

CALL TO ORDER

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

“Sunshine Law” Announcement: Adequate notice of this public meeting has been provided by the Annual Notice; mailed electronically 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: Mr. Haynes, Mr. Bischoff, Mrs. Dziubek

Absent: Mr. Severino, Mr. Mazza

Others Present: J. Peter Jost, Esq., Kevin Smith, Township Engineer, and Ella M. Ruta, Township Clerk

APPROVAL OF MINUTES

a. Regular and Executive Session Meeting Minutes of October 7, 2009

Mr. Haynes made a motion to approve the Regular and Executive Session Meeting Minutes of October 7, 2009 as amended. Mr. Bischoff seconded. Vote: Ayes – Mr. Haynes, Mr. Bischoff, Mrs. Dziubek. Motion carried.

Regular and Executive Session Meeting Minutes of October 21, 2009.

Mr. Bischoff made a motion to approve the Regular and Executive Session Meeting Minutes of October 21, 2009. Mr. Haynes seconded. Vote: Ayes – Mr. Bischoff, Mrs. Dziubek. Abstain – Mr. Haynes. Motion carried.

Special Meeting of October 22, 2009

Mr. Bischoff made a motion to approve the Special Meeting Minutes of October 22, 2009. Mr. Haynes seconded. Vote: Ayes – Mr. Haynes, Mr. Bischoff, Mrs. Dziubek. Motion carried.

VISITORS

Joanne Sotres of Robin Hill Farms presented a storm water problem of the road onto and through her property. Water washed out a section of the fence. Kevin Smith responded to Mrs. Sotres complaint. Mr. Haynes suggested that the Engineer locate the original plans to determine when the work was done on the inlet.

REPORTS RECEIVED

- a. Road Dept.- Week Ending 10/16/09; 10/23/09
- b. Tax Collector – October 2009
- c. UTEC – Draft of October 13, 2009 Meeting Minutes

Acknowledged by the Committee

CORRESPONDENCE/WRITTEN COMMUNICATION

Mr. Bischoff mentioned the following correspondence: None

Mr. Haynes mentioned the following correspondence:

- Pattenburg Quarry Reclamation – The Engineer will follow up with information from the Planning Board and Township resolutions and report back to the Committee.

Mrs. Dziubek mentioned the following correspondence:

- SADC – Farmland Preservation Plan and Planning Incentive Grant Annual Application Review. The SADC is in a delay pattern and will be sending a checklist of noted deficiencies in our current plan.
- DEP Hazardous Notices – The Mayor will contact the County.

PUBLIC COMMENTS – None

PUBLIC HEARING – 2nd reading - None

OLD BUSINESS

- a. **Discussion-** Union Twp. Municipal Offices Organizational Chart. Charts will be printed in color and distributed to the Committee. Tabled for next meeting.
- b. **Motion:** Approval of Revised Application Form for Use of the Fields and/or Facilities at the Township Parks. After Attorney review, all parties are satisfied.

Mr. Haynes made a motion to approve the above-mentioned application. Mr. Bischoff seconded. Vote: Ayes – Mr. Haynes, Mr. Bischoff, Mrs. Dziubek. Motion carried.

NEW ORDINANCE – 1ST Reading

**ORDINANCE #2009-6
AN ORDINANCE TO AMEND THE LAND USE CODE,
OF THE TOWNSHIP OF UNION, HUNTERDON COUNTY,
NEW JERSEY REGARDING APPLICATION FEES AND
ESCROW DEPOSITS FOR SUBDIVISIONS; SITE PLANS;
VARIANCES; OTHER (LAND USE AMENDMENT # _____)**

BE IT ORDAINED, by the Township Committee of the Township of Union, Hunterdon County, New Jersey, that the Land Use Code of the Township of Union is hereby amended as follows:

- I. Amend Section 30-11.5d.1. as follows, deletions (thusly); additions **thusly**;
 - d. 1. Application Fees and Escrow Deposits for Subdivisions; Site Plans; Variances; Other.

