

CALL TO ORDER

Mayor Mazza opened the meeting at 7:00 p.m.

“Sunshine Law” Announcement: Adequate notice of this public meeting has been provided by the Annual Notice; faxed 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: Matt Severino, William Bischoff, Patricia Dziubek, Frank Mazza

Absent: Rob Haynes, joined the meeting at 8:45 pm

Others Present: J. Peter Jost, Esq., John Reymann, Twp. Engineer, Grace Brennan, CFO, Ella M. Ruta, Township Clerk.

APPROVAL OF MINUTES

- a. Regular and Executive Session Meeting Minutes of September 3, 2008.

Mr. Severino made a motion to approve said minutes. Mrs. Dziubek seconded the motion. Vote – Ayes; Mr. Severino, Mr. Bischoff, Mrs. Dziubek, Mr. Mazza. Motion carried.

OUT OF AGENDA ORDER**EXECUTIVE SESSION**

The following resolution was introduced for adoption:

RESOLUTION #2008-152**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:

7. _____ *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.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Union, assembled in public session on September 17, 2008, at 7:06 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. Mr. Bischoff seconded. Vote – Ayes: Mr. Severino, Mr. Bischoff, Mrs. Dziubek, Mr. Mazza. Motion Carried.

At 7:17 pm, Mr. Bischoff made a motion to come out of the Executive Session. Mr. Severino seconded. Vote – Ayes: Mr. Severino, Mr. Bischoff, Mrs. Dziubek, Mr. Mazza. Motion Carried

VISITORS

- a. Steven Heymann - not present for the meeting
- b. Steve Balzano – Review Status of Various Planning Initiatives

Mr. Balzano presented the Committee with a written overview report of critical land use policy issues. He outlined those that will require Township Committee action through the end of this year and going into next year. They are submission of the COAH Third Round Plan, Wastewater Management Plan Amendment and Highlands Plan Conformance. The most important issue requiring Committee action prior to the end of this year would be Affordable Housing Compliance – Milligan Farm, Highlands Plan review (establish joint board task-force) and participation in the County WQMP (Water Quality Management Plan).

Mr. Balzano also indicated that even though all above are critical, with some of them uncertainty exists. For example, level of effort to evaluate growth capacity in support of third round plan, method of wastewater treatment to satisfy affordable housing obligation, level of participation in the County WQMP process, degree of interest in conforming to Highlands Plan within planning area and impact of Highlands Plan on COAH growth projections/obligations. Mr. Balzano expanded, in detail, on the immediate issues that are COAH and Wastewater Management Plan. He offered his opinion and recommendations. He also answered questions from the Committee and Township professionals.

- c. Grace Brennan – Financial Plan for Debt Service

Mrs. Brennan prepared a written report on Total Bonded Debt, Total Bond Anticipation Notes, and a Schedule of the Debt Service Payments as of December 31, 2008. She said the data in the report comes from the Annual Debt Statement prepared by the Township Auditor. She presented various options dealing with the municipal debt such as refinancing, consolidation and renegotiations. Mrs. Brennan said that the largest portion of the bonds issued come from Open Space that is permanently financed through year 2021. The biggest portion of temporary notes is for the Milligan Farm. She stated that the money promised to the Township for the Milligan project by different agencies has not been received as of yet. She further said that a decision regarding financing or refinancing our debt mostly depend on receiving this money. If the money is not received before the end of the year, a decision has to be made on how to refinance it. Mrs. Brennan said it is very important that we know if this money will be disbursed to us. She will contact our Bond Counsel, Mr. Panella, for advice.

Mrs. Brennan also prepared a pie chart breaking down distribution of 2008 General Tax Rate and 2008 Municipal Budget.

REPORTS RECEIVED

- a. Road Dept.- Week Ending 8/29/08; 9/05/08
- b. Building Dept. – August 2008
- c. UT Municipal Court – August 2008
- d. Environmental Commission –

Michele McBride, member of the UT Environmental Commission, reported on the Stewardship Subcommittee meeting:

- They are researching possibilities for Douglas property. The following are three options to consider: keep the property and continue to farm it, which would require investing money in up keep of the property; deed restrict it and auction it off; deed restrict it and continue negotiations with the State to sell a direct easement and subsequently auction off the farm.
Ms. McBride asked if the Committee would like the Stewardship Subcommittee to proceed with deed restriction.

