

**UNION TOWNSHIP – TOWNSHIP COMMITTEE**  
**REGULAR MEETING**

**SEPTEMBER 6, 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, Rob Haynes, Matt Mulhall and Bruce Rossi. J. Peter Jost, Esq., Township Attorney; R. C. Bogart, P.E., Township Engineer and K. Judith Fabian, Township Clerk, were also present.

**APPROVAL OF MINUTES** – Regular Meeting, August 16, 2006; motion was made by Mr. Mulhall, seconded by Mrs. Dziubek, to adopt the Minutes. Vote – Ayes: Mrs. Dziubek, Mr. Mazza, Mr. Mulhall and Mr. Rossi. Abstain: Mr. Haynes. Motion carried.

Executive Session, August 16, 2006; motion was made by Mrs. Dziubek, seconded by Mr. Mulhall, to approve the Executive Session Minutes. Vote – Ayes: Mrs. Dziubek, Mr. Mulhall and Mr. Rossi. Abstain: Mr. Mazza and Mr. Haynes. Motion carried.

**REPORTS RECEIVED** – 1. Tax Collector 8/06  
2. Finance Officer; Claims Register 9/6/06

**CORRESPONDENCE** – Mrs. Dziubek mentioned/questioned the following: - letter from Marcia Karrow, Assemblywoman, her office will contact the Clerk for Ms. Karrow to attend a future Committee meeting; - resignation of James Milo from the Environmental Commission/Citizen Member with a request to be appointed to an Alternate position; - Stormwater Management/Grant Certification by the Township Engineer; Mrs. Dziubek questioned certain information; Mr. Bogart commented he signed off and was comfortable with the information; briefly discussed.

Mr. Mulhall mentioned the letter from Howard Cohen, Esq., Township Special Counsel; the COAH mediation meeting will be held during the 1<sup>st</sup> week in October.

Mr. Mazza mentioned the repairs necessary to Apt. 26A @ Hoffman Park.

Mr. Rossi mentioned the following: - letter from the Administrative Office of the Courts regarding renovation(s) to the Municipal Court office; door across the hall – Mr. Mazza will contact the Court Administrator; - matter for an Executive Session; - Mr. Jost’s letter regarding restricted speed zone on Perryville Rd. (Union Township Elementary School); Mr. Rossi spoke with Dr. Sico, School Superintendent.

**OLD BUSINESS** – 1. Ord. #2006-13; Vacation Portion of “Old Main Street”; 2<sup>nd</sup> Reading; Public Hearing; - Mr. Jost read the ordinance by title as follows. Mr. Rossi introduced same for 2<sup>nd</sup> reading:

**ORDINANCE #2006-13**

**AN ORDINANCE TO RELEASE, VACATE AND EXTINGUISH ANY AND ALL PUBLIC RIGHTS IN AND TO A PORTION OF MAIN STREET (JUTLAND) LOCATED IN THE TOWNSHIP OF UNION, HUNTERDON COUNTY, NEW JERSEY**

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.

Questions/comments – Neil David-opposed/Charlie Meyer-opposed/Pat Lingelbach-did not prefer the new traffic pattern/Andrew Trimmer-opposed/Michael Beck-questioned liability.

It was established the portion of road in question is 500 ± ft. and would be difficult for the Township to plow.

Mr. Davis and Mr. Trimmer stated it is a maintenance issue for them.

There being no further questions/comments, 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.

Mr. Mulhall commented this would be the Township maintaining a driveway at tax payers’ expense.

Motion was made by Mr. Mazza, seconded by Mr. Haynes, to adopt Ord. #2006-13, on 2<sup>nd</sup> reading. Vote – Ayes: Mr. Haynes, Mr. Mulhall and Mr. Rossi. Naye: Mrs. Dziubek and Mr. Mazza. Motion carried.

2. Ord. #2006-14; \$10,000 Capital 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 #2006-14**

**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 A TELEPHONE AND VOICE MAIL SYSTEM**

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

Questions/comments – Bill Bischoff-questioned particulars/Michael Beck-in favor of/Pat Lingelbach-power outage comment.

There being no further questions/comments, 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 Mrs. Dziubek, to adopt the above Ord. #2006-14, on 2<sup>nd</sup> reading. Vote – Ayes: Mrs. Dziubek, Mr. Mazza, Mr. Haynes, Mr. Mulhall and Mr. Rossi. Motion carried.