<i>Type of Application</i>	<i>First Check Nonrefundable Application Charge</i>	<i>Second Check Applicant's Escrow Fund</i>
1. <u>Informal (conceptual review)</u>		
<u>Existing single family</u>	<u>\$100.00 per meeting*</u> (if professional review requested by the applicant)	<u>\$1,500.00</u>

All others \$300.00 per meeting*

**\$1,500.00
(if professional review
Requested by the applicant)**

2. Subdivisions

Boundary line change
or merger of portions
of adjoining properties

\$400.00

\$1,500.00

Minor

\$200.00, plus \$250.00 per lot

\$1,500.00 per lot

Preliminary major

\$500.00, plus \$200.00 per lot

\$1,000.00, plus \$400.00 per
lot; minimum \$3,000.00

Final major

\$500.00, plus \$100.00
per lot

\$400.00, plus \$150.00 per
lot; minimum \$1,500.00

3. Site Plans

Site plan waiver

\$200.00

\$1,000.00

Minor

\$350.00, plus \$0.05 per
square foot of proposed
new building area, plus
\$0.01 per square foot of
site area to be disturbed

\$1,500.00

Type of Application

*First Check
Nonrefundable
Application Charge*

*Second Check
Applicant's Escrow Fund*

Preliminary major

\$350.00, plus \$.10 per
square foot of proposed
new building area, plus
\$0.03 per square foot of
site area to be disturbed

If the gross floor area of the
building is 100,000 square
feet or less - \$2,000.00, plus
\$10.00 per 1,000 square feet
of lot area, plus \$10.00 per
100 square feet of gross floor area
of the building. If the gross
floor area of the building

exceeds 100,000 square feet-
\$2,000.00, plus \$3.50 per 1,000
square feet of lot area, plus
\$3.50 per 100 square feet of
gross floor area of the
building.

Site Plans - Cont.

Final major
site plan

50% of preliminary major

If the gross floor area of the
building is 100,000 square
feet or less - \$2,000.00, plus
\$3.00 per 1,000 square feet
of lot area, plus \$3.00 per 100
square feet of gross floor area
of the building. If the gross
floor area of the building
exceeds 100,000 square feet -
\$2,000.00, plus \$1.00 per 1,000
square feet of lot area, plus
\$1.00 per 100 square feet of
gross floor area of building.

Telecommunications tower

\$1,500.00

\$5,000.00

		<u>Telecommunications tower</u>	<u>\$2,500.00</u>	<u>\$10,000.00</u>
		<u>site plan – existing tower</u>		
		<u>site plan – new tower</u>		
4.	<u>Variances</u>			
	a. Appeal (N.J.S.A. 40:55D-70(a))	\$300.00 per meeting		\$1,500.00
	b. Appeal (N.J.S.A. 40:55D-70(b))	\$300.00 per meeting		\$1,500.00
	c.(1) Bulk variance 40:55D-70(c) existing lots	\$300.00, plus \$100.00 per variance		\$3,000.00
	c.(2) Bulk variance 40:55D-70(c)with site plan or subdivision	\$300.00, plus \$100.00 each additional variance		\$3,000.00
	d. Use Variance(N.J.S.A 40:55D-70(d))	\$500.00		\$3,000.00
		<i>First Check</i>		
		<i>Nonrefundable</i>		
		<i>Application Charge</i>		
	<i>Type of Application</i>		<i>Second Check</i>	<i>Applicant ' s Escrow Fund</i>
5.	Permit for lot not abutting public street (N.J.S.A. 40:55-36)	\$500.00		\$3,000.00
6.	Extensions of approval request	\$500.00 per meeting		\$1,500.00
7.	On-tract and off-tract improvements	N/A		5% of the cost of the improvement
8.	Development agreement	N/A		\$2,000.00
9.	Deposit for certified shorthand reporter	N/A		\$300.00 per meeting
	<u>Aquifer testing</u>			
	a. Aquifer Test Plan Review	\$500.00		Residential subdivision (and site plans) (\$800.00) \$900.00 for first lot, plus \$100.00 for each additional lot.
				Non-Residential and residential site plans (\$1,000.00) \$900.00 for first 1,000 gals. of average daily demand, plus \$100.00 for each additional 1,000 gals. or part thereof of average daily demand.
	b. Hydrogeologic Report Review	\$500.00		Residential subdivisions and site plans (\$2,000.00) \$1,300.00 for the first lot, plus (\$100.00) \$200.00 for each additional lot.
				Non-Residential and residential site plans (\$2,000.00) \$900.00 for first 1,000 gals. of

average daily demand, plus (\$200.00) **\$100.00** for each additional 1,000 gals. of average daily demand or part thereof.

