

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

<https://zoom.us/j/99178875727?pwd=ZHpIbnFvcUkzMmxYZzcrNGJmMElSZz09>

Topic: Township Committee/Board of Health
Time: July 15, 2020 07:00 PM Eastern Time (US and Canada)

Meeting ID: 991 7887 5727
Password: 065510
One tap mobile
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1. CALL TO ORDER

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

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

3. ROLL CALL

	Present	Absent
Mr. Severino	x	
Mr. Mazza	x	
Mr. Hirt	x	
Mr. Stiger	x	
Mr. Stothoff	x	

Also present, Trishka W. Cecil, Attorney, Robert Clerico, Township Engineer, Grace Brennan, CFO, Marc Strauss, Public Safety Director and Ella M. Ruta, Municipal Clerk.

4. APPROVAL OF PRIOR MEETING MINUTES

a. Regular and Executive Session Meeting Minutes of June 17, 2020

Mr. Stiger asked that Executive Session minutes be amended. Amendment will be made in Executive Session portion of the meeting.

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

Motion carried

5. VISITORS – no visitors scheduled

At this time, Trooper Sanderson gave a brief overview of a few incidents in the Township. He highlighted the problem with credit card fraud. He said the case of extensive littering on Route 579 that he was managing has been solved and an arrest was made.

Mayor Mazza said he was contacted by the resident who lives on Main Street in Pattenburg complaining about firearm discharge for a couple of hours at time on Route 614. Mayor Mazza said Mr. Hirt would provide additional information, as he was involved in resolving the same complaint last year.

6. REPORTS RECEIVED – Acknowledged and briefly discussed

a. Road Dept.- Week Ending; 6/19/2020; 6/26/20; 7/02/20

Mr. Hirt informed the Committee that a very large branch is hanging from a tree in the right of way on Baptist Church Road. He said it is creating unsafe conditions for the property owner and should be removed immediately. He said he already contacted the Road Dept., however, the tree was still there today. Mayor Mazza will be contacting the Road Crew regarding this matter.

Mr. Stothoff noted that a post hole digger was rented for \$340.00 for one day to install two posts by the basketball court at Finn Road Park. He suggested that, perhaps in the future, it could be done manually without renting equipment.

- b. Municipal Court – June 2020
- c. Animal Control Officer – June 2020
- d. Public Safety Director – gave a brief overview of a written report submitted this afternoon

Mr. Hirt stated that PVFC Fire Chief Van Fossen resigned from his position on July 10, 2020. Mr. Strauss reported that Deputy Chief Narbone is the acting Fire Chief until a special election in August.

e. Engineer’s Report

- Updated the Committee on status of contracts for Chip Seal Program and Brass Castle Road Improvement Project.

7. CORRESPONDENCE/WRITTEN COMMUNICATIONS

8. **PUBLIC COMMENTS** – no comments

9. **PUBLIC HEARING** – 2nd Reading

10. **OLD BUSINESS**

11. **NEW ORDINANCES** - 1st Reading

12. **NEW BUSINESS**

CONSENT AGENDA: All matters listed under the Consent Agenda are considered to be routine by the Township Committee and will be enacted by one motion in the form listed below. There will be no separate discussion of these items. If discussion is desired, that item will be removed from the consent Agenda and will be considered separate.

a. **RESOLUTION #2020-73**: Certification of 2019 Annual Audit

RESOLUTION #2020 – 73

TOWNSHIP OF UNION, HUNTERDON COUNTY

GOVERNING BODY CERTIFICATION OF THE ANNUAL AUDIT

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

WHEREAS, the Annual Report of Audit for the year **2019** has been filed by a Registered Municipal Accountant with the Municipal Clerk pursuant to N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body; and

WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled “Comments and Recommendations”, and

WHEREAS, the members of the governing body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled “Comments and Recommendations”, as evidenced by the group affidavit form of the governing body attached hereto; and

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board, and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52, to wit:

R.S. 52:27BB-52: A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

NOW, THEREFORE BE IT RESOLVED, that the Township Committee of the Township of Union, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

- b. **RESOLUTION #2020-74**: Cancelling Funded Appropriation Balances Under Certain Ordinances Adopted by the Township Committee of the Township of Union for Various Improvement Projects in the Total Amount of \$12,006.99

RESOLUTION #2020-74

RESOLUTION CANCELLING FUNDED APPROPRIATION BALANCES UNDER CERTAIN ORDINANCES ADOPTED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UNION FOR VARIOUS IMPROVEMENT PROJECTS IN THE TOTAL AMOUNT OF \$12,006.99

WHEREAS, the Township Committee of the Township of Union, in the County of Hunterdon, New Jersey previously adopted Capital Ordinances for the purpose of funding various capital projects and improvements of the Township,

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

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

Ordinance No.	Amount to be Cancelled
2014 – 7	\$ 3,820.29
2018 - 5	\$ 4,977.12
2018 – 6	\$ 395.00
2018 – 8	\$ 2,814.58

NOW, THEREFORE, BE IT RESOLVED that the balance amounts associated with the Capital Projects listed above are hereby cancelled to The Capital Improvement Fund.

