

**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 the Annual Notice; posted on Union Township website, published in the Hunterdon County Democrat and Courier News; posted on the public bulletin board and on file in the Municipal Clerk's Office.

**3. FLAG SALUTE**

**4. ROLL CALL**

	Present	Absent
Mr. Severino	X	
Mr. Hirt	X	
Ms. McBride	X	
Mr. Bischoff	X	
Mr. Mazza	X	

Others present: J.P. Jost, Attorney, Robert Clerico, Engineer, Grace Brennan, CFO and Ella M. Ruta, Municipal Clerk

**5. APPROVAL OF PRIOR MEETING MINUTES**

- a. Regular Session Meeting Minutes of March 16, 2016

Roll Call Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino	X		X			
Mr. Hirt			X			
Ms. McBride					X	
Mr. Bischoff		X			X	
Mr. Mazza			X			

Motion Carried

**6. VISITORS**

- a. Marc Strauss, Public Safety Coordinator – Mr. Strauss gave an overview of his report dated February 17, 2016, which made recommendations specific to the Pattenburg Volunteer Fire Company (PVFC).

**The following motion was introduced for adoption:**

To accept the report, as written, and ask the report be reviewed with PVFC and that recommendations from the report be implemented, if they are feasible.

Roll Call Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino			X			
Mr. Hirt			X			
Ms. McBride	X		X			
Mr. Bischoff		X	X			
Mr. Mazza			X			

Motion Carried

Mayor Mazza asked for questions from the Public – Glen Roth, OEM, apprised the Committee of Emergency Preparedness Operation Manual that is accessible at all times in the event of a major catastrophe. Copies are left in the Meeting Room.

**7. REPORTS RECEIVED – acknowledged**

- a. Road Dept.- Week Ending; 3/11/16; 3/18/16; 3/25/16
  - b. Municipal Court – February 2016
  - c. Zoning Officer – March 2016
  - d. Engineer’s Report
- Pilot Travel Centers LLC: Waste Water Treatment Facility Application – Spoke with Pilot’s Consulting Engineer regarding a waste-water discharge violation that occurred at the Site. Pilot’s Consultant indicated that a report would be submitted. Mr. Clerico will follow up. Repair work has been done.
  - NJLM Webinar Re - New NJDEP Storm Water Management Criteria. Participated in the Webinar yesterday.
  - Perryville Road Reconstruction Work – Will update on progress and costs at a future Committee Meeting.
  - Interstate 78 Exit 15 Improvements to Rt. 513– Public Hearing will be held on May 4, 2016 in the Town of Clinton. Will report back to Committee.
  - NJDOT Grant – UT did not qualify for the Grant.
  - Chip and Seal Project of the Township Roads – Provided brief status report.
  - Cooks Cross Road – Mayor Mazza said there was a problem with pavement cracking at sides of the Road.

Mr. Clerico was asked to leave.

**8. CORRESPONDENCE / WRITTEN COMMUNICATIONS**

Mr. Hirt mentioned the following correspondence:

- Interstate 78 Exit 15 Improvements to Rt. 513 – Said that NJDOT is not involved with the Project.

Mr. Severino mentioned the following correspondence:

- Hunterdon County Community Day is scheduled for June 4, 2016.
- Red Hills Quarry – Filing for bankruptcy.
- Solar Panel Ordinance Revision - The Committee discussed the provision in the Ordinance regarding roof-mounted systems not being located facing the street. After the discussion, Atty. Jost was asked to prepare a letter requesting the Planning Board to repeal the relevant provision.

**The following motion was introduced for adoption:**

To request the Planning Board prepare an Ordinance repealing Section 30-5.5 Subsection f.6.(a)(3)(vii), which presently reads as follows: (vii) Roof-mounted systems shall not be located facing the street.

Roll Call Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino		X	X			
Mr. Hirt			X			
Ms. McBride	X		X			
Mr. Bischoff			X			

Mr. Mazza			X			
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Motion Carried

Mr. Bischoff mentioned the following correspondence:

- Policy Update March 11, 2016 – Property Tax Relief to Municipalities.
- Policy Update March 18, 2016 – Trail Grants.
- Policy Update March 28, 2016 - Transportation Trust Funding availability.

**9. PUBLIC COMMENTS**

- Bill Zorback, Brass Castle Homeowners Assn. President, voiced opposition to changing the current Renewable Energy Ordinance. Mr. Zorback was advised that the Assn. could enforce its own Regulations.
- Derek LaMonde, 44 Rupell Road, commented on the pros and cons of the current Ordinance. Leslie Kulick, 68 Perryville Road, voiced a concern on behalf of her neighbor Joan Manzione. Ms. Manzione would like the Ordinance to be changed.

