

**UNION TOWNSHIP – TOWNSHIP COMMITTEE  
REGULAR MEETING**

**APRIL 5, 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: Patricia Dziubek, Frank Mazza, Matt Mulhall, Rob Haynes and Bruce A. Rossi. J. Peter Jost, Esq., Township Attorney; Robert C. Bogart, P.E., Township Engineer; Anthony Ardito, Township Auditor; Grace M. Brennan, Finance Officer and K. Judith Fabian, Township Clerk, were also present.

**APPROVAL OF MINUTES** – Regular Meeting and Executive Session #1, 2 & 3 of 3/15/06; Mrs. Fabian noted a correction on Page 10; Mr. Thatcher’s professional services resolution; delete: “less than \$17,500.00”; insert: “not more than \$10,000.00”; -motion was made by Mr. Mazza, seconded by Mr. Haynes, to adopt the Minutes as amended. Vote – Ayes: Mrs. Dziubek, Mr. Mazza, Mr. Haynes, Mr. Mulhall and Mr. Rossi. Motion carried.

**2006 MUNICIPAL BUDGET** – Mr. Rossi mentioned the State aid numbers have been received and the refunding bond ordinance will result in an approximate \$90,000 savings. Mr. Rossi asked Mr. Ardito to take the \$90,000 out of the budget to determine the tax rate. Mr. Ardito: tax rate increase would be 6/10ths of 1% = 5.2¢ (2005 tax rate 4.6¢). Mr. Rossi noted that is adequate to pay bills and put \$65,000 in the capital account; the Township has been named in a few law suits resulting in larger than anticipated legal expenses; the State cap is 3 ½%; an option would be to increase the cap to the maximum by \$20,000; after funds are spent (legal), the Township could do an emergency appropriation. Mr. Ardito explained the emergency appropriation option and other options\*.

Motion was made by Mr. Mulhall, seconded by Mr. Haynes, to remove the \$90,000 from the budget and add \$20,000 to the cap. Vote – Ayes: Mr. Haynes, Mr. Mulhall and Mr. Rossi. Naye: Mrs. Dziubek and Mr. Mazza. Motion carried.

Collection rate – Motion was made by Mr. Mulhall to stay at 98%; tax rate of 5.5¢; no second. Motion defeated.

Mr. Rossi, stepped down, and made a motion to go to a 97.9% collection rate; tax rate of 5.75¢; no second. Motion defeated.

Mrs. Dziubek made a motion to go to a tax collection rate of 97.4%; tax rate of 6.94+¢, seconded by Mr. Mazza. Vote – Ayes: Mrs. Dziubek and Mr. Mazza. Naye: Mr. Haynes, Mr. Mulhall and Mr. Rossi. Motion defeated.

Mr. Haynes made a motion to go to a tax collection rate of 97.8%; tax rate of 5.99¢, seconded by Mr. Rossi. Vote – Ayes: Mr. Haynes and Mr. Rossi. Naye: Mrs. Dziubek, Mr. Mazza and Mr. Mulhall. Motion defeated.

Mr. Mulhall expressed his opinion – he could see no reason to raise taxes more than necessary. Mr. Rossi agreed with Mr. Mulhall at a varying degree. Mr. Haynes agreed with Mr. Mulhall and expressed concern with the actual tax collection rate. Mrs. Brennan provided information on past collection rates.

Mr. Rossi suggested changing gears – he mentioned the financing for the purchase of rubber nuggets to be used in/around the play area at Finn Rd. Park. Mr. Mulhall was in favor of allocating funds from the capital budget for that purpose. Mr. Haynes, Mrs. Dziubek and Mr. Mazza agreed with Mr. Mulhall.

Mrs. Dziubek expressed her budget concerns i.e. planning ahead; future planning aspects were discussed.

Mr. Mazza mentioned the budget Plan as established in 2005. Mr. Haynes and Mr. Rossi responded that was before the \$90,000 savings was realized.

Mr. Rossi, stepped down, and made a motion to go to a 97.9% tax collection rate; tax rate 5.75¢, seconded by Mr. Haynes. Vote – Ayes: Mrs. Dziubek (1<sup>st</sup> voted no; amended her vote to yes), Mr. Mazza, Mr. Haynes, Mr. Mulhall and Mr. Rossi. Motion carried.

The following resolution was introduced for adoption:

**RESOLUTION #2006-49  
DEFERRED SCHOOL TAX**

WHEREAS, the provisions of C.63, P.L.1991 (The Supplemental Municipal Property Tax Relief Act) under Section 13 required municipalities whose school tax year is on a fiscal basis to defer twenty-five (25) per cent of the maximum allowable amount and anticipate it into their budget over a four (4) year

period beginning in budget year 1991, and ending in budget year 1994 as additional Municipal surplus to offset the local property tax levy for local purposes; and

WHEREAS, the provisions of C.63, P.L.1991 were amended in calendar year 1993 that changed the mandatory provision of the use of this deferred school tax to a permissive provision; and

WHEREAS, the revised provisions for electing to utilize the deferred school tax require the governing body to make such election by introduction of the municipal budget.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Union that election be made to defer school taxes as of December 31, 2005, and be reflected in the Annual Financial Statement for the year 2005 as follows:

	<u>FY 05-06</u> <u>SCHOOL LEVY</u>	<u>MAXIMUM AMOUNT</u> <u>OF DEFER TAX</u>
Local District School Tax	\$7,460,316.00	\$3,730,158.00
TOTAL MAXIMUM DEFER TAX 12/31/05		3,730,158.00
LESS – MAXIMUM DEFER TAX 12/31/04		2,278,374.50
INCREASE IN MAXIMUM DEFER TAX ALLOWABLE FOR CALENDAR YEAR 2005		1,451,783.50
AMOUNT DEFERRED AT 12/31/05		\$ 527,283.00

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.

The following resolution was introduced for adoption:

**RESOLUTION #2006-50  
DELAYED INTRODUCTION OF 2006 MUNICIPAL BUDGET**

WHEREAS, under provisions of N.J.S.A.40A:4-5, a municipality shall introduce the Local Municipal Budget no later than March 21<sup>st</sup> of the fiscal year; and

WHEREAS, the Township of Union has delayed the introduction of the 2006 Municipal Budget past the statutory deadline until such time as State Aid figures became known;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Union, Hunterdon County, New Jersey, that the Township of Union hereby petitions the Director of the Division of Local Government Services to allow a delayed introduction of the 2006 Union Township Municipal Budget; and

BE IT FURTHER RESOLVED that a certified copy of this Resolution shall be forwarded to the Director of the Division of Local Government Services, 101 South Broad Street, PO Box 803, Trenton, NJ 08625-0803.

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.

