

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.

3. FLAG SALUTE

4. ROLL CALL

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

Also 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 Meeting Minutes of November 13, 2019

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

6. VISITORS

7. REPORTS RECEIVED – Acknowledged and briefly discussed

- a. Road Dept.- Week Ending: 11/08/19; 11/22/19; 11/29/19; 12/06/19
- b. Animal Control Officer – November 2019
- c. Municipal Court – October/November 2019
- d. Public Safety Director – written report submitted
- e. Engineer’s Report
 - Grant for \$210,000.00 received from NJ DOT for Baptist Church Road Section II B.
 - County will be installing additional signs on CR 579 and Baptist Church Road and it is recommended that the Township post additional signs as well.
 - Updated Tax Maps of the Township are approved by the State.
 - Green Rock Recycling Quarry license will be coming before the Township Committee for approval. The Planning Board denied it because of the 50-foot buffer between the two quarries. There is no allowance for the buffer in the Township zoning regulations.

8. CORRESPONDENCE/WRITTEN COMMUNICATIONS

Mr. Stothoff mentioned the following correspondence:

- Request from the Town of Clinton regarding long-term projections for construction developments that would be serviced by the Clinton Water Department. Briefly discussed. The Committee agreed that the Township’s Engineer office should provide information.

9. PUBLIC COMMENTS – no comments

10. PUBLIC HEARING

11. OLD BUSINESS

12. NEW ORDINANCES - 1st Reading

13. NEW BUSINESS

a. The following Resolution was introduced for approval:

RESOLUTION #2019-__: Route 173 Bridge Replacement over Mulhockaway Creek – adopted in April

b. The following Resolution was introduced for approval:

Resolution #2019-102

**UNION TOWNSHIP, HUNTERDON COUNTY
APPROPRIATION TRANSFER(S)**

Be it resolved by the Township Committee of the Township of Union, County of Hunterdon, State of New Jersey, that there are insufficient funds to meet the demands necessary for the 2019 Appropriations in the following accounts:

TO:	General Admin. OE	\$12,500.00
	Telephone	1,000.00
	Total	\$13,500.00

WHEREAS, the following account(s) have sufficient excess funds to meet such demands:

FROM:	Road Maintenance S & W	5,000.00
	Road Maintenance OE	8,500.00
	Total	\$13,500.00

BE IT RESOLVED that in accordance with the provisions of R.S. 40A: 4-58 the Chief Financial Officer is hereby authorized to make the transfer(s) required to meet the obligations of Union Township.

Date: December 18, 2019

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

Mr. Hirt			X			
Mr. Stiger		X	X			
Mr. Stothoff			X			

Motion carried

c. The following Resolution was introduced for approval:

**RESOLUTION #2019-103
Authorizing Sale of Surplus Dump Truck
To Union Township Board of Education**

WHEREAS, Union Township is the owner of a certain 1989 International Model 1900 10-Ton Dump Truck with salt spreader and snowplow, VIN # KH649728; and

WHEREAS, said vehicle and equipment is no longer needed by the Union Township Department of Roads and Facilities, and is declared to be surplus property; and

WHEREAS, the Union Township Board of Education is in need of such a vehicle and equipment for plowing and salting the parking areas and driveways of the Union Township Elementary and Middle Schools; and good cause appearing; and

WHEREAS, the New Jersey Public Contracts Law, N.J.S.A. 40A-11-36 provides, in pertinent part:

40A:11-36, Sale or other disposition of personal property

Any contracting unit by resolution of its governing body may authorize by sealed bid or public auction the sale of its personal property not needed for public use.

* * *

(2) The contracting unit need not advertise for bids when it makes any such sale to the United States, the State of New Jersey, another contracting unit, any body politic to which it contributes tax raised funds, any foreign nation which has diplomatic relations with the United States, or any governmental unit in the United States.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Union, in the County of Hunterdon, State of New Jersey that the appropriate municipal officials are hereby authorized to transfer title for the above described dump truck and equipment to the Union Township Board of Education, in consideration of the sum of One Dollar (\$1.00), with the stipulation that the said surplus property is sold in “as is” condition with no warranties or guarantees, and the Board of Education shall be solely responsible for insuring and operating said vehicle and equipment; and

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. Mazza			X			
Mr. Hirt			X			
Mr. Stiger		X	X			
Mr. Stothoff			X			

