

1. CALL TO ORDER

Mayor McBride called the meeting to order at 7:10 p.m.

- 2. **"Sunshine Law" Announcement**-Adequate notice of this public meeting has been provided by the Annual Notice; posted on Union Township website, published in the Hunterdon County Democrat and Courier News; posted on the public bulletin board and on file in the Municipal Clerk's Office.

3. FLAG SALUTE

4. ROLL CALL

	Present	Absent
Mr. Severino	X	
Mr. Mazza	X	
Mr. Hirt	X	
Ms. McBride	X	
Mr. Bischoff	X	

5. APPROVAL OF PRIOR MEETING MINUTES

- a. Special Budget Meeting of February 20, 2013 and Executive Session Meeting Minutes of February 20, 2013

Roll Call 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

6. VISITORS - None

7. REPORTS RECEIVED

- a. Dept. of Roads & Facilities- Week Ending 2/16/13; 2/22/13;
- b. Tax Collector – February 2013
- c. Animal Control Officer – Jan. 2013/ Feb 2013.
- d. OEM - March 2013
- e. UTEC – 2012 Annual Report
- f. Engineer's Report - None

8. CORRESPONDENCE / WRITTEN COMMUNICATIONS

Mr. Hirt reported the following correspondence: None

Matt Severino reported the following correspondence: None

Mr. Bischoff reported the following correspondence:

- Superior Court of NJ re: 2012-2013 Annual Visitation of the UT Municipal Court.

Frank Mazza reported the following correspondence:

- NJDEP Re: Suspected Hazardous Substance Discharge Notification. Follow-up with Pilot required.

Ms. McBride reported the following correspondence: None

9. PUBLIC COMMENTS

- Dan Van Fossen, Chief Pattenburg Volunteer Fire Company. Spoke with Mayor about having a small scale “Union Township Community Day.” Brief discussion.

10. PUBLIC HEARING - None

11. OLD BUSINESS

- a. **Motion to Approve:** Kory Fleming attending Certified Public Works Manager Classes at Rutgers University. Tabled and removed from further discussion at this time.

12. NEW ORDINANCE – 1ST READING

13. NEW BUSINESS

- a. Following Resolution introduced for adoption:

**RESOLUTION #2013-43
TOWNSHIP OF UNION HUNTERDON COUNTY**

To Cancel Unexpended and Dedicated Balances of the General Capital Appropriations

WHEREAS, Certain General Capital Improvement appropriation balances remain dedicated to projects now completed; and

WHEREAS, it is necessary to formally cancel said balances so that the unexpended balances may be returned to each respective Capital Improvement Fund or credited to Surplus,

NOW THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Union, County of Hunterdon that the following unexpended and dedicated balances of the General Capital Appropriations be canceled:

ORD. NO.	Date Auth.	Project Desc.	Amount Cancelled
2004-2	6/16/2004	Purchase of Dump Truck And Park Maint. Bldg.	\$ 937.00
2004-5	8/18/2004	Purchase of Backstops/Fencing	1,230.00
2005-2	2/16/2005	Purchase of Recording Equip.	127.39
2005-9	10/7/2005	Construction of Pavilion	2,580.00

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2007-6	7/18/2007	Purchase of Public Works Vehicle	1,734.04
2010-3	5/19/2010	Purchase of Computer Server	282.00
2010-4	6/16/2010	Improvements to Gano Road	4,000.00
2010-6	9/15/2010	Farmland Pres. Bl 30 Lot 28	8,844.66
2012-10	7/11/2012	Purchase of Rubber Mulch	4,007.00
2012-16	10/3/2012	Painting of Municipal Building	550.00

Total Funds to be Canceled and returned to the Capital Improvement Fund \$24,292.09

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

Motion carried

b. Following Resolution introduced for adoption:

**RESOLUTION #2013-44
UNION TOWNSHIP; HUNTERDON COUNTY**

AUTHORIZING 2013 PROFESSIONAL SERVICE CONTRACT; ENVIRONMENTAL CONSULTING SERVICES; Stephen J. Souza, Ph. D.; Princeton Hydro, LLC

WHEREAS, the Township of Union has a need for environmental consultant services as a non-fair and open contract pursuant to the provisions of N.J.S.A.19:44-A-20.5; and

WHEREAS, the maximum amount of the contract may exceed the threshold amount established pursuant to N.J.S.A. 40A:11-3(b); and

WHEREAS, funds are available; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1, et seq.) requires that the resolution authorizing the award of contracts for “Professional Services” without competitive bids and the contract itself must be available for public inspection;

WHEREAS, PRINCETON HYDRO LLC has completed and submitted a Business Entity Disclosure Certification which certifies that PRINCETON HYDRO LLC has not made any reportable contributions to a political or candidate committee in the Township of Union in the previous one year, and that the contract will prohibit PRINCETON HYDRO LLC from making any reportable contributions through the term of the contract; and