The following resolution was introduced for adoption:

**RESOLUTION #2006-51  
Resolution Introducing by Title/Approving the 2006 Municipal Budget**

WHEREAS, the Township of Union is holding a meeting on April 5, 2006 for the purpose of introducing the 2006 Municipal Budget and conducting other matters; and

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Union, Hunterdon County, new Jersey, that the Township of Union hereby petitions the Director of the Division of Local Government Services that the 2006 Local Municipal Budget be introduced and approved on April 5, 2006.

**2006 UNION TOWNSHIP BUDGET**

Surplus Anticipated General Revenues	\$1,056,000
Total Miscellaneous Revenue	1,323,465
Amount to be Raised by Taxes	381,497
Receipts from Delinquent Taxes	<u>248,684</u>
Total General Revenues	<u>\$3,009,645</u>
Total Operations	\$2,134,727
Capital Improvements	160,000
Debt Service	332,395
Statutory Expenses	58,000
Reserve for Delinquent Taxes	<u>324,523</u>
Total Municipal Budget	<u>\$3,009,645</u>

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.

The following resolution was introduced for adoption:

**RESOLUTION #2005-52**

WHEREAS, the 2006 Local Municipal Budget was introduced on the 5<sup>th</sup> day of April, 2006; and

WHEREAS, the Township of Union, with the Agreement for in-lieu of tax payments, will be receiving funds during fiscal year 2006 in the amount of \$26,686.00; and

NOW, THEREFORE BE IT RESOLVED, that the petition be made herewith to the Director of the Division of Local Government Services that the 2006 Local Municipal Budget include a special item of revenue under the heading of **“Special Items of General Revenue Anticipated with Prior Written Consent of Director of Local Government Services-Other Special Items: Race Street Reimbursement-Off tract Trust”**, in the amount of **\$26,686.00**.

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.

The following resolution was introduced for adoption:

**RESOLUTION #2005-53**

WHEREAS, the 2006 Local Municipal Budget was introduced on the 5<sup>th</sup> day of April, 2006; and

WHEREAS, the Township of Union, with the Agreement for in-lieu of tax payments, will be receiving funds during fiscal year 2006 in the amount of \$119,716.00; and

NOW, THEREFORE BE IT RESOLVED, that the petition be made herewith to the Director of the Division of Local Government Services that the 2006 Local Municipal Budget include a special item of revenue under the heading of **“Special Items of General Revenue Anticipated with Prior Written Consent of Director of Local Government Services-Public and Private Revenues Offset with Appropriations”**:

<b>Clean Communities Program</b>	<b>\$ 9,716.00</b>
<b>Mun. Stormwater Management Grant</b>	<b>5,000.00</b>
<b>Smart Growth Grant</b>	<b>10,000.00</b>
<b>NJ Transpor. Trust Fund Auth. Act Program</b>	<b><u>95,000.00</u></b>
	<b><u>\$119,716.00</u></b>

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.

The Public Hearing will be held on May 3, 2006.

Mr. Rossi expressed his appreciation to the Township Committee for their work on the budget. The Committee thanked Mr. Ardito and Mrs. Brennan for this assistance.

- REPORTS RECEIVED –**
1. Tax Collector 3/06
  2. Finance Officer Claims Register 4/5/06
  3. Recreation Committee (Meeting) Notes 1/17/06 & 2/21/06

Mr. Mazza mentioned in the Recreation Committee Notes of February 21<sup>st</sup>, Baseball Update; the need for the Township to drag and line fields; he questioned why the Township would be responsible and not the Recreation Committee? Mr. Haynes and Mr. Rossi were of the opinion it is the Township's Park. Mr. Mazza suggested the Recreation Committee be requested to attend the next Committee meeting to discuss this. Mr. Haynes responded Mr. Mazza could make that request.

Various aspects of the reports/Minutes discussed.

**CORRESPONDENCE** – Mr. Rossi mentioned: the County Planning and Design Awards Dinner; - the Myasthenia Gravis Proclamation will be acted on at the next meeting; - correspondence from Marcia Karrow, Assemblywoman; potential costs associated with NJSP coverage.

Mr. Mulhall suggested a resolution in opposition to this proposed legislation. Mr. Jost was directed to draw up same for the next meeting.

**OLD BUSINESS** – 1. Ord. #2006-6; Amendment #75; CR District; 2<sup>nd</sup> Reading; Public hearing; - Mr. Rossi read the ordinance, by title and introduced same for 2<sup>nd</sup> reading:

**ORDINANCE #2006-6**

**AN ORDINANCE AMENDING THE LAND USE CODE OF THE TOWNSHIP OF UNION, HUNTERDON COUNTY, NEW JERSEY, SO AS TO PERMIT CONTINUING CARE FACILITIES IN THE CR COUNTRY RESIDENTIAL ZONING DISTRICT (Land Use Amendment No. 75)**

Motion was made by Mr. Haynes, seconded by Mr. Mazza, to open the Public Hearing. Vote – Ayes: Mrs. Dziubek, Mr. Mazza, Mr. Haynes, Mr. Mulhall and Mr. Rossi. Motion carried.

Comments/questions: Bill Bischoff.

There being no other comments/questions, motion was made by Mr. Haynes, seconded by Mrs. Dziubek, to close the Public Hearing. Vote – Ayes: Mrs. Dziubek, Mr. Mazza, Mr. Haynes, Mr. Mulhall and Mr. Rossi. Motion carried.

Motion was made by Mr. Mulhall, seconded by Mr. Haynes, to above the above Ordinance on 2<sup>nd</sup> reading. Vote – Ayes: Mrs. Dziubek, Mr. Mazza, Mr. Haynes, Mr. Mulhall and Mr. Rossi. Motion carried.

2. Ord. #2006-7; 2006 Salary Ordinance; 2<sup>nd</sup> Reading; Public Hearing; - Mr. Rossi read the ordinance, by title and introduced same for 2<sup>nd</sup> reading:

**ORDINANCE #2006-7**

**AN ORDINANCE FIXING AND DETERMINING MUNICIPAL CLASS POSITION TITLES AND SALARY RANGES FOR CERTAIN OFFICERS AND EMPLOYEES OF THE TOWNSHIP OF UNION, COUNTY OF HUNTERDON, NJ – 2006**

Motion was made by Mr. Haynes, seconded by Mrs. Dziubek, to open the Public Hearing. Vote – Ayes: Mrs. Dziubek, Mr. Mazza, Mr. Haynes, Mr. Mulhall and Mr. Rossi. Motion carried.

Comments/questions – None.

There being no comments/questions, motion was made by Mr. Haynes, seconded by Mr. Mazza, to close the Public Hearing. Vote – Ayes: Mrs. Dziubek, Mr. Mazza, Mr. Haynes, Mr. Mulhall and Mr. Rossi. Motion carried.

