

**UNION TOWNSHIP – TOWNSHIP COMMITTEE  
REGULAR MEETING**

**OCTOBER 18, 2006**

**MINUTES**

Mayor Rossi opened the meeting at 7:00 p.m.

“Sunshine Law” Announcement: Adequate notice of this public meeting has been provided by the Annual Notice; faxed to the Hunterdon Democrat and Courier News; posted on the public bulletin board and on file in the Municipal Clerk’s Office.

Roll Call – Present: Frank T. Mazza, Matt Mulhall, Rob Haynes and Bruce A. Rossi. J. Peter Jost, Esq., Township Attorney; and K. Judith Fabian, Township Clerk, were also present. Absent: Patricia Dziubek.

**APPROVAL OF MINUTES** – 1. Executive Session, September 20, 2006; motion was made by Mr. Haynes, seconded by Mr. Rossi, to adopt the Minutes. Vote – Ayes: Mr. Haynes and Mr. Rossi. Abstain: Mr. Mazza and Mr. Mulhall. Motion carried.

2. Regular Meeting, 10/4/06; motion was made by Mr. Haynes, seconded by Mr. Mazza, to approve the Minutes. Vote – Ayes: Mr. Mazza, Mr. Haynes, Mr. Mulhall and Mr. Rossi. Motion carried.

3. Executive Session, 10/4/06; motion was made by Mr. Haynes, seconded by Mr. Mulhall, to approve the Minutes. Vote – Ayes: Mr. Mazza, Mr. Haynes, Mr. Mulhall and Mr. Rossi. Motion carried.

Mr. Rossi, on behalf of the Township and Township Committee, extended sympathy and good wishes to Pat Lee and her family who lost her husband yesterday.

- REPORTS RECEIVED** –
1. Finance Officer Budget Trail Balance & Claims Register 10/18/06
  2. Building Dept. Permit Fee Log Report/Summary; 9/06
  3. Court Administrator 9/06

**CORRESPONDENCE** – Mr. Haynes mentioned the following: - letter from PAIC regarding awareness testing/training workshop; he will attend as the Township would be eligible for a reduced deductible and limit incentives; - letter and resolution regarding CAP relief; to be considered later in the evening.

Mr. Mazza mentioned the notice from UTEC regarding the well testing program starting on October 23, 2006; this will be put on the Township’s website.

**OLD BUSINESS** – 1. Brass Castle Development; Temporary Closing of Wyckoff Drive; October 31, 2006; 6:00 p.m. to 9:00 p.m. Mary Jo Haggerty, Spokeswoman. Mrs. Haggerty stated the following: they have 75 of 76 signatures in favor of closing (1 resident is opposed); she has a sample No Emergency Parking sign from the Town of Clinton; their insurance agent will be issuing a Certificate of Insurance (naming Union Township as additional insured); she has a list of adults manning the barricades; residents will be issued passes.

Mr. Haynes, Mr. Mazza and Mr. Rossi were concerned about the 1 dissenting resident. Mr. Jost stated the Township Committee does have jurisdiction to close the Road on a temporary basis. Mr. Rossi did agree to the closing as a safety measure as long as the opposing resident and their guests have access.

Motion was made by Mr. Mulhall, seconded by Mr. Mazza, to provide for the temporary closing of Wyckoff Drive on October 31, 2006 from the hours of 6:00 p.m. to 9:00 p.m. provided there are barricades manned by adults such that the barricades can be opened to allow residents of the development access to homes and that there is ample parking within the development for trick/treating and that emergency no parking signs be installed along Cooks Cross Rd. to prevent parking along that road especially in the area of Finn Road and subject to the Association providing an Insurance Certificate naming Union Township as additional insured. Vote – Ayes: Mr. Mazza, Mr. Haynes, Mr. Mulhall and Mr. Rossi. Motion carried.

The following resolution was introduced for adoption:

**RESOLUTION #2006-99**

**RELIEF FROM THE MUNICIPAL CAP LAW**

WHEREAS, since their institution in 1977 as part of the package of bills establishing the Property Tax Relief fund, funded by New Jersey’s first Income Tax, the artificial limits on local budgetary discretion contained in the local government cap law have, repeatedly, proved to be unworkable and in need of amendment in times of fiscal stress; and

WHEREAS, the latest amendments to the cap law were enacted in 2004 as part of Governor McGreevey's FAIR Plan, which was supposed to provide short term property tax relief and produce long term property tax reform, the cap amendments being a part of the short term relief component; and

