

MINUTES OF REGULAR MEETING August 18, 2021

1. CALL TO ORDER

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

- a. **"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.

2. FLAG SALUTE

3. ROLL CALL

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

Also, present J. Peter Jost, Special Counsel; Robert Clerico, Engineer; Grace Brennan, CFO and Ella M. Ruta, Municipal Clerk.

6. APPROVAL OF PRIOR MEETING MINUTES

- a. Regular and Executive Session Meeting Minutes of June 16, 2021 and July 21, 2021

Deputy Mayor Stothoff asked that the minutes be approved separately.

Approval of June 16, 2021 Regular and Executive Session Minutes

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

Approval of July 21, 2021 Regular and Executive Session Minutes

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

7. VISITORS – Carol Bianchi – JCP&L Representative

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Deputy Mayor Stothoff stated that due to COVID-19 Policy at JCP&L Ms. Bianchi could not attend tonight's meeting, but she will be invited to a future meeting.

8. REPORTS RECEIVED – Acknowledged and briefly discussed

- a. Road Dept.- Week Ending; 7/16/21; 7/23/21; 7/30/21; 8/06/21
- b. Zoning Officer – July 2021
- c. Animal Control Officer – July 2021
- d. Municipal Court – July 2021
- e. Public Safety Director – reports stands as submitted.

Mr. Strauss stated that he and Mr. Stiger met with President Harding and Chief Narbonne from Pattenburg Volunteer Fire Company at the PVFC Firehouse to discuss the 2016 Ordinance pertaining to PVFC operations and compliance thereof. He said it was a beneficial meeting for both sides with an agreement that PVFC would make compliance with the 2016 Township Ordinance a priority. Mr. Strauss advised the Committee that another meeting will be scheduled in the fall.

f. Engineer's Report

- Gave a brief overview of progress on Baptist Church Rd. Section 1 Project.
- Plans are completed for Baptist Church Rd. Section 2A Road Improvement Project. Waiting to hear back from the contractor (South State Inc.) as to the schedule to start the project.
- Plans for Baptist Church Section 2B Road Improvement Project will soon be filed with NJDOT for approval. Will publish request for Bid proposals after receiving a notice of approval from NJ DOT. The contract has to be awarded by November 21, 2021.
- Micro surfacing Project at Wellington West was finished today.
- Fallone Development progressing according to schedule. They will be submitting Final Plat Maps for signature and recording.

Mr. Stothoff asked that the Township Schools be notified of the Baptist Church Road Project schedule. Engineer Clerico said that he would notice both schools.

Mr. Hirt requested that "Detour" signs be removed from Baptist Church Road and replaced with signs stating "No Heavy Trucks Permitted" be posted. Briefly discussed.

Mr. Stothoff asked if it was reported to the State. Mr. Hirt said that it was.

8. CORRESPONDENCE/WRITTEN COMMUNICATIONS

Mr. Stothoff mentioned the following correspondence:

- Said that most are Notices of Public Hearings of various companies.
- FYI Notice of Transformer Spill at Country Arch Care Center from NJ DEP.

Mr. Stiger mentioned the following correspondence:

- Communicated with Marc Saluk from the Office of Hunterdon County Economic Development. Mr. Stiger said they discussed a new Agro Tourism program started by the State called Tourist Oriented Directional Signing. The program will allow for signage on County Roads. Signs on County Roads in the Township conforming to NJ DOT regulations would be allowed for agricultural businesses located outside of Union

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Township. Sign permits would have to be obtained from the UT Zoning Officer. The signage company would have to provide a signed agreement with individual land owners to place signs.

9. PUBLIC COMMENTS

Millie Conte, Lisa Lane resident, asked about making and placing bigger and more visible signs for Trailer Truck drivers at the intersection of Baptist Church and Frontage Roads that was discussed at a prior meeting. Engineer Clerico said he believes the UT Dept. of Roads & Facilities will be making and installing those signs.

10. PUBLIC HEARING**11. UNFINISHED BUSINESS****12. NEW ORDINANCES - 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 18th Day of August, 2021 at 7:00 PM. 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 15th day of September, 2021 7:00 p.m., or as soon thereafter as the matter may be reached, at the Union Township Municipal Building, 140 Perryville Rd., Jutland, NJ at which time all interested parties will be heard. The Ordinance is also posted on the Township's website for viewing at: <https://uniontwp-hcnj.gov> (Quick Links/Ordinances)

ORDINANCE 2021 – 9**AN ORDINANCE AUTHORIZING A SPECIAL EMERGENCY APPROPRIATION OF \$200,000.00 FOR THE PREPARATION AND EXECUTION OF A COMPLETE PROGRAM OF REVALUATION OF REAL PROPERTY FOR USE OF THE TAX ASSESSOR OF THE TOWNSHIP OF UNION, IN THE COUNTY OF HUNTERDON, STATE OF NEW JERSEY**

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

Section 1. The Township of Union shall undertake the preparation and execution of a complete revaluation of real property in the Township for use by the Township Tax Assessor pursuant to N.J.S.A. 40A:4-53 (b).