- c. **RESOLUTION #2020-75**: Awarding Contract for Road Resurfacing Project – Base Bid and Alternate Bid for Brass Castle Estates

RESOLUTION #2020-75

WHEREAS, Union Township advertised, and subsequently received bids for the Road Resurfacing Project – Brass Castle Estates on Tuesday, June 16, 2020 as outlined on the attached bid summary and;

WHEREAS, a BASE BID was requested for Section 1 & Section 2 of the project along with an ALTERNATE BID for just Section 1 and;

WHEREAS, eight (8) bids were received as follows:

<u>CONTRACTOR</u>	<u>BASE BIDS SECTIONS 1 & 2</u>	<u>ALTERNATE BID SECTION 1</u>
South State Inc.	\$370,250.00	\$302,850.00
Fischer Contracting	\$372,925.50	\$290,180.00
DeSantis Construction	\$376,312.00	\$301,678.00
Capital Paving & Contracting	\$422,594.00	\$337,675.00
Top Line Construction	\$437,394.88	\$363,247.77
Black Rock Enterprises	\$454,715.00	\$362,915.00
Tilcon New York Inc.	\$474,848.00	\$382,303.00

WHEREAS, the Township Engineer, Robert J. Clerico PE, has reviewed the submitted bids and determined that the lowest BASE BID was submitted by South State Inc. in the amount of \$370,250.00 for Brass Castle Estates Sections 1 & 2 and the lowest ALTERNATE BID was submitted by Fischer Contracting in the amount of \$290,180.00 for Brass Castle Estates Section 1 and ;

WHEREAS, the bid documents submitted by the low bidders for both the BASE BID and ALTERNATE BID were reviewed by the Township Attorney Trishka W. Cecil and found to be in order and;

WHEREAS the Township of Union, has sufficient funds to award a contract for the BASE BID:

NOW THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Union that the BASE BID Contract for the Road Resurfacing Project – Brass Castle Estates Sections 1 & 2 be is hereby awarded to South State Inc., PO Box 68, Bridgeton, NJ 08302 for their bid in the amount of \$370,250.00 subject to the following conditions:

1. The Contract is awarded as a unit price bid Contract and final payment will be based upon the actual quantities installed at the unit prices bid, as outlined in the Plans and Specifications prepared by Robert J. Clerico, P.E.

- d. **RESOLUTION #2020-76:** Authorization to Purchase 72” Zero Turn Mower from Powerco, Inc.

RESOLUTION 2020 – 76

**2020 AUTHORIZATION TO PURCHASE 72” ZERO TURN MOWER
POWERCO, INC.
12 ROUTE 173 WEST
CLINTON, NJ 08809**

WHEREAS, the Township Committee of the Township of Union along with the Foreman of the Department of Roads and Facilities, have determined that there is the need to purchase a 72” Zero Turn Mower, and

WHEREAS, this item will be purchased through the Hunterdon County Educational Services Commission Cooperative Purchasing Program, Bid #HSESC – CAT/Ser-19-03, so no bidding is required; and

WHEREAS, there is appropriated in ordinance 2020-5, sufficient funds for this purchase; and

WHEREAS, this contract shall not exceed \$18,000.00

NOW, THEREFORE BE IT RESOLVED, that the Township Committee of the Township of Union hereby authorizes the CFO to issue the purchase order for the purchase of this equipment through the HSESC and Powerco, Inc.

- e. **RESOLUTION #2020-77**: 2020 Chip Seal program Authorization – Asphalt Paving Systems, Inc.

RESOLUTION 2020 – 77

2020 CHIP SEAL PROGRAM AUTHORIZATION

ASPHALT PAVING SYSTEMS, INC.

