

MINUTES OF REGULAR MEETING December 16, 2015

1. CALL TO ORDER

Mayor Mazza called the meeting to order at 7:00 p.m.

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

3. FLAG SALUTE

Mayor Mazza asked for a moment of silence in memory of CFO Grace Brennan’s mother, Frances DiFazio.

4. ROLL CALL

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

Also present: J.P. Jost, Attorney and Ella M. Ruta, Twp. Clerk

5. APPROVAL OF PRIOR MEETING MINUTES

- a. Regular Session Meeting Minutes of December 2, 2015

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

Motion carried

- 6. **VISITORS** – Mark Mason – Pattenburg Rescue Squad – Prior to the meeting Mr. Mason asked the Clerk to reschedule.

7. REPORTS RECEIVED - Acknowledged

- a. Road Dept.- Week Ending; 11/27/15; 12/04/15
 - b. Zoning Report – November 2015
 - c. Animal Control Officer – November 2015
 - d. Municipal Court – November 2015
 - e. Engineer’s Report
- In the absence of Mr. Clerico, Atty. Jost addressed the matter of whether Comcast had to pay road-opening fees, since they already pay franchise fees. The issue will be discussed when Mr. Clerico is present.
 - Mayor Mazza asked Marc Strauss, Public Safety Coordinator, to give his report. Mr. Strauss gave a very short update of his meeting with the Pattenburg Volunteer Fire Company (PVFC) and the review of requested

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documents from PVFC. Mr. Strauss said he will prepare a written report and email it to the Clerk to distribute to Governing Body.

Atty. Jost said it was his understanding that Mr. Strauss had been appointed in three-month increments. He recommended the Committee should action extending Mr. Strauss’s appointment for an additional period not to exceed ninety days and with the same terms and conditions.

Attorney Jost asked that the following Resolution be introduced for adoption:

RESOLUTION 2015-132

Approving Employment Agreement Renewal with Marc Strauss

Whereas, Marc Strauss is certified in the areas of law enforcement, fire fighting and investigations, and emergency management, and is qualified to serve in the above Public Safety Coordinator position; and

Whereas, the Union Township Committee has previously retained the services of Marc Strauss to serve as Public Safety Coordinator as a temporary employee with regard to emergency management services and procedures in the Township; and

Whereas, due to circumstances which are not the fault of Marc Strauss, he has been unable to complete the duties for which he was hired by the Township, and requires additional time for said completion; and

Whereas, the Township and employee wish to have a written agreement regarding the renewal of his temporary employment, the duties of the above position and the compensation to be paid, and good cause appearing

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Union, County of Hunterdon, State of New Jersey that the Renewal of the Employment Agreement with Marc Strauss dated as of January 1, 2016 is hereby approved, ratified and confirmed; 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. Hirt			X			
Ms. McBride	X		X			
Mr. Bischoff		X	X			
Mr. Mazza			X			

Motion carried

OUT OF AGENDA ORDER

8. PUBLIC COMMENTS

- Dan Prater – JCP&L Representative appeared before the Committee apprising them of procedure to report street-light outage.

Santa Claus and his helpers (fireman from PVFC) arrived with bells and whistles in a Fire Truck extending Holiday Wishes

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BACK TO AGENDA ORDER

9. CORRESPONDENCE / WRITTEN COMMUNICATIONS

Ms. McBride mentioned the following correspondence:

- Letter from HL Petroleum – Asked Clerk to provide copy of letter to UTEC.

Mr. Bischoff mentioned the following correspondence:

- Letter from Planning Board Atty. Maziarz stating the amendments to Land Use Ordinance were not inconsistent with UT Master Plan.
- Public Transportation Upgrade – Said House and Senate had signed off on America’s Transportation Fast Act.

Mr. Mazza mentioned the following correspondence:

- Asked that Committee members who did not attend NJLM Class Pertaining to Insurance Risk Management would watch compete it on the website. CFO Brennan should provide Members with information.