Section 2. The sum of \$200,000.00 is hereby appropriated as a special emergency appropriation to carry out the purpose described in Section 1.

Section 3. Said emergency appropriation shall be provided for in full in the budgets of the next succeeding years by the inclusion of not less one-fifth of the total amount (\$40,000) in each of the next succeeding annual budgets pursuant to N.J.S.A. 40A:4-55.

Section 4. The Township's Chief Financial Officer is hereby authorized to finance such emergency appropriation from surplus funds available.

Section 5. In accordance with the requirements of N.J.S.A. 40A:4-53 (b) two copies of this ordinance as finally adopted shall be filed with the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey.

Section 6. This ordinance shall take effect after publication after final adoption, as provided by law. I hereby certify the foregoing to be a true copy of an ordinance introduced by the Township Committee of the Township of Union, Hunterdon County, New Jersey at a regular meeting held on August 18, 2021.

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Ella M. Ruta, Municipal Clerk

First Reading: August 18, 2021
 Publication/Full: August 26, 2021
 Second Reading: September 15, 2021
 Publication/Title: September 23, 2021

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

13. NEW BUSINESS

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

- a. **RESOLUTION #2021-89**: Refunding Redemption to Lienholder – Tax Sale Certificate #2015-001

RESOLUTION #2021-89

**TOWNSHIP OF UNION, HUNTERDON COUNTY
 RESOLUTION TO REFUND REDEMPTION TO LIENHOLDER**

WHEREAS, Tax Sale Certificate #2015-001 was issued to Ridgeback Ventures LLC, in the amount of \$892.94 on October 16, 2015; and

WHEREAS, the lien was redeemed on July 28, 2021, in the amount of \$10,407.80 in accordance with provisions of NJSA 54:5-60 et seq.; and

NOW, THEREFORE, BE IT RESOLVED, on this 18th day of August, 2021, by the Township Committee of the Township of Union, Hunterdon County, State of New Jersey, as follows:

- a. The Treasurer issue a check in the amount of \$10,407.80 payable to Ridgeback Ventures, LLC, PO Box 503, Mount Freedom, NJ 07970
- b. That this resolution shall take effect immediately upon adoption.

- b. **RESOLUTION #2021-90**: Authorizing Tax Collector to Cancel Property Taxes for Bl. 22, Lot 20.02

RESOLUTION # 2021-90

**TOWNSHIP OF UNION, HUNTERDON COUNTY
 RESOLUTION TO AUTHORIZE THE TAX COLLECTOR TO CANCEL PROPERTY TAXES FOR
 BLOCK 22 LOT 20.02 PURSUANT TO 100% DISABLED VETERAN EXEMPTION**

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WHEREAS, pursuant to N.J.S.A. 54:4-3.00(a) the dwelling house and cartilage owned by a citizen or resident of New Jersey who is a veteran and has a total or 100% permanent disability as defined therein may be exempt from property tax; and

WHEREAS, Bradley Lattig is a resident and citizen of New Jersey who served in active war time and was honorably discharged from the U.S. Armed Forces was declared by the U.S. Department of Veterans Affairs to have a wartime service-connected disability that has caused him to be totally and one hundred percent permanently disabled; and

WHEREAS, Bradley Lattig owns legal title to the entire dwelling house and cartilage on the property identified as Block 22 Lot 20.02, which is his principal place of residence; and

WHEREAS, Bradley Lattig filed an application and the Tax Assessor approved the exemption effective March 9, 2021 based on the application and information provided; and

WHEREAS, Colleen Dolan, Tax Collector advises that the prorated amount of 2021 taxes in the amount of \$7,621.27 need to be cancelled; and

WHEREAS, payments totaling \$4,576.85 have been received by the Tax Collector; and

WHEREAS, the disabled veteran should be refunded a total of \$2,863.34 which represents an overpayment of property taxes paid in 2021; and

WHEREAS, on July 21, 2021 the amount of \$584.82 was refunded

NOW, THEREFORE BE IT RESOLVED by the Township Committee of the Township of Union, County of Hunterdon, State of New Jersey that remaining taxes in tax year 2021 for Block 22 Lot 20.02 be cancelled and an additional refund be given in the amount of \$2,278.52 and the records of the Tax Collector be adjusted to reflect the exempt status of this property.

