

MINUTES OF REGULAR MEETING February 21, 2024

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
Mrs. Cherney	x	
Mr. Wunder	x	
Mr. Stiger	x	
Mr. Lordi	x	
Dr. DeGiralamo	x	

Also present Susan Sharpe, Esq., Fred Semrau, Esq., Twp. Attorneys, Robert Clerico, Engineer, Grace Brennan, CFO and Ella M. Ruta, Municipal Clerk.

5. APPROVAL OF PRIOR MEETING MINUTES

- a. Regular and Executive Session Meeting Minutes of January 17, 2024

Roll Call Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mrs. Cherney			x			
Mr. Wunder			x			
Mr. Stiger	x		x			
Mr. Lordi					x	
Dr. DeGiralamo		x	x			

Motion Carried

- b. Special Budget Meeting Minutes of February 7, 2024

Roll Call Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mrs. Cherney	x		x			
Mr. Wunder			x			
Mr. Stiger			x		x	
Mr. Lordi					x	
Dr. DeGiralamo		x	x			

Motion Carried

6. VISITORS –

Special Counsel Jost introduced Caroline , representing PS Construction (Rolling Hills Development on Race Street) attending to answer Committee questions and concerns.

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Mayor DeGiralamo stated that the Developer is not adhering to his current obligations such as timely snowplowing, installing a second water tank, as per State Fire regulations and escrow account replenishment. Following a discussion, the Committee concurred that no Agreement would be acceptable until said issues are addressed. In addition, the Committee requested that a separate escrow account be set up with funds in case the Township has to use its own manpower to maintain the road.

Mike Sadusky, PVFC Fire Chief spoke regarding water tank requirements.

Atty. Jost confirmed that Green Acres Funding for 2023 and 2024 was approved and should be received shortly.

7. REPORTS RECEIVED

- a. State Police, Trooper Caemmerer – Mayor DeGiralamo read the written report submitted to him by Trooper Caemmerer.
 - b. Road Dept.- Week Ending; 1/12/24; 1/19/24; 1/26/24; 2/02/21; 2/09/24
 - c. Animal Control Officer – December 2023
 - d. Zoning Officer – January 2024
 - e. Pattenburg Volunteer Fire Company – January 2024
 - f. Engineer's Report
- Stormwater Pollution Prevention Plan was filed with NJ DEP last month. Comments from NJ DEP were addressed and the Plan was refiled.
 - Van Syckel's Road Section 2A – submitted final documents to NJ DOT for reimbursement.
 - Working on mandatory updates to Stormwater Regulation Ordinance with Atty. Sharpe.
 - Perryville Road Section ??? Project – ready to start after funding Ordinance is approved tonight.

Frank Mazza, resident, asked about grading and drainage on Perryville Project. The plan has not been finalized; Engineer Clerico answered.

8. CORRESPONDENCE/WRITTEN COMMUNICATIONS –

Mayor DeGiralamo spoke about Gravel Hill Road and the division amongst its residents whether the road should be kept as is or improved. Various options were discussed such as installing speed bumps, partial paving, changing degree of curves. A grant application to fund the project was mentioned.

Regarding QuickChek, Mayor Degiralamo stated that the two regulatory bodies handling the nonfunctioning septic are Hunterdon County Health Department and New Jersey Department of Environmental Protection. He said it has created frustration for nearby residents, others who visit QuickChek and this Committee. Mrs. Spinks, a QuickChek neighbor explained in detail problems with the septic since the business opened. She said she would like an explanation and the reasons for granting approval of the septic. She also said that her family witnessed QuickChek trying to remediate the problem, but thus far nothing has worked. Conversation between Mrs. Spinks and Committee members ensued. Mayor said that he placed a post on social media regarding the situation at QuickChek and today he received a letter from HC Health Department assuring the Committee that they are addressing the situation.

Mrs. Spinks also stated that QuickChek is also in violation of the Township's Code 11-1.3 which is a plumbing and nuisance code and asked if that code could be enforced.

Kara Cherny expressed concerns with regard to water contamination and odor emanating toward UT Middle School located across the road.

Mayor assured Mrs. Spinks that the Committee will be working closely together with both the State and the County to resolve the issue.

Atty. Semrau reiterated that as frustrating as it is to everyone right now, we have to rely on the system and let the HC Health Department handle this matter.

Mr. Stiger added that the effluence from the septic can be smelled from a quarter mile away.

Frank Mazza commented on the situation and suggested that maybe bringing portable toilets to the site might alleviate the issue of the septic tank overflowing.

Atty. Semrau reemphasized that the situation be handled by the HC Health Dept.

Mrs. Cherny said that she received a text message from the Fire Chief of Quakertown, who attended our last budget workshop meeting and commended the process.

Mr. Stiger said that he received a complaint from a long-time Jutland resident about the shape of the road. He communicated the message to Mr. Lordi.

9. PUBLIC COMMENTS

Lou DePalma commented on escrow with regard to PS Construction and entrance signage to QuickChek.

10. PUBLIC HEARING

TOWNSHIP OF UNION
COUNTY OF HUNTERDON

NOTICE OF INTRODUCTION OF ORDINANCE

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 January, 2024. The Ordinance was then ordered to be published according to law. Notice is hereby given that said Ordinance will be considered for final passage at a public hearing to be held on February 21, 2024, at 7:00 pm or as soon thereafter as the matter may be reached, at the Union Township Municipal Building, 140 Perryville Road, Hampton, N.J. at which time all interested parties will be heard.

Ella M. Ruta, Municipal Clerk

ORDINANCE #2024-1

AN ORDINANCE APPROPRIATING THE SUM OF \$65,000.00 CURRENTLY LOCATED WITHIN THE GENERAL CAPITAL FUND, CAPITAL IMPROVEMENT ACCOUNT, OF THE TOWNSHIP OF UNION, HUNTERDON COUNTY, NEW JERSEY, FOR VARIOUS ROAD IMPROVEMENTS

Motion to open Public Hearing

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Voice Call Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mrs. Cherney		x	x			
Mr. Wunder			x			
Mr. Stiger	x		x			
Mr. Lordi			x			
Dr. DeGiralamo			x			

Motion Carried

Motion to close Public Hearing

Voice Call Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mrs. Cherney			x			
Mr. Wunder			x			
Mr. Stiger	x		x			
Mr. Lordi			x			
Dr. DeGiralamo		x	x			

Motion Carried

Motion to Adopt

Roll Call Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mrs. Cherney		x	x			
Mr. Wunder			x			
Mr. Stiger	x		x			
Mr. Lordi			x			
Dr. DeGiralamo			x			

Motion Carried

ORDINANCE #2024-2

AN ORDINANCE OF THE TOWNSHIP OF UNION, COUNTY OF HUNTERDON, STATE OF NEW JERSEY, AUTHORIZING ACCEPTANCE OF AN EASEMENT IN CONNECTION WITH THE ARC OF HUNTERDON COUNTY, INC'S PROPERTY LOCATED AT 14 HENDERSON ROAD (BLOCK 7 LOT 1.01)

Motion to open Public Hearing

Voice Call Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mrs. Cherney		x	x			
Mr. Wunder	x		x			
Mr. Stiger			x			
Mr. Lordi			x			
Dr. DeGiralamo			x			

Motion Carried

Motion to close Public Hearing

Voice Call Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mrs. Cherney	x		x			
Mr. Wunder			x			
Mr. Stiger			x			
Mr. Lordi			x			

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Dr. DeGiralamo		x	x			
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Motion Carried

Motion to Adopt

Roll Call Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mrs. Cherney	x		x			
Mr. Wunder			x			
Mr. Stiger			x			
Mr. Lordi			x			
Dr. DeGiralamo		x	x			

Motion Carried

11. UNFINISHED BUSINESS

- a. Discussion/Approval – Applying for Spotted Lanternfly Population Reduction

Briefly discussed. The Committee agreed to apply.

12. NEW ORDINANCE – 1ST Reading

**TOWNSHIP OF UNION
COUNTY OF HUNTERDON**

NOTICE OF INTRODUCTION OF ORDINANCE

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 21st day of February, 2024. The Ordinance was then ordered to be published according to law. Notice is hereby given that said Ordinance will be considered for final passage at a public hearing to be held on the 20th day of March, 2024 at 7:00 p.m., or as soon thereafter as the matter may be reached, at the Union Township Municipal Building, 140 Perryville Rd., Hampton, NJ at which time all interested parties will be heard.

Ella M. Ruta, Municipal Clerk

ORDINANCE #2024-3

AN ORDINANCE OF THE TOWNSHIP OF UNION, COUNTY OF HUNTERDON, STATE OF NEW JERSEY, AMENDING SECTION 1-5, GENERAL PENALTY, OF THE TOWNSHIP CODE TO UPDATE THE MAXIMUM PENALTY IN ACCORDANCE WITH N.J.S.A. 40:49-5

WHEREAS, Section 1-5, General Penalty, of the Union Township Code does not reflect the current maximum penalty set forth in N.J.S.A. 40:49-5, which statute governs penalties for violating municipal ordinances; and

WHEREAS, the Township Attorney has recommended amending the Code accordingly.

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

SECTION 1. Section 1-5, General Penalty, § 1-5.1, Maximum Penalty, of the Union Township Code is hereby amended to read as follows:

§ 1-5.1 Maximum Penalty.
[N.J.S.A. 40:49-5]

Any person who shall violate any provision of this Code or other ordinance of the Township, where no specific penalty is provided regarding the section violated, shall, upon conviction thereof, be punishable by one or more of the following: a fine not exceeding \$2,000 or imprisonment for a period not exceeding 90 days or to a period of community service not exceeding 90 days at the discretion of the Judge of the Municipal Court.

SECTION 2. If any section, paragraph, subsection, clause or provision of this ordinance shall be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of this ordinance as a whole or any part thereof.

SECTION 3. All ordinances or parts of ordinances of the Township heretofore adopted that are inconsistent with any terms and provisions of this ordinance are hereby repealed to the extent of such inconsistency.

SECTION 4. This Ordinance shall take effect immediately upon final passage and publication in accordance with law.

Ella Ruta, Municipal Clerk

David DeGiralamo, Mayor

First Reading: February 21, 2024
Publication/Full: February 29, 2024
Second Reading: March 20, 2024
Publication/Title: March 28, 2024

Table with 7 columns: Roll Call Vote, Moved, Seconded, Ayes, Nays, Abstain, Absent. Rows include Mrs. Cherney, Mr. Wunder, Mr. Stiger, Mr. Lordi, and Dr. DeGiralamo.

Motion Carried

TOWNSHIP OF UNION
COUNTY OF HUNTERDON
NOTICE OF INTRODUCTION OF ORDINANCE

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 21st day of February, 2024. The Ordinance was then ordered to be published according to law. Notice is hereby given that said Ordinance

will be considered for final passage at a public hearing to be held on the 20th day of March, 2024 at 7:00 p.m., or as soon thereafter as the matter may be reached, at the Union Township Municipal Building, 140 Perryville Rd., Hampton, NJ at which time all interested parties will be heard.