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

MINUTES OF REGULAR MEETING March 6, 2013

1. The Mayor and Township Clerk are hereby authorized and directed to execute a professional services agreement with Princeton Hydro, LLC, (Stephen J. Souza, Ph. D.) for environmental consulting services at the rate of 170.00 per hour;
2. This Contract is awarded without competitive bidding as a "Professional Service" in accordance with 40A:11-5(1)(a) of the Local Public Contracts Law.
3. Approval of the attached Contract is subject to availability and appropriation of sufficient funds as may be required in the **2013** temporary/permanent Municipal budgets.
4. A notice of this action shall be printed once in the official newspaper.

Date: March 6. 2013

CERTIFICATION AS TO AVAILABILITY OF FUNDS

As required by N.J.S.A. 40A:4-57, N.J.A.C. 5:34-5.1 et seq., I, Grace M. Brennan, as Chief Financial Officer of the Township of Union, have ascertained that there are available sufficient uncommitted appropriated funds in the **2013** Temporary/Adopted Budget to award a contract to Stephen J. Souza, Ph. D.; Princeton Hydro, LLC, as appropriated under the line item _____.

Date: _____

Grace M. Brennan, CFO

Roll Call 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 subject to Attorney review

c. Following Resolution introduced for adoption:

RESOLUTION #2013-45

**UNION TOWNSHIP, HUNTERDON COUNTY
2013 WEBSITE MANAGEMENT AND MAINTENANCE SERVICE CONTRACT**

WHEREAS, there exists a need for management and maintenance of an official Township of Union website; and

WHEREAS, the Township has provided funds for such services and said funds have been certified as being available by the Certified Finance Officer; and

WHEREAS, the City Connections, LLC is a professional company offering website management services and has expressed a willingness to offer said services at the annual fee of \$4, 153.00;

THEREFORE, be it resolved by the Township Committee of the Township of Union to enter into Contract with the City Connections, LLC for the 2013 calendar year.

CERTIFICATION AS TO AVAILABILITY OF FUNDS
UNION TOWNSHIP, HUNTERDON COUNTY

As required by N.J.S.A. 40A:4-57, N.J.A.C. 5:34-5.1 et seq., I, Grace M. Brennan, as Chief Financial Officer of the Township of Union, have ascertained that there are available sufficient uncommitted appropriated funds to award a contract to the City Connections, LLC as appropriated in the 2013 Temporary/Adopted Budget.

Date: March 6, 2013

Date: _____

Grace M. Brennan, CFO

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 subject to Attorney review

d. Following Resolution introduced for adoption:

RESOLUTION #2013-46
UNION TOWNSHIP, HUNTERDON COUNTY
PERSON-TO-PERSON TRANSFER
From Apalo, Inc. to JJ Development III, LLC

Attorney requested that he review all future ABC License Transfers. He asked to postpone voting on the resolution until later in the meeting and he has a chance to review it.

e. Following Resolution introduced for adoption:

TOWNSHIP OF UNION
COUNTY OF HUNTERDON
STATE OF NEW JERSEY

3-6-13

RESOLUTION #2013- 47
Requesting NJDOT Establish “No Left Turn” Restriction
on Eastbound Frontage Road at Exit 12 onto CR-625/I-78 Overpass
for Eastbound Heavy Trucks

WHEREAS, a truck and car fueling station known as Pilot Travel Center, (formerly Johnny’s Truck Stop) located at I-78 Exit 12, at the intersection of NJ Route 173 West and CR-635/Charlestown Road, has been in existence, since the early 1960’s in Union Township, Hunterdon County; however, the volume of truck traffic in the vicinity of this truck stop has increased significantly in recent years; and

WHEREAS, the increase in truck traffic has frequently created a “gridlock” situation at the entrance and exit to the Pilot Travel Center and at the northerly and southerly intersections of the I-78 overpass at Exit 12, especially during rush hours; and

WHEREAS, the gridlock situation has impeded vehicles from being able to safely and expeditiously enter and exit the Pilot Travel Center and other businesses in the vicinity of Exit 12, and from being able to safely and expeditiously enter onto and exit I-78 and the adjoining NJ Route 173, Frontage Road and County Roads 625/635; and

WHEREAS, gridlock conditions restrict the ability of police, fire, rescue and other emergency vehicles to provide emergency services to Pilot Travel Center and nearby locations; and

WHEREAS, Union Township is of the opinion that it is in the best interests of all parties, including Pilot’s customers and patrons of the nearby Louise’s Diner/Clinton Truck Stop property to expedite and provide as smooth a flow of trucks as possible into and out of the Pilot Travel Center, with the least possible congestion, and to reduce interference with other vehicular traffic, especially emergency vehicles; and