Motion was made by Mr. Mulhall, seconded by Mr. Haynes, to adopt the above ordinance on 2<sup>nd</sup> reading. Vote – Ayes: Mrs. Dziubek, Mr. Mazza, Mr. Haynes, Mr. Mulhall and Mr. Rossi. Motion carried.

3. Ord. #2008; Amendment #76; Stormwater Control; 2<sup>nd</sup> Reading; Public Hearing; - Mr. Rossi read the ordinance by title and introduced same for 2<sup>nd</sup> reading:

**ORDINANCE #2006-8**

**AN ORDINANCE AMENDING THE LAND USE CODE OF THE TOWNSHIP OF UNION, HUNTERDON COUNTY, NEW JERSEY, REGARDING STORMWATER CONTROL (Land Use Amendment No. 76)**

Motion was made by Mr. Haynes, seconded by Mrs. Dziubek, to open the Public Hearing. Vote – Ayes: Mrs. Dziubek, Mr. Mazza, Mr. Haynes, Mr. Mulhall and Mr. Rossi. Motion carried.

Mr. Bogart noted Dr. Souza has seen this ordinance and given his approval.

Comments/questions – None.

There being no comments/questions, motion was made by Mr. Haynes, seconded by Mr. Mazza, to close the Public Hearing. Vote – Ayes: Mrs. Dziubek, Mr. Mazza, Mr. Haynes, Mr. Mulhall and Mr. Rossi. Motion carried.

Motion was made by Mr. Mulhall, seconded by Mr. Haynes, to adopt the above ordinance on 2<sup>nd</sup> reading. Vote – Ayes: Mrs. Dziubek, Mr. Mazza, Mr. Haynes, Mr. Mulhall and Mr. Rossi. Motion carried.

4. The following resolution was introduced for adoption:

**RESOLUTION #2006-54  
Release of Escrow; Block 22, Lot 20; Milligan Farm  
K. Hovnanian at Union Township II, LLC**

WHEREAS, K. Hovnanian at Union Township II, LLC (“Hovnanian”) and the Township of Union (“Township”) entered into a closing and escrow agreement on January 30, 2006 with regard to the sale of property known as Block 22, Lot 20, commonly known as the Milligan Farm, to the Township of Union; and

WHEREAS, Paragraph 10 of said Agreement provided that the sum of \$5,000.00 shall be held in escrow by the buyer pending confirmatory sampling for lead in soil at the tractor barn area to further document that lead levels in the soil are below the Unrestricted Use Direct Contact Soil Cleanup Criteria – UC, established by the NJDEP; and

WHEREAS, said Agreement further provided that upon the seller documenting that the lead in the soil in the tractor barn area is below Unrestricted Use Direct Contact Soil Cleanup Criteria, the \$5,000.00 shall be paid to the seller and the seller shall be released from any and all liability to the buyer for lead in the soil on the property; and

WHEREAS, Union Township’s environmental consultant, Vincent Uhl, is now satisfied that sufficient sampling has been conducted and that K. Hovnanian has documented that the lead soil has been remediated to the applicable standards; 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 above escrow in the amount of \$5,000.00 shall be released by check payable to K. Hovnanian at Union Township II, LLC, and forwarded to the attention of Paul H. Schneider, Esq.

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.

5. The following resolution was introduced for adoption:

**RESOLUTION #2006-55  
MILEAGE FOR OFFICIAL USE OF AN AUTOMOBILE**

WHEREAS, employees may be required to use a personal vehicle to fulfill the duties of their position for the Township of Union;

THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Union the mileage reimbursement rate is \$.42 per mile effective 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.

**NEW BUSINESS** – 1. The following resolution was introduced for adoption:

**RESOLUTION #2006-56  
2006 SALARY RESOLUTION**

WHEREAS, a salary ordinance has been adopted by the Township of Union, Township committee, indicating salary ranges; and

WHEREAS, the Township committee has determined the amount that each employee is to be paid for the year 2006 as follows:

Salaries are for a period of one year unless otherwise noted:

**ADMINISTRATIVE**

Mayor	\$ 4,800.00
Township Committee	4,500.00
Township Attorney	6,700.00
Township Engineer	2,000.00
Township Clerk	49,480.00
Deputy Clerk	2,062.00
Registrar	600.00
Tax Collector	31,824.00
Tax Assessor	35,048.00
Treasurer	20,079.00
Certified Municipal Finance Officer	28,080.00
Emergency Management Coordinator	5,000.00
Deputy Emg. Mgm. coordinator	1,000.00
911 Coordinator	2,392.00
Purchasing Agent	
Housing Administrator – COAH	6,400.00

**CONSTRUCTION DEPARTMENT**

Construction Sub Code Official	18,500.00
Building Sub Code Official	18,500.00
Fire Sub Code Official	8,880.00
Building Dept. Secretary/Administrative Assistant	36,800.00
Plumbing Sub Code Official/Inspector	13,050.00
Electrical Sub Code Official/Inspector	12,700.00

**MUNICIPAL COURT**

Judge	22,000.00
Court Administrator	42,600.00
Arrest After Hours	Rate p/hr.-\$3,000 max. 1 yr.
Deputy Court Administrator	30,300.00
Court Attendant	82.50/Session
Municipal Prosecutor	14,950.00
Municipal Public Defender	4,275.00

**PUBLIC WORKS DEPARTMENT**

Foreman	58,240.00
Public Works Staff No. 1	41,300.00
Public Works Staff No. 2	40,600.00
Public Works Staff No. 3	36,775.00
Public Works Staff No. 4	36,150.00
Part Time/Emergency Employee (By Appointment)	12.50/hr.
Park Work Staff No. 1	12,000.00

**LAND USE DEPARTMENT**

Zoning Officer	11,875.00
Deputy Zoning Officer	1.00
Planning Bd./Bd. of Adjustment Secretary	41,300.00

**MISCELLANEOUS**

Recycling Attendant(s) 1, 2, 3	11.25/hr.
Senior Recycling Attendant	12.00/hr.
Recycling Coordinator	8,300.00
Clean Communities Coordinator	12.00/hr.
Dog & Cat Registrar	4,300.00
Dog Census	1,000.00
Dumpster Attendant	12.25/hr.
Dumpster Attendant Helper	10.25/hr.

**LONGEVITY PAY** – In addition to the salary indicated above, each full-time employee shall receive longevity pay after five (5) years of continuous service, beginning on or before March 15<sup>th</sup>, including any officially authorized leave of absence, sick leave or vacation. Longevity pay shall not include additional compensation, such as overtime; and shall be calculated as follows:

Fifth year salary x 1%	employed 5 - 9 years
Tenth year salary x 1%	employed 10 - 14 years
Fifteenth year salary x 1%	employed 15 – 19 years
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Twentieth year salary x 1%	employed 20 – 24 years
Twenty-fifth year salary x 1%	employed 25 years and more

**MISCELLANEOUS** – Travel expenses, training and education expenses, overtime, health and disability insurance, retirement and life insurance, paid holidays, sick pay, leaves of absence, paid vacations, equipment allowances, emergency meal allowances and other benefits shall be as set forth in the current Union Township Personnel Manual, or in accordance with applicable law.