WHEREAS, those 2004 amendments drastically lowered the cap, eliminated important exceptions to the cap and severely limited the use of "cap banking", which is crucial to municipal intermediate range budgetary planning; and

WHEREAS, despite the recommendations of the Governor's Blue Ribbon Property Tax Convention Task Force and despite the energetic efforts of a core of concerned and committed legislators and the outspoken support of a large and growing coalition of citizens' public interest groups, the Legislature has, to date, failed to advance the cause of property tax reform, continuing decades of inattention to a problem that a majority of our fellow citizens consistently identify as their greatest public policy concern; and

WHEREAS, instead, State policy makers have consistently under-funded, cut and eliminated crucial municipal property tax relief programs, thereby exacerbating the property tax crisis and making it increasingly difficult for municipal budget makers to meet the needs and honor the wishes of local property taxpayers and to deal with current fiscal stresses over which they have no control; and

WHEREAS, in recognition of these serious issues, legislation has been introduced to provide appropriate flexibility to help local budget makers better meet citizen needs for high quality public programs and services; and

WHEREAS, in order to do so, the bills (A-3444/S-2183) would; first, make permanent the temporary cap exception for costs of domestic security preparedness and responses to incidents and threats to domestic security; second, make permanent the temporary cap exception for liability insurance, workers' compensation insurance the employee group insurance; and finally, provide an exception from the county and municipal local budget cap for appropriations for the costs of goods and services, including wage and salary increases that are required under contracts entered into prior to July 7, 2004, the effective date of P.L.2004, c.74, the statute that reduced the local budget cap limits to the lesser of 2.5% or the consumer price index; and

WHEREAS, while extremely beneficial for rational effective budgetary planning, the "cap banking" problems created by the 2004 amendments will pose lasting and growing problems for municipalities trying to prepare for unanticipated exigencies and immanent needs;

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Union does fully support and urge swift and favorable action on A-3444/S-2183; and

BE IT FURTHER RESOLVED, that we do respectfully request an amendment to the bill to restore "cap banking" to its previous status, as it existed prior to the 2004 amendments; and

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded to our State Legislative Delegation and to the New Jersey League of Municipalities.

Motion was made by Mr. Mazza, seconded by Mr. Haynes, to adopt the above resolution. Vote – Ayes: Mr. Mazza, Mr. Haynes, Mr. Mulhall and Mr. Rossi. Motion carried.

Mr. Rossi recognized Jessica Maroney, Union Township Middle School student. She requested Mr. Rossi sign an Agenda for Mr. Fischer's social studies class. Mr. Rossi signed her Agenda.

Neil Davis, from the public, referred to his letter dated October 18, 2006 requesting the Committee reconsider its decision to vacate the portion of Main Street outlined in the recently adopted ordinance citing a potentially dangerous situation during inclement weather regarding access to his property for both emergency services and home health aide for his Mother-In-Law.

Mr. Mazza suggested vacating a portion of Old Main St.

Mr. Rossi was of the opinion that would create a private road. Mr. Mazza disagreed with the vacation in particular because of the ECHO cottage on Mr. Davis's property for his Mother-In-Law.

Mr. Mulhall was of the opinion the issue is this would be another extension of Main St.; there are a number of private roads in the Township; tax dollars for this particular road are not significant; however, adding all the others would be.

Mr. Davis responded he was of the opinion there was an Agreement not to vacate the road; they continue to pay taxes; snow plowing is the major issue; the road is designed for Township trucks to turn around in his driveway; 9 years ago he bargained in good faith (to the Planning Board); he will have to pay for snow plowing; he requested the Township Committee reconsider.

Mr. Mulhall further explained his position on municipal/private roads. Mr. Davis was of the opinion the Township Committee is doing the wrong thing.

**NEW BUSINESS** – 1. Voice mail/phone system; phone lines within the building need to be replaced; cost \$980.00. Mr. Rossi was not in favor of spending the additional money; however, the insurance claim has been paid, there are funds available; time will be wasted in not proceeding. Motion was made by Mr. Mulhall, seconded by Mr. Haynes, to approve the spending of \$980.00 to Strategic Products and Services to install new Category 3 single cable run wiring for the municipal building for the new system. Vote – Ayes: Mr. Mazza, Mr. Haynes, Mr. Mulhall and Mr. Rossi. Motion carried.

2. Tax Collector’s request for a new computer; quote obtained from Gateway, \$917.00. Motion was made by Mr. Mazza, seconded by Mr. Mulhall, to authorize the Tax Collector to obtain a quote from Dell and to approve a new computer for tax collection to a maximum of \$1,000.00. Vote – Ayes: Mr. Mazza, Mr. Haynes, Mr. Mulhall and Mr. Rossi. Motion carried.

