and sheet 6 reflects that they have gone beyond what they were proposing. Mr. Schlaefer advised that he would like to have a new drone photograph, go to the engineer's office and show him what he is going to do and mark it up.

Mr. Clerico moved onto item 5 and advised this is a repetition of exactly the conversation that was had with Dr. Crow and reiterating the prior conversation. He moved to the New Comments section of his report; comment A regarding the expansion of the operation into the 50 ft buffer in the northwest corner of the property. Mr. Schlaefer said there were a couple of things there but they have since been pulled off. Mr. Clerico asked about the drone photography and pavement in that area. Mr. Schlaefer advised there is no pavement and that it is only stone. Mr. Clerico reviewed the drone image on sheet 4. He continued that nothing had been proposed in that area and that it was a wooded area but now the trees are gone. Again, Mr. Clerico was looking for a written response to these comments and what will be done to restore this area. Under new comments, B. sheet 6, that identifies the encroachment noted in comment A which notes the omitted area of drone coverage. Mr. Schlaefer

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said he has that now. Mr. Clerico summarized that the applicant is going to state the buffer areas, state the riparian zone, and provide an updated image of where they have the quick fill. He continued the applicant will also have plans of what they are proposing, to be consistent with what is physically seen out on the site. If they are proposing to fill in that one area that is out in the riparian buffer they are going to show the Committee how they are going to restore the riparian buffer. If they are going to show that they want to work in that area then they will have Dr. Crow submit documentation as to why they are allowed to be in that area and why it is not a regulated activity. He continued at some point they will have to come to an agreement as to what they are going to do with the wetlands and when it will be delineated, and when they file for a letter of interpretation and what activity will the Township allow outside those areas until the Township has that information. Mr. Clerico advised an updated drone image of the entire property must be provided. He advised when the applicant does the drone image that they would be able to give the Township the contour information which would show what is actually on the property because there is conflicting information. Sheet 2 shows that there are trees in the 50-foot buffer and the drone image shows there are no trees and that is a disturbed area. Mr. Schlaefer said they would identify how they would restore it. Mr. Clerico reiterated that the applicant needs an accurate picture of what is there and an accurate proposal of whatever it is that they are proposing so that the Township can evaluate and respond.

Mayor Mazza added that whatever it is that they propose that they must stay in that area. Mr. Stothoff requested some additional reporting on the manure stockpile. He noted it is a non-point source of pollution and would need to ensure there are no excess nitrates and pollution sources. Mr. Schlaefer advised this would be addressed in their report. Mr. Severino advised there is an additional issue that he would like addressed which is the mud on Frontage road. Mr. Schlaefer advised they have a broom and a water truck and have implemented procedures for cleaning the road. Discussion ensued regarding the concerns with cleaning the road.

Mr. Clerico advised that the rest of the items are housekeeping and that the Township needs a written response within a reasonable timeframe. Attorney Waterbury Cecil advised there are a couple of options, one option is to approve the issuance of the license conditioned on the items that Mr. Clerico has laid out in the record knowing, that on quarrying, the Township has the ability to revoke a license. If it is determined by the engineer that the licensee is not in compliance with the regulations. The other option is that the license could be issued conditionally on a temporary basis imposing a deadline for all of these items to be submitted deferring to the engineer what would be a reasonable deadline for the submission of these items. Once these items have been submitted to the engineer's satisfaction the license could be issued unconditionally. Attorney Waterbury Cecil deferred to Mr. Clerico since the engineer is the quarry inspector and is responsible for enforcement along with the zoning officer and has a fair amount of authority in this case. Mr. Clerico advised that as long as Mr. Schlaefer has a plan to physically state what is going on and a plan that reflects what they are actually doing and what they propose to do is within the confines of what they are in fact doing would be acceptable for issuance of the license. He stated those areas outside the 50 foot buffer must be restored and documented on the restoration plan. He noted that this is not the time of year where they can physically perform restoration. He continued the applicant must provide an updated drone image of not only the actual topography but the actual topographical information of what is on the site today. The proposed plan could then be easily traced to the new document. It is Mr. Clerico's opinion, that since this issue has gone on for many years, that this license is the last license that they get until they come back next year with a LOI for the property, a delineation of the wetlands, and a depiction of what they are proposing in the riparian areas. If any work is being done in those areas then they will need Dr. Crow to justify why they are allowed to do that and if any consent is needed from NJDEP, they could obtain that then. It gives them plenty of time to complete the requested items. He requested that next year's application come with a letter.

