

1. CALL TO ORDER

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

- 2. “Sunshine Law” Announcement:** Adequate notice of this public meeting has been provided by annual notice published in the Hunterdon Democrat on January 12, 2012 and The Courier News on January 13, 2012; posted on the Municipal public bulletin board in the Municipal Building and remain continuously posted as the required notices under the Statutes; posted on the Union Township website, and on file in the Municipal Clerk’s Office.

3. FLAG SALUTE

- 4. ROLL CALL** Present: Mr. Severino, Mr.Hirt, Ms. McBride, Mr. Bischoff
Absent: Mr. Mazza
Others Present: J. Peter Jost, Esq., Ella Ruta Clerk

5. APPROVAL OF PRIOR MEETING MINUTES

- a. Regular Executive Session Meeting Minutes of June 20, 2012.

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

Motion carried

6. VISITORS

Dave Hay – Perryville Group, 37 Route 173 East, Block 22 Lot 3 & 4 re: changing designation of the Master Plan road going through the property to service that property only.

7. REPORTS RECEIVED

- a. Dept of Roads & Facilities – Week Ending 6/22/12; 6/29/12.
- b. Tax Collector – June 2012
- c. Zoning Officer – June 2012 – Ms. McBride mentioned the construction trailer off Race St.; Milligan situation.
- d. Animal Control Officer – Jan to June 2012
- e. Engineer’s Report – not present. Mayor requested Ms. McBride to have the CFO call him with the new numbers for the rubber mulch for Finn Rd.

8. CORRESPONDENCE/WRITTEN COMMUNICATIONS

Mr. Severino mentioned the following correspondence:

- Charles Herring Re: DCA Review of Local Property Maintenance Ordinances & Resale Inspection. The Zoning Officer responded to the request.

Ms. McBride mentioned the following correspondence:

- Mayor’s Fax Advisory, Property Tax Relief Restoration Next Steps. Please contact Undecided Legislators. Our legislators, John DeMaio and Erik Petersen abstained on the vote. The Mayor will contact them .

Mr. Hirt mentioned the following correspondence: None

Mr. Bischoff mentioned the following correspondence:

- Suplee, Clooney & Company re: Municipal Court Audit. The glitch in the system has now been addressed.
- Blume Goldfaden Berkowitz re: Notice of Claim – Stephen J. Geissler. Accident on Rt. 78. Per Attorney insurance companies notified, but it does not impact Union Township.
- Clinton First Aid & Rescue re: Copy of 2011 Audit. One copy in clerk’s office.

9. PUBLIC COMMENTS - None

10. OLD BUSINESS

- a. **RESOLUTION #2012** – Liquor License Renewal – Apalo Inc. t/a Perryville Inn. Tabled, no tax clearance certificate.
- b. **Motion to Approve:** 2012 Agreement – Franklin Fire District No. 1. Tabled

11. PUBLIC HEARING

ORDINANCE #2012-10

AN ORDINANCE APPROPRIATING THE SUM OF \$11,100.00 CURRENTLY LOCATED WITHIN THE CAPITAL IMPROVEMENT FUND OF THE GENERAL CAPITAL FUND OF THE TOWNSHIP OF UNION, HUNTERDON COUNTY, NEW JERSEY FOR THE PURCHASE OF RUBBER MULCH FOR THE FINN PLAYGROUND

To Open Public Hearing

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

Motion carried by unanimous favorable vote

To Close Public Hearing

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

Motion carried by unanimous favorable vote

To Adopt

Roll Call 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 #2012-11

AN ORDINANCE APPROPRIATING THE SUM OF \$86,000.00 CURRENTLY LOCATED WITHIN THE GENERAL TRUST FUND, OFF TRACT IMPROVEMENT ACCOUNT, AND \$80,000.00 FROM THE CAPITAL IMPROVEMENT FUND OF THE TOWNSHIP OF UNION, HUNTERDON COUNTY, NEW JERSEY, FOR IMPROVEMENTS KNOWN AS PERRYVILLE ROAD IMPROVEMENTS

To Open Public Hearing

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

Motion carried by unanimous favorable vote

To Close Public Hearing

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

Motion carried by unanimous favorable vote

To Adopt

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

Motion carried

12. NEW ORDINANCE – 1ST Reading

13. NEW BUSINESS

a. The following resolution was introduced for adoption:

**RESOLUTION #2012-110
TOWNSHIP OF UNION, HUNTERDON COUNTY
RESOLUTION TO REFUND SUBSEQUENT PAYMENT OF 2012 TAXES**

WHEREAS, the Tax Collector received payment from U. S. Bank Cust/Emp IV, CAP ONE for \$1,007.74 for 2nd quarter subsequent taxes on Block 5, Lot 24; and

WHEREAS, U. S. Bank has requested a refund of \$1,007.74.