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

2. The following resolution was introduced for adoption:

**RESOLUTION #2006-57  
2006 EMERGENCY TEMPORARY APPROPRIATION**

WHEREAS, N.J.S.A.40A:4-19 provides that where any contract, commitment or payments are to be made prior to the final adoption of the 2006 budget, temporary emergency appropriations can be made for the purpose and amounts required in the manner and time therein provided;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Union that the following appropriations be made and that a certified copy of this Resolution be transmitted to the Chief Financial Officer for her records:

**EMERGENCY TEMPORARY APPROPRIATIONS 2006**

General Admin S & W	\$ 0.00
General Admin OE	2,000.00
Mayor and Committee S & W	1,900.00
Municipal Clerk S & W	4,125.00
Computerized Data processing OE	5,000.00
Rev. Admin S & W	2,500.00
Tax Assessment S & W	2,800.00
Legal Services OE	48,000.00
Planning Board S & W	2,000.00
Planning Board OE	10,000.00
Zoning Board of Adj. S & W	1,000.00
Construction Official S & W	3,500.00
Building sub code Official S & W	3,500.00
Fire Sub code Official S & W	1,000.00
Workers' Compensation Insurance	15,000.00
Employee Group Insurance	14,000.00
Municipal Prosecutor's Office S & W	1,000.00
Road Maintenance S & W	20,000.00
Road Maintenance OE	15,612.15
Solid Waste Collection S & W	3,000.00
Solid Waste Collection OE	35,000.00
Buildings and Grounds OE	5,000.00
Animal Control Services S & W	500.00
Maintenance of Parks S & W	3,000.00
Maintenance of Parks OE	2,500.00
Street Lighting	3,000.00
Fuel Oil	300.00
Gasoline	3,500.00
PERS	13,611.60
Municipal court S & W	10,000.00
Municipal Court OE	3,000.00
<b>TOTAL</b>	<b>\$235,348.75</b>

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

3. Ord. #2006-\_\_\_; Amendment #\_\_\_; Soil Erosion. Mr. Jost mentioned this ordinance incorporated Dr. Souza's suggested revisions. After a brief discussion, Mr. Rossi read the following ordinance, by title and introduced same for 1<sup>st</sup> reading:

**ORDINANCE NO. 2006-**

**AN ORDINANCE OF THE TOWNSHIP OF UNION,  
COUNTY OF HUNTERDON AND STATE OF NEW JERSEY  
SUPPLEMENTING AND AMENDING SECTION 30-25, OIL EROSION, OF THE LAND USE  
CODE OF THE TOWNSHIP OF UNION**

BE IT ORDAINED AND ENACTED by the Township Committee of the Township of Union, in the County of Hunterdon and State of New Jersey that the Land Use Code of the Township of Union is hereby amended, supplemented and revised as follows:

Section 1. Section 30-25, SOIL EROSION, of the Union Township Land Use Code is hereby repealed in its entirety, and replaced with the following:

**§ 30-25 SOIL EROSION**

**§ 30-25.1 Administration**

- A. Applicability. A Soil Disturbance and Grading Plan shall be prepared by the applicant for any project causing a soil disturbance of more than 3,500 square feet. This plan shall be reviewed, approved and certified by the Township Engineer or by the Hunterdon County Soil Conservation District if covered by prior agreement when it is in conformance with standards. Such certification shall be granted prior to sketch plat approval for a minor subdivision, prior to preliminary plat approval for a major subdivision or prior to site plan approval, by the Planning Board or Board of Adjustment, or prior to the issuance of a development permit by the Development Enforcement Officer (DEO). Any development causing a soil disturbance, regardless of the area disturbed, whether or not a building permit is required, shall be reviewed by the Township Engineer for the applicability of this article if there exists the possibility that increased rate of water runoff or sedimentation will be caused by the development. If the Township Engineer finds that the development will increase the rate of water runoff or sedimentation will occur, the person causing said soil disturbance shall comply with all provisions of this article before proceeding with any additional work.
- B. This ordinance is not applicable to soil disturbance associated with site improvements defined in a Planning Board or Board of Adjustment approved site plan or subdivision.
- C. Soil disturbance in excess of 3,500 square feet associated with a swimming pool, septic system modification or driveway modification shall also require approval of a Soil Disturbance and Grading Plan in accordance with this section. A Foundation Plan/Location Survey and As-built Soil Disturbance and Grading Plan shall not be required for a swimming pool, septic system modification or driveway modification.
- D. Soil disturbance for crop farming purposes shall be exempt from this section, provided that farming is carried out in accordance with a Farm Conservation Plan and Natural Resources Conservation Services Land Practices and the Township Engineer deems exempt based on information submitted. A copy of the NRCS approval and approved plan must be submitted to the Township Engineer for the activities to be considered exempt.
- E. Planting beds for commercial nursery stock shall not be exempt from this section.

**§ 30-25.2 Guidelines.**

**§ 30-25.3 General Intent.**

This section is deemed essential and necessary to protect the public health, safety and welfare of the citizens of Union Township and the surrounding communities by accomplishing the following purposes:

- A. Maintain the useful life of reservoirs by preventing sedimentation.

- B. Prevent dangers to life and property from flooding resulting from excessive water runoff and clogging of drainage structures.
- C. Preserve the recreational use of water bodies for swimming and fishing by preventing stagnation.
- D. Enhance the recycling of wastewater by maintaining sufficient flows in streams and rivers to maintain oxygen levels.
- E. Prevent toxic materials, nitrates and pesticides from entering public water supplies.
- F. Reduce public expenditures for repair of public facilities resulting from soil erosion and sedimentation.
- G. Conserve the taxable value of property by enhancing the environmental character of the Township

**§ 30-25.4 Definitions.**

As used in this section:

*As-built Soil Disturbance and Grading Plan* shall mean a plan in accordance with the broad principles contained within this section which shows the constructed location and elevation of the structure, driveway and grade.

*Cut* shall mean the portion of land surface or area from which earth has been removed or will be removed by excavation; the depth below original ground surface to excavated surface.

*Diversion* shall mean a channel with or without a supporting ridge on the lower side, constructed across or at the bottom of a slope.

*Embankment* shall mean a man-made deposit of soil, rock or other material.

*Erosion* shall mean the wearing away of the land surface by the action of wind, water or gravity.

*Excavation.* See “cut.”

*Existing Grade* shall mean the vertical location (i.e. elevation) of the existing ground surface prior to cutting or filling.