Attorney Waterbury Cecil asked apart from the LOI, what a reasonable timeframe for submitting the items requested by Mr. Clerico. Mr. Clerico indicated that would be 30 to 45 days max. Mr. Schlaefer requested a 90-day time frame because he may need to change surveyors. He advised he can complete some items more quickly. Mr. Clerico recommended that a temporary license be issued for 90 days and report back what has been done. Attorney Waterbury Cecil recommended that Mr. Schlaefer stay in contact with the engineer to provide progress reports. After a brief discussion, it was requested that the applicant have all the documents to the engineer by Wednesday, April 28, 2021 which is 3 weeks prior to the May 19th meeting. It was announced that there is a

continuance of the public hearing to May 19th beginning at 7:00 pm and there will not be any further notice required. All Committee members agreed. It was discussed that the Committee is hoping all requested documents will be provided and that on May 19th the Committee will be able to approve the license due to compliance with the regulations and the license can be issued for the balance of the year.

Public Comment

Carlos Jimenez, 13 Carhart Ct, asked about the trailers that were set up on quarry property which can be seen from his back yard and appears to be close. He advised quarry activity starts before 7:00am. Mr. Schlaefer said that he would be happy to come to Mr. Jimenez’s home and take a look to see what can be done and advised that he will speak with his team about activity starting before 7:00am. Mr. Schlaefer advised that due to MSHA regulations, if equipment is not in service, it needs to be out of the quarrying area. He advised that his equipment is several hundred feet away from the quarry property line. Mr. Clerico advised from looking at the quarry plan the equipment is a little over 300 ft from the property line. Mr. Jimenez advised there is activity in this area. Mr. Schlaefer advised that they drive into that area to get water for dust control and that is on the plan. Mr. Schlaefer gave Mr. Jimenez his contact info. Ms. Sudha Kantor at 18 Carhart Ct, agreed with Mr. Jimenez and advised she has seen a large trailer there this year that was not there last year. She added that she has an issue with the mud and asked if the quarry is allowed to operate on an expired license. She advised this is when the mud accumulated and feels the mud should be cleaned every day. She has a concern over the dust on the road going into the air for health reasons and the mud on her car. Mr. Schlaefer advised that with Soil Conservation regulations they have to clean the road. He advised they have a street sweeper and two water trucks and will take the residents’ concerns into consideration and speak with the team. She added that the workers start before 7:00am. Mr. Schlaefer advised he will address these issues.

Attorney Waterbury Cecil suggested a motion to issue the conditional license through May 19, 2021. It is conditioned upon Mr. Schlaefer providing all of the submissions that Mr. Clerico outlined on the record as well as a detailed written response to what was in the report which all needs to be submitted to Mr. Clerico by April 28, 2021. The quarry will come to the meeting on May 19th for the continuation of this hearing at which time assuming that everything has been brought into compliance with the regulations to Mr. Clerico’s satisfaction.

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.

11. OLD BUSINESS – None

12. NEW ORDINANCE – 1st Reading

NOTICE

PLEASE TAKE NOTICE that the following Ordinance was adopted on first reading by the Township Committee of the Township of Union, County of Hunterdon, State of New Jersey, at a meeting held on the 17th day of February, 2021. The Ordinance was then ordered to be published according to law. Notice is hereby given that the said Ordinance will be considered for final passage at a public hearing to be held on 17 day of March 2021 at 7:00 p.m., or as soon thereafter as the matter may be reached, at the Union Township Municipal Building, 140 Perryville Road, Hampton, New Jersey or via a virtual meeting of the governing body held on such date at which time all interested parties will be heard.