**10. PUBLIC HEARING - None**

**11. OLD BUSINESS - None**

**12. NEW ORDINANCE – 1<sup>st</sup> 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 6<sup>th</sup> day of April, 2016. 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 4<sup>th</sup> day of May, 2016, 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 # 2016-1**

CALENDAR YEAR 2016  
ORDINANCE TO ESTABLISH A CAP BANK  
(N.J.S.A. 40A:4-45.14)

WHEREAS, the Local Government Cap Law, N.J.S.A. 40A:4-45.1 et.seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said final budget appropriations to 2.0% or the cost of living adjustment of 3.5% over the previous years final appropriations; and,

WHEREAS, a municipality may, by ordinance, bank the difference between its final budget

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appropriations subject to the 0.00% cap and the 3.5% cost of living adjustment when said difference is not appropriated as part of the final budget; and,

WHEREAS, the Township Committee of the Township of Union, County of Hunterdon, hereby determines that this difference in the amount of \$68,918.40 that is not appropriated as part of the final budget shall be retained as an exception to the final appropriations in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

Attest:

\_\_\_\_\_  
Ella M. Ruta, Municipal Clerk

\_\_\_\_\_  
Frank T. Mazza, Mayor

First Reading: April 6, 2016  
Publication: April 14, 2016  
Public Hearing: May 4, 2016  
Adoption: May 4, 2016  
Published by May 12, 2016

**13. NEW BUSINESS**

a. The following resolution was introduced for adoption:

RESOLUTION #2016-48

RESOLUTION FOR CONDUCTING ANNUAL BUDGET EXAMINATION

WHEREAS, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination, and

WHEREAS, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997, and

WHEREAS, pursuant to N.J.A.C. 5:30-7.2 thru 7.5 the Township of Union has been declared eligible to participate in the program by the Division of Local Government Services, and the Chief Financial Officer has determined that the Township meets the necessary conditions to participate in the program for the 2016 budget year, so now therefore

BE IT RESOLVED, by the Mayor and Township Committee of the Township of Union that in accordance with N.J.A.C. 5:30-7.6a & b and based upon the Chief Financial Officers certification. The governing body has found

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the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:
  - a. Payment of interest and debt redemption charges
  - b. Deferred charges and statutory expenditures
  - c. Cash deficit of preceding year
  - d. Reserve for uncollected taxes
  - e. Other reserves and non-disbursement items
  - f. Any inclusions of amounts required for school purposes
2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at 40A:4-45.3 et seq. are fully met. (Complies with the "CAP" law.)
3. That the budget is in such form arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.
4. That pursuant to the Local Budget Law:
  - a. All estimates of revenue are reasonable, accurate, and correctly stated
  - b. Items of appropriation are properly set forth
  - c. In itemization, form, arrangement, and content the budget will permit the exercise of the comptroller function within the municipality.
5. The budget and associated amendments have been introduced, publicly advertised, and adopted in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.
6. That all other applicable statutory requirements have been fulfilled.

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Director of the Division of Local Government Services.

CERTIFICATION OF APPROVED BUDGET

It is hereby certified that the Approved Budget complies with the requirements of law and approval is given pursuant to N.J.S.A. 40A:4-78(b) and NJAC 5:30-7.

It is further certified that the municipality has met the eligibility requirements of NJAC 5:30-7.4 and 7.5, and that I, as Chief Financial Officer, have completed the local examination in compliance with NJAC 5:30-7.6.

Dated \_\_\_\_\_  
Chief Financial Officer

By: \_\_\_\_\_

Roll Call Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino	X		X			
Mr. Hirt		X	X			
Ms. McBride			X			



Mr. Mazza			X			
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Motion Carried

c. The following resolution was introduced for adoption:

**RESOLUTION #2016 - 50**

Amending Resolution #2016-44

**COOPERATIVE PRICING SYSTEM AGREEMENT**

**THE MIDDLESEX REGIONAL EDUCATIONAL**

**SERVICES COMMISSION**

**65MCESCCPS**

**AGREEMENT FOR A COOPERATIVE PRICING SYSTEM**

This Agreement made and entered into this        day of   , 20   , by and

between the, MIDDLESEX REGIONAL EDUCATIONAL SERVICES COMMISSION and the  
\_\_\_\_\_ who desire to participate in the MIDDLESEX REGIONAL EDUCATIONAL  
COOPERATIVE PRICING SYSTEM.

**WITNES SETH**

WHEREAS, N.J.S.A. 40A:11-11(5), specifically authorizes two or more contracting units to establish a Cooperative Pricing System for the provision and performance of goods and services and enter into a Cooperative Pricing Agreement for its administration; and

WHEREAS, the MIDDLESEX REGIONAL EDUCATIONAL SERVICES COMMISSION is conducting a voluntary Cooperative Pricing System with other contracting units; and

WHEREAS, this Cooperative Pricing System is to effect substantial economies in the provision and performance of goods and services; and

WHEREAS, all parties hereto have approved the within Agreement by Resolution' in accordance with the aforesaid statute; and

WHEREAS, it is the desire of all parties to enter into such Agreement for said purposes;

NOW, THEREFORE, IN CONSIDERATION OF the promises and of the covenants, terms and conditions hereinafter set forth, it is mutually agreed as follows:

The goods or services to be priced cooperatively may include supplies and materials,

time and material bids, energy aggregation and such other items that two or more participating contracting units in the system agree can be purchased on a cooperative basis.

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1. The items and classes of items which may be designated by the participating contracting units hereto may be purchased cooperatively for the period commencing with the execution of this Agreement and continuing until terminated as hereinafter provided.