BE IT FURTHER RESOLVED that a certified copy of this Resolution is provided to the Tax Collector, Tax Assessor and Chief Financial Officer.

- c. **RESOLUTION #2021-91**: Awarding a Contract in Excess of \$17,500, pursuant to a Co-Op Purchasing Agreement and N.J.A.C. 5:34-7.11 for Rock Salt

RESOLUTION #2021-91

Resolution to award a contract in excess of \$17,500, pursuant to a Cooperative Purchasing Agreement and N.J.A.C. 5:34-7.11 for rock salt.

WHEREAS, The Township of Union is a member of Cooperative Pricing Unit, and;

WHEREAS, the Board of Hunterdon County Commissioners has awarded a Master Contract to Morton Salt Inc. (Rock Salt) to provide rock salt for the County and members of the Cooperative Pricing System for Snow and Ice Control Materials Bid No. 2020-12 for the 2021-2022 season, said contract period being from September 19, 2021 to September 18, 2022; and

WHEREAS, the price (Rock Salt) agreed upon by contract is \$48.51 per ton; and

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WHEREAS, pursuant to N.J.A.C. 5:34-7.11, the Township of Union desires to authorize the award of a contract which exceeds the bid threshold (\$17,500 / QPA \$44,000) under the master contract awarded by the County, as a member participant.

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

1. The Township hereby authorizes its purchasing agent to purchase rock salt pursuant to the master contract awarded by the Board of County Commissioners to Morton Salt referenced above, and each such purchase order shall bear the identification code of 51-HCCPS, and said identification number shall be shown on all forms pertaining thereto.
 2. This resolution shall become effective immediately.
- d. **RESOLUTION #2021-92**: Approving a Fireworks Display at the Farmhouse at the Grand Colonial on 8/28/2021

RESOLUTION # 2021- 92

**THE TOWNSHIP OF UNION, COUNTY OF HUNTERDON, STATE OF NEW JERSEY TO
APPROVE A FIREWORKS DISPLAY AT THE FARMHOUSE AT THE GRAND COLONIAL
WEDDING CEREMONY ON AUGUST 28, 2021**

WHEREAS, the Farm House at the Grand Colonial will host a wedding party on Saturday, August 28, 2021; and

WHEREAS, the couple wishes to present a fireworks display at the ceremony; and

WHEREAS, Fireworks by Starfire was hired to do the fireworks display; and

Whereas, Fireworks by Starfire has complied with the requirements of the State of New Jersey for said fireworks display, and

WHEREAS, Fireworks by Starfire will provide the following:

- Confirmation that the Pattenburg Volunteer Fire Department has agreed to provide standby fire watch at this event pursuant to the State's requirements,
- A Certificate of Insurance naming Union Township as an additional insured
- That a waiver of liability from the owner of any structure found by the Fire Marshall to be located within the display and falloutzone.

BE IT RESOLVED, that approval is given by the Mayor and the Township Committee of Union Township for the display of fireworks on Saturday, August 28, 2021 to be held at the Farm House at the Grand Colonial.

BE IT FURTHER RESOLVED, that approval is subject to all required permits and insurance.

- e. **RESOLUTION #2021-93**: Re: Perryville Estates, Block 21.02 Lot 32

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Resolution 2021-93**Re: Perryville Estates, Block 21.02, Lot 32**

WHEREAS, Perryville Estates LLC ("developer") entered into a performance guarantee agreement dated July 7, 1999 regarding the property known as Caccavelli major subdivision, a.k.a. Perryville Estates, Block 21.02, Lot 32, Route 625 ("development"), which agreement required the developer to construct and install all specified subdivision and site improvements of the development on or before July 1, 2001; and

WHEREAS, the Second Amendment to performance guarantee agreement dated May 8, 2002 provided that the date of construction, completion and installation of all subdivision and site improvements was extended to May 1, 2004; and

WHEREAS, by Resolution Number 2005-93 adopted November 2, 2005, the Township Committee declared the developer and its principals to be in default of their obligations to complete all subdivision nine site improvements as set forth in the performance guarantee agreement and performance bond and, inter alia, requested the Union Township construction official to revoke any and all construction permits in said development and to conduct no further inspections and issue no permits or certificates of occupancy unless and until all of the above defaults have been cured by the developer; and the zoning officer was requested to notify the developer that any and all outstanding local clearances issued for building permits and/or certificates of occupancy are hereby revoked, effective immediately on account of said default; and following the adoption of the above resolution, Township officials issued a number of stop work orders for properties under construction in the development; and