Ella M. Ruta, Municipal Clerk

ORDINANCE #2021-1

AN ORDINANCE AMENDING THE FEE SCHEDULE FOR THE USE OF RECREATION FACILITIES IN THE TOWNSHIP OF UNION, COUNTY OF HUNTERDON, STATE OF NEW JERSEY

WHEREAS, the Union Township Recreation Committee has recommended that the attached amended fee schedule for the use of Township recreation facilities by non-residents of the Township of Union be adopted, and good cause appearing;

NOW THEREFORE BE IT ORDAINED by the Township Committee of the Township of Union, in the County of Hunterdon, State of New Jersey, that the attached amended fee schedule for usage fees is hereby established and approved (deletions ~~thusly~~ and additions thusly); and

Severability. If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause of provision so adjudged and the remainder of the Ordinance shall be deemed valid and effective.

Repealer. All Ordinances or parts of Ordinances inconsistent with or in conflict with the Ordinance are hereby repealed to the extent of such inconsistency. Individual seasonal recreational fees shall remain in effect and unchanged.

Effective Date. This Ordinance shall take effect after final passage, adoption and publication according to law.

Attest:

Ella M. Ruta, Municipal Clerk

Frank Mazza, Mayor

First Reading: February 17, 2021
Publication: February 25, 2021
Public Hearing: March 17, 2021
Adoption: March 17, 2021
Published by March 25, 2021

TOWNSHIP OF UNION, HUNTERDON COUNTY

Recreation Fee Schedule

Non-Resident Field Usage Fees*

Table with 3 columns: Item number, Description, and two fee amounts. Includes items for Soccer/Lacrosse/Field Hockey (game/practice, per week, per season) and Baseball/Softball (game/practice, per week).

- 6. Baseball/Softball, field per season **\$550.00** **\$650.00**

- 7. Finn Road Park Pavilion **\$100.00**

*Fees do not include field preparation such as lining and field dragging.

*Local civic and recreational groups, having 51% or more members/participants who are residents of Union Township, will be entitled to use facilities free of charge. Please provide list of members/participants with names and addresses.

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

PLEASE TAKE NOTICE that the following Ordinance was adopted on first reading by the Township Committee of the Township of Union, County of Hunterdon, State of New Jersey, at a meeting held on the 17th day of February, 2021. The Ordinance was then ordered to be published according to law. Notice is hereby given that the said Ordinance will be considered for final passage at a public hearing to be held on 17th day of March, 2021, at 7:00 p.m., or as soon thereafter as the matter may be reached, at the Union Township Municipal Building, 140 Perryville Road, Hampton, New Jersey or via a virtual meeting of the governing body held on such date at which time all interested parties will be heard.

Ella M. Ruta, Municipal Clerk

ORDINANCE #2021-2

AN ORDINANCE AMENDING THE FEE SCHEDULE FOR THE TOWNSHIP RECREATION PROGRAMS IN THE TOWNSHIP OF UNION, COUNTY OF HUNTERDON, STATE OF NEW JERSEY

WHEREAS, the Union Township Recreation Committee has recommended that the attached amended fee schedule for Township recreation programs of the Township of Union be adopted, and good cause appearing;

NOW THEREFORE BE IT ORDAINED by the Township Committee of the Township of Union, in the County of Hunterdon, State of New Jersey, that the attached amended fee schedule for Union Township recreation programs is hereby established and approved; and

Severability. If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of the Ordinance shall be deemed valid and effective.

Repealer. All Ordinances or parts of Ordinances inconsistent with or in conflict with the Ordinance are hereby repealed to the extent of such inconsistency. Individual seasonal recreational fees shall remain in effect and unchanged.

Effective Date. This Ordinance shall take effect after final passage, adoption and publication according to law.

Attest:

Ella M. Ruta, Municipal Clerk

Frank Mazza, Mayor

MINUTES OF REGULAR MEETING February 17, 2021

First Reading: February 17, 2021
 Publication: February 25, 2021
 Public Hearing: March 17, 2021
 Final Publication: March 25, 2021

TOWNSHIP OF UNION, HUNTERDON COUNTY

Recreation Fee Schedule

Seasonal Fees – Individual

	<u>Resident</u>	<u>Non-resident</u>	<u>Late fee</u>
1. Spring Soccer	\$50.00	\$70.00	\$20.00
2. Baseball <u>Pre-K-4th</u> grade	\$60.00	\$80.00	\$20.00
3. Tennis	\$50.00	\$50.00	\$20.00
4. Basketball 1 st -2 nd grade	\$85.00	\$105.00	\$20.00
5. Basketball 3 rd -8 th grade	\$95.00	\$115.00	\$20.00
6. Fall Soccer	\$80.00	\$100.00	\$20.00
7. Field Hockey	\$90.00	\$110.00	\$20.00

The CFO noted that the fee change was recommended by the recreation committee.