Ella M. Ruta, Municipal Clerk

ORDINANCE #2024-4

ORDINANCE OF THE TOWNSHIP OF UNION, COUNTY OF HUNTERDON, STATE OF NEW JERSEY, AMENDING CHAPTER 30, LAND USE, OF THE TOWNSHIP CODE TO REGULATE THE USE OF PORTABLE STORAGE CONTAINERS

WHEREAS, the Municipal Land Use Law (“MLUL”), N.J.S.A. 40:55D-1 et seq., grants to municipalities the power to adopt a zoning ordinance relating to the nature and extent of the uses of lands, buildings and structures thereon; and

WHEREAS, the Township of Union desires to amend Chapter 30, Land Use, of the Township Code, to regulate the use of portable storage containers in residential zones.

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

SECTION 1. Chapter 30, Land Use, § 30-2, Definitions, paragraph b., is hereby amended to add the following definitions:

PORTABLE STORAGE CONTAINER

A portable self-storage container that is delivered to and retrieved from a residential property for the temporary storage of personal property, and which is located for such purposes outside an enclosed building other than an accessory building or shed complying with all building codes and land use requirements. Such containers are not on a chassis and do not have axles or wheels.

TEMPORARY STORAGE

Storage for a limited duration until a Township-issued permit for such use expires.

SECTION 2. Chapter 30, Land Use, § 30-2, Definitions, paragraph b., Mobile Home, paragraph 1, is hereby amended as follows:

Mobile Home: A transportable structure intended for permanent occupancy, office, or place of assembly which is constructed on a chassis and may be in one or more units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and which is constructed so that it may be used with or without permanent foundation. For the purposes of this definition, travel trailers and campers are not considered as mobile homes ~~and storage containers such as "PODS@" are considered as mobile homes.~~

SECTION 3. Chapter 30, Land Use, § 30-5.3, Temporary Accessory Uses, is hereby amended to establish paragraph d. to read as follows in its entirety:

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d. **Permitted temporary use of portable storage containers.** Portable storage containers may be utilized as a temporary structure in residential zones conditioned upon compliance with the standards of this subsection. Any use of such containers within the Township not in compliance with this subsection shall be unlawful.

1. **Permit required; application; fee; duration; appeals.**

- (a) Before a portable storage container is placed on any residential property, the owner, tenant or contractor must submit an application for a permit approving such placement to the zoning officer. If the permit application is made by a tenant or contractor, written permission of the owner of the subject property for the placement of the portable storage container on the property must be provided to the zoning officer before the permit is issued.
- (b) Permits shall be issued for a time period not exceeding 45 days from the time of delivery of the portable storage container to the time of its removal. Upon application to the zoning officer with good cause shown, the time period may be extended for up to an additional 30 days. No further extensions shall be permitted except under § 30-5.3d1(c) below.
- (c) In the event of fire or natural disaster causing substantial damage to a structure on the residential property, and provided building permits are obtained, the property owner may apply in writing to the zoning officer for permission to extend the time beyond what is permitted for a portable storage container in § 30-5.3d1(b) or § 30-5.3d4. The request shall provide sufficient information for the zoning officer to determine whether an extension will be granted. In the event of an adverse decision by the zoning officer, the applicant may appeal the decision to the Township Committee, whose decision shall be final.
- (d) In the event of high winds other weather conditions in which such container may become a physical danger to persons or property, the zoning officer may require the immediate removal of the container.
- (e) The fee for the initial permit/extension of permit due at time of application shall be \$75.00.

2. **Number.** Only one portable storage container may be placed at any residential property at one time. A portable storage container may not be located on the same property more than two times in any given one-year period.

3. **Size.** A portable storage container located in a residential zone shall not exceed 10 feet in height, 10 feet width, or 20 feet in length.

4. **Use with construction permit.** If a portable storage container is to be used in conjunction with a validly issued construction permit, said container shall be permitted to remain for the active duration of the construction permit, but in no event for more than 365 days from the date of the initial permit issuance. If construction at the site has not been actively and

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diligently pursued for a period of 6 months, the zoning officer may order the removal of any portable storage container from the property.

5. **Location.** Portable storage containers may be placed upon driveways, and in side and rear yards if such locations meet the requirements of this subsection. No portable storage container shall be placed or located in the rear- and side-yard setback requirements for accessory buildings in the zone district. No container may be placed in a front yard. Portable storage containers are prohibited from being placed in streets or public rights-of-way except by express permission of the zoning officer and Police Department. If approved, a container placed in a street or public right-of-way must have reflective markers and/or cones placed around it. Such temporary placement is permitted for no more than 72 hours.
6. **Condition.** Portable storage containers shall be free from rust, peeling paint, and other forms of deterioration. The container and area surrounding it shall be kept in a neat and clean condition. No material, goods, wares or debris is allowed to be placed on or under the portable storage container. Portable storage containers are to be left closed at all times except when loading or unloading.
7. **Contents.** No hazardous, toxic or dangerous material, organic waste, business inventory, commercial goods, or any personal property that is not owned by the owner or occupant of the property where the container is located, is permitted to be stored in said container. Upon reasonable notice to the permit holder, the Township may inspect the contents of any portable storage container for compliance with this subsection.
8. **Violations and penalties.**
 - (a) Any portable storage container placed in violation of this subsection or that is not removed at the end of the time for which it may lawfully remain in place, or immediately upon the direction of the zoning officer or a law enforcement officer for removal for safety reasons, shall be punishable upon conviction thereof by a fine not to exceed \$2,000 for each violation committed hereunder. Any person violating this ordinance shall be subject upon conviction to the penalties in accordance with N.J.S.A. 40:49-5.
 - (b) The owner of the subject property shall be afforded a 15-day period to cure or abate such violation. Every day that a violation continues after service of written notice by certified and/or regular mail to the property owner as shown on the latest tax duplicate shall be deemed a separate offense. The court may also order the removal of the violation by the Township, and the cost of such removal, together with the cost of administration of its removal, may be assessed against the property on which the portable storage container was located and may be filed as a lien against such property by the Township Clerk.

SECTION 4. Chapter 30, Land Use, § 30-5.5, Use Regulations, h., Accessory Uses, 5., H-5 Temporary Structures and Vehicles, is hereby amended as follows:

H-5 Temporary Structures and Vehicles. Such use shall include a temporary structure, vehicle, or use, [excluding portable storage containers governed by § 30-5.3d](#). A temporary permit may be issued for

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structures or uses necessary during construction or other special circumstances of a nonrecurring nature, subject to the following additional provisions:

- (a) The time period of the initial permit shall be six months. This permit may be renewed for three-month time periods, subject to the limitations specified in § 30-7.2;
(b) Temporary nonconforming structures or uses shall be subject to authorization by the Zoning Officer or governing body;
(c) Such structure or use shall be removed completely within 30 days of the expiration of the permit without cost to the municipality;
(d) Campers, recreational vehicles, and boats shall be stored on the premises by the occupant of the premises only and then only behind the front line of the house;
(e) Tractor-trailers shall not be permitted to be parked in residential districts.

SECTION 5. Ordinances, resolutions, regulations or parts of ordinances, resolutions and regulations inconsistent herewith are hereby repealed to the extent of such inconsistencies.

SECTION 6. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid by a court of competent jurisdiction, such a decision shall not affect the remaining portions of this Ordinance.

SECTION 7. This Ordinance shall take effect immediately upon final passage and publication in accordance with law.

Ella M. Ruta, Municipal Clerk

David DeGiralamo, Mayor

First Reading: February 21, 2024
Publication/Full: February 29, 2024
Second Reading: March 20, 2024
Publication/Title: March 28, 2024

Table with 7 columns: Roll Call Vote, Moved, Seconded, Ayes, Nays, Abstain, Absent. Rows include Mrs. Cherney, Mr. Wunder, Mr. Stiger, Mr. Lordi, and Dr. DeGiralamo.

Motion Carried

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 21st day of February, 2024. 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 20th day of March, 2023, at 7:00 p.m., or as soon thereafter as the matter may be reached, at the Union Township Municipal Building, 140 Perryville Road, Hampton, New Jersey at which time all interested parties will be heard.

Ella M. Ruta, Municipal Clerk

ORDINANCE # 2024-5

**AN ORDINANCE OF THE TOWNSHIP OF UNION IN HUNTERDON COUNTY,
NEW JERSEY AMENDING AND SUPPLEMENTING THE CODE OF THE
TOWNSHIP OF UNION TO AUTHORIZE THE APPOINTMENT OF FIRE
POLICE OFFICERS**

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

- 1. Section 2-14, “Fire Department” of the “Code of the Township of Union”

(“Township Code”) amended to authorize the appointment of fire police officers. Section 2-14,

“Fire Department” of the Township Code is hereby amended by replacing reserved subsection 2-

14.8 with the following new subsection 2-14.8 authorizing the appointment of fire police officers and

establishing the requirements therefor:

§ 2-14.8. Fire police.

- a. Pursuant to N.J.S.A. 15:8-4, the Fire Company may provide for the appointment of any Active Member–Firefighter in good standing or Active Member–Company in good standing to perform certain police duties at fires and fire drills, for a term of office not exceeding five years from the date of the appointment. The appointed members shall, before starting their duties, qualify by:

- 1. Demonstrating compliance with all of the qualifications of Active Member–Firefighter or Active Member–Company set forth in section 2-14 of this Code and in the Fire Company bylaws.
- 2. Successfully completing a basic fire police training course formulated or approved by the Division of Fire Safety.
- 3. Taking and subscribing an oath that they will justly, impartially and faithfully discharge their duties according to the best of their ability and understanding. The oath shall be administered by the Union Township Municipal Clerk and subscribed to in duplicate. The original copy of the oath shall be filed with the Municipal Clerk and a copy thereof filed with the Secretary of the Fire Company.

- b. After appointment, a qualified member shall be eligible as a fire police officer and shall have full power and authority to act as a fire police officer in Hunterdon County or in any other county in which he or she is called upon

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to act.