Carbonate Rock

a. Phase I Checklist	(\$500.00) <u>\$750.00</u>	\$750.00, plus \$200.00 per acre or portion thereof for each acre of disturbance when site is located in the CRD and \$100.00 per acre or portion thereof for each acre of disturbance when site is located in the CDA
b. Phase II Checklist	(\$500.00) <u>\$750.00</u>	\$1,500.00, plus \$500.00 per acre or portion thereof for each acre of disturbance when site is located in CRD and \$200.00 per acre or portion thereof for each acre of disturbance when site is located in CDA.
<u>12. Environmental Impact Statement Review</u>	<u>\$500.00</u>	
<u>13. Special Meeting Fee</u>	<u>\$1,000.00</u>	
<u>14. Tax Map Changes</u>	<u>\$150.00, plus \$50.00 per lot</u>	

*The amount of any fees for such an informal review shall be a credit toward fees for review of the application for development, provided the application for development submitted is substantially the same as the concept plan.

V. All ordinances or parts of ordinances inconsistent herewith are hereby amended as to such inconsistency only.

VI. If the provision of any article, section, subsection, paragraph, subdivision or clause of this Ordinance shall be judged invalid by any court of competent jurisdiction, such order or judgment shall not affect or invalidate the remainder of any such article, section, subsection, paragraph, or clause, and, to this end, the provisions of this Ordinance are hereby declared to be severable.

VII. This Ordinance shall take effect upon formal adoption by the governing body of the Township of Union and the subsequent filing of a certified copy thereof with the Hunterdon County Planning Board in accordance with C:40:55D-16 of the New Jersey Municipal Land Use Law.

Mr. Bischoff made a motion to adopt the above ordinance on 1st reading. Mr. Haynes seconded the motion. Vote – Ayes: Mr. Haynes, Mr. Bischoff, Mrs. Dziubek. Motion Carried.

NEW BUSINESS

The following resolution introduced for adoption:

RESOLUTION #2009-143

Resolution to award a contract in excess of \$21,000, pursuant to a Cooperative Purchasing Agreement and N.J.A.C. 5:34-7.11 for rock salt.

WHEREAS, The Township of Union is a member of Cooperative Pricing Unit, and;

WHEREAS, the Hunterdon County Board of Chosen Freeholders has awarded a Master Contract to Atlantic Salt, Inc. (Rock Salt) to provide rock salt for the County and members of the Cooperative Pricing System for Snow and Ice Control Materials Bid No. 2009-19 for the 2009-2010 season, said contract period being from October 20, 2009 to October 19, 2010; and

WHEREAS, the price (Rock Salt) agreed upon by contract is \$52.00 per ton; and

WHEREAS, pursuant to N.J.A.C. 5:34-7.11, the Township of Union desires to authorize the award of a contract which exceeds the bid threshold (\$21,000) under the master contract awarded by the County, as a member participant.

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

1. The Township hereby authorizes its purchasing agent to purchase rock salt pursuant to the master contract awarded by the Board of Chosen Freeholders to Atlantic Salt, Inc. referenced above, and each such purchase order shall bear the identification code of 51-HCCPS, and said identification number shall be shown on all forms pertaining thereto.
2. This resolution shall become effective immediately.

Mr. Haynes made a motion to approve the above resolution. Mr. Haynes seconded. Vote: Ayes – Mr. Haynes, Mr. Bischoff, Mrs. Dziubek. Motion carried.

The following resolution introduced for adoption:

RESOLUTION #2009-144
Union Township, Hunterdon County
Chapter 159-Highlands Council Initial Assessment Grant

WHEREAS, NJS 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and

WHEREAS, the Director of the Division of Local Government Services may also approve the insertion of an item of appropriation for equal amount,

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Union in the County of Hunterdon, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2009 in the sum of \$4,000.00, which is now available from the State of New Jersey, Highlands Water Protection Council, in the amount of \$4,000.00.