WHEREAS, on December 7, 2005 the Township Committee adopted Resolution 2005-100 stating that the developer had made a good faith effort and substantial progress in curing his default as declared by Resolution 2005-93, and the Township Committee was aware of the extreme hardship affecting three contract purchasers in the development, and requested the construction official to rescind the stop work orders issued against the three properties under contract, subject to testing of well water sampling, and the further condition that the developer shall complete the installation of all road infrastructure and landscaping in accordance with the approved plans and the requirements of the Township Engineer no later than April 16, 2006, and further resolving that if the developer shall fail to meet any of the above deadlines the Union Township Committee reserved the right to reinstate the stop work orders as appropriate; and

WHEREAS, in a letter dated January 20, 2006, Township Attorney, J. Peter Jost, advised the developer's then attorney Ronald D. Cucchiaro that Mr. Caccavelli had a total escrow deficit of \$12,000, had indicated that he refused to pay any further professional escrow fees whatsoever, and advised that the Township Committee adopted a resolution on January 18, 2006 indicating that if his client's escrow is not brought current within 7 days, the Township construction official would be requested to reinstate the stop work orders on all houses under construction and to withhold certificates of occupancy for same, until the above deficit is paid. In a letter dated January 26, 2006, the Township attorney advised Mr. Caccavelli's attorney that the CFO would not accept partial payment by Mr. Caccavelli and the stop work orders would be reinstated if payment was not received. On January 31, 2006, Joseph Caccavelli authorized the issuance of two checks totaling \$12,000 to the Union Township escrow account from the proceeds of the sale of Block 21.02, Lot 32.07. Such payment was subsequently made from the closing proceeds; and

WHEREAS, on April 16, 2006, Joseph Caccavelli faxed two letters to the Township Attorney indicating that he had paid for the balance of paving repairs and work on the subdivision road to Mannon Excavating and Paving Company and that the asphalt plant was not yet opened but should open soon and scheduling white pine buffer planting at Perryville Estates for April; and

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WHEREAS, in a letter dated June 5, 2006, to the developer's attorney, the Township Attorney indicated that it was almost two months over the latest deadline and his client was therefore in default under the Township's resolution; and

WHEREAS, on June 7, 2006, the Township Committee adopted Resolution 2006-79 stating that Perryville Estates, LLC had failed to complete the installation of all road infrastructure and landscaping by April 16, 2006 and requesting the construction official to reinstate the stop work orders and suspend any outstanding building permits on any uncompleted dwellings in the Perryville Estates development; and

WHEREAS, in a letter dated July 18, 2006, former Township Engineer Robert C. Bogart advised that final paving was completed on the Perryville Estates subdivision road between the butt joint on existing Main Street – Jutland and the inlets before County Route 625; and in a letter dated October 12, 2006 Hunterdon County Supervising Engineer Thomas B. Mathews advised that the frontage improvements for County Route 625 in Perryville Estates had been inspected and deemed complete to the satisfaction of his office; and

WHEREAS, Mr. Bogart's letter of July 18, 2006, contained a punch-list of outstanding issues remaining to be addressed at the site; and

WHEREAS, On November 14, 2006, William Burr of Maser Engineering advised J. Peter Jost that the developer had completed specified additional paving as agreed, being the overlay of Main Street up to Wolf's Farm Road, in lieu of, and in satisfaction of the developer's off-tract contribution in the amount of \$21,000, but not including an additional off-tract contribution of \$7,000 provided by the developer in lieu of certain road repairs; and

WHEREAS, in a letter dated November 14, 2006 Township Attorney J. Peter Jost advised Joseph Caccavelli of Perryville Estates LLC that there were still a number of items that needed to be completed before the Township can accept Main Street in the Perryville Estates subdivision into the railroad system, as set forth in Mr. Bogart's letter of July 18, 2006, and further advised Mr. Caccavelli that it was necessary for the developer to post a two-year maintenance bond in the amount of \$47,094.23, to sign a maintenance guarantee agreement, and to pay all escrow bills and deposits due and owing, and advising that upon completion of the above items, the Township Committee will be pleased to accept Main Street into the municipal road system and to release the developer's performance guarantee, and

WHEREAS, former Township Engineer John D. Reymann issued an updated punch-list letter to Joseph Caccavelli of Perryville Estates LLC on August 11, 2007; and

