

1. CALL TO ORDER

Mayor Bischoff opened the meeting at 7:06 p.m.

- 2. **“Sunshine Law” Announcement:** Adequate notice of this public meeting has been provided by annual notice published in the Hunterdon Democrat and Courier News; posted on Union Township website, public bulletin board and on file in the Municipal Clerk’s Office.

3. FLAG SALUTE

- 4. **ROLL CALL** Present: Mr. Severino, Mr. Mazza, Mr. Hirt, Ms. McBride, Mr. Bischoff
Others Present: J. Peter Jost, Esq., Ella Ruta, Mrs. Brennan, Robert Clerico, PE

5. APPROVAL OF PRIOR MEETING MINUTES

- a. Regular and Executive Session Meeting Minutes of April 18, 2012. Executive Session Minutes corrections in the Executive Session.

Voice Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino		X	X			
Mr. Mazza					X	
Mr. Hirt					X	
Ms. McBride	X		X			
Mr. Bischoff			X			

Motion carried

6. NEW ORDINANCE – 1st Reading

7. VISITORS

Mayor mentioned support of the Pattenburg Volunteer Fire Company Flower sale.

8. REPORTS RECEIVED

- a. Dept of Roads & Facilities – Week Ending 4/13/12; 4/20/12. Mr. Hirt spoke with the DR&F Foreman about picking up brush from Baptist Church Rd to the entrance to the Hoffman property.
- b. Tax Collector – April 2012
- c. Zoning Officer – April 2012

9. CORRESPONDENCE/WRITTEN COMMUNICATIONS

Mr. Mazza mentioned the following correspondence:

- Robin Hill Farm, Re: Run off water on Cook’s Cross Road. Asked Committee for their input on the matter. Attorney suggested that a copy of the Engineer’s report be sent to the property owner.

OUT OF AGENDA ORDER

VISITORS

- Trooper Agacio informed the Committee that Foster Wheeler is looking into landing private helicopters

on their property at a one time event. Attorney will check on details of use.

RETURN TO AGENDA ORDER

CORRESPONDENCE

Ms. McBride mentioned the following correspondence:

- Mayor’s Advisory, Re: Sustainable Jersey: Announcement Today of \$200,000 for Municipal Sustainability Projects. Spoke with Chuck LaTournas about considering a grant opportunity to put together a bio-retention basin for drainage of the municipal parking lot.

Mr. Severino mentioned the following correspondence:

- NJ DEP; Re: Res. Well Permit No. E201204898, Finn Road Park. Advising us of the Highlands Laws as triggered by the permit.

Mr. Bischoff mentioned the following correspondence:

- Res. Calling on the State Legislature and the Governor to Restore Municipal Energy Tax Receipts.
- Twp. of Galloway, Re: Letter asking to Support Communities United for Family Safety (CUFFS). Jessica’s Law. Not enough details for our support. Requested Attorney to see what as a community we can do to support what should be a worthwhile cause.

Mr. Hirt mentioned the following correspondence: None

OUT OF AGENDA ORDER

REPORTS

d. Engineer’s Report

- Revised and re-advertised the Phase 2 Demo Bid that is the remaining two buildings that require asbestos abatement. Bids due on May 18th. Will have documentation at next meeting.
- Race Street stream bank worked out some concepts and had meeting with FEMA. I assume at some point we will hear back from them as to when monies might be forthcoming.
- Perryville Road section from Main St. going out around the curve of the bridge working on estimate.
- For the request of Mr. Caccavelli at the last meeting, I forwarded to him the report he requested and suggested that he contact the CFO or Attorney to set up an agreement to utilize his cash funds that he has on deposit.
- Filed the 2011 Annual Report under your Municipal Stormwater System with DEP today.

RETURN TO AGENDA ORDER

10. PUBLIC COMMENTS

- The Mayor congratulated Grace Brennan on her 20th Wedding Anniversary.