*Fill.* See “embankment.”

*Finished Grade* shall mean the final elevation of the ground surface conforming to the proposed design.

*Foundation Plan/Location Survey* shall mean a plan developed in accordance with the broad principles contained within this section which is to be submitted to the Township Engineer and Zoning Officer for review and approval once the foundation is complete and prior to proceeding with the framing of the structure.

*Grading* shall mean any stripping, cutting, filling, stockpiling or any combination thereof.  
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*Grading Permit* shall mean a permit issued to authorize work to be performed under this section as shown on the approved Soil Disturbance and Grading Plan.

*Grassed Waterway* shall mean a natural or constructed path, usually broad and shallow, covered with erosion-resistant grasses, used to conduct surface water from a field, diversion or other site feature.

*Individual Stormwater Management* shall mean one or more underground recharge system(s) designed to contain the increased surface water associated with the proposed impervious coverage during a 2-year storm, or another method as detailed in N.J.A.C. 7:8 and the N.J. Stormwater Best Management Practices Manual.

*Mulching* shall mean the application of plant or other suitable materials on the soil surface to conserve moisture, hold soil in place and aid in establishing plant cover.

*Natural Ground Surface* shall mean the ground surface in its original state before any grading, excavation or filling.

*Permanent Final Plant Cover* shall mean final grade in compliance with approved plan with established vegetative cover over the complete disturbed area.

*Sediment* shall mean solid material, both mineral and organic, being transported or which has been moved from its site of origin by air, water or gravity as a product of erosion.

*Slope* shall mean the degree of deviation of a surface from the horizontal plane, usually expressed in percent or degree.

*Soil* shall mean all unconsolidated mineral and organic material of whatever origin that overlies bedrock and which can be readily excavated.

*Soil Disturbance and Grading Plan* shall mean a plan developed in accordance with the broad principles contained in this section and based on the specific standards and specifications of the Standards for Soil Erosion and Sediment Control in New Jersey, as promulgated by the State Soil Conservation Committee. Individual Stormwater Management must be provided if the surface water runoff associated with the increased impervious coverage is not accounted for in the overall subdivision approval. The Soil Disturbance and Grading Plan must comply with all applicable conditions of any prior subdivision approval.

*Stripping* shall mean any activity, which removes or disturbs the vegetative surface cover, including clearing and grubbing operations.

*Temporary Protection* shall be in accordance with standards for Soil Erosion and Sediment Control in New Jersey:

*Topsoil* shall mean native material stripped from the site (minimum organic content of not less than 2.75 percent by weight) containing no stones, lumps, roots or similar objects larger than 2 inches in any dimension and not less than a 5.8 pH value.

*Underground Recharge System(s)* shall consist of infiltration tanks and clean stone, not recharge trenches. The bottom of the tanks shall be a minimum of two (2) feet above the seasonal high groundwater table or bedrock. The underground recharge system must be a minimum of 20 feet from any building foundation and 100 feet from any septic system. The surrounding soils must have a minimum measured allowable permeability rate of 1"/hr or greater, and the minimum design permeability rate must be no less than 0.5"/hr. An overflow system shall be provided that connects to the nearest surface drainage facility of adequate hydraulic capacity, or discharges away from all structures and septic systems.

*Vegetative Protection* shall mean stabilization of erosive or sediment-producing areas by covering the soil with:

- A. Permanent seeding, producing long-term vegetative cover;
- B. Short-term seeding, producing temporary vegetative cover; or
- C. Sodding, producing areas covered with a turf of perennial sod-forming grass.

*Watercourse* shall mean any natural or artificial waterway, stream, river, creek, ditch, channel, canal, conduit, culvert, drain waterway, gully, ravine or wash in which water flows in a definite direction or course, either continuously or intermittently, and which has a definite channel bed and banks, and includes any area adjacent thereto subject to inundation by reason of overflow or floodwater.

#### **§ 30-25.5 Procedure.**

- A. The applicant shall submit four (4) signed and sealed copies of the Soil Disturbance and Grading Plan prepared by a licensed Professional Engineer in the State of New Jersey to the Township Engineer. The plan shall be drawn at a minimum scale of 1"=30' and should show the following:
  - (1) existing grades;
  - (2) proposed grading around the building site;
  - (3) proposed building location, including dimensional ties from the building to the property lines, adjacent buildings, tract lines, etc.;

- (4) spot elevations and flow arrows;
  - (5) location of the proposed septic system and driveway, including the materials of construction and grade of the driveway;
  - (6) location of existing and proposed drains and culverts;
  - (7) calculations of the storage capacity of the recharge system versus the increased surface water associated with the impervious coverage;
  - (8) Seed mixture of 40% turf-type tall fescue, 10% creeping red fescue, 10% chewing fescue, 10% Kentucky bluegrass, and 30% turf-type perennial ryegrass or a mixture of 60% of Kentucky bluegrass, 20% turf-type perennial ryegrass and 20% chewing fescue shall be identified. The seed mixture shall be applied at a rate of 200 pounds per acre during optimal seeding period from March 1 to May 15 and August 15 to October 1. Outside the optimal seeding period the seeding rate shall be increased by 50%;
  - (9) proposed limit of tree clearing;
  - (10) all trees twelve (12) inches or greater in diameter at breast height (dbh) and all ornamental trees with a dbh of four inches;
  - (11) delineation of any area subject to flooding from the one-hundred-year storm in compliance with the Flood Plains Act (N.J.S.A. 58:16A);
  - (12) delineation of streams within the subject property;
  - (13) soil erosion and control devices;
  - (14) proposed finished floor elevation;
  - (15) top of foundation elevation for the structure; and
  - (16) the controlling flood plain elevation for the site.
- B. Four copies of the applicable soil maps, soil interpretations, or other resource data used (Delineation of the project site on soil maps, if available).
- C. Four copies of a narrative soil erosion and sediment control plan indicating (this information may be detailed on the plat if space permits):
- (1) Proposed sequence of development
  - (2) Proposed starting date of each phase in the sequence.
  - (3) Identification of land areas to be disturbed and length of time the soil in each area will be unprotected.
  - (4) Proposed date to complete each phase of development.
  - (5) Planned soil erosion and sediment control measures and facilities, including cross sections and plan views, with supporting computations, based upon standards promulgated by the New Jersey Soil Conservation Commission.
  - (6) Plans for maintenance of permanent soil erosion and sediment control measures and facilities during and after construction, including responsibility for maintenance of facilities after the development is completed.
- D. The applicant shall be provided with written notice, from the Township Engineer, within five business days of submission that:
- (1) The plan was approved; or
  - (2) The plan was approved subject to the attached conditions; or
  - (3) The plan was denied approval with the reasons for denial stated therein.
- E. Following Township approval of the Soil Disturbance and Grading Plan, a grading permit will be issued. Upon issuance of the grading permit and receipt of a building permit (if applicable), soil disturbance activities may begin. The extent of soil disturbance should be minimized whenever possible. Careful attention should be made to any and all conservation easements on the property and Township owned structures. An example of a Grading Permit is attached to this section.
- F. The applicant shall provide three (3) copies of the Foundation Plan/Location Survey to the Township Engineer showing the actual location of the foundation as constructed prior to proceeding with the framing of the structure. The applicant's surveyor shall certify the building tie dimensions to determine compliance with all of the specific zoning regulations, including relationship between buildings. The certified survey should show:
- (1) as-built elevations of the top of foundation;
  - (2) minimum required flood plain elevation; and
  - (3) the dimensions from building to property lines.

