

UNION TOWNSHIP – TOWNSHIP COMMITTEE
REGULAR MEETING

FEBRUARY 15, 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.

Flag Salute

Roll Call - Present: Patricia Dziubek, Frank Mazza, Matt Mulhall, Rob Haynes and Bruce Rossi. J. Peter Jost, Esq., Township Attorney; Robert C. Bogart, P.E., Township Engineer and K. Judith Fabian, Township Clerk, were also present.

APPROVAL OF MINUTES – 1. Regular Meeting/Executive Session #1 of 2/1/06; Special Meeting/Budget workshop Sessions and Executive Sessions of 2/2/06 and 2/26/06 - Motion was made by Mr. Mazza, seconded by Mr. Haynes, to approve said Minutes. Vote – Ayes: Mrs. Dziubek, Mr. Mazza, Mr. Haynes, Mr. Mulhall and Mr. Rossi. Motion carried.

2. Executive Session #2 of 2/1/06; - Motion was made by Mrs. Dziubek, seconded by Mr. Haynes, to approve said Minutes. Vote – Ayes: Mrs. Dziubek, Mr. Haynes, Mr. Mulhall and Mr. Rossi. Abstain: Mr. Mazza. Motion carried.

REPORTS RECEIVED –	1. Building Dept.	1/06
	2. Finance Officer; Claims Register	2/15/06
	3. Municipal Court	1/06

CORRESPONDENCE – Taken later in the meeting.

OLD BUSINESS – None.

NEW BUSINESS – 1. Apt. 26B @ Hoffman Park; Update – Steve Markota, Renter and family present; - Mr. Mazza mentioned issues at the apartment specifically rodent problem and water pressure; recently renovated Apt. 26A was offered to Mr. Markota; however, he would prefer to remain in 26B.

Mr. Mulhall was of the opinion that as Mr. Markota prefers not to move, issues should be addressed to include water testing (to be done by Mr. Mulhall). Mrs. Dziubek was of the opinion the Township has an obligation to make repairs.

Mr. Jost gave his opinion the property should be kept habitable; it is surrounded by open land contributing to the rodent issue.

Mr. Markota was of the opinion the tub should be replaced.

Mr. Rossi summarized the issues as outlined: plumbing and rodent; at some point the Township may have to decide when to “retire” the apartment; he was in favor of having emergency repairs taken care of and then have the Construction Official do an inspection. Mr. Mulhall was in favor of moving quickly on the rodent and plumbing issues and have a contractor do an assessment.

Motion was made by Mr. Mulhall to authorize Mr. Mazza to spend up to \$500.00 for emergency rodent treatment and incidental costs associated with procuring a detailed evaluation of repairs that need to be done at the Markota residence at Hoffman Park prior to the next Township Committee meeting, seconded by Mrs. Dziubek. Vote – Ayes: Mrs. Dziubek, Mr. Mazza, Mr. Haynes, Mr. Mulhall and Mr. Rossi. Motion carried.

2. Application of use of Public Facilities; Colonial quilters; - motion was made by Mr. Haynes, seconded by Mrs. Dziubek, to approve said application. Vote – Ayes: Mrs. Dziubek, Mr. Mazza, Mr. Haynes, Mr. Mulhall and Mr. Rossi. Motion carried.

3. Mr. Rossi read the following Proclamation:

PROCLAMATION

READ ACROSS AMERICA-NJ

WHEREAS, the citizens of Union Township stand firmly committed to promoting reading as the catalyst for our students’ future academic success, their preparation for America’s jobs of the future, and their ability to complete in a global economy; and

WHEREAS, Union Township has provided significant leadership in the area of community involvement in the education of our youth, grounded in the principle that educational investment is key to the community's well-being and long-term quality of life; and

WHEREAS, *NEA's Read Across America*, a national celebration of reading, will be conducted on March 2, 2006, which would have been the 102nd birthday of Theodor Seuss Geisel, better known as Dr. Seuss; and

WHEREAS, *Read Across America-NJ* is being conducted statewide by the New Jersey Education Association, in partnership with the New Jersey State League of Municipalities, the New Jersey Library Association, Saturn-UAW, and their local affiliates across the state to promote reading and adult involvement in the education of our community's students;

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Union calls on the citizens of the Township of Union to assure that every child is in a safe place reading together with a caring adult on March 2, 2006;

AND BE IT FURTHER RESOLVED that this body enthusiastically endorses *NEA's Read Across America* and *Read Across America-NJ*, and recommits our community to engage in programs and activities to make America's children the best readers in the world.