11. PUBLIC HEARING

**ORDINANCE #2012-5
ORDINANCE TO ESTABLISH CAP BANK**

To open

Voice Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino	X					

MINUTES OF REGULAR MEETING May 2, 2012

Mr. Mazza						
Mr. Hirt						
Ms. McBride		X				
Mr. Bischoff						

Motion carried by unanimous favorable vote

To close

Voice Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino	X					
Mr. Mazza						
Mr. Hirt						
Ms. McBride		X				
Mr. Bischoff						

Motion carried by unanimous favorable vote

To adopt

Voice Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino	X		X			
Mr. Mazza			X			
Mr. Hirt			X			
Ms. McBride		X	X			
Mr. Bischoff			X			

Motion carried

ORDINANCE #2012-6

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 – 2012

To open

Voice Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino						
Mr. Mazza						
Mr. Hirt		X				
Ms. McBride	X					
Mr. Bischoff						

Motion carried by unanimous favorable vote

To close

Voice Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino						
Mr. Mazza						
Mr. Hirt		X				
Ms. McBride	X					
Mr. Bischoff						

Motion carried by unanimous favorable vote

To adopt

Voice Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
------------	-------	----------	------	------	---------	--------

Motion carried by unanimous favorable vote

The Mayor made positive comments about the budget and thanked the CFO for her work.

To close Public Hearing

Voice Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino						
Mr. Mazza	X					
Mr. Hirt						
Ms. McBride		X				
Mr. Bischoff						

Motion carried by unanimous favorable vote

To adopt

Voice Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino			X			
Mr. Mazza			X			
Mr. Hirt	X		X			
Ms. McBride		X	X			
Mr. Bischoff			X			

7:35 The CFO left the meeting.

b. The following resolution was introduced for adoption:

RESOLUTION 2012 - 83

ESCROW REFUND

FDRA LLC, Grand Colonial

86 Route 173 West, Hampton, NJ 08827

WHEREAS, FDRA, LLC did post an inspection fee escrow account for a The Grand Colonial, and

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

WHEREAS, there is a remaining balance of \$285.46 in the escrow account

NOW, THEREFORE, BE IT RESOLVED that the balance of this escrow account, in the amount of \$285.46 be refunded to FDRA, LLC.

Voice Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino	X		X			
Mr. Mazza			X			
Mr. Hirt		X	X			
Ms. McBride			X			
Mr. Bischoff			X			

Motion carried

c. The following resolution was introduced for adoption:

RESOLUTION 2012 - 84

**ESCROW REFUND
FDRA LLC, Grand Colonial
86 Route 173 West, Hampton, NJ 08827**

WHEREAS, FDRA, LLC did post an escrow accounts for a The Grand Colonial, and

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

WHEREAS, there is a remaining balance of \$83.45 in the escrow account

NOW, THEREFORE, BE IT RESOLVED that the balance of this escrow account, in the amount of \$83.45 be refunded to FDRA, LLC.

Voice Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino	X		X			
Mr. Mazza			X			
Mr. Hirt			X			
Ms. McBride		X	X			
Mr. Bischoff			X			

Motion carried

- d. Discussion:** Sharing Services with UT Schools for Roads/Parking Paving. Ms. McBride was contacted by the school. Mr. Severino commented that timing might be beneficial for pricing. Ms. McBride will take the lead.

14. REPORTS

a. Attorney’s Report

- Recycling contract and resolution with Waste Management distributed to the Committee (no copy for clerk).

Atty. Jost asked that the following resolution be introduced and approved:

**RESOLUTION 2012-85
Awarding Contract for Recycling Services to WM Recycle America, LLC**

WHEREAS, Union Township solicited competitive quotations for pick up and marketing of single stream recyclable materials from the Union Township Recycling Depot in Jutland, New Jersey; and

WHEREAS, the quotation with the combined lowest costs and highest payment for recycled materials is from WM Recycle America, LLC (Waste Management Recycling Services) in the amount of \$125 per container pull, plus \$85 per ton for processing of recyclables, less rebates to Union Township for said recyclables based upon the Official Board Markets publication (“Yellow Sheet”) for the New York region; and

WHEREAS, the anticipated costs of said contract for a one-year period commencing April 15, 2012 is less than \$17,500, and is therefore exempt from the “New Jersey Local Unit Pay-to-Play Law”, N.J.S.A. 19:44A-20.4 et seq., 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 proposal of WM Recycle America, LLC (Waste Management Recycling Services) of 847 Flora Street, Elizabeth, New Jersey 07201 is hereby accepted and the Mayor and Clerk are hereby authorized to sign said one-year contract on behalf of the Township of Union, subject to Township Attorney approval; and

BE IT FURTHER RESOLVED, that this Resolution shall take effect immediately.