One of the three copies of the Foundation Plan/Location Survey will be forwarded to the Zoning Officer to confirm continued compliance with setbacks as defined by the zoning ordinance or action taken by the Planning Board with any subdivision approval. The second copy will be forwarded to the Township Engineer to confirm compliance with the approved Soil Disturbance and Grading Plan and the requirements of this ordinance. The third copy will be forwarded to the Construction Official for their records. An example of a Foundation Plan/Location Survey Review form is attached to this section.

- G. In the event of any proposed change in the approved Soil Disturbance and Grading Plan, a revised plan must be submitted for review and approval by the Township Engineer when the Foundation Plan/Location Survey is submitted. In the event of a swimming pool, septic system modification or driveway modification, a revised Soil Disturbance and Grading Plan will be required prior to the issuance of a Certificate of Occupancy. The amended plan will be reviewed by the Township Engineer and a revised grading permit will be issued.
- H. Prior to issuance of the Certificate of Occupancy, the applicant must submit three (3) copies of the As-Built Soil Disturbance and Grading Plan to the Township Engineer. This plan must show:
  - (1) as-built final grading around the proposed structure; and
  - (2) final location survey of the structure and any related driveway, sidewalk, deck or patio improvements that may have been installed.
  - (3) Topsoil, seed and mulch must be spread on the finished grade, and signs of vegetative growth must be present on 80% of the disturbed areas and Permanent Final Plant Cover must be present in grassed swales and slopes in excess of 5% prior to issuance of a Certificate of Occupancy.
- I. Following Township Engineer inspection of the site conditions versus the approved grading permit, the Township Engineer will either recommend Certificate of Occupancy release or not recommend Certificate of Occupancy release. The applicant will be notified of the Township Engineer decision via a Certificate of Occupancy inspection form within 3 business days of the inspection request made directly to the Township Engineer by the applicant. An example is attached.
- J. Following complete vegetation of the disturbed area, the Township Engineer will recommend the release of the performance guarantee. The area of disturbance must have Permanent Final Plant Cover for the performance guarantee to be released. An example of the performance bond inspection form is attached.

#### **§ 30-25.6 Approval of Plans**

- A. The Soil Disturbance and Grading Plan or any major amendment shall be reviewed and approved by the Township Engineer on behalf of the Township in the manner and form according to the regulations hereafter set forth. In the case of site plans, such review and approval shall be part of the site plan review process. In all other instances, review and approval or denial shall be made within ten (10) days of submission of a complete application.
- B. The applicant shall be provided with a written notice of such decision by the Township Engineer. A copy of the decision, including the name of the applicant, site location by street address and block and lot number and the proposed land use, shall be distributed by the Township Engineer to the Hunterdon County Soil Conservation District, where applicable, the Construction Department, and the applicant. The Township, in approving the Soil Disturbance and Grading Plan, may impose lawful conditions or requirements designated or specified on or in connection therewith. These conditions and requirements shall be provided and maintained as a condition to the establishment, maintenance, and continuance of any use or occupancy of any structure or land.

#### **§ 30-25.7 General Standards.**

In the preparation of a Soil Disturbance and Grading Plan, the following general principles of design shall be adhered to:

- A. The smallest practical area of land shall be exposed at any one time during development, and when feasible, natural vegetation shall be retained and protected.
- B. Temporary plant cover and/or mulching shall be used to protect critical erosion areas during construction or other disturbance.
- C. Temporary diversions and outlets shall be constructed and/or installed to accommodate the increased runoff caused by the changed soil and surface conditions during development.
- D. Sediment shall be retained on the site to the maximum extent feasible.

- E. Permanent Final Plant Cover (lawn, ground cover, etc.) shall be installed as quickly as possible on any site but must be installed no later than 60 days after the completion of the building foundation and prior to the issuance of a Certificate of Occupancy, unless winter months (December to March) prohibit vegetative growth – in which case a performance bond must be posted to ensure completion.
- F. Permanent Final Plant Cover must be established in grassed swales and on slopes in excess of 5% prior to issuance of a Certificate of Occupancy unless weather conditions commonly encountered during winter months (December to March) prohibit vegetative growth – in which case a performance bond must be posted to ensure completion. All other areas must have signs of vegetative growth from planted grass seeds on 80% of the disturbed areas prior to issuance of a Certificate of Occupancy, unless weather conditions identified above exist.
- G. The finished grade around mature trees, which are to remain, should be the same as the existing grade. Tree wells or other means may be necessary to assure the health of existing mature trees upon completion of grading activities.
- H. Permanent Final Plant Cover must be fully established throughout the entire area of disturbance and grading must be per the approved plan prior to the release of any performance guarantees.
- I. The plan shall coordinate with the Stormwater Management Plan approved by the Planning Board, if part of a major subdivision. Inlets and drainage patterns of the major subdivision must be considered in the preparation of the Soil Disturbance and Grading Plan.
- J. All Soil Disturbance and Grading Plans must contain individual stormwater detention unless otherwise noted in the resolution of approval for the subdivision. The individual stormwater management system must be able to contain the increased surface water associated with development of the vacant lot for a 2-year storm. The construction details of the system must be defined on the plan. The Township Engineer must be notified of the installation of the system in order to schedule an inspection.
- K. The disturbed area shall have 4" of topsoil spread to finished grade according to the approved Soil Disturbance and Grading Plan. The seed mixture shall be incorporated into the top ¼" to ½" of the topsoil at a rate of 200 pounds per acre. Outside the optional seeding periods of March 1 to May 15 and August 15 to October 1, the rate of seeding shall be increased by 50%. Seedings shall receive an application of fertilizer such as 10-10-10 or equivalent approximately six (6) months after the first application. Straw or hay mulch shall be spread uniformly at a rate of 2 to 2½ tons per acre when vegetative cover can not be established due to the season or other conditions. Jute matting shall be installed in critical drainage swales.
- L. Minimum of 2% slope shall be provided for all overland areas and swales.
- M. No slopes greater than 3:1 shall be created by the proposed land disturbance.
- N. All conditions of the Township driveway ordinance shall be complied with.
- O. A minimum rear yard area must be provided extending 25' from the rear of the building for the entire width of the building. The slope must be at least 2% and no greater than 5%.
- P. The Individual Stormwater Management Systems must be at least 20 feet from the building foundation and 100 feet from any septic system. The bottom of the tanks shall be a minimum of two (2) feet above the seasonal high groundwater table or bedrock. The surrounding soils must have a minimum measured allowable permeability rate of 1"/hr or greater, and the minimum design permeability rate must be no less than 0.5"/hr. An overflow system shall be provided that connects to the nearest surface drainage facility of adequate hydraulic capacity or discharges away from all structures and septic systems.
- Q. Landscape retaining walls may be proposed in accordance with the Design Standards and must meet the zoning requirements of an accessory structure.