10. FINAL APPROVAL/ADOPTION

**ORDINANCE 2015-6
AN ORDINANCE AMENDING AND CORRECTING VARIOUS PROVISIONS
REGARDING DEFINITIONS, RENEWABLE ENERGY FACILITIES, ACCESSORY USES
AND ZONING ENFORCEMENT OF THE LAND USE CODE
OF THE TOWNSHIP OF UNION, HUNTERDON COUNTY, NEW JERSEY**

To Adopt on Second and Final Reading

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

Motion carried

11. OLD BUSINESS - None

12. NEW ORDINANCE – None

13. NEW BUSINESS

- a. The following resolution was introduced for adoption:

Resolution #2015-133

UNION TOWNSHIP, HUNTERDON COUNTY
APPROPRIATION TRANSFER(S)

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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 2015 Appropriations in the following accounts:

TO:	Financial Administration OE	10513020	1,000.00
	Buildings and Grounds OE	10531020	5,000.00
	Maintenance of Parks OE	10537520	2,500.00
	Rev Admin (Tax Col) S & W	10514510	250.00
	Emergency Mgmt. S & W	10525210	500.00
		Total	\$ 9,250.00

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

FROM:

	Liability Insurance	10521020	1,600.00
	Worker Compensation Insurance	10521520	2,000.00
	Employee Group Insurance	10522020	5,650.00
		Total	\$ 9,250.00

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.

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

Motion carried

b. The following resolution was introduced for adoption:

RESOLUTION #2015-134

WHEREAS, the Township of Union advertised, and subsequently received bids, for a DUMP TRUCK on December 15, 2015, and;

WHEREAS, one (1) bid was received for the contract as follows:

<u>Contractor</u>	<u>Bid</u>
Opdyke's Sales & Service	\$151,737.00

WHEREAS, the Township Engineer and Township Attorney reviewed the bids submitted and determined that Opdyke's Sales & Service, Washington, NJ submitted the lowest responsive bid, and;

WHEREAS, the Township of Union has appropriated sufficient funds to cover the bid, and;

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NOW THEREFORE, BE IT RESOLVED by the Mayor and Committee of the Township of Union that the bid for the **Dump Truck** be awarded to Opdyke’s Sales & Service, Washington, NJ for their bid offer of \$151,737.00 subject to the following conditions:

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

Motion carried

c. The following resolution was introduced for adoption:

**RESOLUTION #2015-135
Adopting Revised Township of Union Personnel Policies and Procedures Manual
And Employee Handbook**

WHEREAS, there is a need to update and clarify various sections of the Township of Union Personnel Policies and Procedures Manual and the Union Township Employee Handbook; and good cause appearing

NOW, THEREFORE, BE IT RESOLVED that the Township of Union Personnel Policies and Procedures Manual with changes through December 2, 2015, and the Union Township Employee Handbook, consisting of Sections 1 through 4 of the said revised Township of Union Personnel Policies and Procedures Manual, are hereby adopted, and the said Manual and Handbook are hereby amended accordingly; and

BE IT FURTHER RESOLVED that copies of the said revised Personnel Policies and Procedures Manual shall be provided to all managerial and supervisory personnel and copies of the revised Employee Handbook shall be provided to all employees of the Township of Union.

Ella M. Ruta, Municipal Clerk

Frank T. Mazza, Mayor

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

Motion carried

d. The following resolution was introduced for adoption:

RESOLUTION NO. 2015-136

**RESOLUTION IN SUPPORT OF NJ SENATE NO. 650 AND NJ ASSEMBLY NO. 2408, DESIGNATING
STATE ROUTE 173
BETWEEN CLINTON AND PHILLIPSBURG AS
“173rd AIRBORNE BRIGADE HIGHWAY”**

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WHEREAS, The 173rd Brigade was first constituted in 1915 as the 173rd Infantry Brigade and deployed to France during World War I; and