- c. The Chief shall appoint a captain of the fire police. The captain shall meet all of the qualifications for Fire Captain set forth in the Fire Company bylaws. He or she shall hold the position for a term of one year and until a successor is appointed. Any duly appointed fire police officer shall be under the direct command of the captain of the fire police, subject to the supervision and control of the Chief, Deputy Chief/Assistant Chief, or the OIC, consistent with the Fire Company bylaws.
- d. It shall be the duty of any fire police officer to perform his or her duties under the supervision of the fire officer in charge of the fire or fire drill, until the arrival of a duly authorized police officer, who shall assume responsibility for the supervision of the performance of traffic duties, preservation of evidence and all other law enforcement duties. Nothing in this paragraph shall diminish the powers of the Chief or other superior officer of the Fire Company in the exercise of his or her duties pursuant to N.J.S.A. 40A:14-54.1.
- e. The duties of the fire police, subject to the supervision set forth above, shall be to:
 1. Protect property and contents.
 2. Establish and maintain appropriate fire lines.
 3. Perform such traffic duties as necessary, from the fire station to and at the vicinity of the fire, fire drill or other emergency call, until the arrival of a duly authorized police officer or at any public event where fire police services may be requested to protect the public, subject to the approval of and supervision by the Superintendent of State Police.
 4. In the absence of investigating authorities, investigate all causes of fires and preserve all evidence pertaining to questionable fires and turn evidence over to proper investigating authorities.
 5. Wear the authorized fire police badge on the left breast of the outermost garment while on duty.Provided, however, that nothing herein shall give the fire police the right to supersede a duly authorized police officer.
- f. Fire police officers shall not ride on any fire suppression apparatus unless they are certified as a Firefighter-1 and possess a current SCBA fit test.
- g. If any person shall unreasonably refuse to obey the orders of the fire police, a fire police officer may arrest and keep said person under arrest until the fire is extinguished or the drill completed. If the offender is found guilty by a municipal court or Superior Court, the offender shall be sentenced to pay

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a fine not exceeding \$200, plus court costs.

2. Repealer. Any article, section, paragraph, subsection, clause, or other provision of the Code of the Township of Union inconsistent with the provisions of this ordinance is hereby repealed to the extent of such inconsistency.

3. Severability. If any section, paragraph, subsection, clause, or provision of this ordinance shall be adjudged by a court of competent jurisdiction to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause, or provision so adjudged, and the remainder of this ordinance shall be deemed valid and effective.

4. Effective date. This ordinance shall take effect upon its passage and publication, as provided for by law.

Ella M. Ruta, RMC, Municipal Clerk

Hon. David DeGiralamo, Mayor _____

First Reading: February 21, 2024
Publication: February 29, 2024
Public Hearing: March 20, 2024
Final Publication: March 28, 2024

Roll Call Vote	Moved	Seconded	Ayes	Nays	Recuse	Absent
Mrs. Cherney	x		x			
Mr. Wunder					x	
Mr. Stiger		x	x			
Mr. Lordi			x			
Dr. DeGiralamo			x			

Motion Carried

Atty. Sharpe asked that NJDEP Model Noise Ordinance that was discussed and circulated amongst Committee members previously be introduced by title tonight. The Committee agreed. Atty. Sharpe read the Ordinance by title into the record.

**TOWNSHIP OF UNION
COUNTY OF HUNTERDON**

NOTICE OF INTRODUCTION OF ORDINANCE

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 21st day of February 2024. The Ordinance was then ordered to be published according to law. Notice is hereby given that said Ordinance will be considered for final passage at a public hearing to be held on the 20th day of March 2024 at 7:00 p.m., or as soon thereafter as the matter may be reached, at the Union Township Municipal Building, 140 Perryville Rd., Hampton, NJ at which time all interested parties will be heard.

Ella M. Ruta, Municipal Clerk

ORDINANCE #2024-6

AN ORDINANCE OF THE TOWNSHIP OF UNION, COUNTY OF HUNTERDON, STATE OF NEW JERSEY, ESTABLISHING CHAPTER 14 OF THE TOWNSHIP CODE TO ADOPT THE REVISED NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION (NJDEP) MODEL NOISE ORDINANCE

WHEREAS, the Township of Union currently regulates unnecessary noise primarily through Section 3-8d, Disorderly Conduct, of the Township Code, which states that “No person shall permit, make or continue or cause to be permitted, made or continued any unnecessary noise at any unreasonable hour which shall disturb the comfort, rest and repose of any person or persons being in his place of abode”; and

WHEREAS, this provision does not contain any measurable noise standards, and instead prohibits noise that is unreasonable and unnecessary; and

WHEREAS, to supplement existing noise prohibitions in the Township Code and increase enforcement capability, the Township wishes to adopt the NJDEP Model Noise Ordinance to protect the health, safety and welfare of the public.

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

SECTION 1. The Township of Union Code is hereby amended to establish Chapter 14, Noise, to read as follows in its entirety:

I. Declaration of Findings and Policy

WHEREAS excessive sound is a serious hazard to the public health, welfare, safety, and the quality of life; and, WHEREAS a substantial body of science and technology exists by which excessive sound may be substantially abated; and, WHEREAS the people have a right to, and should be ensured of, an environment free from excessive sound,

Now THEREFORE, it is the policy of the Township of Union to prevent excessive sound that may jeopardize the health, welfare, or safety of the citizens or degrade the quality of life.

This ordinance shall apply to the control of sound originating from sources within the Township of Union.

II. Definitions

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The following words and terms, when used in this ordinance, shall have the following meanings, unless the context clearly indicates otherwise. Terms not defined in this ordinance have the same meaning as those defined in N.J.A.C. 7:29.

"Construction" means any site preparation, assembly, erection, repair, alteration or similar action of buildings or structures.

"dBC" means the sound level as measured using the "C" weighting network with a sound level meter meeting the standards set forth in ANSI S1.4-1983 or its successors. The unit of reporting is dB(C). The "C" weighting network is more sensitive to low frequencies than is the "A" weighting network.

"Demolition" means any dismantling, destruction or removal of buildings, structures, or roadways.

"Department" means the New Jersey Department of Environmental Protection.

"Emergency work" means any work or action necessary at the site of an emergency to restore or deliver essential services including, but not limited to, repairing water, gas, electricity, telephone, sewer facilities, or public transportation facilities, removing fallen trees on public rights-of-way, dredging navigational waterways, or abating life-threatening conditions or a state of emergency declared by a governing agency.

"Impulsive sound" means either a single pressure peak or a single burst (multiple pressure peaks) that has a duration of less than one second.

"Minor Violation" means a violation that is not the result of the purposeful, reckless or criminally negligent conduct of the alleged violator; and/or the activity or condition constituting the violation has not been the subject of an enforcement action by any authorized local, county or state enforcement agency against the violator within the immediately preceding 12 months for the same or substantially similar violation.

"Motor vehicle" means any vehicle that is propelled other than by human or animal power on land.

"Muffler" means a properly functioning sound dissipative device or system for abating the sound on engines or equipment where such device is part of the normal configuration of the equipment.

"Multi-dwelling unit building" means any building comprising two or more dwelling units, including, but not limited to, apartments, condominiums, co-ops, multiple family houses, townhouses, and attached residences.

"Multi-use property" means any distinct parcel of land that is used for more than one category of activity. Examples include, but are not limited to:

1. A commercial, residential, industrial or public service property having boilers, incinerators, elevators, automatic garage doors, air conditioners, laundry rooms, utility provisions, or health and recreational facilities, or other similar devices or areas, either in the interior or on the exterior of the building, which may be a source of elevated sound levels at another category on the same distinct parcel of land; or
2. A building, which is both commercial (usually on the ground floor) and residential property, located above, below or otherwise adjacent to.

"Noise Control Officer" (NCO) means an employee of a local, county or regional health agency which is

MINUTES OF REGULAR MEETING February 21, 2024

certified pursuant to the County Environmental Health Act (N.J.S.A. 26:3A2-21 *et seq.*) to perform noise enforcement activities or an employee of a municipality with a Department-approved model noise control ordinance. All NCOs must receive noise enforcement training as specified by the Department in N.J.A.C. 7:29 and is currently certified in noise enforcement. The employee must be acting within his or her designated jurisdiction and must be authorized to issue a summons.

“Noise Control Investigator” (NCI) means an employee of a municipality, county or regional health commission that has a Department-approved model noise control ordinance and the employee has not received noise enforcement training as specified by the Department in N.J.A.C. 7:29. However, they are knowledgeable about their model noise ordinance and enforcement procedures. A Noise Control Investigator may only enforce sections of the ordinance that do not require the use of a sound level meter. The employee must be acting within his or her designated jurisdiction and must be authorized to issue a summons.

"Plainly audible" means any sound that can be detected by a NCO or an NCI using his or her unaided hearing faculties of normal acuity. As an example, if the sound source under investigation is a portable or vehicular sound amplification or reproduction device, the detection of the rhythmic bass component of the music is sufficient to verify plainly audible sound. The NCO or NCI need not determine the title, specific words, or the artist performing the song.

"Private right-of-way" means any street, avenue, boulevard, road, highway, sidewalk, alley or easement that is owned, leased, or controlled by a non-governmental entity.

"Public right-of-way" means any street, avenue, boulevard, road, highway, sidewalk, alley or easement that is owned, leased, or controlled by a governmental entity.

"Public space" means any real property or structures thereon that are owned, leased, or controlled by a governmental entity.

"Real property line" means either (a) the vertical boundary that separates one parcel of property (i.e., lot and block) from another residential or commercial property; (b) the vertical and horizontal boundaries of a dwelling unit that is part of a multi-dwelling unit building; or (c) on a multi-use property as defined herein, the vertical or horizontal boundaries between the two portions of the property on which different categories of activity are being performed (e.g., if the multi-use property is a building which is residential upstairs and commercial downstairs, then the real property line would be the interface between the residential area and the commercial area, or if there is an outdoor sound source such as an HVAC unit on the same parcel of property, the boundary line is the exterior wall of the receiving unit). Note- this definition shall not apply to a commercial source and a commercial receptor which are both located on the same parcel of property (e.g., a strip mall).

“Sound production device” means any device whose primary function is the production of sound, including, but not limited to any, musical instrument, loudspeaker, radio, television, digital or analog music player, public address system or sound-amplifying equipment.

“Sound reduction device” means any device, such as a muffler, baffle, shroud, jacket, enclosure, isolator, or dampener provided by the manufacturer with the equipment, or that is otherwise required, that mitigates the sound emissions of the equipment.

"Weekday" means any day that is not a federal holiday, and beginning on Monday at 7:00 a.m. and ending

on the following Friday at 6:00 p.m.

"Weekends" means beginning on Friday at 6:00 p.m. and ending on the following Monday at 7:00 a.m.

III. Applicability

(A) This model noise ordinance applies to sound from the following property categories:

- 1. Industrial facilities;
- 2. Commercial facilities;
- 3. Community service facilities;
- 4. Residential properties;
- 5. Multi-use properties;
- 6. Public and private right-of-ways;
- 7. Public spaces; and
- 8. Multi-dwelling unit buildings.

(B) This model noise ordinance applies to sound received at the following property categories:

- 1. Commercial facilities;
- 2. Community service facilities (i.e. non-profits and/or religious facilities)
- 3. Residential properties;
- 4. Multi-use properties;
- 5. Multi-dwelling unit buildings.

(C) Sound from stationary emergency signaling devices shall be regulated in accordance with N.J.A.C. 7:29-1.4, except that the testing of the electromechanical functioning of a stationary emergency signaling device shall not meet or exceed 10 seconds.

IV. Exemptions

(A) Except as provided in IX. and X. below, the provisions of this ordinance shall not apply to the exceptions listed at N.J.A.C. 7:29-1.5.