NOW, THEREFORE, BE IT RESOLVED, on this 11th day of July, 2012, by the Township Committee of the Township of Union, Hunterdon County, State of New Jersey, as follows:

1. The Tax Collector shall reverse the erroneous payment of \$1,007.74 for 2012 taxes.
2. The CFO shall refund \$1,007.74 to U. S. Bank Cust/Emp IV, CAP ONE, Tax Lien Services Group, 2 Liberty Place, 50 So. 16th St. Suite 1950, Philadelphia, PA 19102-2513 from Block 5, Lot 24.
3. This Resolution shall take effect immediately upon adoption.

Roll Call 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

- b. **Motion to Approve:** Application for Special Permit for Social Affair – St. Catherine of Sienna Church

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

Motion carried

- c. **Motion to Approve:** Pilgrimage from St. Peter & Paul Church walking through the Township on August 10, 2012.

Roll Call 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 review

- d. **Motion to Approve:** Participation under the County’s Contract in Co-Op Purchase 2012-2013 Winter Snow & Ice Control Materials.

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

Motion carried

- e. **Motion to Approve:** 2012-2013 Junkyard License – Cozze Brothers LLC

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

Motion carried

14. REPORTS

- a. **Attorney’s Report**

ITEM ADDED TO THE AGENDA ORDER

- Atty. Jost distributed copies of the following Ordinance to UT Committee members and asked for approval on the first reading:

NOTICE

PLEASE TAKE NOTICE that the foregoing Ordinance was adopted on first reading by the Township Committee of the Township of Union, County of Hunterdon, State of New Jersey, at a meeting held on the 11th day of July, 2012. The Ordinance was then ordered to be published according to law. Notice is hereby given that the said Ordinance will be considered for final passage at a public hearing to be held on 1st day of August, 2012, at 7:00 p.m., or as soon thereafter as the matter may be reached, at the Union Township Municipal Building, 140 Perryville Road, Hampton, New Jersey, at which time all interested parties will be heard.

Ella M. Ruta, Clerk

**ORDINANCE 2012-12
AN ORDINANCE AMENDING THE CODE
OF THE TOWNSHIP OF UNION, HUNTERDON COUNTY, NEW JERSEY BY AUTHORIZING
TOWNSHIP AND VOLUNTEER EMERGENCY SERVICES TO CLEAN UP OR ABATE
DISCHARGES OF HAZARDOUS SUBSTANCES AND TO OBTAIN REIMBURSEMENT FOR
TIME AND MATERIALS EXPENDED IN CLEANING UP OR ABATING ANY SUCH
DISCHARGES**

Be it Ordained by the Township Committee of the Township of Union, in the County of Hunterdon, State of New Jersey that the Code of the Township of Union is hereby amended to add the following provisions:

Section I. Clean Up Or Abatement of Hazardous Discharges

A. Definitions. In this section, the following words and phrases shall have the following meanings:

“Clean up and removal costs” shall mean all costs incurred by the Township or a volunteer services company in (1) the removal or attempted removal of any hazardous substance; or (2) the taking of reasonable measures to prevent or mitigate damage to public health, safety, or welfare, including but not limited to public and private property, surface waters, sub-surface waters, water columns and bottom sediments, soils and other affected property, including wildlife and other natural resources.

“Costs” shall mean all costs incurred by the Township or a volunteer emergency services company, including but not limited to the following: actual labor costs of personnel, including workers’ compensation benefits, fringe benefits and administrative overhead; cost of equipment operation; cost of materials; and the cost of any outside contract for labor and materials. A costs fee schedule shall be established by resolution of the Township Committee and amended from time to time.

“Discharge” shall mean any intentional or unintentional action or omission resulting in the releasing, spilling, leaking, pumping, pouring, emitting, emptying or dumping of any hazardous substance into the water, onto the land or into the air.

“Hazardous substance” shall mean any elements and compounds, including petroleum products, which are defined as such by the Department of Environmental Protection of the State of New Jersey or as are defined in the N.F.P.A. Guide of Hazardous Materials, or as are set forth in the list of hazardous substances adopted by the Federal Environmental Protection Agency, or as are defined on the list of toxic pollutants designated by Congress or the Environmental Protection Agency. This definition shall also include substances that the Emergency Management Coordinator has reason to believe may be hazardous substances.

“Level One First Responder Awareness”

That training level achieved for those personnel who will initiate an emergency response by notifying the proper authorities, but take no further action, as more particularly set forth in the U.S. Code of Federal Regulations at 29 CFR 1910.120, as enforced by OSHA and/or PEOSHA.