WHEREAS, on September 30, 2009, Joseph Caccavelli contacted former Township Engineer Kevin M. Smith of Finelli Consulting Engineers requesting a field meeting for final punch-list analysis but failed to provide the escrow payment and deposit necessary for such a meeting; and

WHEREAS, on November 28, 2011 Township Attorney J. Peter Jost sent a letter to Joseph Caccavelli in response to his request that the Township review the status of the Perryville Estates development and advise as to what items need to be completed by him in order to close out the development and release his performance guarantees; and Mr. Jost advised Mr. Caccavelli that in order for the Township professionals to be able to complete the necessary reviews and inspections, it was necessary for Mr. Caccavelli to replenish his professional escrow account, and that he should contact the Chief Financial Officer, Grace Brennan, in this regard at his earliest convenience; and

WHEREAS, by letter dated April 19, 2012 to Joseph Caccavelli, Township Engineer Robert J. Clerico provided a copy of his memorandum dated October 15, 2011 listing 18 separate documents relating to the obligations that were to be met in finalizing the Perryville Estates project, in addition to the required approved

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project plans depicting intended public improvements; and noting that the developer never posted a two (2) year maintenance bond, and since the maintenance bond and other required engineering documents (as-built plans, etc.) were not submitted, the Township never introduced or adopted an ordinance that would "accept" the roads associated with the project; and

WHEREAS, by letter dated June 7, 2012, Joseph Caccavelli authorized the Township to utilize up to \$3000 from his performance bond cash for inspection/review fees; and

WHEREAS, on October 1, 2013, the developer provided drainage as-built plans dated March 3, 2009, as prepared by Templin Engineering Associates to Township Engineer Robert J. Clerico; and the developer's engineer met with the Township Engineer on the site in the spring of 2014 to review and discuss remaining work required at the site; and on June 13, 2014 the Township Engineer issued an updated punch-list letter based on the recent site meeting and the issues previously raised by Mr. Clerico and prior Township Engineers; and

WHEREAS, on January 10, 2016, Robert Clerico sent Robert J. Templin a copy of his punch list letter of June 13, 2014 and asked him to advise as to where the developer stands and how the project could be closed out; and on February 1, 2016, Mr. Templin, advised Township Engineer Clerico that he had spoken with Mr. Caccavelli and he would like to finish up the project this year. Mr. Templin stated that he expected to walk the site with his client in the next week or so and review the punch-list with him, and after the sidewalk would contact Mr. Clerico and go through the punch-list in more detail; and on February 2, 2016 Township Chief Financial Officer Grace Brennan advised that Perryville Estates had \$172.00 in escrow for review and inspections and that more funds for escrow were needed if Township professionals were going to start work on the project; and

WHEREAS, paragraph eight of the Performance Guarantee Agreement dated July 7, 1999, provides, in pertinent part, as follows:

1. **Performance guarantee purpose; remedies.** Developer agrees that the performance guarantee is deposited with municipality as surety to guarantee the performance of the completion of improvements and all other obligations set forth in this agreement and that, in the event all such improvements are not completed to the satisfaction of the municipal engineer and a maintenance guarantee and the amount required by law is not posted by the developer with municipality on or before the final completion date of July 1, 2001, municipality may invoke the performance guarantee to pay for the completion of the improvements or any other obligations incurred in connection with this agreement. In addition, in the event of default by developer, municipality shall also have the right to issue a stop order as to all construction for which construction permits have been issued and/or a stop order on any certificates of occupancy for any buildings that have been constructed within the project, until such default is cured by developer. Such remedies shall be in addition to rather than in lieu of any other legal or equitable remedies available to municipality.
2. **Default By Developer – Professional Fees.** Upon default under the terms of this agreement, developer shall be responsible for the reasonable attorney and other professional fees incurred by municipality as a result of said default, including costs of enforcement of this agreement and any costs of litigation, and municipality shall have recourse against the performance guarantee for such purposes.
3. **Professional costs.** Developer shall pay for the professional and costs incurred by municipality in connection with this agreement, to be paid through the land-use escrow account in accordance with the procedures set forth in the municipal land use code. In the event of default by developer of the payment of such fees, municipality shall have recourse against the performance guarantee for such purpose. No roads shall be accepted until all professional escrow arrears have been paid in full.

