

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. Severino, Mr. Mazza, Mrs. Dziubek.

Absent: Mr. Bischoff

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

APPROVAL OF MINUTES

Regular and Executive Session Meeting Minutes of December 2, 2009

Mr. Haynes had a clarification on page 6 of the Regular Meeting Minutes. Under “Reports” change “requested information for the 2010 budget” to “requested that the information for the 2010 budget be put in a folder to be filed”.

Mr. Haynes made a motion to approve the Regular and Executive Session Meeting Minutes of December 2, 2009 as amended. Mr. Severino seconded. Vote: Ayes – Mr. Haynes, Mr. Severino, Mr. Mazza, Mrs. Dziubek. Motion carried.

VISITORS

Dan Van Fossen, Fire Chief of Pattenburg Volunteer Fire Department – New Truck Purchase

- Chief Van Fossen thanked the Committee for their support over the years.
- After 20 years, the 1987 engine truck needs replacement. Chief Van Fossen asked the Committee’s help to buy a new fire truck.

REPORTS RECEIVED

- a. Road Dept.- Week Ending 11/25/09; 12/05/09
- b. UT Municipal Court – November 2009
- c. UTEC – Draft of November 10, 2009 Meeting Minutes

CORRESPONDENCE/WRITTEN COMMUNICATION

Mr. Haynes mentioned the following correspondence: None

Mr. Mazza mentioned the following correspondence:

- NJDOT – Rt. 173 at I-78 Westbound Exit 11-Problem Statement. The Tier 2 Screening did not identify any safety or operational deficiencies that warrant the DOT to initiate a project. Discuss options in Executive Session.
- Highland Claim Services, Inc., Re: Claimant-Janell Hensinger. Matter referred to insurance company.

Mr. Severino mentioned the following correspondence:

- HC Board of Chosen Freeholders, County Recycling Regulations. The Committee decided at the last meeting not to participate in shared services for recycling with the County. A draft letter has been prepared.

Mrs. Dziubek mentioned the following correspondence: None

PUBLIC COMMENTS

Michele McBride, resident

- Opposes a proposed truck depot project in Franklin Township. Would the Committee consider a resolution opposing the proposed truck depot? Attorney Jost said this would be a legal item for an executive session.
- Michele asked about disposition of funds with regard to the Douglass Farm. Attorney said that any bond indebtedness would be paid down first and any money that is left is within the discretion of the Governing Body.
- There is no yield sign at exit 11.

Pat Lingelbach, resident

- Pat requested data on accidents occurring at exits 13, 11 and 12. The Attorney will attempt to get the information on accidents.

Paige DiRoberto, 55 Cooks Cross Road

- Update on PIG grant. Met with the County who gave their preliminary approval for next year but still does not know the amount of the grant. Paige would like the Committee to consider the development rights for the Douglass Farm. The Attorney will investigate and make recommendations on how to proceed.

PUBLIC HEARING – 2nd 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 #78)**

Mr. Severino made a motion to open the meeting for the public hearing. Mr. Haynes seconded. Vote: Ayes – Mr. Haynes, Mr. Severino, Mr. Mazza, Mrs. Dziubek. Motion carried.

Hearing no public comments, Mr. Haynes made a motion to close the public hearing. Mr. Severino seconded. Vote: Ayes – Mr. Haynes, Mr. Severino, Mr. Mazza, Mrs. Dziubek. Motion carried.

Mr. Mazza made a motion to adopt Ordinance #2009-6. Mr. Severino seconded. Vote: Ayes – Mr. Haynes, Mr. Severino, Mr. Mazza, Mrs. Dziubek. Motion carried.

OLD BUSINESS

Discussion - Union Twp. Municipal Offices Organizational Chart. A new version dated 12/16/2009 with minor amendments was discussed and presented for adoption.

Mr. Mazza made a motion for the Township Committee to adopt the Union Township Municipal Offices Organization Chart dated 12/16/2009. Mr. Haynes seconded. Vote: Ayes – Mr. Haynes, Mr. Severino, Mr. Mazza, Mrs. Dziubek. Motion carried.

NEW ORDINANCE – 1ST Reading

NEW BUSINESS

a. The following resolution introduced for adoption:

**RESOLUTION #2009-160
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 2009 Appropriations in the following accounts:

TO:	Animal Control S & W	10534010	\$ 2,000.00
	Roads OE	10529020	10,000.00
	Street Lighting	10543520	2,000.00
			\$14,000.00

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

FROM:			
	Planning Board OE	10518020	\$ 14,000.00
			\$ 14,000.00

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

b. Consideration of the Bid for the Douglass Farm and Approval of the Sale Contract.
The Attorney briefly discussed the details of the auction and successful bidder and presented the following resolution for adoption.