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

4. Resolution authorizing part-time employee; after a brief discussion, matter tabled.

5. The following resolution was introduced for adoption:

**RESOLUTION #2006-34
AMENDMENT #1; RESOLUTION #2006-11
ALTERNATE COORDINATOR FOR THE AGING - 2006**

WHEREAS, Jean Donato was reappointed to represent the Township of Union as the Coordinator for the Aging; and

WHEREAS, Marion Donato has resigned as Alternate Coordinator for the Aging; and

WHEREAS, Fran LaLournous has expressed an interest in representing the Township of Union as Alternate as Alternate Coordinator for the Aging;

THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Union to appoint Fran LaLournous as Alternate Coordinator for the Aging to serve for the Township of Union, Hunterdon County, for year 2006.

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

6. The following resolution was introduced for adoption:

**Resolution # 2006-35
Designating and Authorizing
Township COAH Mediation Representatives**

WHEREAS, Union Township, Hunterdon County, filed a petition with the New Jersey Council on Affordable Housing ("COAH") on December 7, 2005 for substantive certification of its Third Round housing element and fair share plan; and

WHEREAS, objections to said petition were received by COAH during the 45-day comment period; and

WHEREAS, as a result of said objections, COAH will appoint a mediator and mediation will be scheduled pursuant to COAH regulations;

NOW THEREFORE, 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 N.J.A.C. 5:95-7.2(f), Union Township hereby designates the following representatives to negotiate on behalf of Union Township and also hereby authorizes any one of the following representatives to execute on behalf of Union Township any written agreement reached during mediation:

1. Howard D. Cohen, Esq.
2. Mary Beth Lonergan, P.P., A.I.C.P
3. Matthew Mulhall
4. Jay Grossi

BE IT FURTHER RESOLVED that a copy of this duly adopted resolution shall be submitted to COAH upon adoption; and

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

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

7. The following resolution was introduced for adoption:

RESOLUTION #2006-36

RESOLUTION AUTHORIZING FILING OF STIPULATIONS AND CORRECTIVE APPEALS BY TAX ASSESSOR

WHEREAS, the Township Committee of the Township of Union has been informed that from time to time errors are made in computing the tax assessments; and

WHEREAS, the Tax Assessor of the Township of Union has requested the Township Committee authorize him to file corrections of such errors with the Hunterdon County Board of Taxation; and

WHEREAS, the Tax Assessor of the Township of Union is called upon to defend tax appeals filed with the Hunterdon County Board of Taxation and to agree to stipulations of appeals;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Union that the Tax Assessor of the Township of Union be and is hereby authorized to file corrective appeals with the Hunterdon County Board of Taxation, to represent the Township of Union before the Hunterdon County Board of Taxation in defense of appeals filed with said Board and to sign stipulations of appeals on behalf of the Township of Union, which he feels are proper and in the best interest of the Municipality.

8. The following resolution was introduced for adoption:

RESOLUTION #2006-37

AUTHORIZING 2006 PROFESSIONAL SERVICE CONTRACT; ENVIRONMENTAL CONSULTING SERVICES; Stephen J. Souza, Ph. D.; Princeton Hydro, LLC

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

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

WHEREAS, funds are available; and

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

WHEREAS, PRINCETON HYDRO LLC has completed and submitted a Business Entity Disclosure Certification which certifies that PRINCETON HYDRO LLC has not made any reportable contributions to a political or candidate committee in the Township of Union in the previous one year, and that the contract will prohibit PRINCETON HYDRO LLC from making any reportable contributions through the term of the contract; and

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

1. The Mayor and Township Clerk are hereby authorized and directed to execute a professional services agreement with Princeton Hydro, LLC, (Stephen J. Souza, Ph. D.) for environmental consulting services;
2. This Contract is awarded without competitive bidding as a “Professional Service” in accordance with 40A:11-5(1)(a) of the Local Public Contracts Law.

- 3. Approval of the attached Contract is subject to availability and appropriation of sufficient funds as may be required in the **2006** temporary/permanent Municipal budgets.
- 4. A notice of this action shall be printed once in the official newspaper.