**TAKEN OUT OF AGENDA ORDER**

**COMMENTS FROM THE PUBLIC** – Neil Davis; road vacation mechanics/Andrew Trimmer; with the road vacated, does that effect the developer’s responsibilities? No./Michael Beck; Bill Bischoff’s letter to a newspaper/Pat Lingelbach; quotes for improvements and water test results to the Township-owned building leased to the Historical Society/Patty Ventura in favor of tennis/basketball courts at Finn Rd. Park/Frank Goldberg in favor of more active recreation at Finn Rd. Park; Bill Bischoff’s letter to a newspaper.

**COMMITTEE REPORT** – Mr. Mazza mentioned the 3 quotes obtained for work on the Township-owned building leased to the Historical Society: Bruce Hirt, all services, \$13,526.00; CB Construction, no painting, \$14,065; Pro Painters, paint only, \$6,700. Prioritizing improvements: roof/soffit/fascia/ceiling repair/windows/painting. After a brief discussion, motion was made by Mr. Mulhall, seconded by Mrs. Dziubek, to accept and award the quote of Bruce Hirt, in the amount of \$7,320.00 to seal the building subject to the certification of funds by the Finance Officer. Vote – Ayes: Mrs. Dziubek, Mr. Mazza, Mr. Haynes, Mr. Mulhall and Mr. Rossi. Motion carried.

Water treatment – Mr. Mulhall will work with Mr. Mazza to obtain 2 quotes to treat the iron and radon from the water.

**NEW BUSINESS** – 1. Accept/Award Proposal for Phone & voice Mail Systems; - after a lengthily discussion, tabled to the next meeting.

FIVE MINUTE RECESS.

2. The following resolution was introduced for adoption:

**RESOLUTION 2006-91**

**Re: Lookout Pointe Subdivision; Block 11, Lot 8; Toll Land IV Limited Partnership**

**WHEREAS**, Toll Land IV Limited Partnership, a Limited Partnership owned by Wholly-owned subsidiaries of Toll Brothers., Inc., 250 Gibraltar Road, Horsham, Pennsylvania 19044 (the “developer”) and the Township of Union (“municipality”) entered into a performance guarantee agreement dated October 19, 2005 regarding the development known as Lookout Pointe, Block 11, Lot 8, Rupell’s Road, in the Township of Union; and

**WHEREAS**, said performance guarantee agreement provided for a total performance guarantee of \$2,137,279.80, including 10% cash in the amount of \$213,727.98 and a surety bond in the amount of \$1,923,551.82; and

**WHEREAS**, the developer posted said 10% cash and surety bond #4411481 issued by Quanta Indemnity Company, a corporation of the State of Colorado licensed to do business in the State of New Jersey in the above amounts; and

**WHEREAS**, Municipal Engineer, Robert C. Bogart, in a letter dated August 31, 2006, and William Burr of Maser Consulting in a memorandum dated September 1, 2006, recommended a reduction of the performance guarantee to a total of \$641,183.94, including 10% cash in the amount of \$64,118.39 and a reduced surety bond in the amount of \$577,065.55; and

**WHEREAS**, said developer is presently in good standing and not in default with regard to any of its obligations as to said development, and good cause appearing;

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Union, in the County of Hunterdon, State of New Jersey, that the Developer’s performance guarantee shall be reduced from a total of \$2,137,279.80 to \$641,183.94. The form of the reduced performance guarantee shall be as follows:

Cash (10%)	Amount: \$ <b>64,118.39</b>
Performance Bond No. <b>4411481</b>	Amount: <b>\$577,065.55</b>
Issued by: <b>Quanta Indemnity Company</b>	
Total	Amount: <b>\$641,183.94</b>

**BE IT FURTHER RESOLVED**, that in all other respects the said performance guarantee shall conform to the requirements of the original performance guarantee agreement dated October 19, 2005; and

**BE IT FURTHER RESOLVED**, that the reduction of the performance guarantee authorized herein shall be subject to and contingent upon the certification by the municipal Chief Financial Officer that developer’s escrow account is current and the developer has paid all escrow bills, escrow deposits or other amounts due to the municipal escrow account; and

**BE IT FURTHER RESOLVED** that this resolution shall take effect immediately, and upon the execution of an amendment to the developer’s performance guarantee agreement in accordance with the terms and conditions of this Resolution, which amendment the Mayor and Clerk are hereby authorized to sign; and

**BE IT FURTHER RESOLVED**, that except as modified herein, the original performance guarantee agreement dated October 19, 2005 shall remain and continue in full force and effect.

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.