**RESOLUTION #2009-161
Accepting Auction Bid for Deed-Restricted Farm Property
Block 29, Lot 13, Township of Union (“Douglass Farm”), and
Authorizing Execution of Contract of Sale for Preserved Farm**

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

WHEREAS, on November 4, 2009, the Union Township Committee adopted 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; and

WHEREAS, pursuant to said resolutions, the Township of Union executed a Deed of Easement dated October 21, 2009, which was recorded on November 24, 2009 in Book 2241 of Deeds in the Hunterdon County Clerk’s office at Page 273 et. seq; and

WHEREAS, on December 10, 2009 the said auction was duly conducted by Max Spann Realty and the highest bid for said property was submitted by Dr. Brendan Furlong for a bid price of \$1,100,000, plus a Buyers’ Premium in the amount of \$121,000 for a total purchase price of \$1,210,000, and Brendan Furlong, having executed a contract for sale of real estate dated December 10, 2009 in the form specified in the bid documents and in said amount, 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 said highest auction bid of Brendan Furlong in the amount of \$1,100,000, plus a Buyers’ Premium in the amount of \$121,000 for a total purchase price of \$1,210,000 is hereby accepted; and

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to execute a Contract for Sale of Real Estate for the above described permanently restricted property, commonly known as Douglass Farm, in the form attached hereto as Schedule A; and

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 to Brendan Furlong, or a Limited Liability Company to be formed by him, in accordance with the terms of the above referred to resolutions, this resolution and other applicable requirements of law.

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

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

Mr. Earl Steeves thanked the Committee for the opportunity to help market the Douglass Farm and the cooperation from all levels of the Township. Mr. Steeves summarized the responses to the marketing campaign.

The Mayor thanked the Stewardship Committee for their time and devotion to the project; Pat Lingelbach, Michele McBride and Paige DiRoberto.

Motion – Approval of the Special Permit for a Social Affair – America’s Grow-a-Row.

Mr. Severino made a motion to approve the Special Permit for a Social Affair, American’s Grow-a-Row. Mr. Mazza seconded. Vote: Ayes – Mr. Haynes, Mr. Severino, Mr. Mazza, Mrs. Dziubek. Motion carried.

Discussion – Request by UT Recreation Committee to Purchase New Soccer Goals.
After discussion of the quotes, the request tabled for a future meeting.

Discussion – Holiday Hours
The Committee discussed holiday hours for Christmas Eve.

Mr. Mazza made a motion to approve Township employees working half day, leaving at noon on Thursday, December 24, 2009. Mr. Haynes seconded. Vote: Ayes – Mr. Haynes, Mr. Severino, Mr. Mazza, Mrs. Dziubek. Motion carried.

Discussion – 2010 Reorganizational Meeting

Mr. Mazza made a motion for the 2010 Reorganizational Meeting to be on January 6, 2010 at 7:00 pm at the Union Township Municipal Building. Mr. Severino seconded. Vote: Ayes – Mr. Haynes, Mr. Severino, Mr. Mazza, Mrs. Dziubek. Motion carried.

Notice of Resignation – Township Employee resigning from the position of OEM Coordinator.

Mr. Mazza made a motion to appoint the Deputy Coordinator OEM Bruce Hirt as the acting OEM Coordinator, effective upon resignation of the OEM Coordinator and pending the appointment of an OEM Coordinator. Mr. Severino seconded. Vote: Ayes – Mr. Haynes, Mr. Severino, Mr. Mazza, Mrs. Dziubek. Motion carried.

Engineer’s Report – as submitted

- Perryville Estates – Escrow account replenishment
- Tree along County Route 614 – A letter from the County states that they will address the safety issue by removing the offending tree.
- Driftway at Baptist Church Road sign – Met with Craig Herman concerning resident complaint about bushes impeding the line of site for the road.

Attorney’s Report – Mr. Jost reported the following:

- Has matters for an Executive Session
- Spoke with Attorney DeSapio at the County regarding RFP for Hoffman Farm. Mr. DeSapio will have feedback after HC Freeholders meeting in January. Mr. Jost will follow up with an email before the Freeholder meeting.
- The Gano Road Drainage problem.

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

- The Mayor said she was honored to have served as Mayor of the Township in 2009 and on behalf of the Township Committee she would especially like to thank the members of the Township Committee for all their help as well as the Planning Board, Board of Adjustment members, the Environmental Commission, the Stewardship Committee, the Agricultural Advisory Committee, the Historical Preservation Committee, the Pattenburg Fire Department, and the Quakertown, Clinton, High Bridge Fire Departments, and all the volunteers that keep our community safe all year, and our Road Department.
- The Committee was successful in securing \$110,000 grant for roads.
- This governing body worked diligently to reduce our debt service, thus far this year we have reduced our debt on the Milligan Farm notes by obtaining \$3,522,595. Our interest for 2009 was \$226,764.70. We are happy to report that in 2010 our interest payment for that note will be \$34,602.18. The savings realized by our effort will be \$191,161.89, approximately 2.8 cents on our tax rate.
- We continued to review open space and farmland preservation and have received the preliminary approval for the SADC Farmland Preservation Plan into 2010.
- We also petitioned for Plan Conformance for Highlands and will continue to keep our Township's interests best foot forward.
- Our affordable housing plan is moving forward. We are working with the Developer on a Developer's Agreement.
- Our Environmental Commission has done a great job with Sustainable New Jersey and they are keeping us green without encumbering our residents with cost.
- Thanked Matt Severino for the success of the single stream recycling program and opening recycling depot for residents every Saturday.
- Thanked everyone, especially volunteers, because without all of our volunteers and our work together nothing would get done.
- Attended COAH meeting – Developer Agreement is being advanced. Asked the Committee to authorize drafting of an ordinance in connection with advancing approvals for the Milligan Farm.