BE IT FURTHER RESOLVED, that the like sum of \$4,000.00 is hereby appropriated under the caption Highlands Council Initial Assessment Grant, Other Expenses; and

BE IT FURTHER RESOLVED that the above is the result of funding from the State of New Jersey, Highlands Council in the amount of \$4,000.00.

Mr. Bischoff made a motion to approve the above resolution. Mr. Haynes seconded. Vote: Ayes – Mr. Haynes, Mr. Bischoff, Mrs. Dziubek. Motion carried.

The following resolution introduced for adoption:

**RESOLUTION #2009-145
Union Township, Hunterdon County
Chapter 159-Highlands Council 2009 Plan Conformance Grant**

WHEREAS, NJS 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and

WHEREAS, the Director of the Division of Local Government Services may also approve the insertion of an item of appropriation for equal amount,

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Union in the County of Hunterdon, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2009 in the sum of \$50,000.00, which is now available from the State of New Jersey, Highlands Water Protection Council,.

BE IT FURTHER RESOLVED, that the like sum of \$50,000.00 is hereby appropriated under the caption Highlands Council 2009 Plan Conformance Grant, Other Expenses; and

BE IT FURTHER RESOLVED that the above is the result of funding from the State of New Jersey, Highlands Council in the amount of \$50,000.00.

Mr. Bischoff made a motion to approve the above resolution. Mr. Haynes seconded. Vote: Ayes – Mr. Haynes, Mr. Bischoff, Mrs. Dziubek. Motion carried.

The following resolution introduced for adoption:

**RESOLUTION 2009-146
ESCROW REFUND
Bruce Rossi, 75 Race Street, Pittstown, NJ 08867
Block 25 Lot 1.05**

WHEREAS, Bruce Rossi did post an escrow account for a Driveway Construction Project, and

WHEREAS, the work and inspections are complete and all invoices have been paid,

WHEREAS, there is a remaining balance of \$342.50.00 in the escrow account

NOW, THEREFORE, BE IT RESOLVED that the balance of this escrow account, in the amount of \$342.50 be refunded to Mr. Bruce Rossi.

Mr. Haynes made a motion to approve the above resolution. Mr. Bischoff seconded. Vote: Ayes – Mr. Haynes, Mr. Bischoff, Mrs. Dziubek. Motion carried.

The following resolution introduced for adoption:

RESOLUTION 2009-147

ESCROW REFUND

**Ralph Loeffler, 19 Cooks Cross Road, Pittstown, NJ 08867
Block 25 Lot 1.05**

WHEREAS, Ralph Loeffler did post an escrow account for a Road Opening Permit , and

WHEREAS, the work and inspections are complete and all invoices have been paid,

WHEREAS, there is a remaining balance of \$425.00 in the escrow account

NOW, THEREFORE, BE IT RESOLVED that the balance of this escrow account, in the amount of \$425.00 be refunded to Mr. Ralph Loeffler.

Mr. Haynes made a motion to approve the above resolution. Mr. Bischoff seconded. Vote: Ayes – Mr. Haynes, Mr. Bischoff, Mrs. Dziubek. Motion carried.

The following resolution introduced for adoption:

RESOLUTION 2009-148

**RE: TOLL BROTHER’S INC.
DRIVEWAY ESCROW REFUNDS**

WHEREAS, Toll Brother’s Inc., posted \$700.00 per lot for driveway inspection fees at the Sanctuary, and

WHEREAS, Toll Brother’s Inc., has requested refunds for the unused portion of these fees, and

WHEREAS, Maser Consulting, the Township Engineer, in a letter dated 9/24/09 has recommended the release of these unused fees,

NOW, THEREFORE, BE IT RESOLVED, that the following driveway escrow fees be released to Toll Brother’s Inc.:

BLOCK 27 LOT 3.06	\$ 199.80
BLOCK 27 LOT 3.07	299.20
BLOCK 27 LOT 3.08	41.75
BLOCK 27 LOT 3.09	275.10
BLOCK 27 LOT 3.10	170.55
BLOCK 27 LOT 3.11	420.55
BLOCK 27 LOT 3.12	0.00
BLOCK 27 LOT 3.13	255.55
BLOCK 27 LOT 3.14	203.05
BLOCK 27 LOT 3.15	400.80
BLOCK 27 LOT 3.16	368.30
BLOCK 27 LOT 3.17	157.07

Total \$2,791.72

Mr. Haynes made a motion to approve the aboveresolution. Mr. Bischoff seconded. Vote: Ayes – Mr. Haynes, Mr. Bischoff, Mrs. Dziubek. Motion carried.