(B) Sound production devices required or sanctioned under the Americans with Disabilities Act (ADA), FEMA or other government agencies to the extent that they comply with the noise requirement of the enabling legislation or regulation. Devices which are exempted under N.J.A.C. 7:29-1.5 shall continue to be exempted.

(C) Construction and demolition activities are exempt from the sound level limits set forth in tables I and II and III except as provided for in IX. below.

V. Enforcement Officers

(A) Noise Control Officers shall have the authority within their designated jurisdiction to investigate suspected violations of any section of this ordinance and pursue enforcement activities.

(B) Noise Control Investigators shall have the authority within their designated jurisdiction to investigate suspected violations of any section of this ordinance that do not require the use of a

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sound level meter (i.e., plainly audible, times of day and/or distance determinations) and pursue enforcement activities.

- (C) Noise Control Officers and Investigators may cooperate with NCOs and NCIs of an adjacent municipality in enforcing one another’s municipal noise ordinances.

VI. Measurement Protocols

(A) Sound measurements made by a Noise Control Officer shall conform to the procedures set forth at N.J.A.C. 7:29-2, except that interior sound level measurements shall also conform with the procedures set forth in VIB of this ordinance and with the definition of "real property line" as contained herein.

(B) When conducting indoor sound level measurements across a real property line the measurements shall be taken at least three feet from any wall, floor or ceiling and all exterior doors and windows may, at the discretion of the investigator, be closed. The neighborhood residual sound level shall be measured in accordance with N.J.A.C. 7:29-2.9(b)2. When measuring total sound level, the configuration of the windows and doors shall be the same and all sound sources within the dwelling unit must be shut off (e.g., television, stereo). Measurements shall not be taken in areas which receive only casual use such as hallways, closets and bathrooms.

VII. Maximum Permissible Sound Levels

(A) No person shall cause, suffer, allow, or permit the operation of any source of sound on any source property listed in III.(A) above in such a manner as to create a sound level that equals or exceeds the sound level limits set forth in Tables I, II or III when measured at or within the real property line of any of the receiving properties listed in Tables I, II or III except as specified in VI(B).

- (B) Impulsive Sound

Between 7:00 a.m. and 10:00 p.m., impulsive sound shall not equal or exceed 80 dBA. Between 10:00 p.m. and 7:00 a.m., impulsive sound which occurs less than four times in any hour shall not equal or exceed 80 dBA. Impulsive sound which repeats four or more times in any hour shall meet the requirements as shown in Table I.

**TABLE I
MAXIMUM PERMISSIBLE A-WEIGHTED SOUND LEVELS
WHEN MEASURED OUTDOORS**

RECEIVING PROPERTY CATEGORY	Residential property, or residential portion of a multi-use property		Commercial facility, non-residential portion of a multi-use property, or community service facility
TIME	7 a.m.-10 p.m.	10 p.m.-7 a.m.	24 hours

Maximum A-Weighted sound level standard, dB	65	50	65
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**TABLE II
MAXIMUM PERMISSIBLE A-WEIGHTED SOUND LEVELS
WHEN MEASURED INDOORS**

RECEIVING PROPERTY CATEGORY	Residential property, or residential portion of a multi-use property		Commercial facility or non-residential portion of a multi-use property
TIME	7 a.m.-10 p.m.	10 p.m.-7 a.m.	24 Hours
Maximum A-Weighted sound level standard, dB	55	40	55

Note: Table II shall only apply when the source and the receptor are separated by a real property line and they also share a common or abutting wall, floor or ceiling, or are on the same parcel of property.

**TABLE III
MAXIMUM PERMISSIBLE OCTAVE BAND
SOUND PRESSURE LEVELS IN DECIBEL**

Receiving Property Category	Residential property, or residential portion of a multi-use property OUTDOORS	Residential property, or residential portion of a multi-use property INDOORS	Commercial facility, non-residential portion of a multi-use property, or community service facility OUTDOORS	Commercial facility or non-residential portion of a multi-use property INDOORS
Octave Band Center	Octave Band Sound Pressure Level,	Octave Band Sound Pressure Level,	Octave Band Sound Pressure	Octave Band Sound Pressure

Frequency, Hz.	dB		dB		Level, dB	Level, dB
	7 a.m.-10 p.m.	10 p.m.-7 a.m.	7 a.m.-10 p.m.	10 p.m.-7 a.m.	24 hours	24 hours
31.5	96	86	86	76	96	86
63	82	71	72	61	82	72
125	74	61	64	51	74	64
250	67	53	57	43	67	57
500	63	48	53	38	63	53
1,000	60	45	50	35	60	50
2,000	57	42	47	32	57	47
4,000	55	40	45	30	55	45
8,000	53	38	43	28	53	43

Note: When octave measurements are made, the sound from the source must be constant in level and character. If octave band sound pressure level variations exceed plus or minus 2 dB in the bands containing the principal source frequencies, discontinue the measurement.

VIII. Sound Production Devices

No person shall cause, suffer, allow, or permit the operation of any sound production device in such a manner that the sound crosses a property line and raises the total sound levels above the neighborhood residual sound level by more than the permissible sound level limits set forth in Table IV when measured within the residence of a complainant according to the measurement protocol in VI(B) of this ordinance. These sound level measurements shall be conducted with the sound level meter set for "C" weighting, "fast" response.

**TABLE IV
MAXIMUM PERMISSIBLE INCREASE IN TOTAL SOUND LEVELS
WITHIN A RESIDENTIAL PROPERTY**

Weeknights 10:00 p.m. - 7:00 a.m. Weekend nights 11:00 p.m. and 9:00 a.m.	All other times
3 dB(C)	6 dB(C)

IX. Restricted Uses and Activities

Note: This section is optional; any numbered paragraph may be adopted in its entirety.

The following standards shall apply to the activities or sources of sound set forth below:

- A. Power tools, home maintenance tools, landscaping and/or yard maintenance equipment, excluding when used for emergency work, shall not be operated on a residential property between the hours of 8:00 p.m. and 8:00 a.m., unless such activities can meet the applicable limits set forth in Tables I, II and III. At all other times, the limits set forth in Tables I, II and III do not apply. All motorized equipment used in these activities shall be operated with an original, properly functioning, manufacture installed muffler and/or sound reduction device or an original equipment manufacturer (OEM) acoustically equivalent muffler and/or sound reduction device.
- B. Power tools, landscaping and/or yard maintenance equipment, excluding when used for emergency work, shall not be operated on a commercial facility, community service facility, industrial facility, or public space unless such activities can meet the applicable limits set forth in Tables I, II and III. All motorized equipment used in these activities shall be operated with an original, properly functioning, manufacture installed muffler and/or sound reduction device or an OEM acoustically equivalent muffler and/or sound reduction device.
- C. Construction and demolition activity, excluding emergency work, shall not be performed between the hours of 6:00 p.m. and 7:00 a.m. on weekdays, or between the hours of 6:00 p.m. and 9:00 a.m. on weekends and federal holidays, unless such activities can meet the applicable limits set forth in Tables I, II and III. At all other times, the limits set forth in Tables I, II or III do not apply. All motorized equipment used in construction and demolition activity shall be operated with an original, properly functioning, manufacture installed muffler and/or sound reduction device or an OEM acoustically equivalent muffler and/or sound reduction device.
- D. Motorized snow removal equipment shall be operated with a muffler and/or a sound reduction device when being used for snow removal. At all other times the limits set forth in Tables I, II or III do not apply.
- E. All interior and exterior burglar alarms of a building or motor vehicle must be activated in such a manner that the burglar alarm terminates its operation within five (5) minutes for continuous airborne sound and fifteen (15) minutes for intermittent sound after it has been activated. At all other times the limits set forth in Tables I, II or III do not apply.
- F. Self-contained, portable, non-vehicular music or sound production devices shall not be operated on a public space or public right-of-way in such a manner as to be plainly audible at a distance of 50 feet in any direction from the operator between the hours of 8:00 a.m. and 10:00 p.m. Between the hours of 10:00 p.m. and 8:00 a.m., sound, operated on a public space or public right-of-way, from such equipment shall not be plainly audible at a distance of 25 feet in any direction from the operator;
- G. It shall be unlawful for any property owner or tenant to allow any domesticated or caged animal to create a sound across a real property line which unreasonably disturbs or interferes with

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the peace, comfort, and repose of any resident, or to refuse or intentionally fail to cease the unreasonable noise when ordered to do so by a Noise Control Officer or Noise Control Investigator. Prima facie evidence of a violation of this section shall include but not be limited to:

- (1) Vocalizing (howling, yelping, barking, squawking etc.) for five (5) minutes without interruption, defined as an average of four or more vocalizations per minute in that period; or,
- (2) Vocalizing for twenty (20) minutes intermittently, defined as an average of two vocalizations or more per minute in that period.

It is an affirmative defense under this subsection that the dog or other animal was intentionally provoked to bark or make any other noise.

X. Motor Vehicles

Violations of each paragraph of this section shall be considered purposeful and therefore non-minor violations.

- (A) No person shall remove or render inoperative, or cause to be removed or rendered inoperative or less effective than originally equipped, other than for the purposes of maintenance, repair, or replacement, of any device or element of design incorporated in any motor vehicle for the purpose of noise control. No person shall operate a motor vehicle or motorcycle which has been so modified. A vehicle not meeting these requirements shall be deemed in violation of this provision if it is operated stationary or in motion in any public space or public right-of-way.
- (B) No motorcycle shall be operated stationary or in motion unless it has a muffler that complies with and is labeled in accordance with the Federal Noise Regulations under 40 CFR Part 205.
- (C) Personal or commercial vehicular music amplification or reproduction equipment shall not be operated in such a manner that it is plainly audible at distance of 25 feet in any direction from the operator between the hours of 10:00 p.m. and 8:00 a.m.
- (D) Personal or commercial vehicular music amplification or reproduction equipment shall not be operated in such a manner that is plainly audible at a distance of 50 feet in any direction from the operator between the hours of 8:00 a.m. and 10:00 p.m.

XI. Enforcement

- (A) Violation of any provision of this ordinance shall be cause for a Notice of Violation (NOV) or a Notice of Penalty Assessment (NOPA) document to be issued to the violator by the Noise Control Officer or Noise Control Investigator.
- (B) Any person who violates any provision of this ordinance shall be subject to a civil penalty for each offense of not more than the maximum penalty pursuant to N.J.S.A. 40:49-5, which is \$2,000 as of December 2014. If the violation is of a continuing nature, each day during which it occurs shall constitute an additional, separate, and distinct offense.

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(C) Upon identification of a violation of this Ordinance the Noise Control Officer or Noise Control Investigator shall issue an enforcement document to the violator. The enforcement document shall identify the condition or activity that constitutes the violation and the specific provision of this Ordinance that has been violated. It shall also indicate whether the violator has a period of time to correct the violation before a penalty is sought.

(D) If the violation is deemed by the Noise Control Officer or Noise Control Investigator to be a minor violation (as defined in Section II of this ordinance) a NOV shall be issued to the violator.