Mr. Severino made a motion for the Township Committee to authorize Stuart Koenig to prepare an ordinance to advance the approvals needed for affordable housing. Mr. Haynes seconded. Vote: Ayes – Mr. Haynes, Mr. Severino, Mr. Mazza and Mrs. Dziubek. Motion carried.

Mr. Mazza acknowledged and thanked the Mayor for her service.

COMMITTEE REPORTS

Mr. Haynes reported the following: None

Mr. Mazza reported the following:

- Mr. Plushanski offered dirt to the Township from excavating at the Church. Briefly discussed.
- Historical Society House is winterized.
- Removal of a dead tree at Brass Castle Estates (Stires Way)

Mr. Severino reported the following: None

- Executive Session Matters

Mrs. Dziubek, Mayor reported the following:

- Asked for Committee's authorization to sign documents regarding Apgar application for COAH unit.

Mr. Severino made a motion that the Mayor and Clerk are hereby authorized to sign all necessary documents with regard to the Cyrus Apgar property, Block 19, Lot 2 in order to effectuate the deed restriction on the property for affordable housing covenants, with the deed to be recorded by the Township Attorney. Mr. Mazza seconded. Vote: Ayes - Mr. Haynes, Mr. Severino, Mr. Mazza, Mr. Dziubek. Motion carried.

Clerk's Report:

- Road Dept. Crew - annual drug testing was completed.

PUBLIC COMMENTS

Michele McBride, Old Forge Road

- Michele suggested the portion of Milligan Farm that includes the building be a potential for a future auction. Committee discussed the possibilities. The Stewardship Committee will move forward with cleaning up the property.

Pat Lingelbach, resident

- Expressed her concerns with regard to emergency services notification for residents on Driftway East and West.

PAYMENT OF THE BILLS

After discussion of the invoice from Maglio Electric to fix outdoor lighting, 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. Severino seconded. Vote: Ayes – Mr. Haynes, Mr. Severino, Mr. Mazza, Mrs. Dziubek. Motion Carried.

EXECUTIVE SESSION – the following resolution introduced for adoption:

RESOLUTION 2009-162

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 Litigation, Negotiations and the Attorney-Client Privilege:* Any pending or anticipated litigation or contract negotiation in which the public body is, or may become a party. Any matters falling within the attorney-client privilege, to the extent that confidentiality is require in order for the attorney to exercise his ethical duties as a lawyer.
2. _____ *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 December 16, 2009, at 9:07 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 Severino made a motion to adopt the above resolution to discuss potential litigation, contract negotiations and personnel. Mr. Mazza seconded. Vote – Ayes: Mr. Haynes, Mr. Severino, Mr. Mazza, Mrs. Dziubek. Motion Carried.

At 10:03 p.m., Mr. Severino made a motion to go back to public session. Mr. Haynes seconded. Vote: Ayes – Mr. Haynes, Mr. Severino, Mr. Mazza, Mrs. Dziubek. Motion carried.

Mr. Severino read the three quotes received for single stream recycling for 2010: Raritan Valley Disposal, Clinton Township, NJ, \$149 to haul; Waste Management, Lafayette, NJ, \$225 to haul; Kasper Disposal, Annandale, NJ, \$150 to haul.

Mr. Mazza made a motion to award the 2010 contract to the lowest bidder, Raritan Valley Disposal at \$149.00 per haul. Mr. Haynes seconded. Vote: Ayes – Mr. Haynes, Mr. Severino, Mr. Mazza, Mrs. Dziubek. Motion carried.

The Attorney requested another Executive Session to discuss potential litigation.

EXECUTIVE SESSION – the following resolution introduced for adoption:

RESOLUTION 2009-163

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 Litigation, Negotiations and the Attorney-Client Privilege*: Any pending or anticipated litigation or contract negotiation in which the public body is, or may become a party. Any matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his ethical duties as a lawyer.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Union, assembled in Executive Session on December 16, 2009, at 10:06 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 Severino made a motion to adopt the above resolution to discuss potential litigation, Mr. Mazza seconded. Vote – Ayes: Mr. Haynes, Mr. Severino, Mr. Mazza, Mrs. Dziubek. Motion Carried.

At 10:11 p.m., Mr. Haynes made a motion to go back to public session. Mr. Severino seconded. Vote: Ayes – Mr. Haynes, Mr. Severino, Mr. Mazza, Mrs. Dziubek. Motion carried.

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

Meeting adjourned at approximately 10:12 p.m.

Respectfully submitted,

Pat Essig
Administrative Assistant