Motion carried

d. The following Resolution was introduced for approval:

Resolution #2019-104

TOWNSHIP OF UNION, HUNTERDON COUNTY

Resolution Calling for Study Commission to Review the Open Public Records Act

WHEREAS, the Township of Union strongly believes in and supports open transparent government, and that citizens and residents have the right to be informed about the workings of government in order to best participate in a democracy; and

WHEREAS, on January 8, 2002 then Acting Governor DiFrancesco signed into law the Open Public Records Act (OPRA) which mandates that government records shall be available, with limited exceptions, for public access and simplifying the procedures for requesting such specific records; and

WHEREAS, the intent of the law was to provide the public with easy access to government records with an uncomplicated process for obtaining the records and eliminating bureaucratic red tape; and

WHEREAS, over the course of 18 years OPRA has been a positive light, but it has also been fraught with abuse and misuse, and has become an unanticipated financial cost to the taxpayers of New Jersey; and

WHEREAS, the Township of Union has labored under a well-intended law that has spiraled out of control, due to the volume and nature of requests, the cost to taxpayers in responding to the requests, and the potential liability in having to pay disproportionate prevailing party attorney's fees should the requests turn into litigated matters, as well as the liability in determining which documents shall be released, with or without redaction, while attempting to maintain individual privacy; and

WHEREAS, it is not only the volume of OPRA requests that challenge our resources, but it is also the cost associated with reviewing, retrieving, and processing the OPRA request(s) by public entity personnel and counsel and possibly defending our action(s) before the Government Records Council or in Superior Court; and

WHEREAS, the Township of Union received and responded to 28 OPRA requests in 2017, 108 OPRA requests in 2018, and to date has received and responded to 126 OPRA requests as of September 1, 2019; and

WHEREAS, the Township of Union municipal staff has spent approximately 85 hours responding to OPRA requests received in 2019 to date, and a yearly average of approximately 70 hours since 2017; and

WHEREAS, due to the often conflicting case law and Government Record Council decisions, as well as the unique characteristics of OPRA requests, the Township of Union must often times rely on the municipal attorney to review certain OPRA requests, resulting in additional fees; and

WHEREAS, daily numerous requests for construction permits submitted by Real Estate Agents, Environmental Consulting Agencies asking for any and all information on file in all municipal offices, litigation information that requires redaction of information on many documents and review by appropriate attorney, requests that do not provide adequate information to fulfill a request and require office staff to contact a requestor to obtain necessary information; and

WHEREAS, with limited exceptions OPRA has not been amended to address the clear and apparent advancement in technology that has changed the way government records are created, stored, and/or transmitted; the various interpretive decisions; privacy concerns; abuse for commercial gain; and/or the ever increasing cost to taxpayers; and

WHEREAS, as the current law approaches its twentieth (20th) anniversary it has outgrown its original intended use and has become ripe for comprehensive review and reform;

NOW, THEREFORE BE IT RESOLVED that the governing body of the Township of Union in Hunterdon County appeals to the legislature to form a Commission comprised of Mayors, Municipal Clerks, Municipal Managers, Attorneys, Police Chiefs, open government advocates, privacy experts, members of the media, citizens and other appropriate stakeholders, to review and examine the effects of OPRA on local government and the needs to be fulfilled by the law, and use the Commission’s findings to perform a comprehensive reform of OPRA; and

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded to Assemblymen John DiMaio and Erik Peterson, and Senator Michael Doherty, Assembly Speaker Craig Coughlin, Senate President Stephen Sweeney, Senator Weinberg, Executive Director of the Government Records Council, the Governor of the State of New Jersey, the Municipal Clerks Association of New Jersey and New Jersey State League of Municipalities.

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

e. **Motion to Approve** - 2020 Open Space Agricultural Maintenance Lease

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

f. **Motion to Approve** - 2020 Green Rock Recycling Quarry License

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 with the waiver of the 50-foot buffer requirement

g. **Motion to Approve** - Notice of 2020 Reorganization Meeting

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

MINUTES OF REGULAR MEETING December 18, 2019

Mr. Stothoff		x	x			
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Motion Carried

h. **Motion to Approve** - Dates of Meetings to be scheduled in 2020

Meeting Dates will be approved by vote at the 2020 Reorganizational Meeting of the Committee

i. **Motion to Approve** - Notice of Special 2020 Budget Workshop Meetings

Committee agreed with the dates. Vote not taken.

j. **Motion to Approve** - Request from the Pl. Board Secretary to Carry Unused 2019 Vacation to 2020

CFO Brennan said she was not going to ask for her vacation to be carried over, but since other employees are asking and are being allowed to carry it to the next year she would also like to ask permission to carry hers to next year.