WHEREAS, the movement of large trucks and tractor-trailers, proceeding eastbound from Exit 12 on Frontage Road, turning left onto the I-78 overpass at the intersection with CR 625/635 and thence right onto NJ Route 173 and left into the Pilot Travel Center has creating traffic “gridlock” as trucks queue to enter the facility, blocking vehicles attempting to exit from I-78, Exit 12 WB, as well as vehicles traveling east and west on NJ Route 173, especially during rush hours; and

WHEREAS, this governing body is advised that eastbound I-78 truck traffic exiting at Exit 12 can more expeditiously and safely be directed to the Pilot Travel Center by not turning left onto the congested I-78 overpass, and instead proceeding eastbound on Frontage Road, turning left at the Rupells Road/I-78 overpass, and proceeding left on NJ 173 west, which will allow traffic to turn right into the Pilot Travel Center with much less interference with the flow of traffic; 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 this governing body hereby recommends, requests and supports the establishment by NJDOT of a “No Left Turn” restriction for trucks in excess of 10 tons proceeding east on Frontage Road from Exit 12, onto the Exit 12 I-78 overpass; and

BE IT FURTHER RESOLVED that copies of this resolution shall be forwarded to James S. Simpson, Commissioner, NJDOT, to Anthony Attanasio, Assistant Commissioner, NJDOT, to James Lott, Attorney for Pilot Travel Centers, and to the Hunterdon County Board of Chosen Freeholders; and

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

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

Motion carried

- f. **Discussion/Motion to Approve:** Increasing Field Usage Fees as proposed by UT Recreation Committee

Motion: To authorize the Attorney to prepare the requisite ordinance as recommended by Jack Hara, Chairman of the Recreation Committee.

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

OUT OF AGENDA ORDER

Atty. Jost asked Michael Schwertfeger of Petrucci Co., Inc. representing developer JJ Development III, LLC. questions regarding the transfer of the following ABC license.

**RESOLUTION #2013-46
UNION TOWNSHIP, HUNTERDON COUNTY
PERSON-TO-PERSON TRANSFER
From Apalo, Inc. to JJ Development III, LLC**

WHEREAS, an application has been filed for a person-to-person transfer of Plenary Retail Consumption License #1025-33-006-006, heretofore issued to Apalo, Inc., for premises located at 167 Perryville Rd, Union Township, Hunterdon County, New Jersey; and

WHEREAS, the submitted application form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term; and

WHEREAS, the applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey Statutes, regulations promulgated thereunder, as well as pertinent local ordinances and conditions consistent with Title 33; and

WHEREAS, the applicant, JJ Development III, LLC, has disclosed and the issuing authority reviewed the source of funds used in the purchase of the license and the licensed business and all additional financing obtained in connection with the licensed business;

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee, of the Township of Union, does hereby approve, effective March 6, 2013 the transfer of the aforesaid Plenary Retail Consumption License to JJ Development III, LLC and does hereby direct the Municipal Clerk to endorse the license certificate to the new ownership as follows: "This license, subject to all its terms and conditions, is hereby transferred to JJ Development III, LLC, effective March 6, 2013".

Roll Call 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

RETURN TO AGENDA ORDER

14. REPORTS

a. Attorney’s Report

- Had a meeting with Transco called by Mr. Bischoff. We received contacts, names and phone numbers to call with problems. Primary concern was Patrick Drive and the neighborhood. They have posted a performance bond guaranteeing restoration along the road and given us an insurance certificate naming the Township as additional insured.
- I am working on a shared services agreement with Clinton Township for Parking Enforcement Officer. We need to have Executive Session before contract negotiations.
- I called the Jehovah Witnesses’ attorney regarding our contract with them. It is still in review.
- The Committee will review chicken ordinance and discuss at next meeting.
- Mr. Mazza commented on emails sent for review on the Committee Meeting day. Brief discussion.

b. Mayor’s Report

- Met with Highlands Council Staf on March 5th regarding our petition for plan conformance.
- Pilot meeting on Feb. 21st. Finalized the improvements to exit 12 intersections and they will be forwarded to DOT within the next 30 to 60 days.
- Feb 22nd met with Carl Hintz, Attorney and Mr. Bischoff to review updates to the Master Plan. If the Committee agrees, I will write a letter to the Planning Board and ask them to review what can be removed and what needs to be updated, etc.
- We are working to update the tax maps. Modify some zoning in the areas that are preserved open spaces. I will make that recommendation to the Planning Board.
- Mr. Bischoff, the Attorney and I met with Lehigh Gas on Feb. 27th and thank the Attorney for getting us together with the right people at Lehigh Gas that were in charge. Discussed need for property maintenance improvements.
- On March 1st I went to the Clean Communities Meeting at the County. I will have notes on that shortly.
- March 2nd I joined UTEC to tour the Sidney Brook Watershed and look at the various properties that we may want to work on the 319 Grant.
- Milligan Farm Lease is currently under review by the farmer.
- There is a NJTPA meeting on March 18th. Mr. Mazza and the Mayor will attend.
- PTA special presentation on March 11th about website security and privacy, cyber bullying. With the Committee’s agreement it will be posted on our website.
- Item for Executive Session regarding personnel.
- Foreclosed property in Country Acres. Found name of foreclosure attorney and forwarded it to Attorney Jost. Attorney requested to contact them and request expedited review.