1. The document shall indicate that the purpose of the NOV is intended to serve as a notice to warn the responsible party/violator of the violation conditions in order to provide them with an opportunity to voluntarily investigate the matter and voluntarily take corrective action to address the identified violation.
2. The NOV shall identify the time period (up to 90 days), pursuant to the Grace Period Law, N.J.S.A. 13:1D-125 et seq. where the responsible party's/violator's voluntary action can prevent a formal enforcement action with penalties issued by the Hunterdon County Health Department. It shall be noted that the NOV does not constitute a formal enforcement action, a final agency action or a final legal determination that a violation has occurred. Therefore, the NOV may not be appealed or contested.

(E) If the violation is deemed by the Noise Control Officer or Noise Control Investigator to be a non-minor violation, the violator shall be notified that if the violation is not immediately corrected, a NOPA with a civil penalty of not more than the maximum penalty allowed pursuant to N.J.S.A. 40:49-5, which is \$2,000 as of December 2014, will be issued. If a non-minor violation is immediately corrected, a NOV without a civil penalty shall still be issued to document the violation. If the violation occurs again (within 12 months of the initial violation) a NOPA shall be issued regardless of whether the violation is immediately corrected or not.

(F) The violator may request from the Noise Control Officer or Noise Control Investigator, an extension of the compliance deadline in the enforcement action. The Noise Control Officer or Noise Control Investigator shall have the option to approve any reasonable request for an extension (not to exceed 180 days) if the violator can demonstrate that a good faith effort has been made to achieve compliance. If an extension is not granted and the violation continues to exist after the grace period ends, a NOPA shall be issued.

(G) The recipient of a NOPA shall be entitled to a hearing in a municipal court having jurisdiction to contest such action.

(H) The Noise Control Officer or Noise Control Investigator may seek injunctive relief if the responsible party does not remediate the violation within the period of time specified in the NOPA issued.

(I) Any claim for a civil penalty may be compromised and settled based on the following factors:

1. Mitigating or any other extenuating circumstances;
2. The timely implementation by the violator of measures which lead to compliance;

- 3. The conduct of the violator; and
- 4. The compliance history of the violator.

XII. Consistency, Severability and Repealer

- (A) If any provision or portion of a provision of this ordinance is held to be unconstitutional, preempted by Federal or State law, or otherwise invalid by any court of competent jurisdiction, the remaining provisions of the ordinance shall not be invalidated.
- (B) All ordinances or parts of ordinances, which are inconsistent with any provisions of this ordinance, are hereby repealed as to the extent of such inconsistencies.
- (C) No provision of this ordinance shall be construed to impair any common law or statutory cause of action, or legal remedy there from, of any person for injury or damage arising from any violation of this ordinance or from other law.
- (D) This Ordinance shall take effect immediately upon final passage and publication in accordance with law.

Ella Ruta, Municipal Clerk

David DeGiralamo, Mayor

First Reading: February 21, 2024
 Publication/Full: February 29, 2024
 Second Reading: March 20, 2024
 Publication/Title: March 28, 2024

Roll Call Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mrs. Cherney		x	x			
Mr. Wunder			x			
Mr. Stiger			x			
Mr. Lordi			x			
Dr. DeGiralamo	x		x			

Motion Carried

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.

Atty. Semrau asked to remove Resolution appointing Martin Allen, Esq. as Tax Appeal Attorney. Mr. Lordi asked to remove Resolution appointing Matthew Giacobbe, Esq. as Labor Attorney.

- a. **RESOLUTION #2024-29:** Refunding Overpayment of 2023 Taxes

RESLUTION #2024-29

TOWNSHIP OF UNION, HUNTERDON COUNTY
RESOLUTION TO REFUND OVER PAYMENT OF 2023 TAXES

WHEREAS, the Tax Collector received an over-payment for the 2023 property taxes on Block 28, Lot 19.04 (303 Hidden Meadow Lane) as a result of a tax appeal judgment which was entered on January 9, 202; and

WHEREAS, a refund of the overpayment in the amount of \$3,171.28, has been requested by The Englert Law Firm, LLC who represented the property owner for this appeal,

NOW, THEREFORE, BE IT RESOLVED, on the 21st day of February, 2024 by the Township Committee of the Township of Union, Hunterdon County, State of New Jersey, as follows:

- 1. The Tax Collector should refund the amount of \$3,171.28
2. The CFO shall refund \$3,171.28 to The Englert Law Firm, LLC Attorney Trust Account, 181 New Road, Ste 304, Parsippany, NJ 07054
3. This Resolution shall take effect immediately upon adoption.
b. RESOLUTION #2024-30: Approving 2024 Professional Services Contract – Township Attorney- Dorsey & Semrau, Attorneys at Law; Susan Sharpe, Esq.

RESOLUTION #2024-30
UNION TOWNSHIP; HUNTERDON COUNTY

RESOLUTION AUTHORIZING CONTRACT FOR LEGAL SERVICES 2024

Township Attorney
Susan Sharpe, Esq., Dorsey & Semrau

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, Susan Sharpe, Esq. has completed and submitted a Business Entity Disclosure Certification which certifies that Dorsey & Semrau. 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 Dorsey & Semrau 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.) 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;

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 Susan Sharpe, Esq., of Dorsey & Semrau, Attorneys at Law, 714 Main Street, Boonton,, New Jersey 07005 for legal services

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during calendar year 2024 at the hourly rate of \$153.00. In no event shall services rendered exceed \$100,000.00 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 Susan Sharpe, Esq. is an attorney at Law of the State of New Jersey 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 **2024** adopted municipal budget.
- 4. A Notice of this action shall be printed once in the official newspaper of this municipality.

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 **2023** Temporary/Adopted Budget to award a contract to Susan Sharpe, Esq., as appropriated under the line item "Legal".

Date: _____
Grace M. Brennan, CFO

- c. **RESOLUTION #2024-31**: Approving 2024 Professional Services Contract – Special Counsel – J. Peter Jost, Esq.

RESOLUTION #2024-31

UNION TOWNSHIP; HUNTERDON COUNTY

RESOLUTION AUTHORIZING CONTRACT FOR SPECIAL LEGAL COUNSEL, 2024

J. Peter Jost, Esq.

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

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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.

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 2024 Temporary/Adopted Budget to award a contract to J. Peter Jost, as appropriated under the line item "_____".

Date:_____

Grace M. Brennan, CFO

- d. **RESOLUTION #2024-32:** Approving 2024 Professional Services Contract – Planning Board/Board of Adjustment Legal Services; Mark Anderson. Esq.

RESOLUTION #2024-32

UNION TOWNSHIP, HUNTERDON COUNTY

APPROVING CONTRACT FOR LEGAL SERVICES/PLANNING BOARD 2024

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 \$165.00 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

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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 2024.
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 2024 temporary and permanent Municipal budgets.
4. A Notice of this action shall be printed once in the official newspaper.

**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 2024 Temporary/Adopted Budget to award a contract to Mark S. Anderson, Esq., under the line item "_____".

Date: _____
Grace M. Brennan, CFO

- e. **RESOLUTION #2024-33**: Approving 2024 Professional Services Contract – Special Counsel-Affordable Housing; Jonathan Drill, Esq.

**RESOLUTION #2024-33
UNION TOWNSHIP; HUNTERDON COUNTY**

**AUTHORIZING CONTRACT FOR LEGAL SERVICES 2023
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

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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 **2024** at the hourly rate of \$200.00. The agreement is for a not to exceed amount of \$35,000.00. 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 **2024** adopted municipal budget.
4. A Notice of this action shall be printed once in the official newspaper of this municipality.

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 **2024** Temporary/Adopted Budget to award a contract to Jonathan E. Drill, Esq., as appropriated under the line item "Legal".

Date: _____

Grace M. Brennan, CFO

- f. **RESOLUTION #2024-34:** Approving 2024 Professional Services Contract - Auditor–Suplee, Clooney & Company

**RESOLUTION #2024-34
UNION TOWNSHIP; HUNTERDON COUNTY**

**APPROVING THE AWARD OF A
2024 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

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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 \$38,500.00; 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 2024; 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

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 2024 Temporary/Adopted Budget to award a contract to SUPLEE, CLOONEY & COMPANY, as appropriated under the line item

Date: _____

Grace M. Brennan, CFO

RESOLUTION #2024-35: Approving 2024 Professional Services Contract w/PB&BOA – Van Cleef Engineering; Robert Clerico, PE and PP

RESOLUTION #2024-35

**UNION TOWNSHIP, HUNTERDON COUNTY
APPROVING 2024 PROFESSIONAL SERVICE CONTRACT/ENGINEERING SERVICES PB/BOA
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

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WHEREAS, the firm of Van Cleef Engineering Associates, 32 Brower Lane, Hillsborough, NJ 08844, 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 \$164.00 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 "2023 Schedule of Hourly Fees" attached hereto and made a part of this Agreement. Compensation for witnessing of and Soil Logs and Soil Permeability 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, 2024, to December 31, 2024.
4. The Township Engineer agrees that no services are to be performed unless specific approval is granted by an appropriate Township official either verbally or in writing.
5. An Affirmative Action Employee Information Report is attached and is part of this agreement. In addition, a copy of Exhibit A, Mandatory Affirmative Action Language, and business Disclosure Entity Certification and the Determination of Value are attached and part of this agreement.
6. Van Cleef Engineering Associates will carry, at its expense, during the appointment period professional liability insurance.
7. If any provision or part thereof of this agreement is held to be void or unenforceable under any law and shall be deemed stricken all remaining provisions shall nevertheless continue to be valid and binding upon the parties. The parties agree that this agreement shall be reformed to replace such stricken provision or part thereof with a valid and enforceable provision which comes as close as possible to expressing the intention of the stricken provision.
8. In accordance with Local Finance Notice 2010-3 this 2024 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.

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 2024 Temporary/Adopted Budget to award a contract to Van Cleef Engineering Associates, under the line item "Engineering".

Date: _____

Grace M. Brennan, CFO

- g. **RESOLUTION #2024-36:** Approving 2024 Professional Services Contract w/TC – Van Cleef Engineering; Robert Clerico, PE

RESOLUTION #2024-36

**UNION TOWNSHIP, HUNTERDON COUNTY
 APPROVING 2024 PROFESSIONAL SERVICE CONTRACT/ENGINEERING SERVICES TC
 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, 32 Brower Lane, Hillsborough, NJ 08844, 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 \$164.00 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 “2020 Schedule of Hourly Fees” attached hereto and made a part of this Agreement. Compensation for witnessing of and Soil Logs and Soil Permeability 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, 2024, to December 31, 2024.
4. The Township Engineer agrees that no services are to be performed unless specific approval is granted by an appropriate Township official either verbally or in writing.
5. An Affirmative Action Employee Information Report is attached and is part of this agreement. In addition, a copy of Exhibit A, Mandatory Affirmative Action Language, and business Disclosure Entity Certification and the Determination of Value are attached and part of this agreement.
6. Van Cleef Engineering Associates will carry, at its expense, during the appointment period professional liability insurance.
7. If any provision or part thereof of this agreement is held to be void or unenforceable under any law and shall be deemed stricken all remaining provisions shall nevertheless continue to be valid and binding upon the parties. The

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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.