3. The following resolution was introduced for adoption:

**RESOLUTION #2006-100  
2006 TAX REFUND**

WHEREAS, there exists for 2006 a refund of taxes for the following:

BLOCK / LOT	QUALIFIER	NAME	AMOUNT
22	31.05	Harris, John & Amy P.	\$200.00

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Union, County of Hunterdon, State of New Jersey, that the 2006 refund(s) be paid to the above stated name(s) or designee and that the Treasurer of the Township of Union is hereby authorized to issue a check in the stated amount(s).

Motion was made by Mr. Mulhall, seconded by Mr. Haynes, to adopt the above resolution. Vote – Ayes: Mr. Mazza, Mr. Haynes, Mr. Mulhall and Mr. Rossi. Motion carried.

4. The following resolution was introduced for adoption:

**RESOLUTION #2006-101  
HIRING PART-TIME EMPLOYEE/RECYCLING ATTENDANT; John William Battipaglia**

WHEREAS, there is a need for a part-time employee for the Recycling Center; and

WHEREAS, John William Battipaglia is qualified and has expressed an interest in same;

THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Union to hire John William Battipaglia, as a part-time employee/recycling attendant effective October 18, 2006, at an hourly rate of \$11.25.

Motion was made by Mr. Mulhall, seconded by Mr. Mazza, to adopt the above resolution. Vote – Ayes: Mr. Mazza, Mr. Haynes, Mr. Mulhall and Mr. Rossi. Motion carried.

5. The following resolution was introduced for adoption:

**RESOLUTION #2006-101b  
Part-Time Recycling Attendant; Joseph T. Peake**

WHEREAS, there is a need for a part-time recycling attendant; and

WHEREAS, Joseph T. Peake is qualified and has expressed an interest in same;

THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Union to hire Joseph T. Peake as a part-time recycling attendant, effective October 18, 2006, at an hourly salary of \$11.25 per hour.

Motion was made by Mr. Mazza, seconded by Mr. Mulhall, to adopt the above resolution. Vote - Ayes: Mr. Mazza, Mr. Haynes, Mr. Mulhall and Mr. Rossi. Motion carried.

6. Personnel Manual Revisions; tabled to November 1<sup>st</sup> meeting.

**ENGINEER'S REPORT** – Not present.

**ATTORNEY'S REPORT** – Mr. Jost mentioned the following: - Hamlet @ Hidden Meadow; he is hopeful details will be worked out to introduce an ordinance at the next meeting; - he was at Apt. 26B, Hoffman Park, to personally serve the tenant with "Notice to Quit and Demand for Possession" papers; he explained the papers to the tenant and his sister; there are plumbing problems at Hoffman Park buildings partially addressed today and will be further taken care of tomorrow; - there appears to be extensive belongings of Mrs. Hoffman at Hoffman house; he will follow up with the estate's executor; - he has matter(s) for Executive Session.

**MAYOR'S REPORT** – Mr. Rossi mentioned the following: - municipal building holiday hours; tabled to November 1<sup>st</sup>; - Bruce Hirt Restoration Recommendations dated 10/5/06; Mr. Haynes explained the scope of clean up work. Motion was made by Mr. Haynes, seconded by Mr. Mulhall, authorizing up to \$800.00 for work done as mentioned by Mr. Haynes. Vote – Ayes: Mr. Mazza, Mr. Haynes, Mr. Mulhall and Mr. Rossi. Motion carried. - Mr. Rossi mentioned the Cross Acceptance meeting October 26<sup>th</sup> at 5:00 p.m.

**COMMITTEE REPORT** – Mr. Mulhall mentioned the following: - he had matter(s) for Executive Session; - he met with COAH; things seem to be going well; the Township's Plan has not been adopted; he is working on the Milligan subdivision; he and Mr. Jost will make a presentation to the Planning Board on November 14<sup>th</sup>; there are 14 acres on the upper portion / 2.3 acres on the lower; 9 buildings; with 83+ acres in preservation. Motion was made by Mr. Haynes, seconded by Mr. Mazza, to authorize Mr. Mulhall and Mr. Jost to appear on behalf of the Township Committee at the November 14<sup>th</sup> Planning Board meeting. Vote – Ayes: Mr. Mazza, Mr. Haynes, Mr. Mulhall and Mr. Rossi. Motion carried.