The following resolution introduced for adoption:

**RESOLUTION #2009 - 149
REFUND OF TAX SALE PREMIUM**

WHEREAS, there exists a premium of taxes for the following tax sale certificate which was redeemed on October 30, 2009:

TAX SALE CERTIFI- CATE #	BLOCK	LOT	QUALI- FIER	NAME	AMOUNT
08-03	29	2.09		Crusader Lien SVC	\$34,000.00*

* To be refunded to American Tax Funding, LLC.

THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Union, County of Hunterdon, State of New Jersey, that the refund of tax sale premium be returned to the above stated name, and that the Chief Finance Officer of the Township of Union is hereby authorized to issue a check in the stated amount.

Mr. Haynes made a motion to approve the above resolution. Mr. Bischoff seconded. Vote: Ayes – Mr. Haynes, Mr. Bischoff, Mrs. Dziubek. Motion carried.

The following resolution introduced for adoption:

**RESOLUTION #2009-150
Opposing Forced Consolidation of New Jersey’s Small Municipalities**

WHEREAS, the Joint Legislative Committee on Government Consolidation and Shared Services has called for the merger of small municipalities with larger ones; and

WHEREAS, the Local Unit Alignment Reorganization and Consolidation Commission (LUARCC) has focused on merging municipalities and sharing services and is to give its final report by March, 2010; and

WHEREAS, the Commissioner of Education, pursuant to recently passed New Jersey legislation, has already forcibly dissolved non-operating school districts in a number of small municipalities in New Jersey, creating no significant cost savings, but providing the State with the illusion of having effectuated greater efficiency through forced mergers; and

WHEREAS, in many of the cases of forced merger of school boards, the consolidation of the school districts have left the smaller school districts with no representation on the superseding school board; and

WHEREAS, certain elements of the State government have proposed forcibly disbanding all of New Jersey’s smaller municipalities and consolidating them with surrounding or adjacent larger municipalities; and

WHEREAS, there’s not a shred of evidence that forced consolidation of our smaller municipalities will result in any significant cost savings, and it is much more likely that creating larger political entities will simply lead to more political patronage, inefficiencies and corruption; and

WHEREAS, New Jersey’s small municipalities are already actively seeking and obtaining significant cost savings by shared services agreements with adjoining and nearby municipalities; and

NOW THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Union, in the County of Hunterdon, State of New Jersey, that this governing body opposes any scheme or plan of the State Executive or Legislative branches to abolish New Jersey’s smaller municipalities and force their consolidation with large regional governmental organizations; and

BE IT FURTHER RESOLVED that no action should be taken to consolidate municipalities until it has been proven that real cost savings would accrue from such action; and

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

Mr. Bischoff made a motion to adopt the above resolution, subject to Attorney review. Mr. Haynes seconded. Vote: Ayes – Mr. Haynes, Mr. Bischoff, Mrs. Dziubek. Motion carried.

At 8:08 pm Grace Brennan, Twp. CFO joined the meeting

OUT OF AGENDA ORDER

The Committee and Grace Brennan, CFO, had a discussion of the appropriation transfers.

The following resolution introduced for adoption:

RESOLUTION #2009-151
UNION TOWNSHIP, HUNTERDON COUNTY
APPROPRATION 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 200 Appropriations in the following accounts:

TO: Municipal Court OE	10649020	\$ 4,000.00
Legal OE	10515520	20,000.00
Animal Control S & W	10534010	5,000.00
		\$29,000.00

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

FROM: Electricity	10543020	4,000.00
Animal Control OE	10534020	4,000.00
General Admin. S & W	10510010	5,000.00
Tax Assessment OE	10515020	5,000.00

Planning Board OE	10518020	11,000.00
		\$29,000.00

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

Mr. Haynes made a motion to approve the above resolution. Mr. Bischoff seconded. Vote: Ayes – Mr. Haynes, Mr. Bischoff, Mrs. Dziubek. Motion carried.