9. In accordance with Local Finance Notice 2010-3 this 2024 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.

10. 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 2024 Temporary/Adopted Budget to award a contract to Van Cleef Engineering Associates, under the line item "Engineering".

Date: _____
Grace M. Brennan, CFO

h. **RESOLUTION #2024-37:** Approving 2024 Professional Services Contract – Planner; Van Cleef Engineering; Robert Clerico, PP

RESOLUTION #2024-37

**UNION TOWNSHIP, HUNTERDON COUNTY
APPROVING 2024 PROFESSIONAL SERVICE CONTRACT/PLANNER
Robert Clerico P.E.; Van Cleef Engineering Associates**

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

WHEREAS, the firm of Van Cleef Engineering Associates, 32 Brower Lane, Hillsborough, NJ 08844, 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 Planner shall be compensated at the hourly rate of \$164.00 per hour for his planning services rendered as needed or requested by the Township Committee, Planning Board/Board of Adjustment, or other Township agencies.
2. Planning 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.P., when Robert Clerico, P.P. is unavailable or when otherwise necessary and desirable. Such services shall be compensated in accordance with the

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“2023 Schedule of Hourly Fees” attached hereto and made a part of this Agreement. Compensation for witnessing 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, 2024, to December 31, 2024.
- 4. The Township Planner agrees that no services are to be performed unless specific approval is granted by an appropriate Township official either verbally or in writing.
- 5. An Affirmative Action Employee Information Report is attached and is part of this agreement. In addition, a copy of Exhibit A, Mandatory Affirmative Action Language, and business Disclosure Entity Certification and the Determination of Value are attached and part of this agreement.
- 6. Van Cleef Engineering Associates will carry, at its expense, during the appointment period professional liability insurance.
- 7. If any provision or part thereof of this agreement is held to be void or unenforceable under any law and shall be deemed stricken all remaining provisions shall nevertheless continue to be valid and binding upon the parties. The parties agree that this agreement shall be reformed to replace such stricken provision or part thereof with a valid and enforceable provision which comes as close as possible to expressing the intention of the stricken provision.
- 10. In accordance with Local Finance Notice 2010-3 this 2024 calendar year contract for Planning 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.
- 11. 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 2024 Temporary/Adopted Budget to award a contract to Van Cleef Engineering Associates, under the line item "Planner".

Date: _____
Grace M. Brennan, CFO

- i. **RESOLUTION #2024-38**: Approving 2024 Professional Services Contract – Traffic Engineer; Walter Lublanecki

RESOLUTION #2024-38
UNION TOWNSHIP, HUNTERDON COUNTY
APPROVING 2024 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

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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, 2024, to December 31, 2024.
- 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 2024 Temporary/Adopted Budget to award a contract to Maser Consulting P.A. under the line item "Engineering".

Date: _____
Grace M. Brennan, CFO

- j. **RESOLUTION #2024-39:** Approving 2024 Professional Services Contract – Affordable Housing Planner, Kyle+McManus Associates; Beth McManus

**RESOLUTION #2024-39
UNION TOWNSHIP; HUNTERDON COUNTY**

**AUTHORIZING CONTRACT FOR LEGAL SERVICES 2024
Kyle + McManus Associates, Planner – Affordable Housing**

WHEREAS, the Township of Union has a need to acquire special 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 in an appropriation entitled Planning Services and Costs, Other Expenses and have been certified by the local finance officer; and

WHEREAS, Kyle + McManus Associates, has completed and submitted a Business Entity Disclosure Certification which certifies that Kyle + McManus 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 Kyle + McManus Associates 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 Beth McManus of Kyle + McManus Associates, 45 East Broad Street, Hopewell, New Jersey 08525 for her services as the Township Planner (Affordable Housing) for **2024** at the hourly rate of \$147.00. The agreement is for a not to exceed amount of \$10,000.00. 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 Beth McManus PP 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 **2024** adopted municipal budget.
4. A Notice of this action shall be printed once in the official newspaper of this municipality.

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 **2024** Temporary/Adopted Budget to award a contract to Beth McManus, as appropriated under the line item "Planner".

Date: _____

Grace M. Brennan, CFO

- k. **RESOLUTION #2024-40**: Approving 2024 Professional Services Contract – Bond Counsel-Wilentz Golden & Spitzer, P.A.; Everett Johnson, Esq.

RESOLUTION #2024-40
UNION TOWNSHIP, HUNTERDON COUNTY

**APPROVING 2024 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.

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 **2024** Temporary/Adopted Budget to award a contract to Wilentz Goldman & Spitzer P.A., as appropriated under the line item "_____".

Date: _____

Grace M. Brennan, CFO

1. **RESOLUTION #2024-41:** Approving 2024 Professional Services Contract – Geologist/Hydrogeologist–Van Cleef_Engineering Associates; Eric DeRicco

**RESOLUTION #2024-41
UNION TOWNSHIP, HUNTERDON COUNTY**

**APPROVING 2024 PROFESSIONAL SERVICE CONTRACT –GEOLOGIST/HYDROGEOLOGIST
CONSULTANT**

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Eric DeRicco, Van Cleef Engineering Associates

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

WHEREAS, the Chief Financial Officer has determined and certified in writing that the value of the acquisition will exceed \$17,500; and

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

WHEREAS Van Cleef Engineering Associates has completed and submitted a Business Entity Disclosure Certification which certifies 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

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

NOW THEREFORE, BE IT RESOLVED by the Township Committee authorizes the Mayor and the Clerk to enter into a contract with Van Cleef Engineering Associates, for hydrogeologic consulting services for 2024 at the hourly rate of \$157.00 and not to exceed limit of \$25,000.00; and

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

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

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 2024 Temporary/Adopted Budget to award a contract to Van Cleef Engineering Associates, under the line item "_____".

Date: _____
Grace M. Brennan, CFO

m. Motion to Approve – Tree and Invasive Vegetation Removal Permit within the Conservation Easement – Two (2) Properties in Perryville Ridge Development (as per applications submitted to Zoning Officer).

n. Payment of Bills

End of Consent Agenda

Table with 7 columns: Roll Call Vote, Moved, Seconded, Ayes, Nays, Abstain, Absent

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Mrs. Cherney			X			
Mr. Wunder		X	X			
Mr. Stiger	X		X			
Mr. Lordi			X			
Dr. DeGiralamo			X			

Motion Carried

Mr. Lordi was asked the reason for removing appointment of Labor Attorney Giacobbe. Mr. Lordi answered it is the professional conduct of Atty. Giacobbe that was heard by both Attorneys Semrau and Sharpe. The appointment will be further discussed in Executive Session portion of tonight’s meeting.

- o. **RESOLUTION #2024-42:** Opposing Assembly Bill NO. 4/Senate Bill NO. 50, Which Proposes to Overhaul the Fair Housing Act (“FHA”) in a Way that Imposes Unrealistic Obligations with Unrealistic Deadlines Based Upon Onerous Standards.

RESOLUTION NO: 2024-42

RESOLUTION OF THE TOWNSHIP OF UNION, COUNTY OF HUNTERDON, STATE OF NEW JERSEY, OPPOSING ASSEMBLY BILL NO. 4/SENATE BILL NO. 50, WHICH PROPOSES TO OVERHAUL THE FAIR HOUSING ACT (“FHA”) IN A WAY THAT IMPOSES UNREALISTIC OBLIGATIONS WITH UNREALISTIC DEADLINES BASED UPON ONEROUS STANDARDS.

Mount Laurel II

WHEREAS, in 1983, the Supreme Court decided a landmark case, commonly referred to as Mount Laurel II; and

WHEREAS, Mount Laurel II and its progeny generated substantial litigation culminating in the enactment of the New Jersey Fair Housing Act in 1985 (“FHA”); and

The Fair Housing Act of 1985

WHEREAS, the Legislature enacted the FHA to restore home rule, to bring the fair share numbers back to reality and to reduce the burdens of Mount Laurel compliance; and

WHEREAS, more specifically, the FHA sought *to restore home rule* by imposing a moratorium on the builder’s remedy and by providing an administrative process that municipalities could voluntarily pursue wherein they would be insulated from developers seeking builder’s remedies to try to compel them to capitulate their zoning demands; and

WHEREAS, the FHA sought *to bring the fair share numbers back to reality* by among other things defining the prospective need as the need “based on development and growth which is reasonably likely to occur” and by calling for the fair share to be adjusted to a number lower than the fair share formula generated if the municipality lacked sufficient land to satisfy the obligation generated by the fair share formula; and

WHEREAS, the FHA sought *to reduce the burdens on municipalities* by prohibiting any requirement for municipalities to expend their own resources to comply; and

The New Jersey Council on Affordable Housing

WHEREAS, the FHA created COAH and conferred “primary jurisdiction” on COAH to administer the FHA and to implement the affordable housing policies of our State; and

WHEREAS, all acknowledge -- even Fair Share Housing Center (“FSHC”) -- that COAH functioned just fine in Rounds 1 and 2; and

WHEREAS, COAH did not adopt valid regulations for Round 3 despite multiple efforts to do so and made no efforts to cure the bottleneck the third time COAH voted 3-3 on Round 3 regulations; and

Mount Laurel IV

WHEREAS, in 2015, the Supreme Court issued a decision, commonly referred to as Mount Laurel IV, in response to a motion to transfer the responsibilities of COAH back to the courts in light of COAH’s failure to adopt valid regulations; and

WHEREAS, in Mount Laurel IV, the Supreme Court returned the task of implementing the doctrine back to the Courts because COAH had failed to do its job and made no effort to cure the roadblock when it voted 3-3 on the third iteration of Round 3 regulations; and

WHEREAS, notwithstanding the foregoing, the Court emphasized that it preferred the administrative remedy created by the FHA to a judicial one and hoped that COAH would be effective so that towns could comply once again through the administrative process created by the FHA; and

WHEREAS, the Court process proved to be far more expensive than the COAH process and was ill-suited for resolving comprehensive planning disputes over affordable housing matters; and

WHEREAS, the Round 3 process was a disaster with judges pressing municipalities to comply before even establishing the obligations with which they must comply; and

WHEREAS, ultimately, on March 8, 2018, after a 41-day trial in Mercer County, Judge Jacobson issued an opinion in which she set forth a fair share methodology; and

WHEREAS, in that trial and in various other instances throughout the state, FSHC took the position that the Statewide obligation should exceed 300,000 to be addressed between 2015 and 2025; and

WHEREAS, municipalities, through Dr. Robert Powell, presented evidence that, in a best case scenario, the State could only absorb less than 40,000 affordable units and thus argued that FSHC’s calculations was not grounded in reality whatsoever; and

WHEREAS, the Court, having been constrained by the Supreme Court to prescriptively utilize a formula from 1993, ultimately concluded that the Statewide obligation to be constructed between 2015-2025 was roughly 153,000 units; and