#### **§ 30-25.8 Detailed Standards.**

- A. The detailed plans, specifications and standards in any Soil Disturbance and Grading Plan shall be dictated by the characteristics of the site to be developed and the nature of the development. All such plans shall utilize the Standards for Soil Erosion and Sediment Control in New Jersey, as promulgated by the State Soil Conservation Committee.

#### **§ 30-25.9 Performance Guarantees; Maintenance Bonds.**

- A. A performance guarantee shall be posted by the applicant for the performance and completion of the grading and permanent vegetation cover per the approved Soil Disturbance and Grading Plan. The Township may provide for the posting of an additional performance bond to address uncompleted work defined in the approved plan prior to issuance of the Certificate of Occupancy when frozen ground prevents spreading of topsoil or winter months prevent growth or vegetative cover. All work covered under the above bonds must be completed by May 1<sup>st</sup>.
- B. All necessary soil erosion and sediment control measures installed under this section shall be adequately maintained for a minimum of one (1) year after initiation of site disturbance or until such measures are permanently stabilized as determined by the Township Engineer. The

- C. Township Engineer shall give the applicant, upon request, a certificate indicating the date on which the measures called for in the approved plan were completed.

**§ 30-25.10 Revocation of Building Permit or Certificate of Occupancy.**

- A. Inspection shall be by the Township Engineer during construction, and the applicant shall be required to have a certified plan on site during construction. The applicant shall allow for at least 3 business days from request for inspection for the performance of the inspection and the issuance of any approval or denial.
- B. The Township Engineer may issue a stop-construction order if the applicant fails to comply with the provisions of the approved plan within five working days of written notice of deviation or if a project is not being executed in accordance with an approved plan.
- C. No Certificate of Occupancy shall be issued unless there has been compliance with the provisions of approved Soil Disturbance and Grading Plan and grading permit. A formal report of such compliance shall be filed with the Construction Official, with a copy to the Hunterdon County Soil Conservation District. An example of the Certificate of Occupancy inspection is attached to this section.

**§ 30-25.11 Time for Construction.**

- A. Soil Erosion and Sediment Control measures must be installed prior to site disturbance.
- B. Construction must begin within 6 months of any approval or the approval is null and void, and a new application must be submitted for review and approval.

**§ 30-25.12 Fees.**

- A. The applicant shall pay an application fee at the time of submission of the Soil Disturbance and Grading Plan in the amount of \$25.00.
- B. The applicant shall pay a review escrow at the time of submission of the Soil Disturbance and Grading Plan based on the estimated cost to the Township to have its Professional staff review the proposed project. The review escrow of \$500.00 shall be posted for the review and approval of the Soil Disturbance and Grading Plan, and the Foundation Plan Location Survey, for all except swimming pools, septic system modifications and driveway modifications.
- C. The inspection escrow of \$1500.00 shall be submitted to the Township prior to the approval of the Soil Disturbance and Grading Plan based on the estimated cost to the Township to have its Professional staff inspect the proposed project. The inspection escrow shall be for the performance of site inspections and review of the As-Built Soil Disturbance and Grading Plan to confirm site conditions are in accordance with the approved plans, for all except swimming pools, septic system modifications and driveway modifications.
- D. The review escrow for swimming pools, septic system modifications and driveway modifications shall be \$200.00 for review and approval of the Soil Disturbance and Grading Plan. The inspection escrow shall be \$500.00 for the performance of site inspections. Submission of Foundation Plan Location Survey and As-builts Soil Disturbance and Grading Plans are not required for pools or septic modifications or driveway modifications.
- E. The applicant may be required to supplement the review and/or inspection escrow based on additional reviews or inspections not anticipated under normal circumstances.
- F. Prior to the issuance of the Certificate of Occupancy, sufficient funds must be available.
- G. Upon request, all unused escrow will be returned following completion and billing of all professional services.

**§ 30-25.13 Review of Plans.**

The Township may refer review/approval of the Soil Disturbance and Grading Plan for Soil Erosion and Sedimentation Control measures to the Hunterdon County Soil Conservation District or such other local, County, State, or Federal agency as may be particularly qualified to review the plan.

**§ 30-25.14 Violations and Penalties.**

If any person violates the provisions of this section, any standards promulgated pursuant to the provisions of this section, or fails to comply with the provisions of the certified plan, the Township may institute a civil action in Superior Court for injunctive relief to prohibit and prevent such violation or violations, and the Court may proceed in a summary manner. The person will be liable to a penalty of not less than twenty-five (\$25.00) dollars and not more than three thousand (\$3,000.00) dollars to be collected in a summary proceeding pursuant to

the Penalty Enforcement Law (N.J.S.A.2A:58-1 et seq.). The Superior Court and Municipal Court shall have jurisdiction to enforce such Penalty Enforcement Law.

If the violation is of a continuing nature, each day during which it continues shall constitute an additional separate and distinct offense.

Section 2. Severability If the provisions of any section, subsection, paragraph, subdivision, or clause of this ordinance shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision, or clause of this ordinance.

Section 3. Repealer. The Soil Erosion Ordinance shall supersede all applicable ordinances in conflict.

Section 4. Effective Date This ordinance shall take effect immediately upon final passage and publication according to law, and upon filing a copy thereof with the Hunterdon County Planning Board.

Section 5. Short Title. The Short title of this Ordinance shall be known as and may be cited as "Amendment No. \_\_\_\_\_ to the Union Township Land Use Code."

Motion was made by Mr. Haynes, seconded by Mr. Mazza, to adopt the above ordinance with the 2 changes as recommended by Dr. Souza. Vote – Ayes: Mr. Mazza, Mr. Haynes and Mr. Rossi. Naye: Mrs. Dziubek and Mr. Mulhall. Motion carried.

Public Hearing will be held on May 17, 2006.

4. Planning Bd./Bd. of Adjustment Secretary’s request for a new computer. Motion was made by Mr. Haynes, seconded by Mr. Mazza, to authorize Mr. Rossi to look into the purchase of a computer as requested and spend up to a limit of \$1,200.00. Vote – Ayes: Mrs. Dziubek, Mr. Mazza, Mr. Haynes, Mr. Mulhall and Mr. Rossi. Motion carried.