2. The Lead Agency, on behalf of all participating contracting units, shall upon approval of the registration of the System and annually thereafter IN JANUARY OF EACH SUCCEEDING YEAR publish a legal ad in such format as required by N.J.A.C. 5:34- 7.9(a) in its official newspaper normally used for such purposes by it to include such information as:

- (A) The name of Lead Agency soliciting competitive bids or informal quotations.
- (B) The address and telephone number of Lead Agency.
- (C) The names of the participating contracting units.
- (D) The State Identification Code assigned to the Cooperative Pricing System.
- (E) The expiration date of the Cooperative Pricing System.

3. Each of the participating contracting units shall designate, in writing, to the Lead Agency, the items to be purchased and indicate therein the approximate quantities if required, the location for delivery and other requirements, to permit the preparation of specifications as provided by law.

4. The specifications shall be prepared and approved by the Lead Agency and no changes shall be made thereafter except as permitted by law. Nothing herein shall be deemed to prevent changes in specifications for subsequent purchases.

5. A single advertisement for bids or the solicitation of informal quotations for the goods or services to be purchased shall be prepared by the Lead Agency on behalf of all of the participating contracting units desiring to purchase any item.

6. The Lead Agency when advertising for bids or soliciting informal quotations shall receive bids or quotations on behalf of all participating contracting units. Following the receipt of bids, the Lead Agency shall review said bids and on behalf of all

participating contracting units, either reject all or certain of the bids or make one award to the lowest responsible bidder or bidders for each separate item. This award shall result in the Lead Agency entering into a Master Contract with the successful bidder(s) providing for two categories of purchases:

- (A) The quantities ordered for the Lead Agency's own needs, and
- (B) The estimated aggregate quantities to be ordered by other participating contracting units by separate contracts, subject to the specifications and prices set forth in the Lead Agency's Master Contract.

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7 The Lead Agency shall enter into a formal written contract(s) directly with the successful bidder(s) only after it has certified the funds available for its own needs.

8. Each participating contracting unit shall also certify the funds available only for its

own needs ordered; enter into a formal written contract, when required by law, directly with the successful bidder(s); issue purchase orders in its own name directly to successful vendor(s) against said contract; accept its own deliveries; be invoiced by and receive statements from the successful vendor(s); make payment directly to the successful vendor(s) and be responsible for any tax liability.

9. No participating contracting unit in the Cooperative Pricing System shall be responsible for payment for any items ordered or for performance generally, by any other participating contracting unit. Each participating contracting unit shall accordingly be liable only for its own performance and for items ordered and received by it and none assumes any additional responsibility or liability.

10. The provisions of Paragraphs 7, 8, 9, and 10 above shall be quoted or referred to and sufficiently described in all specifications so that each bidder shall be on notice as to the respective responsibilities and liabilities of the participating contracting units.

11. No participating contracting unit in the Cooperative Pricing System shall issue a purchase order or contract for a price which exceeds any other price available to it from any other such system in which it is authorized to participate or from bids or quotations which it has itself received.

12. The Lead Agency reserves the right to exclude from consideration any good or service if, in its opinion, the pooling of purchasing requirements or needs of the participating contracting units is either not beneficial or not workable.

13. The Lead Agency shall appropriate sufficient funds to enable it to perform the administrative responsibilities assumed pursuant to this Agreement.

14. It is understood that all fees for each participating contracting unit are paid to the Lead Agency by the successful bidder as follows:

- Supplies, materials, goods and services at 2.2% of sales.
- Natural Gas .00325 per therm
- Electrical Aggregation.00125 per kilowatt hour
- Demand Response at 7% of reimbursement

All fees are included within the bid price and are subject to change with new awards and notice to all cooperative members will be provided.

15 This Agreement shall become effective on 1/31/12 subject to the review and approval of the Director of the Division of Local Government Services and shall continue in effect for a period not to exceed five (5) years from said date unless any party to this Agreement shall give written notice of its intention to terminate its participation.

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16. Additional local contracting units may from time to time, execute this Agreement by means of a Rider annexed hereto, which addition shall not invalidate this Agreement with respect to other signatories. The Lead Agency is authorized to execute the Rider on behalf of the members of the System.

17. All records and documents maintained or utilized pursuant to terms of this Agreement shall be identified by the System Identifier assigned by the Director, Division of Local Government Services, and such other numbers as are assigned by the Lead Agency for purposes of identifying each contract and item awarded.

18. This Agreement shall be binding upon and inure to the benefit of the successors and assigns of the respective parties hereto.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be signed and executed by their authorized corporate officers and their respective seals to be hereto affixed the day and year above written.