The 354 Settlements with FSHC

WHEREAS, FSHC reports that it entered 354 settlements in Round 3; and

WHEREAS, many municipalities are reeling under the burden of satisfying their obligations under those settlements entered between 2015 and 2023; and

WHEREAS, many of those Round 3 settlements will result in development during the Round 4 period; and

WHEREAS, Round 4 is set to begin on July 1, 2025 and there is no comprehensive analysis on the impacts of the 354 Round 3 settlements and over-zoning described above; and

WHEREAS, indeed, the A4/S50 Bill fails to consider the impact from affordable housing projects that were approved during the Third Round, but are still not yet under construction, as said projects, as well as additional future projects, will impact legitimate public concerns like infrastructure, the environment, schools, traffic, parking and open space; and

WHEREAS, the Round 3 process destroyed the balance achieved by the Fair Housing Act in 1985; and
A-4/S-50

WHEREAS, on December 19, 2023, against the above backdrop, the Housing Committee of the Assembly (a) unveiled the Legislation (A-4) – a detailed 69-page bill that the Chairwoman of the Housing Committee announced had been worked on for a long time; and (b) scheduled the bill for a vote at a hearing scheduled less than 24 hours later; and

WHEREAS, on December 19, 2023, the Administrative Office of the Courts wrote to the Legislature and made clear that it could not structure the bill in the manner set forth in the proposed legislation; and

WHEREAS, notwithstanding the foregoing, on December 20, 2023, the Housing Committee voted the bill out of the Committee and announced that the bill needed to be ready for signing by the Governor before the end of the lame duck session on January 8, 2024; and

WHEREAS, the perception that the Legislature designed was to adopt the bill before the public had an opportunity to review it and provide meaningful comment was as real as it was unmistakable; and

WHEREAS, consequently, the Legislature did not ram the bill through in the lame duck session; and

WHEREAS, instead, on January 29, 2024, the Housing Committee of the Assembly met to consider a new version of A-4 and voted to release it out of the Committee; and

WHEREAS, on February 8, 2024, as a result of comments, letters and resolutions challenging this new version of A-4, the Appropriations Committee of the Assembly announced a number of changes to the Bill; and

WHEREAS, one witness likened the summary presented to the public at the February 8, 2024 Appropriations meeting to that of an auctioneer; and

WHEREAS, the Appropriations Committee voted the bill out of the Committee at its February 8, 2024 meeting before the public had an opportunity to even see the changes, much less process their significance and comment on them; and

WHEREAS, the bill has been improved marginally as it has evolved from its initial version in December of 2023 to the current version voted out of the Appropriations Committee of the Assembly on February 8, 2024; and

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WHEREAS, despite elimination of just some of the gross excesses of the prior version of the bill, the current bill released after the February 8, 2024 Appropriations Committee meeting is still severely flawed; and

WHEREAS, the Bill still creates a judicial entity made up of 3-7 retired Mount Laurel judges called “The Program”, which, unlike COAH, is not comprised of an equal number of municipal and housing representatives, and is not made up of an equal number of Republicans and Democrats, thereby depriving the citizens of our State of the carefully crafted COAH Board that included a diversity of interests and that was the centerpiece of the FHA adopted in 1985; and

WHEREAS, the Bill still does not require the promulgation of affordable housing obligations, or the adoption of substantive regulations, in a way that utilizes an open and transparent process that COAH used and that gave all interested parties an opportunity to comment and receive COAH’s response to their comments; and

WHEREAS, as detailed below, the bill creates a patently unreasonable responsibility on municipalities by imposing an obligation on them to create a realistic opportunity for satisfaction of a fair share that is itself unrealistic; and

WHEREAS, the current version still details the methodology to be used for determining the fair share numbers of municipalities in Round 4 and in subsequent rounds; and

WHEREAS, the current version still presumes that 40 percent of all new households will qualify as low or moderate; and

WHEREAS, the current version still calls for the determination of the prospective need by subtracting the number of households reported in the 2010 Decennial Census from the number of households reported in the 2020 Decennial Census and multiplying that figure by 40 percent; and

WHEREAS, we calculate the statewide need number to be 84,690 based upon the formula set forth in the bill; and

WHEREAS, the current version of the Bill calls for 84,690 to be adjusted by the number of conversions and demolitions; and

WHEREAS, the statewide fair share would be increased from 84,690 to 96,780, if we assume the same number of demolitions and conversions used by Judge Jacobson in her formula for Round 3 that will apply in Round 4; and

WHEREAS, we can estimate the obligation of each municipality if we assume that the same percentage of the regional need in Round 3 for each municipality applies in Round 4; and

WHEREAS, we have widely distributed our estimates and invited input after acknowledging that we have done the best we can to formulate estimates in very limited time; and

WHEREAS, other than an analysis of the allocation factors by an expert for the American Planning Association (Creigh Rahenkamp) who identified problems with the allocation factors, nobody has accepted our invitation to review and comment on our rough estimates; and

WHEREAS, to the contrary, the Executive Director of Fair Share Housing Center testified that he did not have a calculation of the fair share numbers; and

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WHEREAS, more importantly, no committee of the Assembly or Senate has identified the fair share obligations municipalities should expect based upon the formula set forth in the bill; and

WHEREAS, the 96,780 fair share number estimated for Round 4 compares to the roughly 211,000 COs issued between 2010 and 2020; and

WHEREAS, the 96,780 fair share number divided by 211,000 COs equals roughly 46 percent (45.867 percent to be more precise); and

WHEREAS, all municipalities should be able to cure any violations of the prohibition against exclusionary zoning with inclusionary zoning; and

WHEREAS, traditional inclusionary zoning ordinances generally require no more than 20 percent of the units to be affordable; and

WHEREAS, it is mathematically impossible to satisfy a 46 percent problem with a 20 percent solution and, therefore, the number generated by the statutory formula is patently excessive; and

WHEREAS, while this mathematical error conceptually may have existed at COAH, COAH utilized its discretion to reduce the statewide number to roughly 5,000 units per year in Rounds 1-2 (or lower for prospective need in its attempted regulations in 2014); and

WHEREAS, in addition, COAH's Round 2 regulations had flexible standards, Regional Contribution Agreements (RCAs), an achievable bonus structure, waivers and other flexible standards to further mitigate the problem; and

WHEREAS, had COAH not mitigated the problem, it is likely that the regulations would have been challenged by municipalities; and

WHEREAS, as detailed below, the Bill still fails to account for the enormous burdens on municipalities to comply with their Round 3 obligations before imposing very substantial additional burdens on those 354 municipalities for Round 4; and

WHEREAS, a representative of FSHC testified that it has entered into 354 settlements and that it would furnish those settlements to the Housing Committee, which it has failed to do; and

WHEREAS, we have pressed FSHC to advise how much development will take place in Round 4 as a result of municipalities implementing the 354 settlements reached in Round 3; and

WHEREAS, Adam Gordon on behalf of FSHC has indicated he doesn't know the answer to this question and no committee of the Assembly or Senate has even hinted at what the answer might be; and

WHEREAS, the Bill requires municipalities to create a realistic opportunity for satisfaction of a fair share without taking into account how many affordable units can realistically be achieved through traditional inclusionary zoning (where generally one out of every five units must be affordable); and

WHEREAS, we also sought to ascertain how many affordable units could be realistically achieved through traditional inclusionary zoning by urging the Legislature to do a market study since the strength of the housing

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market will determine the number of market units that can reasonably be anticipated that are essential to generating one affordable unit for every four market units constructed; and

WHEREAS, the Legislature has not furnished a market study in response to our repeated emphasis on the need for one to ascertain how many affordable units could be realistically achieved through traditional inclusionary zoning; and

WHEREAS, as explained below, the bill dilutes the protections to which a municipality is currently entitled as it seeks to comply voluntarily and even after it secures approval of its affordable housing plan; and

WHEREAS, current laws preserve a municipality's immunity in the absence of proof that the municipality is "determined to be constitutionally noncompliant", the proposed bill does not give municipalities seeking to comply voluntarily the same measure of protection the Supreme Court deemed appropriate; and

WHEREAS A4/S50 subjects municipalities to litigation not only as they seek approval of their Housing Element and Fair Share Plans, but also even after they secure approval of those plans; and

WHEREAS, more specifically, A4/S50 provides municipalities a "compliance certification" if the municipality secures approval of its affordable housing plan; however, that certification does not prevent an interested party from "alleging that, despite the issuance of compliance certification, a municipality's fair share obligation, fair share plan, housing element, or ordinances implementing the fair share plan or housing element are in violation of the Mount Laurel doctrine"; and

WHEREAS, the Bill suffers from a myriad of additional flaws; and

WHEREAS, under current laws, a municipality would have a right to rely on the fair share number that COAH provides; however, under the new bill a municipality would only have a presumption of validity that the number the DCA provides to the municipality is appropriate and FSHC, a deep pocketed developer or any other interested party could seek to overcome that presumption through litigation; and

WHEREAS, the A4/S50 Bill replaces a straightforward system by which a municipality could secure bonus credits up to a 25 percent cap with a highly complicated system for securing bonuses with many conditions attached to various forms of bonus.; and

WHEREAS, the Legislature previously capped the fair share of any municipality down to 1,000 in recognition that any obligation above 1,000 would be "onerous"; A4/S50 applies the 1,000-unit cap only to a component of the municipality's fair share -- the prospective need -- and authorizes the imposition of an obligation that is onerous; and

WHEREAS, the A4/S50 Bill creates unfair requirements and ambiguity when it comes to the Vacant Land Adjustment process, which could lead to municipalities that lack sufficient vacant land being required to produce more affordable housing units than is practical; and

WHEREAS, the A4/S50 Bill includes many other provisions and changes to the FHA that are impractical and devoid of any consideration of the burdens created by the statute; and

WHEREAS, as a result of the facts set forth above, a bill that boasts of its effectiveness in reducing costs and litigation will clearly have the exact opposite effect; and

WHEREAS, in addition to all the concerns expressed above, a bill that so radically changes the affordable housing laws of our state still needs considerable work; and

WHEREAS, indeed, as the following facts demonstrate, the Legislature has yet to do the most fundamental due diligence before enacting a statute with such broad ramifications;

1. The Legislature has not and cannot inform the public of the fair share obligations the bill, if enacted, would impose on the public;
2. The Legislature has not and cannot inform the public of the obligations that municipalities will satisfy in Round 4 from the 354 settlements achieved in Round 3 before heaping substantial additional burdens on them for Round 4;
3. The Legislature has not and cannot inform the public of the number of affordable units that can realistically be achieved through traditional inclusionary zoning while imposing obligations on municipalities to create a realistic opportunity for a fair share that far exceeds any number a municipality can realistically achieve through inclusionary zoning; and

WHEREAS, as a result of the pronounced lack of due diligence, the bill will likely force taxes to increase dramatically and will foster serious overdevelopment creating unreasonable burdens on our schools, public services, roads, sewer and water infrastructure; and

WHEREAS, the Legislature clearly can and should upgrade the affordable housing policies of our State; however, the current Version of A4 is not the answer and the most fundamental diligence can and should be exercised before adopting such a bill.