WHEREAS, The 173rd Infantry Brigade was then designated as the 87th Reconnaissance Troop in 1942 and entered combat in 1944 during World War II in the central Europe, Rhineland and Ardennes-Alsace operations; and

WHEREAS, In the early 1960s, as part of the Reorganization Objective Army Division plan, the 173rd Brigade was reconstituted as a separate brigade and a special airborne task force, the 173rd Airborne Brigade; and

WHEREAS, In 1963, the 173rd Airborne Brigade was activated in Okinawa and it was for the thousands of parachute jumps the brigade made that they were given the moniker “Sky Soldiers”; and

WHEREAS, The 173rd Airborne Brigade was the first Army unit sent into the republic of South Vietnam in May 1965; and

WHEREAS, During their nearly six years of continuous service during the Vietnam War, the Sky Soldiers were the first to go into War Zone D, fought bravely in the battles of the Iron Triangle, conducted the only major combat parachute jump in the Tay Ninh Area, and blocked the North Vietnamese Army’s incursions during the bloodiest fighting of the war at Dak To, culminating in the capture of Hill 875 in the fall of 1967; and

WHEREAS, For the brave service of its members during the Vietnam War, as a whole, the brigade earned four unit citations, 13 Medals of Honor and over 130 distinguished service crosses; and

WHEREAS, In 2003, nearly 1,000 members of the 173rd Airborne Brigade participated in the initial invasion of Iraq during Operation Iraqi Freedom, and between 2005 and 2010 the 173rd Airborne Brigade served three tours in Afghanistan in support of Operation Enduring Freedom; and

WHEREAS, Today’s Sky Soldiers are based in Vicenza, Italy where they continue the tradition of heroic service and proudly represent the 173rd Airborne Brigade’s fighting spirit, ready to deploy at a moment’s notice to protect the United States and her allies; and

WHEREAS, To honor the 173rd Airborne Brigade’s many years of heroism and sacrifice in defense of our country’s freedom, it is fitting and proper for the Legislature of this State to designate State Highway Route No. 173 between Clinton in Hunterdon County and Phillipsburg in Warren County as the “173rd Airborne Brigade Highway”; now, therefore,

NOW, THEREFORE, BE IT RESOLVED that the Township of Union, County of Hunterdon, State of New Jersey does hereby recognize the continued brave and heroic services and sacrifices of the 173rd Airborne Brigade; and

BE IT FURTHER RESOLVED that the Township of Union Committee does hereby support NJ Senate No. 650 and NJ Assembly No. 2408, and urges passage of this bill.

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

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Mr. Mazza			X			
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Motion carried

e. The following resolution was introduced for adoption:

RESOLUTION 2015-137
Re: Pittstown Road Associates, LLC
Block 22, Lot 19

WHEREAS, Pittstown Road Associates, LLC, 1140 Globe Avenue, Mountainside, New Jersey 07092 (the "Developer") successor in title and interest to Union Station Associates, LLC, received preliminary and final major site plan approval with waivers, for the project known as **"Proposed Wachovia Bank"** (n/k/a **Wells Fargo Bank**), Block 22, Lot 19, Pittstown Road (CR 513) and Frontage Road, Union Township, Hunterdon County, New Jersey (the "Development"), subject to posting of a satisfactory performance guarantee and entering into an appropriate Developer's Agreement with the **Township of Union**, in the County of Hunterdon, a municipal corporation of the State of New Jersey, 140 Perryville Road, Hampton, New Jersey 08827, (the "Municipality"); and other conditions set forth in the Resolutions of the Union Township Planning Board dated April 27, 2006 and July 23, 2009; and

WHEREAS, the Developer, and the Municipality entered into a Developer's Agreement dated July 6, 2010, which provided for a total performance guarantee of \$762,504.00, including 10% cash in the amount of \$76,250.00, and a surety bond in the amount of \$686,253.60, which amounts were posted by the Developer, including Surety Bond #640 48 65 of Safeco Insurance Company of America; and