Roll Call Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino	X		X			
Mr. Hirt			X			
Ms. McBride			X			
Mr. Bischoff		X	X			
Mr. Mazza			X			

Motion carried

d. The following resolution was introduced for adoption:

**RESOLUTION #2016-51  
TOWNSHIP OF UNION, HUNTERDON COUNTY  
RESOLUTION TO REFUND REDEMPTION TO LIENHOLDER**

**WHEREAS**, Tax Sale Certificate #2014-006 was issued to U.S Bank for PC4 Firstrust Bank, in the amount of \$3,608.79 on October 24, 2014; and

**WHEREAS**, the lien was redeemed on March 11, 2016, in the amount of \$12,384.48 in accordance with provisions of NJSA54:5-60 et seq.; and

**NOW, THEREFORE, BE IT RESOLVED**, on this 6<sup>th</sup> day of April, 2016, by the Township Committee of the Township of Union, Hunterdon County, State of New Jersey, as follows:

1. The Treasurer issue a check in the amount of \$12,384.48 and a premium of \$4,600.00 for a total of \$16,984.48 payable to U.S Bank for PC4 Firstrust Bank, 50 S 16<sup>th</sup> St., Suite 2050, Philadelphia, PA 19102
2. That this resolution shall take effect immediately upon adoption.

Roll Call Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino		X	X			
Mr. Hirt			X			
Ms. McBride			X			
Mr. Bischoff	X		X			
Mr. Mazza			X			

Motion carried.

e. The following resolution was introduced for adoption:

**TOWNSHIP OF UNION  
COUNTY OF HUNTERDON  
STATE OF NEW JERSEY**

**RESOLUTION 2016-52**

Approving Employment Agreement Renewal with Marc Strauss

**Whereas**, Marc Strauss is certified in the areas of law enforcement, fire fighting and investigations, and emergency management, and is qualified to serve in the above Public Safety Coordinator position; and

**Whereas**, the Union Township Committee has previously retained the services of Marc Strauss to serve as Public Safety Coordinator as a temporary employee with regard to emergency management services and procedures in the Township; and

**Whereas**, due to circumstances which are not the fault of Marc Strauss, he has been unable to complete the duties for which he was hired by the Township, and requires additional time for said completion; and

**Whereas**, the Township and employee wish to have a written agreement regarding the renewal of his temporary employment, the duties of the above position and the compensation to be paid, and good cause appearing

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Union, County of Hunterdon, State of New Jersey that the Renewal of the Employment Agreement with Marc Strauss dated as of January 1, 2016 is hereby approved, ratified and confirmed; and

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

\_\_\_\_\_  
Ella M. Ruta, Municipal Clerk

\_\_\_\_\_  
Frank T. Mazza, Mayor

Roll Call Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino			X			
Mr. Hirt			X			
Ms. McBride		X	X			
Mr. Bischoff	X		X			
Mr. Mazza			X			

Motion carried.

f. The following resolution was introduced for adoption:

**TOWNSHIP OF UNION  
COUNTY OF HUNTERDON  
STATE OF NEW JERSEY**

**RESOLUTION 2016-53**

**Re: Release of Transco Road Opening Guarantee -- Patrick Drive**

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**WHEREAS**, Transcontinental Gas Pipeline Company, LLC (“Transco”) posted Bond No. 022 043 684 as the Performance Guarantee for the Road Opening Permit for the Patrick Drive pipeline crossing and road restoration work; and

**WHEREAS**, Transco has provided the Township Engineer’s office with an “as built” plan of the pipe installation which was a condition of the permit, and has satisfied the other conditions of the Road Opening Permit; and

**WHEREAS**, subsequent however to receiving the “as built” plan, it was discovered during an inspection of the road restoration by the Township Engineer’s office that the pavement had separated leaving an open-joint crack at each end of the project; and

**WHEREAS**, a subsequent inspection by the Township Engineer’s office disclosed that the contractor had not satisfactorily finished the required repair work; and

**WHEREAS**, subsequently Township Engineer Robert J. Clerico confirmed in an e-mail dated December 14, 2015 that the required road repair work to Patrick Drive has been satisfactorily completed, inspected and approved, and it appearing that there are no other open restoration issues, and good cause appearing

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Committee of the Township of Union, County of Hunterdon, State of New Jersey, that Transco Bond No. 022 043 684 shall be and is hereby released, subject to confirmation by the Township Chief Financial Officer that all professional escrow amounts due and owing in connection with said Road Opening Permit have been paid

**BE IT FURTHER RESOLVED** that this resolution shall take effect immediately.

Roll Call Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino		X	X			
Mr. Hirt			X			
Ms. McBride			X			
Mr. Bischoff	X		X			
Mr. Mazza			X			

Motion carried, Subject to payment of required escrow.

g. The following resolution was introduced for adoption:

**RESOLUTION 2016 - 54**  
 UNION TOWNSHIP, HUNTERDON COUNTY  
 EMERGENCY TEMPORARY APPROPRIATIONS

WHEREAS, an emergent condition has arisen in that the Township is expected to enter in contracts commitments or payments prior to the 2016 budget and no adequate provision has been made in the 2016 temporary budget for the aforesaid purposes, and

WHEREAS, N.J.S. 40a:4-20 provides for the creation of an emergency temporary appropriation for said purpose, and

WHEREAS, the total emergency temporary appropriation resolutions adopted in the year 2016 pursuant to the provisions of Chapter 96, P.L. 1951 (N.J.S.A. 40A:4-20) including this resolution total \$1,211,065.20

NOW, HEREOF, BE IT RESOLVED by the Township Committee of the Township of Union, in the County of Hunterdon, State of New Jersey, that in accordance with the provisions of N.J.S.A. 40A:4-20:

1. Emergency temporary appropriations be and the same are hereby made in the amount of \$718,790.70 as follows:

	SALARIES	OTHER EXPENSES
General Administration	\$4,000.00	\$7,500.00
Mayor & Township Committee	\$3,000.00	
Municipal Clerk	\$19,250.00	
Finance Administration	\$15,000.00	
Audit Services		\$29,975.00
Computerized Data Processing		\$-
Revenue Admin. Tax Collection	\$4,500.00	\$-
Assessment of Taxes	\$6,500.00	
Legal Services	\$-	\$20,000.00
Engineering Services		\$15,000.00
Planning Board	\$5,200.00	\$-
Zoning Board of Adjustment	\$3,100.00	\$-
Unemployment Insurance		
Liability Insurance		\$32,316.00
Worker Compensation Insurance		\$9,247.00
Employee Group Insurance		\$40,000.00
Office of Emergency Management		\$2,500.00
911 Coordinator		
Aid to Volunteer Fire Companies		\$25,000.00
Aid to Volunteer Fire Companies Adj.		\$-
Contribution to First Aid Org.		\$2,500.00
Fire Hydrant Service		\$3,500.00
Streets & Roads	\$60,000.00	\$83,811.50
Solid Waste Collection	\$5,000.00	\$6,000.00
Buildings and Grounds OE		\$10,000.00
Public Health Services		\$-
Environmental Health Services	\$-	\$-
Animal Control Services	\$1,750.00	\$2,000.00
Contribution to Social Services		
Recreation Services & Programs		\$10,000.00
Maintenance of Parks		\$5,000.00
Electricity		\$2,500.00
Street Lighting		\$2,500.00
Telephone		\$1,500.00
Fuel Oil		\$500.00
Gasoline Diesel Fuel		\$5,000.00
Municipal Court		\$28,625.00
LOSAP		\$-
PUBLIC EMPLOYEES RET. SYS.		
Social Security	\$-	\$20,000.00
Total	\$129,800.00	\$362,474.50
Total Temporary Budget 2014		\$492,274.50

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Capital Improvements	
Purchase of Tractor with Cutting Arm	\$100,000.00
Purchase of HOT BOX	\$30,000.00
Total Capital Improvements	\$130,000.00
Debt Service	
Interest on Notes	\$12,416.44
Interest on Bonds	\$76,981.88
Total Debt Service	\$89,398.32

2. Said emergency temporary appropriations will be provided for in the 2016 budget.

Roll Call Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino			X			
Mr. Hirt		X	X			
Ms. McBride			X			
Mr. Bischoff	X		X			
Mr. Mazza			X			

Motion carried.

h. The following resolution was introduced for adoption:

**RESOLUTION #2016-55  
TOWNSHIP OF UNION, HUNTERDON COUNTY**

**Authorization to Sign MOU**

**WHEREAS**, The Township of Union is interested in joining The Northern Regional Municipal POD Task Force

**NOW, THEREFORE, BE IT RESOLVED** that the Township Committee of the Township of Union Authorizes the Mayor to sign the MOU should it be deemed acceptable to the Borough upon recommendation of the OEM Coordinator.

Roll Call Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino			X			
Mr. Hirt			X			
Ms. McBride		X	X			
Mr. Bischoff	X		X			
Mr. Mazza			X			

Motion carried.

a. **Motion to Approve:** Request from Boys Scout Troop Pack 119 to utilize Municipal Parking Lot for overnight parking on April 16, 2016.

Roll Call Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino			X			
Mr. Hirt	X		X			
Ms. McBride			X			
Mr. Bischoff		X	X			
Mr. Mazza			X			

Motion carried

**14. REPORTS**

**a. Attorney’s Report**

- Asked that Ordinance regarding Protective Custody for DWI arrestees be introduced tonight – Received e-mail from Trooper Walsh who indicated he would attend Public Hearing.

**The following item was added to Agenda order:**

**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 6<sup>th</sup> day of April, 2016. 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 4<sup>th</sup> day of May, 2016, 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.

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Ella M. Ruta, Municipal Clerk

**ORDINANCE NO. 2016-2**

**AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF UNION,  
HUNTERDON COUNTY, NEW JERSEY REGARDING  
PROTECTIVE CUSTODY OF PERSONS ARRESTED FOR  
DRIVING UNDER THE INFLUENCE**

**WHEREAS**, In accordance with “John’s Law” (N.J.S.A. 39:4-50.22), a person arrested for driving while intoxicated (DWI), must be properly released to a suitable person summoned by or on behalf of the arrestee; and the law enforcement agency must notify the person summoned to accompany the arrestee charged with (DWI) from the police station or other holding facility that they can be criminally or civilly liable if they permit the intoxicated driver to operate a motor vehicle.

**WHEREAS**, furthermore, if police cannot locate a person to accompany an arrestee charged with driving while intoxicated (DWI) from the police station or other holding facility, “John’s Law II” (P.L.2003, c. 164), allows a municipality to enact an ordinance requiring any person arrested for a violation of N.J.S.A. 39:4-50 to be held in protective custody at an appropriate police or other folding facility where the person’s condition can be monitored until such a time the person is no longer a danger to themselves or others.