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

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 #2021-29** Awarding Contract for Road Improvement Project–Baptist Church Road Section 1

RESOLUTION #2021-29

WHEREAS, the Township of Union advertised, and subsequently received bids, for the Baptist Church Road Section 1 on February 11, 2021, as shown on the attached bid summary and;

WHEREAS, nine (9) bids were received for the Contract items as follows:

MINUTES OF REGULAR MEETING February 17, 2021

<u>Contractor</u>	<u>Bid Amount</u>
Crossroads Paving, Newark, NJ	\$392,851.00
Capital Paving, Lebanon, NJ	\$427,237.84
Top Line Construction, Somerville, NJ	\$433,201.79
Black Rock Enterprises, Old Bridge, NJ	\$469,707.90
Esposito Construction, Colts Neck, NJ	\$475,576.25
Salmon Brothers, Netcong, NJ	\$504,257.00
Your Way Construction, Irvington, NJ	\$523,680.70
KM Construction, Irvington, NJ	\$540,601.60
South State Inc., Bridgeton, NJ	\$578,439.80

WHEREAS, the Township Engineer has reviewed the bids submitted and determined that Crossroads Paving of Newark, New Jersey has submitted the lowest responsive bid for contract work in the amount of \$392,851.00, and;

WHEREAS, the Township of Union has received commitment of funding from NJDOT and has appropriated additional Township Funding for the project.

NOW THEREFORE, BE IT RESOLVED by the Mayor and Committee of the Township of Union that the bid for the Baptist Church Road Section 1 be awarded to Crossroads Paving of Newark, New Jersey for their bid in the amount of \$392,851.00 subject to the following conditions:

1. The Contract is awarded as a unit price bid Contract and final payment will be based upon the actual quantities installed at the unit prices bid, as outlined in the Plans and Specifications prepared by Robert J. Clerico, P.E., Township Engineer.
2. The award of Contract is subject to review and approval by the New Jersey Department of Transportation, Bureau of Local Aid Projects.

b. **RESOLUTION #2021-30**: Redemption Refund to Lienholder – Cert. #2020-004

**RESOLUTION #2021- 30
TOWNSHIP OF UNION, HUNTERDON COUNTY
RESOLUTION TO REFUND REDEMPTION TO LIENHOLDER**

WHEREAS, Tax Sale Certificate #2020-004 was issued to Bala Partners LLC, in the amount of \$2,035.83 on October 21, 2020; and

WHEREAS, the lien was redeemed on February 3, 2021, in the amount of \$5,752.54 in accordance with provisions of NJSA54:5-60 et seq.; and

NOW, THEREFORE, BE IT RESOLVED, on this 17th day of February, 2021, by the Township Committee of the Township of Union, Hunterdon County, State of New Jersey, as follows:

1. The Treasurer issue a check in the amount of \$5,752.54 and a premium of \$8,200.00 for a total of \$13,952.54 payable to Bala Partners LLC, PO Box 303, Pottersville, NJ 07979
2. That this resolution shall take effect immediately upon adoption.

- c. **RESOLUTION #2021-31:** Rejecting Proposal for Property Revaluation Service and Authorizing Revision and Readvertisement of Request for Proposals Documents

RESOLUTION #2021- 31

REJECTING PROPOSAL FOR PROPERTY REVALUATION SERVICES AND AUTHORIZING REVISION AND READVERTISEMENT OF REQUEST FOR PROPOSALS DOCUMENTS

WHEREAS, pursuant to a duly advertised Notice to Vendors, the Township of Union received one (1) proposal for completion of Property Revaluation Services on January 14, 2021 from Professional Property Appraisers, Inc. for \$175,955.00; and

WHEREAS, the CFO has determined that the price offered for completion of said Services substantially exceeds the Township’s appropriation for same; and

WHEREAS, the Township is authorized under N.J.S.A. 40A:11-13.2 to reject bids and proposals for several reasons, including under subsection b., when the lowest proposal substantially exceeds the Township’s appropriation for the goods and services.