RETURN TO AGENDA ORDER

The following resolution was introduced for adoption:

RESOLUTION #2009-152
Union Township, Hunterdon County
Approving Union Township’s Consent for Pilot Travel Center, LLC for the
Construction of an On-site Wastewater Treatment and Disposal System.

Whereas, the Pilot Travel Center LLC has requested that the Union Township Governing Body approve a “Statement of Consent” to proposed construction of an On-Site Wastewater Treatment and Disposal System at the existing Pilot Travel Center facility at 68 State Route 173 West in Union Township, Hunterdon County, New Jersey, subject to a review and confirmation of the UT Planning Board Chairman and Attorney and UT Engineer;

Now Therefore, Be It Resolved that the Township Committee of the Township of Union, Hunterdon County, State of New Jersey approves the “Statement of Consent” by Governing Body and authorizes the Mayor and Clerk to sign same upon receipt of written approval from the UT Planning Board Chairman, Engineer and Attorney.

Be it Further Resolved that this resolution shall take effect immediately.

Mr. Bischoff made a motion to approve the above resolution subject to review by the Planning Board Chairman, the Engineer and Board Attorney. Mr. Haynes seconded. Vote: Ayes – Mr. Haynes, Mr. Bischoff, Mrs. Dziubek.

Motion to Authorize the Mayor to Sign – Service Contract for Drug/Alcohol Testing Program. Brief Committee discussion.

Mr. Bischoff made a motion to authorize the Mayor to sign the Service Contract for Drug/Alcohol Testing Program. Mr. Haynes seconded. Vote: Ayes – Mr. Haynes, Mr. Bischoff, Mrs. Dziubek. Motion carried.

Discussion – Entering into a Recycling Shared Services with the County.

The Mayor attended a County Recycling Summit and gave an overview to the Committee. The County deadline for response is December 1st if the Township is interested in shared services with the County. Entertain it at a later date. Tabled.

Discussion – 2009 Volunteer/Employee Appreciation Dinner. Brief discussion.

Mr. Bischoff made a motion to approve the 2009 Volunteer/Employee Appreciation Dinner, subject to final approval of invitees by the Mayor. Mr. Haynes seconded. Vote: Ayes – Mr. Haynes, Mr. Bischoff, Mrs. Dziubek. Motion carried.

REPORTS

a. **Engineer's Report** – as submitted

- Damaged Concrete/Cable Guide-Perryville Road. Corner markers, i.e., chevron alignment signs mounted behind the rail will enhance safety.
- Cooks Cross Road/County Route 579 Drainage. Report prepared and submitted.
- Cooks Cross Road Drainage (Vicinity of Robin Hill Farm). Report prepared and submitted
- Perryville Estates. Attorney and Engineer will review the file and list and then Attorney Jost will write a letter to Mr. Caccavelli.
- Dead Tree – Stires Way. The tree is located on private property and is the responsibility of the property owner. Given the recent legal decision regarding falling limbs, Attorney Jost suggested that we discuss the matter with the Committee.

b. **Attorney's Report** – Mr. Jost reported the following:

- Douglass Farm. Tentatively scheduled an auction for December 10, 2009. Attorney Jost has prepared the resolution and attachment. He explained the difference between this resolution and the prior resolution conveying the easement. The following resolution was introduced for adoption:

RESOLUTION #2009-153
Authorizing Execution of Deed of Easement for Preserved Farm
Block 29, Lot 13, Township of Union (“Douglass Farm”), and
Authorizing Max Spann Realty to Proceed with Auction of
Said Deed-Restricted Farm Property