**WHEREAS**, to assist municipal police departments in Hunterdon county with the above requirements, the Hunterdon County Sheriff’s Office shall designate “DWI Holding Cells” within the Temporary Holding Facility to accommodate persons under the John’s Law Protective Custody.

**WHEREAS**, the intent of the following measures is to ensure the safety of the person arrested for DWI, and to ensure the safety of the general public.

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**WHEREAS**, police agencies in Hunterdon County may utilize the Hunterdon County Temporary Holding Facility DWI Holding Cell for maintaining protective custody of persons who are unable to be properly released to a suitable person summoned by or on behalf of the arrestee, or to another authority.

**WHEREAS**, the Hunterdon County Prosecutors Office has recommended that Union Township enact an ordinance in accordance with “John’s Law” (N.J.S.A. 39:4-50.22) and “John’s Law II” (P.L.2003, c. 164) implementing the above-described procedures, and good cause appearing,

**NOW THEREFORE**, it is hereby ordained and enacted by the Township Committee of the Township of Union, in the County of Hunterdon, State of New Jersey that the Code of the Township of Union is hereby amended to add the following:

**I. Protective Custody of Persons Arrested for Driving Under the Influence**

- A. A person who is arrested for a violation of the provisions of N.J.S.A. 39:4-50 shall be held in protective custody at an appropriate police or other facility where the arrestee's condition may be monitored until the arrestee is no longer a danger to himself or others, which is defined as when the arrestee's blood alcohol is less than 0.05% and the arrestee is no longer under the influence of any intoxicating liquor or narcotic or hallucinogenic or habit-forming drug to the extent that the arrestee's faculties are impaired. The officer or other person holding the arrestee shall release the arrestee from protective custody when the arrestee no longer is a danger to himself or others. In no event shall the arrestee be held in protective custody for a period of longer than eight hours without providing the arrestee an appropriate hearing.
- B. Notwithstanding the provisions of Subsection A of this section, provided that it is not a detriment to the public safety, the officer or other person holding the arrestee may, because of the age, health or safety of the arrestee, release the arrestee pursuant to the provisions of Subsection D of this section, or provide an appropriate alternative to protective custody. The Township of Union shall not be subject to liability if a person is released from custody pursuant to the provisions of this section.
- C. For the purposes of this section, an appropriate facility shall include a police station, the Hunterdon County Jail or, if the arresting officer deems appropriate, a school or hospital that has supervisory measures in place to ensure that the arrestee will not be released until such time as the arrestee is no longer a danger to himself or others as defined in Subsection A of this section.
- D. Whenever a person is summoned by or on behalf of a person who has been arrested for a violation of N.J.S.A. 39:4-50 or N.J.S.A. 39:4-50.4a in order to transport or accompany the arrestee from the premises of the officer or other person holding an arrestee, the officer or other person shall provide that person with a written statement advising him of his potential criminal and civil liability for permitting or facilitating the arrestee's operation of a motor vehicle while the arrestee remains intoxicated. The person to whom the statement is issued shall acknowledge, in writing, receipt of the statement, or the

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officer or other person holding the arrestee shall record the fact that the written statement was provided, but the person refused to sign an acknowledgment.

E. Nothing in this section shall impose any obligation on a physician or other health care provider involved in the treatment or evaluation of the arrestee.

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

III. **Repealer.** All Ordinances or parts of Ordinances inconsistent with or in conflict with the Ordinance are hereby repealed to the extent of such inconsistency.

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

**Attest:**

\_\_\_\_\_  
**Ella M. Ruta, Clerk**

\_\_\_\_\_  
**Frank T. Mazza, Mayor**

First Reading: April 6, 2016  
 Publication: April 14, 2016  
 Public Hearing/Adoption: May 4, 2016  
 Published by May 12, 2016

Roll Call Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino	X		X			
Mr. Hirt			X			
Ms. McBride			X			
Mr. Bischoff		X	X			
Mr. Mazza			X			

Motion carried

- Abandoned/Vacant Properties Ordinance – Ongoing discussion with NJLM Counsel regarding statutory resolution of the issue pertaining to State and/or Federal and Charter Banks.
- NJDOT Meeting Re Pilot Travel Centers LLC.– Mayor Mazza mentioned a meeting to be held on April 18, 2016 to discuss issues at Exit 11. Trooper Walsh and Mr. Bischoff will attend.
- Matter for Executive Session Re - COAH
- Ms. McBride mentioned a meeting held Re: Box alarms – Marc Strauss, Atty. Jost and Ms. McBride were in attendance.

**b. Committee Reports**

Ms. McBride reported the following:

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- Clean Community Report submitted to State today.
- Stream Cleanup April 16, 2016, 9:00 a.m. – Parking Lot near 113 Van Syckel’s Road.
- UTEC Well-Test Day – Saturday May 14, 2016, 8:00 a.m. – 12:00 p.m. Event publicized on Website and Facebook.
- Union Forge Heritage Association Special Program in May 2016. Contact Association for information.
- Mentioned Ronnie Burns, son of DR&F employee who helped to save a life of a choking man at the restaurant where he was dining.– Atty. Jost to prepare a Proclamation.