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

1. The proposal submitted by Professional Property Appraisers, Inc. on January 14, 2021 for Property Revaluation Services is hereby rejected pursuant to N.J.S.A. 40A:11-13.2b. on the basis that the proposed price of \$175,955.00 substantially exceeds the Township’s appropriation for the goods and services.
2. The Clerk, CFO and Tax Assessor are hereby authorized and directed to revise the Request for Proposals Documents for the Property Revaluation Services under N.J.S.A. 40A:11-4.1, as may be necessary, and to readvertise for the receipt of Proposals for the Property Revaluation Services.
3. A copy of this Resolution shall be sent to Professional Property Appraisers, Inc.

- d. **RESOLUTION #2021-32:** Cancelling Funded Appropriation Balance Under Ordinance 2020-4 for Brass Castle Estates Road Improvement Project in the Total Amount of \$106,104.96

TOWNSHIP OF UNION

RESOLUTION 2021-32

RESOLUTION CANCELLING FUNDED APPROPRIATION BALANCE UNDER ORDINANCE 2020-4 ADOPTED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UNION FOR ROAD IMPROVEMENTS – BRASS CASTLE ESTATES IN THE TOTAL AMOUNT OF \$106,104.96

WHEREAS, the Township Committee of the Township of Union, in the County of Hunterdon, New Jersey previously adopted Capital Ordinance 2020-4 for the purpose of funding Road Improvements – Brass Castle Estates, and

WHEREAS, as of the date hereof, the project has been completed and/or funded balances remain open and unexpended; and

WHEREAS, the Township now desires to cancel such appropriation and transfer the funded balance in the respect to the Capital Improvement Fund.

Ordinance No.	Amount to be Cancelled
2020 – 4	\$106,104.96

NOW, THEREFORE, BE IT RESOLVED that the balance amount associated with the Ordinance 2020-4 listed above are hereby cancelled to The Capital Improvement Fund.

e. **RESOLUTION #2021-33:** Approving 2021 Professional Services Contract–Legal Services–J. Peter Jost, Esq.

RESOLUTION #2021-33

**UNION TOWNSHIP; HUNTERDON COUNTY
RESOLUTION AUTHORIZING CONTRACT FOR LEGAL SERVICES 2021**

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: February 17, 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, Chief Finance Officer of the Township of Union, have ascertained that there are available sufficient uncommitted appropriated funds in the 2021 Temporary/Adopted Budget to award a contract to J. Peter Jost, as appropriated under the line item "_____".

Date: _____

Grace M. Brennan, CFO

- f. **RESOLUTION #2021-34**: Approving 2021 Professional Services Contract–Labor Counsel -Matthew Giacobbe, Esq.

**RESOLUTION #2021-34
UNION TOWNSHIP; HUNTERDON COUNTY**

**RESOLUTION AUTHORIZING CONTRACT FOR LEGAL SERVICES 2021
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 **2021** 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 **2021** adopted municipal budget.

4. A Notice of this action shall be printed once in the official newspaper of this municipality.

Date: February 17, 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 2021 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 #2021-35:** Approving 2021 Professional Services Contract - Planner–Clarke Caton Hintz-Emily Goldman P.P.

**RESOLUTION #2021-35
UNION TOWNSHIP, HUNTERDON COUNTY**

**AUTHORIZING CONTRACT FOR PLANNING CONSULTANT SERVICES FOR 2021
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 \$220.00 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 **2021**
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.

MINUTES OF REGULAR MEETING February 17, 2021

- 3. Approval of the attached contract is subject to availability and appropriation of sufficient funds as may be required in the 2021 temporary and permanent Municipal budgets.
- 4. A Notice of this action shall be printed once in the official newspaper.

Date: February 17, 2021

**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 2021 Temporary/Adopted Budget to award a contract to Clarke-Caton-Hintz under the line item "_____".