Atty. Jost asked that the following motion be approved:

To allow Grace Brennan, CFO and Grace Kocher, Planning Board Secretary to carry over up to one week of unused 2019 vacation to be taken in a block of a full week and by the end of the first quarter of 2020.

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

14. PAYMENTS OF BILLS –

The approved lists 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. Mazza			x			
Mr. Hirt			x			
Mr. Stiger		x	x			
Mr. Stothoff	x		x			

Motion Carried

15. REPORTS

a. **Attorney’s Report**

- Have noticed emails circulated about water tanks not installed at the PS Construction Development. Mayor Mazza said that he received an email from Engineer Roseberry pointing out that for every 6 or 7 homes built there should be a 30 thousand gallon water tank. Atty. Jost said that January 2, 2014 Developers Agreement

for the development states that all improvements are to be constructed within 24 months from that date. Mr. Stothoff recommended that the issue be enforced. Construction office will be contacted regarding this matter. The Committee agreed that the Township Attorney Jost write a letter to the Developer regarding installation of required water tanks.

- A Township property formerly known as “Pytel property” was granted an affordable COAH loan that was recently paid back in full. The affordability controls were posed on the property for the life of the loan (6 years) and should evaporate automatically after that time. It was never an intention to put those controls permanently. Atty. Jost said that the property is being sold and the owner would like a clear deed to the house. Owner requested a letter stating that the affordability controls be dissolved. Atty. Jost requested authority from the Committee for the appropriate officials to sign a “Dissolution of the Affordability Controls” of the “Pytel Property”

Atty. Jost asked that the following motion be approved:

To authorize Mayor Mazza to sign the “Discharge of the Affordability Controls”

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

Motion Carried

- Conservation Easement for Mr. Spatz Block 22, Lot 5 was signed and sent to be recorded.

Atty. Jost asked that the Committee grant authorization for the Mayor and the Clerk to sign the Easement.

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

Atty. Jost stated that this was his last regular report as the Township Attorney and that he would miss meeting with the Committee, but not so much the nightly meetings. The Committee member extended their thanks to Atty. Jost for his long years of service to the Township.

b. Committee Report

Mr. Hirt reported the following:

- Mentioned mud brought on the road from heavy trucks and equipment in front of some businesses located on the State Route 173. Briefly discussed. Mr. Stothoff suggested contacting the County Soil Conservation regarding the issue.

Mr. Stothoff reported the following:

- Working on content and design of the Township website with Mr. Stiger. Training for employees was provided two weeks ago. Expectation to have the new website running is the first week of 2020.
- Spoke with a resident using the Township dumpster to dispose of her household garbage for which he said she apologized.

Mr. Stiger reported the following:

- Matters for Executive Session.

c. Mayor’s Report

- Asked about a part of the fence around recycling missing. The Committee members agreed to install additional fencing where necessary.
- Attended NJ DOT Public Service meeting regarding reconstruction of Route 173 Bridge over the Mulhockaway Creek. Detours during reconstruction of the bridge were discussed.

16. PUBLIC COMMENT –

Marc Strauss, Public Safety Director said he introduced himself to the new State Police Station Commander, Lieutenant Ed Moore.

17. EXECUTIVE SESSION –

**RESOLUTION #2019-105
 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 investigation 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 required in order for the attorney to exercise his ethical duties as a lawyer.

8. X 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 December 18, 2019 at 7:57 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. Mazza			x			
Mr. Hirt			x			
Mr. Stiger		x	x			
Mr. Stothoff	x		x			

Motion Carried

The Committee returned to regular meeting session at 8:42 p.m.

MINUTES OF REGULAR MEETING December 18, 2019

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

Motion Carried

18. ADJOURNMENT

There being no further business to come before the Township Committee at this time Mr. Severino made a motion to adjourn the meeting at 8:45 p.m. Mr. Stothoff seconded the motion. Motion carried by unanimous favorable roll call vote.

 Transcribed by: Ella M. Ruta, Municipal Clerk

 Frank Mazza, Mayor