Mr. Mazza mentioned the quote from D & L Pump Co., \$2,075.00, to install two water softeners at the Township-owned building leased to the Historical Society. Wm. Stothoff Co. did not respond; funds are available.

Mr. Mulhall mentioned Mr. Stothoff suggested bottled water for this use. Mr. Mazza mentioned the Historical Society is not interested in the bottled water option. Mr. Rossi suggested the bottled water and looking at the situation for next year's budget. Mr. Mazza disagreed.

Mr. Haynes was in favor of putting in the windows in and bottled water.

Mr. Mulhall reviewed the Estimate in detail and suggested using the bottled water in conjunction with the water softener for iron removal. Mr. Mulhall will contact Mr. Stothoff for additional information on a smaller softener unit.

Mr. Rossi mentioned the Union Township Board of Education President phoned him to discuss various matters.

Mr. Mazza mentioned he has had phone calls regarding trucks parking on 173 and blocking lanes; no parking signs are posted; tickets are being issued; he was in favor of Mr. Jost preparing a letter to NJDOT requesting they put up additional signs. Mr. Jost was authorized to prepare such a letter for the signature of Mayor Rossi.

**COMMENTS FROM THE PUBLIC** – None.

**CLERK'S REPORT** – 1. Cancellation of November 15<sup>th</sup> meeting due to lack of a quorum; motion was made by Mr. Mazza, seconded by Mr. Haynes, to cancel the November 15, 2006 meeting. Vote – Ayes: Mr. Mazza, Mr. Haynes, Mr. Mulhall and Mr. Rossi.

2. The house rented by the Lustado family was vacated on October 17<sup>th</sup>; the unit will be inspected and secured.

Neil Davis, from the public, questioned is the Township named in a law suit filed by Barri and Michael Beck? Mr. Jost responded, yes. Mr. Davis asked will it be handled with in-house counsel? Mr. Jost responded, that is undetermined at this time.

**PAYMENT OF BILLS** – Mr. Haynes that all claims against the Township of Union as appearing in the Claims Register of this date be paid and that all checks listed hereinafter be issued in payment thereof, seconded by Mr. Mazza. Vote: Mr. Mazza, Mr. Mulhall, Mr. Haynes and Mr. Rossi. Motion carried.

The following resolution was introduced for adoption:

**RESOLUTION  
EXECUTIVE SESSION**

WHEREAS, N.J.S.A. 10:4-12 allows for a public body to go into closed session during a public meeting; and

WHEREAS, the Union Township Committee has deemed it necessary to go into closed session to discuss certain matters which are exempted from the public;

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Union will go into closed session for the following reason(s) as outlined in N.J.S.A. 10:4-12: Potential litigation and litigation.

Motion was made by Mr. Mulhall, seconded by Mr. Haynes, to adopt the above resolution. Vote – Ayes: Mr. Mazza, Mr. Mulhall, Mr. Haynes and Mr. Rossi. Motion carried.

Motion was made by Mr. Mazza, seconded by Mr. Haynes, to return to the regular meeting. Vote – Ayes: Mr. Mazza, Mr. Mulhall, Mr. Haynes and Mr. Rossi. Motion carried.

The following resolution was introduced for adoption:

**RESOLUTION #2006-102  
COOPERATIVE PRICING QUOTATION SOLICITATION – DEER CARCASS REMOVAL  
SERVICES WITH THE COUNTY OF HUNTERDON**

WHEREAS, John P. Davenport, III, Director, Purchasing Department, County of Hunterdon has indicated Hunterdon County has taken the lead role and responsibility for soliciting quotations for deer carcass removal services through December 31, 2006; and

WHEREAS, this will result in a cost saving for Union Township;

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Union to accept the offer of Hunterdon County for the cooperative pricing quotation solicitation and award the quote of \$45.00/per carcass for pick up on Township roads to Kelly Winthrop LLC, Attn: Kelly Winthrop, 1110 New Parkview Place, West Palm Beach, FL 33417, until December 31, 2006.

Motion was made by Mr. Haynes, seconded by Mr. Mazza, to adopt the above resolution. Vote – Ayes: Mr. Mazza, Mr. Haynes, Mr. Mulhall and Mr. Rossi. Motion carried.

**ADJOURNMENT** – There being no further business to come before the Township Committee at this time, motion was made by Mr. Haynes, seconded by Mr. Mazza, to adjourn. Vote – Ayes: Mr. Mazza, Mr. Mulhall, Mr. Haynes and Mr. Rossi. Motion carried.

Meeting adjourned at 9:30 p.m.

Respectfully submitted,

K. Judith Fabian, RMC  
Township Clerk