Mr. Bischoff reported the following:

- Matter for Executive Session
- Quote “Never give in, never give in, never, never, never - in nothing, great or small, large or petty – never give in except to convictions of honor and good sense.” Winston S. Churchill address at Harrow School, October 29, 1941.

Mr. Severino reported the following:

- Electronics Recycling – Attempting to obtain contract with Raritan Valley.
- Animal Control – Mentioned notices sent to unresponsive dog owners.

Mr. Hirt reported the following:

- Heat Pump Problem – Compressor on Main Floor of Municipal Building is not working. Mr. Severino advised the Committee on replacement of the equipment. Quotes will have to be obtained. CFO Brennan said it will be necessary to adopt a Capital Improvement Ordinance to provide funding for upgrades. Mrs. Brennan will prepare the Ordinance for the April 20, 2016 meeting.
- Salt Shed – Gutters and paint quotes needed.

**c. Mayor’s Report**

- Union Hill Reconstruction – Spoke with Jack Templeton, DCA. Mr. Templeton indicated there is a problem with obtaining required railings. Obtaining countertops and sinks are also a problem.
- Maintenance of Township Easement Main Street Jutland – Letter hand delivered to and signed by both affected property owners allowing Township to access properties and remove debris that caused drainage problems.
- Municipal Building Basement water leak - Mr. Hermann looked into the matter. No evidence of water. Asked if Committee wanted to proceed with restoring wall in the basement.

**15. PUBLIC COMMENTS**

**16. PAYMENTS OF BILLS**

The approved list of bills and all claims against the Township of Union 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. Hirt		X	X			

Ms. McBride			X			
Mr. Bischoff	X		X			
Mr. Mazza			X			

Motion Carried

Mayor Mazza announced that Mr. Hermann had taken an on-line Fertilizer Course, which allows him to apply fertilizer on Municipal grounds. He was reimbursed for costs associated with the course

**17. EXECUTIVE SESSION –**

The following Resolution introduced for adoption:

**RESOLUTION #2016-56  
Providing for a Meeting Not Open to the Public in Accordance with the  
Provisions of the New Jersey Open Public Meetings Act, N.J.S.A. 10:4-12**

WHEREAS, the Township Committee of the Township of Union is subject to certain requirements of the Open Public Meetings Act, N.J.S.A. 10:4-6, et. seq.; and

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; and

WHEREAS, it is necessary for the Township Committee of the Township of Union to discuss in a session not open to the public certain matters relating to the item or items authorized by N.J.S.A. 10:4-12b and designated below:

1. \_\_\_\_\_ Matters Required by Law to be Confidential: Any matter which, by express provision of Federal law or State statute or rule of court shall be rendered confidential or excluded from the provisions of the Open Public Meetings Act.
2. \_\_\_\_\_ Matters Where the Release of Information Would Impair the Right to Receive Funds: Any matter in which the release of information would impair a right to receive funds from the Government of the United States.
3. \_\_\_\_\_ Matters Involving Individual Privacy: Any material the disclosure of which constitutes an unwarranted invasion of individual privacy such as any records, data, reports, recommendations, or other personal material of any educational, training, social service, medical, health, custodial, child protection, rehabilitation, legal defense, welfare, housing, relocation, insurance and similar program or institution operated by a public body pertaining to any specific individual admitted to or served by such institution or program , including but not limited to information relative to the individual’s personal and family circumstances, and any material pertaining to admission, discharge, treatment, progress or condition of any individual, unless the individual concerned (or, in the case of a minor or incompetent, his guardian) shall request in writing that the same be disclosed publicly.
4. \_\_\_\_\_ Matters Relating to Collective Bargaining Agreements: Any collective bargaining agreement, or the terms and conditions which are proposed for inclusion in any collective bargaining agreement, including the negotiation of the terms and conditions thereof with employees or representatives of employees of the public body.
5. \_\_\_\_\_ Matters Relating to the Purchase, Lease of Acquisition of Real Property or the Investment of Public Funds: Any matter involving the purchase, lease or acquisition of real property with public funds, the setting of banking rates or investment of public funds, where it could adversely affect the public interest if discussion of such matters were disclosed.

6. \_\_\_ Matters Relating to Public Safety and Property: Any tactics and techniques utilized in protecting the safety and property of the public, provided that their disclosure could impair such protection. Any investigations of violations of possible violations of the law.

7. X Matters Relating to Litigation, Negotiations and the Attorney-Client Privilege: Any pending or anticipated litigation or contract negotiation in which the public body is, or may become a party. Any matters falling within the attorney-client privilege, to the extent that confidentiality is require in order for the attorney to exercise his ethical duties as a lawyer.

8 \_\_\_ Matters Relating to the Employment Relationship: Any matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance of promotion or disciplining of any specific prospective public officer or employee or current public officer or employee employed or appointed by the public body, unless all the individual employees or appointees whose rights could be adversely affected request in writing that such matter or matters be discussed at a public meeting.