WHEREAS, the approved site plan of the Development includes certain on-site storm water management facilities and structures, more particularly depicted on sheet 4 of 11 of the Plans, and more specifically delineated on Schedule "D" of the said Developer's Agreement (the "Storm water Management Facility"); and

WHEREAS, Section 30-24.10 of the Municipal Land Use Ordinance of and the Resolutions require the Developer to prepare and record upon the deed of record for each property a maintenance plan for the storm water management measures incorporated into the design to ensure the operation and maintenance of the Storm water Management Facility. The Stormwater Management Facility Operations & Maintenance Manual (the "O&M Manual") is attached to the Developer's Agreement and incorporated therein as Schedule "D"; and

WHEREAS, in a letter dated June 10, 2011, Township Engineer, Robert J. Clerico, P.E. stated that he had no objection to the issuance of a permanent Certificate of Occupancy for the project, subject to the Township Planner's concurrence regarding the replacement of certain deficient landscaping items on the site, and by memorandum dated July 11, 2013 Township Planner, Carl Hintz indicated that his office made a final inspection at the above-referenced site on June 27, 2013 for compliance with the approved Landscape Plan and determined that the plantings are in conformance with the approved landscape plan; and

WHEREAS, although the Developer did not post a maintenance bond in the amount of 15% of the cost of the improvements, the Developer's original performance guarantee in the amount of \$762,504.00 remained in full force and effect during the two (2) year maintenance period, and said maintenance period having expired on July 11, 2015, and the Township Engineer having indicated that it is appropriate to release the Developer's performance guarantees being held in lieu of a maintenance guarantee; and good cause appearing

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Union, County of Hunterdon, State of New Jersey, that, upon verification by the Union Township Attorney that the above

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referenced O&M Manual has been duly recorded in the Hunterdon County Clerk’s Office and upon verification by the Union Township Chief Financial Officer that all inspection/professional escrow bills have been paid and/or sufficient escrow funds remain on deposit to pay all such inspection/professional bills, the Guarantor’s performance guarantee, Surety Bond No. #640 48 65 issued by Safeco Insurance Company of America, in the amount of \$686,253.60, shall be discharged and released, and the balance of the Developer’s 10% cash performance guarantee, together with any remaining unexpended inspection/professional escrow funds on deposit, shall be released to the Developer.

Ella M. Ruta, Municipal Clerk

Frank T. Mazza, Mayor

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

Motion carried

f. The following resolution was introduced for adoption:

RESOLUTION 2015-138
Wells Fargo Bank – Driveway Widening Project
Block 22, Lot 19

WHEREAS, Wells Fargo Bank, 2 Pittstown Road, Union Township, Hunterdon County, NJ posted a two (2) year maintenance bond dated December 13, 2012 covering the project known as “Wells Fargo Clinton Driveway Widening Project located at 2 Pittstown Road, Union Township, NJ,” and

WHEREAS, by letter dated November 14, 2012, Union Township Engineer, Robert J. Clerico, P.E., confirmed completion of the said Wells Fargo Bank amended site plan improvements, subject to the posting of a two (2) year maintenance guarantee in the amount of \$3,769.74 (15% of the performance guarantee amount); and

WHEREAS, said Maintenance Bond No. 105854959, issued by Travelers Casualty and Surety Company of America, covered the maintenance period ending on December 13, 2014, and said maintenance period has expired, and the Township Engineer has recommended that the said maintenance bond should be discharged and released, and good cause appearing,

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Union, County of Hunterdon, State of New Jersey, that upon verification by the Union Township Chief Financial Officer that all inspection/professional escrow bills have been paid and/or sufficient escrow funds remain on deposit to pay all such inspection/professional bills, the said maintenance performance guarantee, Surety Bond No. #-105854959, issued by Travelers Casualty and Surety Company of America, in the amount of \$3,769.74 shall be discharged and released, together with any remaining unexpended inspection/professional escrow funds on deposit, which shall be released to Wells Fargo Bank.