WHEREAS, the Township Committee of the Township of Union along with the Foreman of the Department of Roads and Facilities and the Township Engineer, have determined that there is the need to Chip Seal various roads within the Township, and

WHEREAS, this item will be purchased through the State of New Jersey, Division of Purchase and Property Blanket Order Number 19-GNSV2-00862, item number 8, titled Asphaltic Oil and Aggregate Surface Treatment, so no bidding is required; and

WHEREAS, there is appropriated in ordinance 2020-5, sufficient funds for this purchase; and

WHEREAS, this contract shall not exceed \$50,000.00

NOW, THEREFORE BE IT RESOLVED, that the Township Committee of the Township of Union hereby authorizes the CFO to issue the purchase order for the 2020 Chip Seal program to Asphalt Paving Systems, Inc.

- f. **RESOLUTION #2020-78**: Authorization for an Electronic Tax Sale

RESOLUTION #2020 - 78

TOWNSHIP OF UNION, HUNTERDON COUNTY

WHEREAS, NJSA 54:5-19.1 authorizes electronic tax sales pursuant to rules and regulations to be promulgated by the Director of the Division of Government Services, and

WHEREAS, an electronic tax sale is innovative and provides a greater pool of potential lien buyers, thus creating the environment for a more complete tax sale process, and

WHEREAS, the Tax Collector has only been able to obtain one company that is conducting Electronic Tax Sales in New Jersey that follow the rules and regulations of the Division of Government Services,

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Union, Hunterdon County, State of New Jersey, that the Tax Collector is hereby authorized to contract with RealAuction.com to complete an electronic tax sale for the 2019 outstanding delinquencies.

- g. **RESOLUTION #2020-79**: Amended Professional Services Contract – Special Counsel Martin Allen, Esq.- Tax Appeal

RESOLUTION #2020-79

UNION TOWNSHIP; HUNTERDON COUNTY

**AUTHORIZING CONTRACT FOR LEGAL SERVICES 2020 - Amended
Martin Allen, Esq. Special Outside Legal Counsel – Tax Appeal**

MINUTES OF REGULAR MEETING July 15, 2020

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

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

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

WHEREAS, the Attorney is hereby retained by the Contracting Unit to represent the Contracting Unit in relation to defense of the tax appeals in the Tax Court of New Jersey; and

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

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

WHEREAS, this contract shall cover the period from January 1, 2020 to December 31, 2020.

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

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

- a. The Mayor and Clerk are hereby authorized and directed to execute the attached agreement with MARTIN ALLEN, ESQ. of DiFRANCESCO, BATEMAN, KUNZMAN, DAVIS, LEHRER & FLAUM, P.C. Attorneys at Law of the State of New Jersey
 1. For the services, set forth in paragraph 1 above, the consideration shall be at the following hourly rates: \$200.00 per hour for services of any Partner Attorney of the Attorney; and \$200.00 per hour for any Associate Attorney of the Attorney. The agreement is for a not to exceed amount of \$10,000. Any exceedance of that limit will require the issuance of a change order.
 2. The consideration for services shall be paid as vouchers as submitted and approved by the Contracting Unit. The Attorney will be reimbursed for out-of-pocket expenses as incurred.
- b. This contract is awarded without competitive bidding as a "Professional Service" in accordance with 40A:11-5(1)(a) of the Local Public Contracts Law because Martin Allen, Esq. is an attorney at Law of the State of NJ in good standing and is a person authorized to practice a recognized profession.
- c. Approval of the attached contract is subject to availability and appropriation of sufficient funds as may be required in the **2020** temporary and permanent adopted municipal budgets.
4. A Notice of this action shall be printed once in the official newspaper of this municipality.

Date: July 15, 2020

CERTIFICATION AS TO AVAILABILITY OF FUNDS

MINUTES OF REGULAR MEETING July 15, 2020

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 **2020** Temporary/Adopted Budget to award a contract to Martin Allen, Esq., as appropriated under the line item "Legal".

Date: _____

 Grace M. Brennan, CFO

- h. **Payment of Bills** - The approved lists of bills and all claims against the Township of Union in the amount of \$2,749,714.54 as appearing in the Claims Register of this date paid and that all checks listed hereinafter issued in payment thereof.

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

Motion Carried

End of Consent Agenda

- i. **Discussion** – Lisa Pfenninger/Mark Mason – Workers’ Compensation for Paid Members of Pattenburg Volunteer Rescue Squad

CFO Brennan stated that after research by our Risk Management Consultant, Lisa Pfenninger and discussion with Pattenburg EMS, it would approximately a \$7,000 savings for the Rescue Squad if their paid members were insured through the Township. She added that the Township already covers EMS volunteers. Ms. Pfenninger advised that if the Township decides to cover Pattenburg EMS under the Township Policy, they would have to adhere to the insurance policies such as, attendance and participate in a required safety training.