Mrs. Dziubek made a motion to authorize Stewardship Subcommittee to discuss with State Agriculture Development Committee (SADC) a possibility of a direct easement purchase of the property. Mr. Severino seconded the motion. Vote – Ayes: Mr. Severino, Mr. Bischoff, Mrs. Dziubek, Mr. Mazza. Motion Carried.

Mr. Bischoff offered assistance in the matter.

- Briefly discussed was placement of “Private Property” signs on Township owned properties.
- Ms. McBride talked about building structures on the Hoffman property. She said that they would seek expert opinion regarding which buildings need to be taken down.

Mr. Haynes joined the meeting at 8:45 pm.

- Ms. DiRoberto updated the Committee with respect to the Planning Incentive Grant (PIG). She said that it would be advisable to have a professional prepare required documents. Ms. DiRoberto stated the total cost for preparation of Farmland Preservation Plan and filing grant application would be \$15,000.00. She also added that the Township would be reimbursed for that expense if and when the money is granted.

Mr. Haynes expressed his concerns regarding Township portion to finance the grant. After a short discussion, the Committee agreed to move forward with applying for the grant. Atty. Jost stated that submitting an application does not obligate the Township to take the money, if granted. That decision can be made at the later time. He also added that the Farmland Preservation Plan would have to be prepared to satisfy Highlands Plan compliance.

Mr. Severino made a motion to authorize retaining of Morris Land Conservancy as the Consultants for preparing the Farmland Preservation Plan as an element of the Master Plan and the grant application for the PIG program at a cost not to exceed \$15,000.00, subject to the Attorney review of the form of the contract. Mrs. Dziubek seconded. Vote – Ayes: Mr. Haynes, Mr. Severino, Mr. Bischoff, Mrs. Dziubek, Mr. Mazza. Motion Carried.

Mr. Bischoff agreed to serve as a liaison to the Stewardship Subcommittee regarding the PIG grant.

OUT OF AGENDA ORDER

EXECUTIVE SESSION

The following resolution was introduced for adoption:

RESOLUTION #2008-153

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:

7. _____ *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 public session on September 17, 2008, 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. Mrs. Dziubek seconded. Vote – Ayes: Mr. Haynes, Mr. Severino, Mr. Bischoff, Mrs. Dziubek, Mr. Mazza. Motion Carried.

At this time Grace Brennan, CFO left the meeting.

At 10:15 pm, Mr. Bischoff made a motion to come out of the Executive Session. Mr. Severino seconded. Vote – Ayes: Mr. Haynes, Mr. Severino, Mr. Bischoff, Mrs. Dziubek, Mr. Mazza. Motion Carried.

The following motion was offered after reconvening to a regular session:

Mr. Bischoff made a motion to authorize Atty. Jost to write a letter to the Hunterdon County Planning Board with regard to Milligan Farm development. Atty. Jost, on behalf of the Township,

will guarantee that the Stormwater Management Improvement Plan will be completed either by the Township or by the developer who will be retained for the 14-acre affordable housing site. Mr. Severino seconded. Vote – Ayes: Mr. Haynes, Mr. Severino, Mr. Bischoff, Mrs. Dziubek, Mr. Mazza. Motion Carried.

CORRESPONDENCE

Mr. Haynes mentioned the following:

- None regarding correspondence

Mr. Bischoff mentioned the following:

- None regarding correspondence

Mr. Severino mentioned the following:

- None regarding correspondence

Mrs. Dziubek mentioned the following:

- None regarding correspondence

Mr. Mazza mentioned the following:

- A written proposal from Scott Howarth to lease the Hoffman house. No action was taken on the proposal.

PUBLIC COMMENTS - None

PUBLIC HEARING – 2nd reading - None

OLD BUSINESS

- a. **RESOLUTION #2008-**: 2008-2009 Liquor License Renewal – Pattenburg House

Matter tabled - No Tax Clearance Certificate

- b. **Motion** – Cozze Bros, LLC; 2008 Junkyard License Renewal Application

Matter tabled until tires have been removed form the junkyard site.