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4. **Payment of Other Charges and Liens.** The release of the performance guarantee and acceptance of the maintenance guarantee shall be conditioned upon the prior payment by the developer of all charges, liens and indebtedness incurred in, by reason of, or due to the making of such improvements or to the execution of this agreement or the completion of the improvements as required by the preliminary and final plats in accordance with the municipal ordinances. Thereafter, municipality will accept the roads and improvements into the municipal system in accordance with municipality's established procedure.
5. **Default; Remedies by Municipality.** Should developer fail, refuse or neglect to complete, to the satisfaction of the municipal engineer, all of the said work and improvements within the time limits for said, then municipality shall be free without any further notice or obligation, to take whatever legal steps municipality deems necessary, including an action on the guarantee in order to secure the necessary completion of the work and improvements called for herein. In so doing, municipality may contract for completion of the said improvements or may do the same with its own labor and materials, and the costs and expenses for completion shall be chargeable against developer and/or its performance bond. Should the performance bond proved to be insufficient, then developer shall be liable for the shortfall. This shall not restrict municipality in any way whatsoever, and should municipality so desire, it may proceed against developer without first having proceeded against performance guarantee; and

WHEREAS, Union Township is presently holding the cash portion of the performance guarantee posted by the developer, Perryville Estates, LLC in the amount of \$38,125.38, plus interest, pursuant to the Performance Guarantee Agreement dated July 7, 1999; and

WHEREAS, the Township is also currently holding a cash maintenance bond in the amount of \$70,000, plus interest, which was posted by the developer on December 5, 2001 as an additional guarantee against certain deficiencies noted by then Township Engineer Robert C. Bogart with regard to the pavement of the realignment of Main St. in Jutland. Said maintenance bond was to run for six years beyond the end of the standard two-year maintenance bond to be posted by the developer, to cover any potential defects caused by the said road deficiencies; and the developer posted an additional cash off-tract contribution of \$7,000 as recommended by Township Engineer Robert C. Bogart in lieu of having the developer attempt to make patch repairs to the subdivision road in areas where proper road crown was not provided; and

WHEREAS, as of the date of this resolution the developer has failed to supply additional escrow necessary to the Township for professional review and inspections, has failed to perform and complete the items listed on current and previous punch-lists, has failed to supply the required two-year maintenance bond, and good cause appearing;

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

1. In accordance with paragraphs 8 and 12 of the performance guarantee agreement, the Chief Financial Officer is hereby authorized to utilize funds from the cash performance guarantee of the developer in the amount of \$38,125.38 plus accrued interest for the payment of professional fees and costs incurred by the Township for engineering inspections and for reviews, reports and other professional services, including legal, rendered as necessary for the completion and acceptance of the remaining required punch-list items, and the enforcement and fulfillment of the terms and conditions of the Performance Guarantee Agreement; and
2. In addition to the above, in accordance with paragraphs 13 and 14 of the performance guarantee agreement, the Chief Financial Officer is hereby authorized to utilize any and all funds from the cash performance guarantee of the developer in the amount of \$38,125.38 plus accrued interest for all work necessary for the completion of the punch-list items specified in the Township Engineer's punch-list letter of June 13, 2014, pursuant to the local public contracts law and other applicable law and regulations; and

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3. The special cash bond of the developer in the amount of \$70,000 plus interest shall continue to be held by the Township as an extended maintenance guarantee against certain deficiencies noted by the former Township Engineer with regard to the pavement of the realignment of Main St. in Jutland, pending proper disposition of such funds.

4. The Township reserves all rights with regard to any further remedies or legal action necessary to enforce the terms of the performance guarantee agreement and the obligation of the developer to complete the subdivision and site improvements according to the terms and conditions of the subdivision approval.

BE IT FURTHER RESOLVED that a copy of this resolution shall be mailed to the developer at its last known address; and

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately.