“Level One First Responder Operational”

That training level achieved for those personnel who respond on site to hazardous materials releases, or potential releases, and includes the ability to take necessary defensive actions to protect people, property and the environment from the effects of such a release, as more particularly set forth in the U.S. Code of Federal Regulations at 29 CFR 1910.120, etc., as enforced by OSHA and/or PEOSHA.

“Materials” shall mean all materials, including but not limited to fire fighting foam, chemical extinguishing agents, absorbent material, sand recovery drums, and specialized protective equipment such as acid suits, acid gloves, goggles and protective clothing.

“Person” shall mean any public or private corporation, company, association, society, firm, partnership, joint stock company, individual, or other entity.

“Petroleum product” shall mean oil or petroleum of any kind and in any form, including but not limited to oil, petroleum, gasoline, kerosene, fuel oil, oil sludge, oil refuse, oil mixed with other wastes, crude oils and substantives or additives utilized in the refining or blending of crude, petroleum or petroleum stock.

B. Township and emergency services companies may undertake clean up. The Township and volunteer emergency services companies in the Township are hereby authorized to clean up and remove

any discharge of hazardous substance (but not to exceed level one first responder awareness and first responder operational) which occurs within the Township, or outside the boundaries of the Township when authorized by agreement between the Township and any other governing body.

C. Person causing discharge liable for costs. Any person who causes, by act or omission, or is otherwise responsible for, a discharge of any hazardous substance which is cleaned up or abated by the Township or a volunteer emergency services company, including the owner of real or personal property from which a discharge of hazardous substances occurs, shall be liable for the payment of all costs incurred by the Township and the volunteer emergency services company as a result of such clean up or abatement. The remedy provided by this section shall be in addition to any other remedies provided by law.

D. Parties responsible for reimbursement to Township. Reimbursement to the Township, voluntary hazardous material response teams and others as hereinbefore indicated shall be made by:

1. The owner or operator of the vehicle responsible for the hazardous material, fire, leak or spill of hazardous material;
2. The owner or person responsible for the vessel containing the hazardous material involved in such fire, leak or spill on public or private property, whether stationary or in transit, and whether accidental or through negligence;
3. The owner or person responsible for any property from which any leak or spill of hazardous material emanates, whether accidental or through negligence; and
4. The person responsible for the hazardous material fire, leak or spill of hazardous material on public or private property, whether accidental or through negligence.

E. Reimbursement for services of recovery company, towing company or technical assistance. Any person and/or entity causing any hazardous material, fire, leak, spill or release involving a hazardous material and substance shall be responsible for all costs for services rendered by any recovery company, towing company or any other technical assistance called for by the Township by a volunteer emergency service company to handle such incident.

F. Time limit for payment of reimbursement. Any person and/or entity responsible for any fire, leak or spill of hazardous materials shall reimburse the Township the full price of expendable items and costs used to extinguish such fire, or to stop or contain such leak, or to control such spill and for all costs and expenses set forth in this chapter within 45 days after receipt of a statement from the Township outlining said costs and expenses.

G. Violations and penalties. Any person, corporation, entity and/or other violating any provisions of this chapter and responsible for any fire, leak or spill of hazardous materials or substances within the Township who fails to reimburse the Township and others as provided herein within the time required shall be liable and subject to a penalty and/or fine for each violation and each offense in accordance with § 1.5.

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

Section III. Repealer. All ordinances or parts of ordinances inconsistent herewith are hereby repealed as to such inconsistency only.

Section IV. Effective Date. **This ordinance shall take effect immediately upon final passage and publication according to law.**

Attest:

Ella M. Ruta, Clerk

William F. Bischoff, Mayor

First Reading: July 11, 2012
 Publication: July 19, 2012
 Second Reading: August 1, 2012
 Published by Title: August 9, 2012

Roll Call 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: To authorize the transfer of Mr. Caccavelli’s cash portion of his performance guarantee of \$3,000.00 to his professional escrow account as authorized by Mr. Caccavelli.

Roll Call 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: To request the Union Township Planning Board Attorney to review the zoning at the former Milligan Farm, open space and the old farmhouse.

Roll Call 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

b. Mayor’s Report

- Quote “When the American people no longer believe that this is a place where only their willingness to work hard ... determines their success in life, we’ll have a bunch of people sitting on a couch waiting for their next government check.” New Jersey Gov. Chris Christie
- Received a check from ANJEC for the conservation easements project.
- Letter from Senator Loretta Weinberg re: OPRA & OPMA thanking us for our input. Legislation will not be moved until the fall.
- School Business Administrator Amy Barkman notified meeting of School Board to review the contract between the School Board and Business Administrator.