5. Registrar’s request for a computer dedicated for vital statistics. Motion was made by Mr. Mulhall, seconded by Mrs. Dziubek, to authorize Bruce Rossi to spend up to \$600.00 for a notebook computer by contacting Dell or Gateway; should that not be feasible, a computer to be purchased at Staples. Vote – Ayes: Mrs. Dziubek, Mr. Mazza, Mr. Haynes, Mr. Mulhall and Mr. Rossi. Motion carried.

6. Mr. Haynes requested a capital ordinance be introduced for the playground rubber-mulch. Mr. Rossi read the following ordinance by title and introduced same for 1<sup>st</sup> reading:

**ORDINANCE #2006-\_\_\_**

**AN ORDINANCE APPROPRIATING THE SUM OF \$10,000.00 CURRENTLY LOCATED WITHIN THE CAPITAL IMPROVEMENT FUND OF THE GENERAL CAPITAL FUND OF THE TOWNSHIP OF UNION, HUNTERDON COUNTY, N. J., FOR THE PURCHASE OF NATURAL RUBBER NUGGETS**

WHEREAS, there is currently within the 2006 Capital Fund of the Township of Union, County of Hunterdon, State of New Jersey, an item entitled Capital Improvement Fund; and

WHEREAS, there is in this fund at least \$10,000.00; and

WHEREAS, the Township Committee of the Township of Union has deemed it necessary for public safety and welfare of children using the playground equipment at Finn Road Park;

NOW, THEREFORE, BE IT RESOLVED AND ENACTED by the Township Committee of the Township of Union, County of Hunterdon, State of New Jersey, that:

SECTION 1. There is hereby appropriated from the Capital Improvement Fund of the 2006 General Capital Fund the sum of \$10,000.00 as follows:

Purchase of Natural Rubber Nuggets	\$10,000.00
Total	\$10,000.00

SECTION 2. All Ordinances or parts of Ordinances which are inconsistent with the terms of the Ordinance be and the same are hereby repealed to the extent of their inconsistency;

SECTION 3. There is no debt incurred by this ordinance.

SECTION 4. This Ordinance shall take effect after proper passage and publication in accordance with law.

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

The Public Hearing will be held on May 3, 2006.

**ENGINEER’S REPORT** – Mr. Bogart mentioned: - revisions to the tax map as suggested by the Emergency Management Coordinator, will cost approximately \$2,000. After a brief discussion, it was agreed Mr. Haynes will discuss this matter with the Coordinator.

Vehicle damage claim; Main Street, Jutland; - nothing can be processed without an estimate.

Red Hills Industrial Park; Quarry License Application; Block 22, Lot 30; Kevin and Peter Andresen, President, present. Mr. Jost mentioned the applicants’ attorney, Mr. Mullaney, could not be present due to illness.

It was agreed there are 3 remaining issues: escrow needs to be current/performance bond posted/deposit; the fencing has been installed; - the Zoning Officer would advise the Municipal Judge of the progress made and that the Township Committee will be acting on the license at the April 19<sup>th</sup> meeting.

The applicants stated everything should be in place for Friday, April 7, 2006.

**ATTORNEY’S REPORT** – Mr. Jost had matters for Executive Session.

**MAYOR’S REPORT** – Mr. Rossi mentioned the following: he had matters for Executive Session; - the Township received a \$10,000.00 check, from anjec, representing the 2005 Smart Growth Planning Assistance Grant; - New Jersey Monthly magazine has rated Union Township #51 in the State and #1 in Hunterdon County.

**COMMITTEE REPORT** – Mrs. Dziubek: website update; the Township is now linked with the school and the County; - she is working on job descriptions for all employee levels. Mr. Rossi asked Mrs. Dziubek to bring the descriptions back to the Committee in small sections.

Mr. Mulhall: Milligan Farm – he met with an engineer, who will submit a Proposal, and the Township Planner to review initial plans; the Planner has submitted a proposal which he distributed to the Township Committee; he was in favor of going to COAH for grant funding; he mentioned the parcel for COAH housing and subdivision of the house; he has been in contact with an auction group who is of the opinion the Township may be able to get approximately \$500,000 for the house and small amount of land.

Mr. Haynes: Main St., Jutland, improvements will start shortly; - he was contacted by the Union Township Trail Association; they have requested a fence be installed where the trail comes out on to the new field, approximately 250 ft.; a split rail type fence would cost approximately \$1,000. Mr. Mazza was of the opinion this would be a good Eagle Scout project. Mr. Haynes mentioned the UTTA has offered their help/labor.

The following resolution was introduced for adoption:

**RESOLUTION #2006-58  
HIRING PART-TIME EMPLOYEE; FRANK CASTELLANO**

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

WHEREAS, Frank Castellano is qualified and has expressed an interest in same;

THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Union to hire Frank Castellano, as a part-time employee effective January 30, 2006, at an annual salary of \$12,000.00.

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.

Mr. Mazza: Apt. 26B, Steven Markota apartment; he met with D&L Well Drilling regarding the low water pressure; well lines and a treatment system could be installed at Mrs. Hoffman’s house for a cost of \$2,340 and to run water lines, \$1,787; maintenance was briefly discussed.

5 MINUTE RECESS

Mr. Rossi noted the Lease for that apartment expires in June; consideration should be given to retiring the unit; options discussed.

Motion was made by Mr. Mulhall, seconded by Mr. Haynes, to authorize Mr. Mazza to spend up to \$4,127.00 to have the work done as mentioned above and to obtain a cost for maintenance of the softener/neutralizer – and subject to obtaining another quote. Vote – Ayes: Mrs. Dziubek, Mr. Mazza, Mr. Haynes, Mr. Mulhall and Mr. Rossi. Motion carried.

**COMMENTS FROM THE PUBLIC** – Page Stiger/Stanley Purzycki. Also Bill Bischoff representing the Historical Society; the building leased to the Society is in need of water testing/Report; in the past, there was a recommendation for a water softener. Mr. Mazza will work with D & L to have a water softener installed and obtain an additional quote for installation only.

**CLERK’S REPORT** – None.

**PAYMENT OF 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: Contract Negotiations/Litigation/Potential Litigation/Personnel.

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

Motion was made by Mr. Mulhall, seconded by Mr. Haynes, to return to the regular meeting. Vote – Ayes: Mrs. Dziubek, 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. 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 12:10 a.m.

Respectfully submitted,

K. Judith Fabian, RMC  
Township Clerk

\* Amended April 19, 2006 to read: Mr. Ardito said “such as leaving the \$90,000 in the budget which would have the potential for increasing budgetary surplus in 2007”.