c. Committee Report

Mr. Mazza reported the following:

- DR&F Foreman and I spoke with the County and we are going to borrow the lighted speed limit sign for Highland Ridge in the next few weeks, due to reports of speeding on Midvale Drive.
- County Hazardous Waste Recycling this weekend.
- Next weekend we will open up the facilities at Finn Road Park.

Mr. Bischoff reported the following:

- Quote “There are two ways to conquer and enslave a nation. One is by the Sword. The other is by debt.” John Adams 1826.
- Max Spann Auction Flyer.
- Letter from Assemblyman DiMaio thanks us for sending Union Township Resolution 2013-24 in support of assembly bill 2753 requiring direct payment of energy taxes to municipal government.

Mr. Severino reported the following: None

Mr. Hirt reported the following:

- Letter from Mr. John Schembari of Gem Vac Veterans asking for support to place a plaque on Route 173 to honor three veterans of the U.S. Army Airborne 173rd Brigade. The Mayor responded that we all support the concept and it would be great to see the final print. I will report at next meeting.

d. **Clerk’s Report** - None

15. PUBLIC COMMENTS

- Chief Van Fossen gave overview of hazardous diesel spillage amounts regulations for Pilot.

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.

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

Motion carried

- Mr. Mazza continued the conversation about the Pilot fuel spillage.

17. EXECUTIVE SESSION

The following Resolution was introduced:

RESOLUTION #2013-45

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

MINUTES OF REGULAR MEETING March 6, 2013

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 Required by Law to be Confidential*: Any matter which, by express provision of Federal law or State statute or rule of court shall be rendered confidential or excluded from the provisions of the *Open Public Meetings Act*.
2. _____ *Matters Where the Release of Information Would Impair the Right to Receive Funds*: Any matter in which the release of information would impair a right to receive funds from the Government of the United States.
3. _____ *Matters Involving Individual Privacy*: Any material the disclosure of which constitutes an unwarranted invasion of individual privacy such as any records, data, reports, recommendations, or other personal material of any educational, training, social service, medical, health, custodial, child protection, rehabilitation, legal defense, welfare, housing, relocation, insurance and similar program or institution operated by a public body pertaining to any specific individual admitted to or served by such institution or program , including but not limited to information relative to the individual's personal and family circumstances, and any material pertaining to admission, discharge, treatment, progress or condition of any individual, unless the individual concerned (or, in the case of a minor or incompetent, his guardian) shall request in writing that the same be disclosed publicly.
4. _____ *Matters Relating to Collective Bargaining Agreements*: Any collective bargaining agreement, or the terms and conditions which are proposed for inclusion in any collective bargaining agreement, including the negotiation of the terms and conditions thereof with employees or representatives of employees of the public body.
5. _____ *Matters Relating to the Purchase, Lease or Acquisition of Real Property or the Investment of Public Funds*: Any matter involving the purchase, lease or acquisition of real property with public funds, the setting of banking rates or investment of public funds, where it could adversely affect the public interest if discussion of such matters were disclosed.
6. _____ *Matters Relating to Public Safety and Property*: Any tactics and techniques utilized in protecting the safety and property of the public, provided that their disclosure could impair such protection. Any investigations of violations of possible violations of the law.
7. X *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.

- 8. X *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.
- 9. _____ *Matters Relating to the Potential Imposition of a Penalty:* Any deliberations of a public body occurring after a public hearing that may result in the imposition of a specific civil penalty upon the responding party or the suspension or loss of a license or permit belonging to the responding party bears responsibility.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Union, assembled in public session on March 6, 2013, at 8:21 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.

Motion to go in – 8:21 p.m.

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

Motion carried

Motion to come out – 8:32 p.m.

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

17. ADJOURNMENT – There being no further business to come before the Township Committee at this time, Mr. Bischoff made a motion to adjourn the meeting at 8:36 p.m. Mr. Mazza seconded the motion. Motion carried by unanimous favorable roll call vote.

Respectfully submitted,

Ella M. Ruta, Municipal Clerk

Michele McBride, Mayor

Prepared by: Patricia Essig, Deputy Clerk