WHEREAS, the Township of Union acquired property known as Block 29, Lots 12 and a portion of 13, subsequently merged and now known as Block 29, Lot 13, having a total gross acreage of 100.3632 acres +, located on Perryville Road and County Route 513 in the Township of Union, County of Hunterdon, State of New Jersey, by deed dated July 27, 2000 and recorded on October 25, 2000 in Book 1250 at Page 0606 et. seq. in Hunterdon County Clerk's office, and commonly known as Douglass Farm; and

WHEREAS, it was at the time of the acquisition of said property, and remains the intention of the Union Township Committee to preserve Douglass Farm as a working farm and/or parkland or open space; and

WHEREAS, the Union Township Committee had determined that Douglass Farm is not needed for public open space use and wishes to sell said property as a permanently deed-restricted preserved farm, in order to fulfill the intention of the Township to protect this property from development, and to permanently preserve the Douglass Farm as an agricultural resource and preserved open space in Union Township; and

WHEREAS, the sale of the Douglass Farm as a preserved farm will also recoup for the taxpayers of Union Township a portion of the monies expended for the acquisition of the above described property, to be used for payment of any bonded indebtedness incurred in connection with the acquisition of said property; and

WHEREAS, the Union Township Committee adopted Resolution 2009-140 on October 7, 2009 authorizing and approving, in accordance with P.L. 1973, Chapter 355, §1, (N.J.S.A. 40A:12-13.1), the sale by auction of the above described real property, commonly known as the Douglass Farm, being known as Lot 13 in Block 29 on the tax map of the Township of the Union, having a gross acreage of 100.3632 acres, as a preserved farm; and

WHEREAS, said Resolution 2009-140 provided that, prior to conveyance of the above property to the successful bidder, the Township shall execute onto itself a deed of easement permanently prohibiting any development of the premises for non agricultural purposes, and providing that the premises shall be retained for agricultural use and production in compliance with the terms and conditions set forth in said deed of easement, which shall be included in the information package supplied to all bidders; 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 Mayor and Clerk are hereby authorized to execute a Deed of Easement permanently restricting the above described property, commonly known as Douglass Farm, in the form attached hereto as Schedule A. Said Deed of Easement shall be recorded in the Registry of Deeds in the Hunterdon County Clerk's Office prior to the conveyance of the property to the purchaser of the preserved farm; and

BE IT FURTHER RESOLVED that Max Spann Real Estate and Auction Co. is hereby authorized and instructed to proceed with the auction of the said property pursuant to the terms and conditions of Resolution 2009-140, with said auction to be held on or about December 10, 2009, or other rescheduled date. The sale of said property shall be pursuant to the provisions of subsection (a) of Section 13 of P.L. 1971, c. 199 (N.J.S.A. 40A:12-13), by open public sale at auction to the highest bidder after advertisement thereof in a newspaper circulating in Union Township, by two insertions at least once a week during two consecutive weeks, the last publication to be not earlier than seven days prior to such sale. The Township Committee reserves the right to reject all bids where the highest bid is not accepted, and notice of such reservation shall be included in the advertisement of the sale, and public notice thereof shall given at the time of sale. No minimum bid or price shall be specified, and upon the completion of bidding, the highest bid may be accepted or all the bids may be rejected by the Union Township Committee.

BE IT FURTHER RESOLVED that the Mayor, Clerk and Township Attorney are authorized to sign all documents and do all things necessary to effectuate the sale and conveyance of the above described property as a permanently preserved farm in accordance with the terms of this resolution and other applicable requirements of law.

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

Mr. Bischoff made a motion to adopt the above resolution. Mr. Haynes seconded. Vote: Ayes – Mr. Haynes, Mr. Bischoff. Abstain: Mrs. Dziubek. Motion carried.

- The Attorney contacted the insurance company regarding the damaged guardrail on Perryville Road. Attorney supplied the estimate for the damage.
- Dead Tree at Stires Way – discussed in Engineer's report.

Mayor's Report – Mrs. Dziubek reported the following:

- Health Benefits - Grace Brennan, CFO presented her findings on health benefits. She said State is requiring a 20% increase in premiums. In Union Township, eight employees and three committee people receive benefits. Premium-wise we are better on the State Plan. Outside plans would require 25

hrs per week documented with time sheets. The CFO raised the issue of voting on health care by the Committee because three of the members are insured by health benefits. Mr. Haynes stated that he never votes on health insurance issues because of the appearance of the conflict.