NOW, THEREFORE, BE IT RESOLVED, that for all of the above reasons, the Township Committee of the Township of Union, County of Hunterdon, State of New Jersey, objects to and opposes Assembly Bill No. 4/Senate Bill No. 50, and requests that the bill be tabled, re-written and re-introduced in way that imposes achievable obligations and facilitates the ability of the municipality to satisfy its obligations.

A certified copy of this resolution shall be sent to the Legislators in the State Assembly and Senate representing our District immediately.

This resolution shall be effective immediately.

Roll Call Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mrs. Cherney			x			
Mr. Wunder			x			
Mr. Stiger	x		x			
Mr. Lordi			x			
Dr. DeGiralamo		x	x			

Motion Carried

p. **Discussion** – position of the OEM Coordinator Matthew Papenfuhs

The discussion will be held in Executive Session as per Mr. Papenfuhs’s request.

14. REPORTS**a. Attorney's Report**

Atty. Sharpe reported that she is working, with Engineer Clerico, on the Stormwater Control Ordinance that must be effective on July 18, 2024. The Ordinance should be ready for introduction at the next TC meeting. All other items were covered in earlier discussions.

b. Mayor's Report

- Kal Freight, business located at 13 Frontage Rd. – they are one of the more egregious violators of the Township Code in terms of lighting, tree removal and late hour noise. They are in the process of applying to the Board of Adjustment for variances to become compliant, but the situation is untenable for the residents directly surrounding the business. Mayor stated that in this instance he is totally supportive of residents.
- Hoffman Park – expressed his thoughts on improvements that could be made to the park especially from the Baptist Church Road side. Would like to launch a Hoffman Park Initiative to glorify experience of the park.

c. Committee Reports

Mr. Wunder reported the following:

- Dog Registration and licensing - emphasized the importance of residents adhering to the State of NJ law mandating registering and annual licensing of dogs.
- "Neighborhood Watch" program - working with State Trooper Caemmerer on rules that would have to be followed. Mr. Wunder heard from some residents who are interested in launching the program.
- Recycling Center – closed during snow storm. Unless another storm is coming the center will reopen next weekend.

Mrs. Cherny reported the following:

- In absence of Rec. Committee Chairman Meisner provided the following report:
 - Youth Basketball and Adult Basketball are going well, and our 3rd - 8th grade teams will be playing in the North Hunterdon Basketball League playoffs in early March.
 - Registrations for Spring Soccer and Baseball are open now through March 10, with a late registration/waitlist period available, subject to a late fee, from March 11 – 17. No registrations after March 17th will be accepted. Additionally, we still need help running the Pre-K soccer program - if anyone is interested please reach out to Eric Meisner.
 - Registration for UTREC's Tennis and Volleyball programs will be open from March 1 - March 24, with a late/waitlist period, subject to a late fee, from March 25 - 31. Please register early if you're interested in participating!
 - Yoga in the Park will be back this Spring for adults and teens with 4 Tuesday sessions scheduled for May 14, 21 and June 4 and 11 at 6pm. Registration will open for this April 1st.
 - Golf registration will be later in the Spring, and Jr Lions Field Hockey will open June 1st.
 - As mentioned earlier related to our fee schedule update, UTREC is excited to announce a new program that we'll be piloting this spring: Jr Lions Fencing. Keep an eye out for more information on this soon.
 - Some notes from a Parks perspective:
 - We're working with Grace and the Roads crew to pull together estimates to replace the split rail fencing at the Finn Park F lot, and to add concrete parking blocks into that lot to better mark the spots.

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- The new playground equipment for Finn Park has been delivered and installation started this week. Everything is on track for the new playground to be installed by late March/early April, and we're discussing logistics for a ribbon cutting ceremony now for April.
- Related to grant opportunities, we're doing due diligence now for the 2024 Local Recreation Improvement Grant and Elizabethtown's Game On grant. For the LRIG, the focus is to procure these funds to improve the walking path at Finn Park.
- Last but not last...
 To stay up to date on the latest UTREC information, I encourage people to visit our website - www.UTRecreation.com. Or follow us on Facebook at Union Township Recreation – Hunterdon County. Interested in getting involved? Please email: UnionTwpRecChair@gmail.com for information, or come to our next meeting – Wednesday, March 13 at the Municipal Building at 7:30pm.
- Personnel – reviewing policy on background check and creating a shared application for all positions within the Township. Considering bringing back the position of a local Fire Inspector and possibly entering into shared services with another local municipality. Currently, the NJ State Office of Fire Marshall serves as our Fire Inspection Agency.

Mr. Lordi reported the following:

- Dog registration and licensing – it is an ongoing issue, since we do not have a process in place to find dogs residing in the Township, nor do we have a process to enforce dog owners to register and license their dogs. Mr. Lordi mentioned that the Committee, at some point, is considering conducting a dog census. CFO Brennan agreed. Including application with information package provided to new residents by “Welcome Wagon” Committee and placing one in the quarterly newsletter were suggested to inform residents.
- Survey received from Hunterdon County Aging and Disability Dept. – asked that the survey is posted on the municipal website. The Clerk will be posting the survey and blast emailing the post to residents.
- Holiday Tree in front of the Municipal Building – noticed that lights and decorations have not been removed. CFO Brennan suggested that Mr. Lordi contact Dept. of Roads and Facilities.
- Resolution #2024- confirming appointment of David A. Booth as a member of the Pattenburg Volunteer Fire Co. – Mr. Lordi requested to change his vote from “YES” to “NO”. The Clerk will reflect the change by amending the meeting minutes of January 3, 2024.

Mr. Stiger reported the following:

- Grand Fallons, a part of a Big Apple Circus group, brought their environmental show to both Township schools. Students, as well as parents, learned about why we should not litter and keep our water clean.
- Flood lights in front of Municipal Building should be adjusted to proper angles. Mr. Lordi will be contacting DR&F Foreman Fleming about the matter.
- Earth Day will be celebrated April 22nd this year. UT Environmental Commission will be doing the annual clean up on April 27th. Members will also be working on the logo for T-shirts and other non-monetary inducements to increase participation. Last year 4th grade students were asked to design a slogan or a logo for a t-shirt, but there was no interest in participation. This year the 4th grade students will be asked again. A winner will be awarded a prize of \$50.00.
- Bloomsbury Bridge – finally reopened with one lane traffic, as prior to reconstruction.
- I-78/22 Corridor Committee – meeting this Friday at 53 Frontage Road (former Foster Wheeler building) in the first leased office under the new owner/management company.

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Kara Cherney asked about Edna Mahon Facility and the upcoming meeting next week. Mr. Stiger said he would inquire about it at the I-78/22 Corridor Committee meeting. Mrs. Cherney advised that the meeting is scheduled for March 1st at 10:30 am via zoom and will be hosted by the NJ Dept. of Corrections.

Mayor DeGiralamo stated that Finn Fest is scheduled for Sunday, May 5th. Briefly discussed. 2nd graders will be again this year attending a future TC meeting as mini mayors proposing various projects for the community.

- d. **Finance Officer** – all items discussed
- e. **Recreation Committee** – provided earlier by Mrs. Cherny

14. PUBLIC COMMENTS –

Mike Sadosky, resident, asked if QuickChek had drilled its own well or is water provided by the Town of Clinton. Mr. Stiger answered that water is provided by the Town of Clinton.

Frank Mazza, resident, stated that last year the natural gas line was extended to the municipal property. He asked if there are plans to replace some of the old equipment. The Township has a year to connect to the line.

15. EXECUTIVE SESSION –

Resolution #2024-43

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. Potential litigation, Kal Freight/15 Frontage Road
2. Matters falling within the attorney-client privilege.
3. Matter Relating to the Employment Relationship

The matters 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.

BE IT FURTHER RESOLVED by the Township Committee of the Township of Union assembled in public session on February 21, 2024 at 9:29 p.m. in the Union Township Municipal Building, 140 Perryville Road, Hampton, New Jersey, for the discussion of matters relating to the specific items designated above.

Att. Sharpe noted that Contract Negotiations will be added to discussion in Executive Session.

Motion to go into Executive Session

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Roll Call Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mrs. Cherney			x			
Mr. Wunder			x			
Mr. Stiger	x		x			
Mr. Lordi			x			
Dr. DeGiralamo		x	x			

Motion Carried

Motion to come out of Executive Session at 10:49 pm

Roll Call Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mrs. Cherney	x		x			
Mr. Wunder			x			
Mr. Stiger			x			
Mr. Lordi			x			
Dr. DeGiralamo		x	x			

Motion Carried

The following action was taken by the Committee following the Executive Session:

To table resolution approving 2024 Professional Services Contract for Special Appeal Counsel Martin Allen, Esq.

Roll Call Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mrs. Cherney			x			
Mr. Wunder			x			
Mr. Stiger	x		x			
Mr. Lordi			x			
Dr. DeGiralamo		x	x			

Motion Carried

To approve Resolution #2024 – 44: Approving 2024 Professional Services Contract – Labor Atty. - Matthew Giacobbe, Esq.

**RESOLUTION #2024-44
UNION TOWNSHIP; HUNTERDON COUNTY**

**RESOLUTION AUTHORIZING CONTRACT FOR LEGAL SERVICES 2024
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

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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 **2024** at the hourly rate of \$175.00. 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 **2024** adopted municipal budget.
4. A Notice of this action shall be printed once in the official newspaper of this municipality.

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 **2024** Temporary/Adopted Budget to award a contract to Matthew J. Giacobbe, Esq., as appropriated under the line item "Legal".

Date: _____
Grace M. Brennan, CFO

Roll Call Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mrs. Cherney			x			
Mr. Wunder		x	x			
Mr. Stiger	x		x			
Mr. Lordi			x			
Dr. DeGiralamo			x			

Motion Carried

To appoint Grace Brennan as the Emergency Management Coordinator

RESOLUTION #2024-45

UNION TOWNSHIP, HUNTERDON COUNTY

APPOINTMENT – EMERGENCY MANAGEMENT COORDINATOR

WHEREAS, the Township of Union is currently in need of an Emergency Management Coordinator; and

WHEREAS, Grace Brennan is hereby appointed to serve as the OEM Coordinator for the unexpired term ending December 31, 2025;

NOW, THEREFORE BE IT RESOLVED by the Township Committee of the Township of Union to appoint Grace Brennan to the position of Emergency Management Coordinator for the unexpired term ending December 31, 2025.

Roll Call Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mrs. Cherney		x	x			
Mr. Wunder			x			
Mr. Stiger			x			
Mr. Lordi			x			
Dr. DeGiralamo	x		x			

Motion Carried

16. 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 10:52 p.m. Mr. Wunder seconded the motion. Motion carried by unanimous favorable roll call vote.

Transcribed by: Ella M. Ruta, Municipal Clerk

David DeGiralamo, Mayor