f. Payment of Bills

Check Register - (100001) CASH CHECKING

DATE	CHECK #	PAID TO	AMOUNT	VOID	AMOUNT	VOID	DATE	REASON
8/18/2021	34353	137 BOY SCOUT TROOP #119	500.00					
8/18/2021	34354	2905 BRADLEY LATTIG	2,278.52					
8/18/2021	34355	2209 CAMPBELL FOUNDRY COMPANY	374.00					
8/18/2021	34356	1373 CLARKE, CATON, & HINTZ, PC	2,968.47					
8/18/2021	34357	2457 COMCAST	419.22					
8/18/2021	34358	2457 COMCAST	231.27					
8/18/2021	34359	1952 DEER CARCASS REMOVAL SERVICE LLC	70.00					
8/18/2021	34360	2074 DESTINATION ATHLETE OF HUNTERDON	504.00					
8/18/2021	34361	2778 DIFRANCESCO BATEMAN, PC	521.74					
8/18/2021	34362	1956 ELLA MALECKI-RUTA	15.98					
8/18/2021	34363	687 FOX LUMBER, INC.	64.90					
8/18/2021	34364	687 FOX LUMBER, INC.	209.64					
8/18/2021	34365	2848 GENERAL CODE, LLC	1,195.00					
8/18/2021	34366	2411 GREENROCK RECYCLING LLC	270.00					
8/18/2021	34367	337 HUNTERDON MILL & MACHINE SY	554.00					
8/18/2021	34368	1524 INSTITUTE FOR PROFESSIONAL DEVELOPM	100.00					
8/18/2021	34369	2810 JOSEPH C. TAURIELLO, ESQ., P.C.	565.00					
8/18/2021	34370	2736 KYOCERA DOCUMENT SOLUTIONS AMERICA	159.88					
8/18/2021	34371	2853 MASON, GRIFFIN & PIERSON	4,138.12					
8/18/2021	34372	2906 MICAH EL LIU	50.00					
8/18/2021	34373	2601 NJ ADVANCE MEDIA	120.53					
8/18/2021	34374	2667 NORTH EAST PARTS GROUP, LLC	743.47					
8/18/2021	34375	120 PATTENBURG RESCUE SQUAD	29,442.50					
8/18/2021	34376	474 POWERCO, INC.	590.67					
8/18/2021	34377	2875 PRECAST MANUFACTURING CO. LLC	360.00					
8/18/2021	34378	2245 R & L DATACENTERS, INC.	480.00					
8/18/2021	34379	2544 REPUBLIC SERVICES OF NJ, LLC	1,490.20					
8/18/2021	34380	2510 RIDGEBACK VENTURES, LLC	10,407.80					
8/18/2021	34381	1745 STEW'S AUTO BODY, INC.	850.00					
8/18/2021	34382	1745 STEW'S AUTO BODY, INC.	400.00					
8/18/2021	34383	689 STORR TRACTOR COMPANY	290.04					
8/18/2021	34384	1734 THE HOME DEPOT	881.85					
8/18/2021	34385	1671 TREASURER, STATE OF NJ	50.00					
8/18/2021	34386	2570 TRU GREEN COMMERCIAL	3,177.00					
8/18/2021	34387	2186 VAN CLEEF ENGINEERING ASSOC.	2,736.00					
8/18/2021	34388	134 VIKING TERMITE & PEST CONTROL, INC.	440.85					
8/18/2021	34389	1278 WARREN MATERIALS	1,206.70					
8/30/2021	8302101	102 UNION TWP. PAYROLL ACCT	25,083.37					(Transfer)
8/31/2021	8312101	2300 UNION TOWNSHIP ANIMAL CONTROL ACCT	36.00					(Transfer)
9/08/2021	34390	2457 COMCAST	233.00					
9/08/2021	34391	73 JCP&L	24.22					
9/08/2021	34392	73 JCP&L	437.85					
9/08/2021	34393	73 JCP&L	70.41					
9/08/2021	34394	73 JCP&L	24.28					
9/08/2021	34395	73 JCP&L	46.47					
9/08/2021	34396	73 JCP&L	223.48					
9/08/2021	34397	80 NO HUNTERDON-VOORHEES REGIONAL	950,528.00					

MINUTES OF REGULAR MEETING August 18, 2021

9/08/2021	34398	1186 VERIZON WIRELESS	302.85
9/13/2021	9132101	1561 NJSHBP	13,491.47 (Transfer)
9/15/2021	9152101	102 UNION TWP. PAYROLL ACCT	23,798.17 (Transfer)

1,020,747.91
62,409.01 Bank Transfers
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1,083,156.92

Check Register - (820001) MUNICIPAL OPEN SPACE

DATE CHECK # PAID TO AMOUNT VOID AMOUNT VOID DATE REASON

8/18/2021 2166 1373 CLARKE, CATON, & HINTZ, PC 4,417.14

4,417.14

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4,417.14

Check Register - (710001) CASH CHECKING-DEVELOPERS ESCROW ACCT

DATE CHECK # PAID TO AMOUNT VOID AMOUNT VOID DATE REASON

8/18/2021	6188 1373	CLARKE, CATON, & HINTZ, PC	1,107.60	
8/18/2021	6189	2902 COLLIERS ENGINEERING & DESIGN, INC.	1,878.75	
8/18/2021	6190	2853 MASON, GRIFFIN & PIERSON	1,785.00	
8/18/2021	6191	2186 VAN CLEEF ENGINEERING ASSOC.	5,014.00	