Ella M. Ruta, Municipal Clerk

Frank T. Mazza, Mayor

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

Motion carried

g. Motion to Approve – Special Permit for Social Affair – Bethlehem Twp. PTA

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

Motion carried

h. Mayoral Appointment – Member to UT Environmental Commission – Dan Schaefer

Mayor Mazza appointed Dan Schaefer to serve as a member of the UT Environmental Commission

REPORTS

a. Attorney’s Report

- Mentioned Planning Board Member James Gibbons failure to file annual State mandated Financial Disclosure Statement. Mr. Jost indicated the matter is being resolved with the State.
- Pilot Travel Centers LLC – Reported on meeting held last week with Pilot representatives and State Police. Resolution of Issues progressing. Trooper Brian Walsh requested a Certified Copy of the Title 39 Ordinance and a copy of certain Plans for the Pilot Site. Mr. Jost said the Clerk has provided certified copy of the Ordinance, he will write a letter, and Mr. Clerico will deliver Plans to the Municipal Office. Trooper Walsh or State Police Representative will pick up all documents at the Clerk’s Office.
- Abandoned/Foreclosed Properties Ordinance – Said Committee should adopt Ordinance pertaining to the issue.
- Perryville Road Property – Continuing Municipal Court matter.
- Spruce Run Archery Center Proposal – Letter received from State. Mayor Mazza will address the issue in his report.

b. Committee Report

Mr. Hirt reported the following:

- Pattenburg/Route 614 Dwelling – Deplorable condition – Will pursue possible intervention by Hunterdon County Board of Health.
- Municipal Building Roof Repair – Bids requested and the only one was received from Jeff Alte Roofing. Repairs completed. Mr. Hirt also mentioned basement walls and necessary maintenance. To be addressed in spring of 2016.

Ms. McBride reported the following:

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- Spruce Run Archery Center Proposal – Mentioned that Plans are extensive. Asked Committee to authorize posting of Plans on Township Website. Committee agreed.
- West Milford Letter regarding Committee sponsorship of Assembly and Senate Bills that addresses watershed communities. Mayor Mazza will contact the Mayor of Clinton Township asking that they sponsor the Bills. Mr. Bischoff will contact County and State Representatives.

Mr. Bischoff reported the following:

- Quote “If you put the Federal Government in charge of the Sahara Desert in five years there’d be a shortage of sand.” Milton Friedman

Mayor’s Report

- Mentioned need to establish a date for a Joint Meeting of Committee/Planning Board with Division of Fish and Wildlife regarding proposed Plans for Archery Center. Clerk will contact the State and Notice as required.
- Recycling Update – Mentioned additional signage is required. Will speak with Mr. Severino regarding coordinator/attendants responsibilities. List of acceptable/non-acceptable items to be updated/revise. Ms. McBride will update Website.

Finance Officer – not present

14. PUBLIC COMMENTS

Bob Wisnosky, Pattenburg Volunteer Fire Company (PVFC), expressed appreciation to Marc Strauss for his work with PVFC. Asked that the PVFC Ordinance be considered at the same time as the proposed Abandoned Properties House Ordinance. Mr. Wisnosky said the Fire Company has set up a GoFund Me Site to obtain funding for a new fire truck. Various PVFC vehicles were discussed with respect to the ownership and disposition. Ms. McBride emphasized vehicles no longer in use should be auctioned. Mayor Mazza said Mr. Strauss and PVFC should discuss the issues and make recommendations to the Committee.

15. 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 paid and that all checks listed hereinafter issued in payment thereof.

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

Motion carried

16. 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 8:19 p.m. Mr. Severino seconded the motion. Motion carried by unanimous favorable roll call vote.

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Transcribed by: Grace A. Kocher, Deputy Clerk

Frank T. Mazza, Mayor