NEW BUSINESS

- a. The following resolution was introduced for adoption:

RESOLUTION 2008 - 154
Re: Thomas Reeder
5 Partridge Run, Hampton, NJ 08827
Block 17.01, Lot 20

WHEREAS, Thomas Reeder, did post an excavation bond in the amount of \$500.00 for work performed at Block 17.01 Lot 20 in the Township, and

WHEREAS, the work and inspections are complete and the Certificate of Occupancy has been issued, and

WHEREAS, the construction department has requested that this bond now be released back to Thomas Reeder,

NOW, THEREFORE, BE IT RESOLVED, that the excavation bond in the amount of \$500.00, be released to Thomas Reeder,

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

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

b. **Discussion** – Approval of Maintenance Contract for Recording/Sound System

Mrs. Dziubek made a motion to approve above-mentioned maintenance contract for one year in the amount of \$1,150.00. Mr. Haynes seconded. Vote – Ayes: Mr. Haynes, Mr. Severino, Mr. Bischoff, Mrs. Dziubek, Mr. Mazza. Motion Carried.

e. **Discussion** – Job description for an Administrative Assistant

After discussing a written job description prepared by the Clerk, amended by Mr. Bischoff, Mr. Severino made a motion to approve above mentioned job description. Mr. Haynes seconded. Vote – Ayes: Mr. Severino, Mr. Bischoff, Mr. Mazza. Nays: Mr. Haynes, Mrs. Dziubek. Motion Carried.

Township Clerk was directed to prepare a job offer letter to Patricia Essig.

NEW ORDINANCE – 1st Reading – None

REPORTS

a. **Engineer's Report** – a copy of the report has been submitted

- Waiting for Change Order #1 to Van Syckel's Rd. to be approved by NJDOT.
- Change Order #2 to Van Syckel's Rd for quantity of stone used will have to be approved at the next meeting.
- Need legal description of a 10" Wide Drainage Easement for Van Syckel Corner Rd. and Coachmen Drive. Atty. Jost will work with the Engineer on the issue.

b. **Attorney's Report** – Mr. Jost reported the following:

- Need to write a letter to Green Acres asking for additional funding for Milligan Project for the third Round, if available.

Mr. Bischoff made a motion to authorize Atty. Jost to write above-mentioned letter. Mr. Severino seconded. Vote – Ayes: Mr. Haynes, Mr. Severino, Mr. Bischoff, Mrs. Dziubek, Mr. Mazza. Motion Carried.

Clerk reported that a letter of No Further Action for Milligan Farm from NJDEP was received.

- Received a request for the Township of Union to wave a 200' Notice regarding application before Franklin Township to install dumpster pads at Wal-Mart.

Mrs. Dziubek made a motion to deny a request for 200' notice waiver. Mr. Bischoff seconded. Vote – Ayes: Mr. Haynes, Mr. Severino, Mr. Bischoff, Mrs. Dziubek, Mr. Mazza. Motion Carried.

- Attended a meeting regarding application designating I-78 as a Scenic Byway. All municipalities with exception of Bridgewater, Alpha and Phillipsburg signed the application.
- Need to know specific information regarding Police records before issuing an OPRA request.

c. Mayor's Report – Mr. Mazza reported the following

- Correspondence from League of Municipalities regarding 2009 Pension Costs.
- Mayor Mazza appointed John Wingler (Alternate I member) as a Board member of UT Environmental Commission.

d. Committee Report

Mr. Bischoff reported the following:

- No report at this time

Mr. Severino reported the following:

- Contacted Betsy Levin from Greenstar Recycling with answers to all her questions. Mr. Severino said that he is expecting a written proposal soon. Options of making recycling at the Township readily available were discussed.
- Animal traps have been placed at the abandoned property on Rt. 173 East.

Mrs. Dziubek reported the following:

- A meeting for COAH subcommittee is scheduled for next Wednesday.
- RFP's for Milligan Affordable Housing Project have been received. Copies were distributed to all Committee members.

Mr. Haynes reported the following:

- Asked if the Township should consider striping roads this year. The Committee agreed to postpone it until next year.

At this time, John Reymann left the meeting.

e. Clerk's Report

- Approval for UT Court Administrator to attend 2008 NJLM Convention.
- Approval for UT Clerk to attend 2008 NJLM Convention.

Mrs. Dziubek was of an opinion that in the future approvals for employees' attendance at conferences would require additional information, such as number of credits needed for recertification and number of credits obtained up-to-date. The Committee will consider looking into the issue.

Mr. Bischoff made a motion to approve UT Court Administrator and UT Clerk attendance at the 2008 NJLM Conference. Mr. Severino seconded. Vote – Ayes: Mr. Haynes, Mr. Severino, Mr. Bischoff, Mr. Mazza. Abstained: Mrs. Dziubek. Motion Carried.

PUBLIC COMMENTS - None

PAYMENT OF THE BILLS

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. Bischoff, Mrs. Dziubek, Mr. Mazza. Motion Carried.

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

Meeting adjourned at approximately 11:07 p.m.

Respectfully submitted,

Ella Malecki Ruta, RMC
Municipal Clerk