- Clerk requested a new printer. The consensus of the Committee was to approve the purchase.
- Hoffman Property - RFP still remains with the County Counsel.
- Received letters of correspondence from two residents to make a silent train crossing. Mayor will respond to the residents.
- Correspondence from UT resident Dr. Shadow, requesting a guardrail on County Road 614 to deflect cars away from striking a tree. Five accidents have occurred at the site. The Engineer will call John Glynn regarding the matter.

c. Committee Reports

Mr. Bischoff reported the following:

- Quote: "What this country needs are more unemployed politicians." Mr. Langley 1920-1995.
- Mr. Bischoff would like Mr. Koenig to respond to his emails and phone calls. Communication needs to flow. Attorney Jost will speak with Mr. Koenig.
- Received a copy of the "Highlands and Septic" resolution from Senator Elect Mike Dougherty adopted by Township of Green in Sussex County
- Has matter for executive session.

Mr. Haynes reported the following: None

Mrs. Dziubek reported the following: None

d. Clerk's Report

- New printer previously addressed.

PUBLIC COMMENTS

Michele McBride, Old Forge Road, thanked the Committee for passing the resolution for the auction of the Douglass Farm. She also said that the Road Dept did a great job cleaning up the grounds at the Hoffman House. On Saturday, November 14th Mrs. McBride is asking for volunteers to help clean-up the inside of the buildings for the open house.

Mrs. McBride spoke on health insurance and the outrageous cost per Committee member. She encouraged the Committee to look at other options.

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. Mr. Bischoff seconded.

Vote: Ayes – Mr. Haynes, Mr. Bischoff, Mrs. Dziubek. Motion Carried.

EXECUTIVE SESSION – the following resolution introduced for adoption:

RESOLUTION 2009-154

Providing for a Meeting Not Open to the Public in Accordance with the Provisions of the New Jersey Open Public Meetings Act, N.J.S.A. 10:4-12

WHEREAS, the Township Committee of the Township of Union is subject to certain requirements of the *Open Public Meetings Act*, N.J.S.A. 10:4-6, et. seq.,; and

WHEREAS, the *Open Public Meetings Act*, N.J.S.A. 10-4-12, provides that an Executive Session, not open to the public, may be held for certain specified purposes when authorized by Resolution; and

WHEREAS, it is necessary for the Township Committee of the Township of Union to discuss in a session not open to the public certain matters relating to the item or items authorized by N.J.S.A. 10:4-12b and designated below:

1. _____ *Matters Relating to the Employment Relationship*: Any matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance of promotion or disciplining of any specific prospective public officer or employee or current public officer or employee employed or appointed by the public body, unless all the individual employees or appointees whose rights could be adversely affected request in writing that such matter or matters be discussed at a public meeting.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Union, assembled in Executive Session on November 4, 2009, at 9:36 p.m. in the Union Township Municipal Building, 140 Perryville Road, Hampton, New Jersey, for the discussion of matters relating to the specific items designated above.

It is anticipated that the deliberations conducted in closed session may be disclosed to the public upon the determination of the Township Committee that the public interest will no longer be served by such confidentiality.

Mr. Haynes made a motion to adopt the above resolution to discuss Personnel. Mr. Bischoff seconded. Vote – Ayes: Mr. Haynes, Mr. Bischoff, Mrs. Dziubek. Motion Carried.

At 9:59 p.m., Mr. Haynes made a motion to go back to public session. Mr. Bischoff seconded. Vote: Ayes – Mr. Haynes, Mr. Bischoff, Mrs. Dziubek. Motion carried.

The Mayor gave correspondence from the Planning Board to the Attorney regarding solar systems. Planning Board recommended enact and ordinance that regulates solar energy systems, solar panels, solar rays, windmills, wind turbines.

ADJOURNMENT – There being no further business to come before the Township Committee at this time, Mr. Bischoff made a motion to adjourn. Mr. Haynes seconded the motion. Motion carried by unanimous favorable roll call vote.

Meeting adjourned at approximately 10:01 p.m.

Respectfully submitted,

Pat Essig
Administrative Assistant