Voice Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino		X	X			
Mr. Mazza			X			
Mr. Hirt			X			
Ms. McBride	X		X			
Mr. Bischoff			X			

Motion carried subject to Attorney approval.

- Item for Executive Session.

b. Mayor’s Report

- Quote “ I have watched this famous island descending incontinently, fecklessly, the stairway which leads to a dark gulf.” Churchill – 1936 While England Slept.
- Letter, re: diesel pilferage at Finn Rd Park.
- A copy of the Legislative Bulletin to the Township Committee members.
- I have the procedure for a Municipality to order copies of driving a record from the DMV.
- Who is taking care of the action items on the PAIC Loss Control Survey? Mr. Mazza
- I attended Conference of Mayors. Report on the new format and subjects discussed at the conference.
- Where are we on the request on the exemption from DWM?? on sewer plants? Attorney will check with DEP to see if the Township receives an informational copy of the reports they produce and also check with Brian Kirkpatrick.

c. Committee Report

Mr. Mazza reported the following:

- Executive Session, personnel.
- PAIC Survey of Township Facilities and Playground Insurance report, compliance at the Park. Working with the DRF Foreman and all action items can be done. A discussion of several individual projects. The Engineer will be involved in the handicap parking area to ensure ADA standards are followed.

Mr. Hirt reported the following:

- I am looking into prices to repair and paint the Municipal Building trim.
- I will look into finding someone to identify the cause of the paint peeling on the downstairs walls.

Ms. McBride reported the following:

- DCA is requesting a Union spending plan from us based on the transaction made with Milligan , back and forth correspondence between Steve Balzano needing review. Correspondence to Mary Beth Lonergan from the DCA that said Union spending plan had to be amended to bring it up to date and Stuart Koenig and Steve Balzano agreed it had to be done. Mr. Koenig said It should be a couple of hours on Mary Beth’s part and a little bit of work on his part.

Motion: Do what is necessary and correct under the supervision of Mr. Koenig to amend the Township’s Spending Plan.

MINUTES OF REGULAR MEETING May 2, 2012

Voice Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino	X		X			
Mr. Mazza			X			
Mr. Hirt		X	X			
Ms. McBride			X			
Mr. Bischoff			X			

Motion carried

- Meeting with Jehovah Witnesses to talk about Milligan trailhead.
- Meeting with Adam Wengryn to provide a key to Hoffman for the salvage contract
- The SBWA Stream clean up went really well.
- Transco meeting March 24th which I will discuss in Executive Session.
- April 25th County Public Hearing here at the Township about Race Street bridge. The new bridge will have cement sides and not have the stone facing on the sides as it does presently. If the Township agrees with the stone facing they should contact the County with their comments as soon as possible. I will also contact Pat Lingelbach to weigh in from the historical perspective. The bridge is located within a historical district.
- Citinet up and running to pay property taxes online.
- Pilot meeting April 30th and negotiations will be discussed in Executive Session.
- Met with Henry Walker from FEMA DRF Foreman on April 27th and archeologist from FEMA who came to look at access and the trees to be removed. The plan that was in place was appropriate and there weren't any issues and that was the last step to be taken before the grant could be awarded.
- Street lights. Discussion of turning off/disconnecting some street lights in the Township.
- Executive session for personnel and contract negotiations.

Mr. Severino reported the following:

- Online auction, received the paperwork and arranged for pick up.
- Tonnage report is done and Joe Peake to get together with Mr. Alan Dilly for the transition.
- Certified Recycling Coordinator to be signed by Franklin Township Recycling Coordinator.
- Finn Park well. Well chlorinated last week. Next step to get water sample tested.

d. Clerk's Report –

- Raffle License #2012 Michelle Oliva Deady Fdn. Inc; On Premise Merchandise; 4/27/12.

Voice Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino	X		X			
Mr. Mazza			X			
Mr. Hirt		X	X			
Ms. McBride			X			
Mr. Bischoff			X			

Motion carried

- **Motion:** Computer purchase not to exceed \$500.

Voice Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino	X		X			
Mr. Mazza			X			
Mr. Hirt		X	X			

Ms. McBride			X			
Mr. Bischoff			X			

Motion carried

15. PUBLIC COMMENTS

- Terry Wright, Hunterdon Democrat. Question about Executive Session Minutes.

16. PAYMENTS OF BILLS

The approved list of bills and 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.