Date: _____
Grace M. Brennan, CFO

- h. **RESOLUTION #2021-36:** Approving 2021 Professional Services Contract – Bond Counsel–Wilentz, Goldman & Spitzer, P.A. – Everett M. Johnson, Esq.

**RESOLUTION #2021-36
UNION TOWNSHIP, HUNTERDON COUNTY**

**APPROVING 2021 AWARD OF CONTRACT OF PROFESSIONAL SERVICES FOR BOND COUNSEL
Everett Johnson, 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. Cost of various services is specified in the agreement 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. A copy of this Resolution as well as the Contract shall be placed on file with the Clerk of the Township of Union.
- 4. A notice in accordance with the Local Public Contracts Law of New Jersey shall be published in the Hunterdon Democrat.

Date: February 17, 2021

MINUTES OF REGULAR MEETING February 17, 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, as Chief Financial Officer of the Township of Union, have ascertained that there are available sufficient uncommitted appropriated funds in the 2021 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 #2021-37:** Approving 2021 Professional Services Contract –Traffic Engineer–Walter Lublanecki, PE

RESOLUTION #2021-37
UNION TOWNSHIP, HUNTERDON COUNTY
APPROVING 2021 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, 2021, to December 31, 2021.
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.

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 2021 Temporary/Adopted Budget to award a contract to Maser Consulting P.A. under the line item "Engineering".

Date: _____

Grace M. Brennan, CFO

- j. **Motion to Approve** – Application for 2021 Pattenburg Trailer Coach Park License Renewal
- k. **Motion to Approve** – Application to NJ ABC for Temporary Storage Permit – JJ Investments III LLC
- l. **Payment of Bills**

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

Motion Carried.

End of Consent Agenda

- k. Proclamation – The Great Kindness Challenge Week from 1/25/21 to 1/29/21

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

- l. Motion to Approve – Letter in Support of Union Forge Heritage Association Grant Application

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

- a. Discussion - Request to waive a Service Dog License fee – Denise Filardo

Attorney Cecil recused herself due to work conflict. Mr. Stiger felt we should keep in line with the state that only waives fees for seeing eye dogs. All agreed.

The motion to waive the fee.

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		

14. REPORTS

- a. **Attorney’s Report** – Main report to be discussed in closed session
- b. **Committee Report**

Mr. Severino reported the following:

- Mr. Severino advised there was no update on the rifle range yet. He is in contact with the director of the DEP.
- This weekend is dumpster day, he believes they will be in good shape for dumpster day. Mayor Mazza will talk to Kory.

Mr. Stiger reported the following:

- Corey Piasecki left a note that Union Township did receive the \$10,000 grant from the Highlands to create a scope of work for plan conformance for the Highlands Preservation zone. It also provides the potential for another \$5000 funding towards the Farmland Preservation Plan.
- He found another timber framer, New Jersey Barn Co. in Ringo’s to have them take a look at the Hoffman Park barns and see if the Township can get a quote.
- The Hunterdon County Planning Board adopted the Highlands Compliance plan for the County.

c. **CFO Report**

- Nothing new to report.

d. **Fire Dept. Report**

- None

e. **Mayor’s Report**

- Mr. Mazza reported that the fire hydrants are being blocked in due to the storms. Mr. Strauss suggested to set up a means of communication to allow emergency services to be in touch with the road department to ensure that the road is clear for emergency services. Mr. Mazza suggested that there be a meeting with the road department supervisor to see what could be implemented.

15. PUBLIC COMMENTS

- No Comments from the Public.

16. EXECUTIVE SESSION – 9:38 PM

RESOLUTION #2021-38

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:

Matters falling within the attorney-client privilege [N.J.S.A. 10:4-12b(7)]:

- a. Matters falling under the Attorney-Client regarding pending litigation to discuss 52 Cooks Cross Rd. zoning violations currently in Municipal Court.

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

No action shall be taken in Closed Session. Formal action might be taken following the conclusion of the executive session.

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

Motion Carried

The Committee returned to regular meeting session at 10:02 pm.

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

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 10:03 p.m. Mr. Stothoff seconded the motion. Motion carried by unanimous favorable roll call vote.

Submitted by: Ella M. Ruta, Municipal Clerk

Frank Mazza, Mayor