3. The following resolution was introduced for adoption:

**RESOLUTION #2006-92**

**TOLL BROTHERS, INC.; LOOKOUT POINTE; BLOCK 11, LOT 8**

**WHEREAS**, in as much as the aquifer testing has apparently been satisfactorily completed and the Clinton and Pattenburg Fire Chiefs and Township Engineer have indicated their concurrence with the fact that the above ground-temporary fire protection storage water tanks are not necessary;

**BE IT RESOLVED**, the Union Township Committee has no objection to the issuance of a Temporary Certificate of Occupancy for the model home contingent upon Toll Brothers supplying evidence of the 2 part well test and approval thereof by Vincent W. Uhl, Township Hydrogeologist and the Union Township Engineer;

**BE IT FURTHER RESOLVED**, the Township Committee of the Township of Union has no objection to the issuance of Certificates of Occupancy for the first ten (10) units; subject to and contingent upon removal of the utility pole and repair of the road way (Albert Drive) to the satisfaction of the Township Engineer prior to issuance of the Certificates of Occupancy for the first ten (10) units.

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

**OLD BUSINESS (Cont’d.)** - 3. Personnel Manual revisions; - Mrs. Dziubek gave an overview of revisions; tabled to the September 20<sup>th</sup> meeting.

4. Repairs to Apt. 26A - August 4, 2006 inspection by John Leonard, Construction Official/Building Inspector; - after a brief discussion, motion was made by Mr. Mulhall, seconded by Mrs. Dziubek, to authorize Frank Mazza to accept the Proposal of Bruce Hirt; spend up to \$1,260 on repairs in an effort to bring Apt. 26A up to code. Vote – Ayes: Mrs. Dziubek, Mr. Mazza, Mr. Haynes and Mr. Mulhall. Naye: Mr. Rossi. Motion carried. Mr. Mazza will speak with Mr. Leonard.

5. Hoffman house; backup generator propane tank owned by Stem Bros.; request to remove – it was agreed to permit Stem Bros. to remove the tank not the generator.

MR. MAZZA LEFT THE MEETING AT 11:30 PM.

**ENGINEER’S REPORT** – Mr. Bogart mentioned the damage done to Baptist Church Rd. (heavy truck traffic); a meeting will be held shortly; DOT has been contacted.

Mr. Bogart left the meeting.

**ATTORNEY’S REPORT** – Mr. Jost mentioned the following: - underground gas pipeline at Millbrook Park; excavation is underway to repair the pipe; - Milligan Farm; Proposed Farm and Maintenance Contract; additional insurance will be required from the farmer storing hay in the barns; - additional soil blending will take place this week; - sewer capacity; the Township not party to negotiations.

**MAYOR’S REPORT** – Mr. Rossi mentioned Jim Milo’s resignation to UTECE. Mr. Rossi took the following actions: accepted Mr. Milo’s resignation as citizen member. Accepted Alan Ford’s resignation as Alternate I. Appointed Mr. Milo to Mr. Ford’s unexpired term as Alternate 1 to expire 12/31/06 and appointed Mr. Ford to Mr. Milo’s unexpired term as citizen member to expire 12/31/07.

**COMMITTEE REPORT** – Patricia Dziubek; request to attend 3 courses at Rutgers; - motion was made by Mr. Mulhall, seconded by Mr. Haynes, to approve Mrs. Dziubek’s request to attend said courses at \$85.00 each. Vote – Ayes: Mrs. Dziubek, Mr. Haynes, Mr. Mulhall and Mr. Rossi. Motion carried.

Mr. Mulhall is working on the Planning Board application for Milligan Farm.

Mr. Haynes mentioned clean up of the attic at the Municipal Building; he will work with personnel to reorganize the lower level offices and hallway; - commented on the website.

**COMMENTS FROM THE PUBLIC** – taken earlier in the meeting.

**CLERK’S REPORT** – 1. MSI Quote; quarterly computer services Contract – tabled.

2. Recycling Personnel; 3 applications have been received and forwarded to Mr. Garrison for his review and recommendations.

3. Social Affairs Permit; Cystic Fibrosis Foundation; Perryville Inn; September 29, 2006; - motion was made by Mr. Mulhall, seconded by Mrs. Dziubek, to authorize the Clerk to sign said Permit Application. Vote – Ayes: Mrs. Dziubek, Mr. Haynes, Mr. Mulhall and Mr. Rossi. Motion carried.

**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. Mulhall. Vote – Ayes: Mrs. Dziubek, 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: potential litigation.

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

**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. Haynes, Mr. Mulhall and Mr. Rossi. Motion carried.

Meeting adjourned at approximately 12:00 a.m.

Respectfully submitted,

K. Judith Fabian, RMC  
Township Clerk