Voice Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino		X	X			
Mr. Mazza	X		X			
Mr. Hirt			X			
Ms. McBride			X			
Mr. Bischoff			X			

Motion carried

17. EXECUTIVE SESSION – Contract Negotiations, Personnel, Potential Litigation

RESOLUTION #2012- 85A

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 May 2, 2012, at 8:50 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.

To go in 8:50 p.m.

Voice Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino	X		X			
Mr. Mazza			X			
Mr. Hirt			X			
Ms. McBride		X	X			
Mr. Bischoff			X			

Motion carried

To come out 9:24 p.m.

Voice Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino	X		X			
Mr. Mazza						X
Mr. Hirt						X
Ms. McBride		X	X			
Mr. Bischoff			X			

Motion carried

Motion: Motion to approve the April 18, 2012 Executive Session Minutes as amended.

Voice Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino		X	X			
Mr. Mazza	X		X			
Mr. Hirt			X			
Ms. McBride			X			
Mr. Bischoff			X			

Motion carried

Atty. Jost asked that the following resolution be introduced and approved:

**RESOLUTION 2012-86
Amending Salvage Contract Specifications Re: Insurance Requirements**

WHEREAS, Restoration Technologies of Belvidere, New Jersey was the highest bidder for purchase of salvage rights for the Hoffman Park salvage project under Alternate #2; and

WHEREAS, Restoration Technologies has submitted a Certificate of Liability Insurance dated 4-23-12 which contains coverage amounts less than the requirements set forth in paragraph 4, pages G-3 through G-5 of the Bid Specifications; and

WHEREAS, the Township Committee is of the opinion that the insurance requirements set forth in said paragraph 4 of the Bid Specifications were primarily intended for the demolition portion of the contract, and that the insurance limits set forth in said Certificate of Liability Insurance are adequate for the protection of the Township’s interests, subject to the amendment thereof to provide that the Township of Union, Van Cleef

Engineering Associates, and the County of Hunterdon are designated as additional insureds under the insurance policies enumerated therein; and

WHEREAS, the contractor has requested certain clarifications in the insurance requirements of the contract consistent with current insurance risk management industry standards, 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 insurance limits set forth in the above described insurance certificate dated 4-23-12 are hereby deemed to be substantially compliant with the insurance requirements of Bid Specifications, for the limited purpose of the salvage contract; and

BE IT FURTHER RESOLVED, that page G-3, subparagraphs 4.2 & 4.5 are hereby amended to read “Commercial General Liability Insurance,” in lieu of Comprehensive General Liability Insurance, and the reference to subparagraph “5.2” in subparagraph 4.5 is hereby amended to read subparagraph “4.2”; and

BE IT FURTHER RESOLVED, that subparagraph 4.11 at page G-4 is hereby amended to read as follows:

“Indemnification of the Owner and Engineer – the Contractor shall pay, indemnify and save harmless the Owner and the Engineer, their employees, agents, or servants, from all suits, actions, demands, claims, losses, damages, expenses, and/or costs of every kind and description, to which the Owner may be subjected or put by reason of injury, including death, to persons or property, resulting from the manner or method employed by the Contractor, his employees, agents, or servants, or subcontractors, or from any neglect or fault of the Contractor, his employees, agents, or servants, or subcontractors;” and

BE IT FURTHER RESOLVED, that the amended Certificate of Insurance naming the Township of Union, Van Cleef Engineering Associates, and the County of Hunterdon as additional insureds shall be provided by Restoration Technologies prior to commencement of any salvage work, and the failure to supply such amended certificate shall constitute a default on the part of Restoration Technologies; and

BE IT FURTHER RESOLVED, that this Resolution shall take effect immediately.

Voice Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino		X	X			
Mr. Mazza	X		X			
Mr. Hirt			X			
Ms. McBride			X			
Mr. Bischoff			X			

Motion carried

Motion: To appoint Mr. Jim Graham for the remainder of the year 2012 as our Zoning Officer and no longer as our Acting Zoning Officer.

Voice Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino		X	X			
Mr. Mazza			X			
Mr. Hirt			X			
Ms. McBride	X		X			
Mr. Bischoff			X			

Motion carried

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

Meeting adjourned at approximately 9:26 p.m.

Respectfully submitted,

Ella M. Ruta, RMC

William F. Bischoff, Mayor

Prepared by: Pat Essig, Administrative Assistant