CFO Brennan asked that the following motion be approved:

To prepare a resolution to include Paid Members of Pattenburg Volunteer Rescue Squad in the Worker’s Compensation Insurance under the Township Policy for approval at the August 19, 2020 meeting of the Committee.

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

Motion Carried

13. REPORTS

a. **Attorney’s Report**

- Comcast Franchise Renewal Application – Public Hearing will be scheduled for September TC meeting.
- Matters for Executive Session

- Will be working on updating both General and Land Use Ordinances as per discussion with Planning Board Chairman Ford and Deputy Mayor Stothoff.
- Will be working with Engineer Clerico on revising Ordinance regulating stormwater discharge in accordance with new NJ Dept. of Environmental Protection rules.

b. Committee Report

Mr. Stothoff reported the following:

- Spoke with Corey McCormack, Recreation Committee Chairman and Jens Duerr, Recreation Committee member about proceeding with fall recreation programs supported by the Township. Mr. Stothoff gave a summary of preparations by the Recreation Committee in anticipation, the Committee agreed to permit fall recreation programs. Asked if the Committee has any reservation or concerns or any suggestions as to the best way of handling it. The detailed plan would be distributed to the Committee and Township Attorney for review with regard to compliance with COVID-19 State and CDC Guidelines.

Mr. Severino reported the following:

- There is an immediate need for Recycling Attendants. The Committee agreed to contact Mr. Ford to take the message to Boy Scouts and Jeff Bender, Regional High School District Superintendent. Pay rate for position of Recycling Attendant was discussed and agreed at \$13.00 per hour.
- A water tanker truck was parked by Pilot for several days preventing trucks from turning around. The vehicle was removed the same day after the owner was contacted to remove it. Company that owns it was contacted.
- Will be contacting State Trooper Sanderson regarding a flatbed trailer parked at times on I-78 off ramp before exit 15.

Mr. Stiger reported the following:

- Collection rate at the end of June 2019 was 98.96%, this year is 98.40%
- Noticed that fascia board on the front of Municipal Building has rotted. Mayor Mazza asked Mr. Hirt to contact Mr. Gyuro about making necessary repairs.
- Environmental Commission scheduled Well Water testing for August 5, 2020. Pick up and drop off will be set up in the front parking lot of the Municipal Building.
- There are three portable toilets at the Finn Road Park. One had been vandalized recently. In speaking with Mr. Mazza they agreed that if it happens again, one will be removed permanently.
- Mr. Stothoff mentioned that the lawn around the Municipal Building needs mowing.

c. Mayor's Report

- Mayor Mazza stated that he will be away and not be able to participate in the August 19, 2020 Committee meeting.
- Had a brief discussion with CFO Brennan about taxes, school and municipal. She said that unfortunately the municipal tax rate went up 8 cents. Regional High School District accounts for 4 cents, Local Schools 3 cents and Municipal 1.2 cents. Mrs. Brennan also mentioned that Annual Tax Bills will be mailed tomorrow; therefore, the grace period will not be extended.
 - **Mayoral Appointment** – Mayor Mazza appointed John Belden as Alternate II Member to the Planning Bd./Bd. of Adjustment

14. PUBLIC COMMENTS

- Mark Mason, Pattenburg Rescue Squad Chief, announced that CPR training would resume at the EMS building for anyone who needs to be recertified by August 31st.

15. EXECUTIVE SESSION – 8:03 p.m.

RESOLUTION #2020 - 80

WHEREAS, the Open Public Meetings Act, N.J.S.A. 10:4-12, provides that an Executive Session, not open to the public, may be held for certain specified purposes when authorized by resolution;

NOW THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Union will convene in an Executive Session that will be limited only to consideration of items with respect to which the public may be excluded pursuant to N.J.S.A. 10:4-12b. The general nature of the subject or subjects to be discussed in this session is as follows:

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

- a. 52 Cook’s Cross Road zoning violations.
- b. Pattenburg Fire Company.

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

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

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

Motion Carried

The Committee returned to regular meeting session at 9:10 p.m.

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

Motion Carried

The following vote is to approve June 17, 2020 Executive Session Minutes as submitted.

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

MINUTES OF REGULAR MEETING July 15, 2020

Mr. Stiger	x		x			
Mr. Stothoff		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 9:10 p.m. Mr. Hirt seconded the motion. Motion carried by unanimous favorable roll call vote.

Transcribed by: Ella M. Ruta, Municipal Clerk

Frank Mazza, Mayor