- Our ordinance enforcement setting rates of fines and costs has been submitted to our partners in Clinton Twp. the Administrator of our court and to the Judge with the request that it be sent to AOIC.

c. **Committee Report**

Mr. Hirt reported the following:

- Estimate of painting and repair of Municipal Building trim \$7,000.00. Mr. Hirt will obtain two additional bids.
- Air conditioning downstairs not working properly, Mr. Severino said the system is two years old and he will get someone in to check the system. Mayor suggested that the ongoing maintenance of the air conditioner be by the DR&F.
- Auction Power Company. Difficulty in reaching someone to obtain the letter of authorization.

Ms. McBride reported the following:

- Red buildings 1 & 2 and green office building at Hoffman Park demolished. Four and, possibly a fifth septic tank have been identified. Obtained quotes for septic pumping and locating the fifth septic. D&L came in with the lowest bid and we awarded the job to them. After pumping we do have to abandon the septic tanks. To do that we have to punch holes in the bottom of them so they no longer retain water and fill them with crushed stone. D&L contacted about retiring the water well and cementing it. Yanuzzi & Sons are doing the two complex buildings working with an asbestos abatement plan and the demolition permits.
- Paul Dando at Jehovah's Witnesses and the Elders had a positive response to our letter. We shall receive a response from their Attorney shortly.
- Ms. McBride will update website and bulletin board that tax bills with the dumpster permits are coming.
- Violation sign on recycling center fence.
- Overview of work with Dr. Souza on Grant for rain garden. This is a storm water demonstration project at no cost to the Township.

ITEM ADDED TO THE AGENDA ORDER

Ms. McBride presented the Committee with the following Resolution and asked for approval:

**Resolution #2012-111
Township of Union, Hunterdon County, NJ**

**Resolution of Support from Local Governing Body Authorizing the
Sustainable Jersey® Grant funded by PSEG**

WHEREAS, a sustainable community seeks to optimize quality of life for its residents by ensuring that its economic, environmental and social objectives are balanced and mutually supportive; and

WHEREAS, Union Township strives to save tax dollars, assure clean land, air and water, improve working and living environments; and

WHEREAS, the Township of Union is participating in the Sustainable Jersey Program and has been awarded the Bronze level Sustainable Jersey certification; and

WHEREAS, one of the purposes of the Sustainable Jersey Program is to provide resources to municipalities to make progress on sustainability issues, and they have created a grant program called the Sustainable Jersey Small Grants funded by PSEG;

THEREFORE, the Committee of the Township of Union has determined that the Township should apply for the aforementioned Grant, in the amount of \$20,000.00, for the purpose of constructing a Rain Garden to collect and clean municipal storm water runoff.

THEREFORE, BE IT RESOLVED, that the Committee of the Township of Union, County of Hunterdon, State of New Jersey, authorize the submission of the aforementioned Sustainable Jersey Grant funded by PSEG.

BE IT FURTHER RESOLVED, by the Union Township Committee, that we authorize the continuance of the Union Township Green Team, a Subcommittee of the Union Township Environmental Commission, as originally established by Resolution #2009-122.

Roll Call 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

Mr. Severino reported the following:

- Water at Finn Park, spoke with Dan Wycoff at the County and they are okay with ph levels. Township to officially approve the well permit.
- Tonnage report has been submitted and certified by Alan Dilley of Franklin Township and Joe Peake and we went up by 1,000 tons.

d. Clerk’s Report

- Raffle License #2012-14 The Arc of Hunterdon Foundation; On Premise 50/50 Cash; 8/25/12
- Raffle License #2012-15 N.R.A. Foundation; On Premise Merch; 10/12/12
- Raffle License #2012-16 N.R.A. Foundation; On Premise 50/50 Cash; 10/12/12
- Raffle License #2012-17 St. Catherine of Sienna Church; On Premise 50/50 Cash; 9/30/12

Roll Call 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

- Clerk requested new replacement computer for DR&F. The Committee agreed to set spending limit to \$1,000.00.

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

Motion carried

- Issue of polling place downstairs in the Municipal Building. Mrs. Lingelbach and Historic Society not happy with current situation of the museum. Mrs. Lingelbach will speak with Historic Society in October. Committee discussed revisiting the use of the school for the polling place. Mayor Bischoff and Mr. Severino will be the sub-committee.

15. PUBLIC COMMENTS

- Terry Wright, Hunterdon County Democrat. How are the donations to the fire districts determined. The fire districts are receiving the same funding as last year.

16. PAYMENT 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.

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

Motion carried

17. EXECUTIVE SESSION – None

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

Meeting adjourned at approximately 9:03p.m.

Respectfully submitted,

Ella M. Ruta, RMC

William F. Bischoff, Mayor

Prepared by: Pat Essig, Administrative Assistant