Motion was made by Mr. Mazza, seconded by Mrs. Dziubek, to adopt the above resolution subject to the “Pay-to-Play” paragraph being part of the Contract. Vote – Ayes: Mrs. Dziubek, Mr. Mazza, Mr. Haynes, Mr. Mulhall and Mr. Rossi. Motion carried.

9. The following resolution was introduced for adoption:

RESOLUTION #2006-38

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 2005 Reserve Balances in:

TO:	Solid Waste (Sewer Charges)	\$11,217.82
	Gasoline	1,234.91
	Total	\$12,452.73

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

FROM:	Engineering Services OE	\$12,452.73
	Total	\$12,452.73

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.

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. Abstain: Mrs. Dziubek. Motion carried.

10. Mr. Rossi read the following ordinance, by title, and introduced same for 1st reading:

ORDINANCE #2006-___

ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND 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 budget to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year’s final appropriations, subject to certain exceptions; and

WHEREAS, N.J.S.A. 40A:4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and

WHEREAS, the Township Committee of the Township of Union, in the County of Hunterdon, finds it advisable and necessary to increase its CY 2006 budget by up to 3.5% over the previous year’s final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and

WHEREAS, the Union Township Committee hereby determines that a 1.0% increase in the budget for said year, amounting to \$17,819.00 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and

WHEREAS, the Union Township Committee hereby determines 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.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Union, in the County of Hunterdon, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2006 budget year, the final appropriations of the Township of Union shall, in accordance with this ordinance and N.J.S.A. 40A:4-45.14, be increased by 3.5% amounting to \$62,366.00,

and that the CY 2006 municipal budget for the Township of Union be approved and adopted in accordance with this ordinance; and

BE IT FURTHER 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:

Motion was made by Mrs. Dziubek, seconded by Mr. Haynes, to adopt the above ordinance on 1st reading. Vote – Ayes: Mrs. Dziubek, Mr. Mazza, Mr. Haynes, Mr. Mulhall and Mr. Rossi. Motion carried.

Public Hearing will be held on March 15, 2006.

CORRESPONDENCE – Mr. Haynes mentioned the letter from the South Branch Water Shed regarding their Spring Clean up; - the Town of Clinton letter regarding speed platforms on Rupell Rd.; additional information will be forth coming.

Mr. Mazza asked Mr. Bogart about certain easements at the Sanctuary. Mr. Bogart will send him the filed map.

ATTORNEY’S REPORT – Mr. Jost mentioned he has matters for Executive Session.

ENGINEER’S REPORT – Mr. Bogart mentioned the stormwater ordinance(s) are being formulated; he also had matter(s) for Executive Session

MAYOR’S REPORT – Mr. Rossi mentioned a few items.

COMMITTEE REPORT – Mrs. Dziubek mentioned there was an in-service session with the website manager.

Mr. Mulhall and Mr. Mazza matters for Executive Session.

Mr. Haynes mentioned he looked over the Milligan farm house; it is 142 years old; it may be in the Historic District; the outside is in poor condition; inside is quite sound; major systems need replacing; he outlined 4 options as follows: do nothing/keep and maintain as a rental/demolition/sell; he was not in favor of demolition. Mr. Bogart provided historic information. The possibility of grant funds was briefly discussed.

Municipal Court Update – Mr. Mazza is in the process of meeting with the Mayor of Franklin Township. Mr. Rossi asked Mr. Mazza has he looked at Union Township Court for ways to make it more profitable? Mr. Mazza did not know if anything can be done; options briefly discussed.

COMMENTS FROM THE PUBLIC – Louis Tranquilli, resident of Town of Clinton, was in favor of the speed platforms on Ruppel Rd.

Skip Jonas, Chairman of the Environmental Commission, provided a report on sustainable projects for the Committee’s review.

CLERK’S REPORT – None .

PAYMENT OF THE BILLS – Mr. Haynes moved 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 – Ayes: Mrs. Dziubek, Mr. Mazza, Mr. Haynes, Mr. Mulhall 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: personnel/litigation/potential litigation/contract negotiations.

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

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

Mr. Rossi distributed the latest draft of the 2006 Budget for Committee review; aspects of said Budget briefly discussed.

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

Meeting adjourned at approximately 10:25 p.m.

Respectfully submitted,

K. Judith Fabian, RMC
Township Clerk