9,785.35

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9,785.35

Check Register - (300001) CASH - CHECKING

DATE CHECK # PAID TO AMOUNT VOID AMOUNT VOID DATE REASON

8/18/2021 1306 2186 VAN CLEEF ENGINEERING ASSOC. 21,537.50

21,537.50

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21,537.50

Check Register - (730001) CASH - DOG TRUST

DATE CHECK # PAID TO AMOUNT VOID AMOUNT VOID DATE REASON

8/18/2021 1271 817 NJ Department of Health & Senr 11.40

11.40

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11.40

Check Register - (750001) GENERAL TRUST CASH

DATE CHECK # PAID TO AMOUNT VOID AMOUNT VOID DATE REASON

8/18/2021 2479 2186 VAN CLEEF ENGINEERING ASSOC. 300.00

300.00

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300.00

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

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

- Atty. Jost updated the Committee on the Rolling Hills Development. Mr. Jost asked if they came before the Planning Board to continue construction. He said their approvals will be expiring soon.
- Noticed that old buildings at Hoffman Park had been taken down and a beautiful new picnic pavilion was constructed.

b. Committee Report

Mr. Hirt reported the following:

- Said he is in the process of obtaining quotes for a generator for the Municipal Building. Formal Bids would have to be prepared because the project will exceed the State threshold.
- Stated that he contacted NJ DOT regarding noise complaints by Highlands Ridge residents coming from Highway I-78. Mr. Hirt said that he was told materials used in the past did not withstand winter conditions.
- The only road in the new Fallon Development has been named Oak Boulevard. He will be providing that information to the Post Office for confirmation.

Mr. Stiger reported the following:

- Mr. Stiger complimented Mr. Strauss and his efforts to work with PVFC Fire Chief Narbonne in order to complete compliance activities. Another meeting will be held in the fall as mentioned by Mr. Strauss earlier.
- Hoffman Park outbuildings – have been asked by Green Acres to take down remaining buildings in the park. Working on finding the best and the least expensive way to have the buildings razed.
- Stated that Brandi Bartolomeo, who just recently moved to the Township, agreed to serve as a member on the UT Environmental Commission. Mr. Stiger said that she will be a valuable addition to UTEC and hopefully to the Planning Board in the future.

c. Finance Officer's Report

- Asked the Committee for names of candidates for 2021 Volunteer of the Year Award recipient.
- Will bring up for a discussion the 2021 Volunteer Appreciation Dinner at the September 15th meeting.

d. Mayor's Report

- Deputy Mayor Stothoff said that in the absence of Mayor Mazza he does not have a report to present.
- Appointment of Brandi Bartolomeo as regular member of UTEC

Deputy Mayor Stothoff appointed Brandi Bartolomeo to serve as a regular member of the Union Township Environmental Commission.

15. PUBLIC COMMENT

Richard Lordi, 186 Main Street asked, if the Committee could explain the Ordinance introduced tonight for conducting a reevaluation of properties in the Township. Mr. Stothoff answered that the HC Tax Board requires the Township to reevaluate all properties. Reevaluation was scheduled for last year, but due to COVID-19 it had

to be postponed. The process will start in the beginning of 2022 and will take about 3 to 6 months to complete according to the Tax Assessor.

Mr. Lordi asked about an electrical the box hanging on the corner of Stonebridge and Main Street. Mr. Stothoff stated the box is located on private property. Atty. Jost offered to look into the matter and report back to the Committee.

Mr. Lordi asked if there is a second public access to the Fallone Development. Engineer Clerico said there is not. Mr. Lordi said if not, are there plans to deal with crossing Perryville Road when schools are in session? Mr. Stothoff said it would be up to the Board of Education.

Mr. Lordi inquired about reliable Comcast service.

Mr. Lordi asked if the Township would consider providing semi-annual collection of yard waste (leaves, grass).

Mr. Lordi asked if the Committee has any information from JCP&L regarding power outages in the Township.

Mr. Stothoff said Ms. Bianchi returned his phone call after the meeting commenced this evening. He has no new information at this time.

Mr. Stothoff clarified that two dumpsters located in the back parking lot of the Municipal Building are not for yard waste. He said that service is usually offered in large densely populated municipalities.

Rob Gibe, 266 Pittstown Road, President of the Quakertown Fire and EMS Company would like to provide updates of their services to the Township on a regular basis. Mr. Stothoff said that it would be up to them whether they come to the meeting or provide updates electronically.

16. EXECUTIVE SESSION – no executive session

Deputy Mayor Stothoff announced that the meeting of UT Board of Health is cancelled due to lack of quorum.

17. 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 7:53 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