9. \_\_\_\_\_ Matters Relating to the Potential Imposition of a Penalty: Any deliberations of a public body occurring after a public hearing that may result in the imposition of a specific civil penalty upon the responding party or the suspension or loss of a license or permit belonging to the responding party bears responsibility.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Union, assembled in public session on April 6, 2016 at 9:01 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.

It is anticipated that the deliberations conducted in closed session may be disclosed to the public upon the determination of the Township Committee that the public interest will no longer be served by such confidentiality.

Roll Call Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino			X			
Mr. Hirt			X			
Ms. McBride		X	X			
Mr. Bischoff	X		X			
Mr. Mazza			X			

Motion Carried

The Committee returned to regular meeting session at 9:11 p.m.

Roll Call Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino		X	X			
Mr. Hirt			X			
Ms. McBride	X		X			
Mr. Bischoff			X			
Mr. Mazza			X			

Motion Carried

The following actions were taken after returning to open session:

**The following motion was introduced for approval:**

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To authorize the contribution of \$2,000.00 to the Municipal Group Trust Fund Replenishment in connection with the Fair Housing Litigation. The check to be made to Atty. Surenian’s Trust Account.

Roll Call Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino		X	X			
Mr. Hirt			X			
Ms. McBride	X		X			
Mr. Bischoff			X			
Mr. Mazza			X			

Motion Carried

**The following motion was introduced for approval:**

To authorize the payment of \$1,500.00 toward expert witnesses involved with the Fair Housing Litigation.

Roll Call Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino		X	X			
Mr. Hirt			X			
Ms. McBride			X			
Mr. Bischoff	X		X			
Mr. Mazza			X			

Motion Carried

**The following Resolution was introduced for approval:**

To authorize the adoption of **RESOLUTION #2016-57** that was circulated to the Committee on March 1, 2016, retaining E-Consults Solutions, Inc., ESI, individually, to be an expert witness on behalf of Union Township in the Fair Housing Litigation.

TOWNSHIP OF UNION  
 COUNTY OF HUNTERDON  
 STATE OF NEW JERSEY

**RESOLUTION 2016-57  
 Retaining Econsult Solutions, Inc. (“ESI”), Individually**

**WHEREAS**, the Township Committee of the Township of Union in the County of Hunterdon, State of New Jersey entered into the Municipal Shared Services Defense Agreement (“MSSDA”) for the purpose as set forth therein, which included retaining a common expert in the Declaratory Judgment action (“Litigation”) that was filed in accordance with In the Matter of the Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing, 221 N.J. 1 (2015) (“Decision”); and

**WHEREAS**, the MSSDA identified Dr. Robert Burchell, a distinguished professor at Rutgers University, as the expert to be retained to prepare an expert report (the “Burchell Report”); and

**WHEREAS**, the Township of Union contributed \$2,000 to become a member of a consortium of municipalities (hereinafter “Municipal Group”) so that the Municipal Group could enter into an agreement with Rutgers University (hereinafter “Research Agreement”) for the purpose of having Dr. Burchell prepare a fair share report (hereinafter “Burchell Report”); and

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WHEREAS, Dr. Burchell became ill and was unable to complete the obligations under the Research Agreement as set forth in the MSSDA; and

WHEREAS, as a result, Rutgers University exercised its right to terminate the Research Agreement as permitted under its terms; and

WHEREAS, the MSSDA required a modification to allow the Municipal Group to retain one or more alternative experts, consultants and/or other professionals for the Litigation; and

WHEREAS, an Amendment to the MSSDA (“Amendment”) was prepared to effectuate the modification, and said Amendment was entered into by the Township of Union; and

WHEREAS, the Amendment authorized the execution of an agreement with Econsult Solutions, Inc. (“ESI”) to replace Dr. Burchell and Rutgers, and to prepared its own revised report; and

WHEREAS, ESI prepared a revised report entitled “New Jersey Affordable Housing Need and Obligations”, dated December 30, 2015 (the “Solutions Report”), for the Municipal Group; and

WHEREAS, the MSSDA as amended, entitled Members of the Municipal Group to retain ESI to testify about the Solutions Report and for related issues; and

WHEREAS, any Member of the Municipal Group could retain ESI (i) individually, (ii) as part of a local consortium consisting of other municipalities under the vicinage of any particular judge presiding over Mount Laurel matters or (iii) both individually and as part of a local consortium; and

WHEREAS, the purpose of this resolution is to retain ESI individually; and

WHEREAS, the proposed individual agreement, attached hereto, envisions that ESI will split its work if it prepares a report that benefits multiple municipalities; and

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

1. The Township of Union hereby authorizes its attorney to sign the agreement, attached hereto, on its behalf.

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

Roll Call Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino		X	X			
Mr. Hirt			X			
Ms. McBride			X			
Mr. Bischoff	X		X			
Mr. Mazza			X			

Motion Carried

18. ADJOURNMENT

*MINUTES OF REGULAR MEETING April 6, 2016*

There being no further business to come before the Township Committee at this time Mr. Bischoff made a motion to adjourn the meeting at 9:14 p.m. Mr. Severino seconded the motion. Motion carried by unanimous favorable roll call vote.

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Transcribed by: Grace Kocher, Deputy Clerk

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Frank Mazza, Mayor