

CALL TO ORDER

Deputy Mayor Severino opened the meeting at 7:00 p.m.

ROLL CALL - Present: Rob Haynes, Matt Severino, Mr. Bischoff

Absent: Frank Mazza, Mrs. Dziubek

Others Present: J. Peter Jost, Esq., Kevin Smith, Twp. Engineer and Ella M. Ruta, Township Clerk.

“Sunshine Law” Announcement: Adequate notice of this public meeting has been provided by the Annual Notice; mailed electronically to the Hunterdon Democrat and Courier News; posted on the public bulletin board and on file in the Municipal Clerk’s Office.

FLAG SALUTE**APPROVAL OF MINUTES**

- a. Regular and Executive Session Meeting Minutes of February 4, 2009.

Mr. Haynes made a motion to approve the said minutes. He noted that Executive Session minutes are missing names of Committee members absent at the meeting. Minutes will be corrected accordingly. Mr. Severino seconded the motion. Vote – Ayes: Mr. Haynes, Mr. Severino, Mr. Bischoff. Motion carried.

- b. Special Meeting Minutes – Budget Workshop, February 20, 2009.

Mr. Bischoff made a motion to approve the said minutes. Mr. Haynes seconded the motion. Vote – Ayes: Mr. Haynes, Mr. Severino, Mr. Bischoff. Motion carried.

VISITORS**REPORTS RECEIVED**

- a. Road Dept.- Week Ending 2/13/09; 2/20/09
b. Tax Collector – February 2009
c. Building Dept. – February 2009
d. Environmental Commission –

CORRESPONDENCE

Mr. Haynes mentioned the following correspondence:

- A letter from the Pattenburg Fire Company asking to use Road Dept’s. pumper truck while theirs is being repaired.

Mr. Bischoff made a motion to lend UT Road Dept pumper truck to the Pattenburg Fire Company for a minimum of three months. Mr. Haynes seconded the motion. Vote – Ayes: Mr. Haynes, Mr. Severino, Mr. Bischoff. Motion carried.

Mr. Severino will contact Pattenburg Fire Chief regarding above.

Mr. Bischoff mentioned the following correspondence:

- NJLM letter re: Federal Stimulus Package Presidents' Weekend Update. Mr. Bischoff asked if we have any projects planed that would qualify for this funding. Engineer Smith said that he is not aware of any at this time.
- Annual Visitation Notice of UT Municipal Court from the Superior Court of NJ

Mr. Severino mentioned the following correspondence:

- Asked Twp. Attorney about Twp. Clerk responsibilities as the Municipal Housing Liaison. Atty. Jost stated that they are minimal. He said that Mr. Hintz's office is fulfilling those responsibilities at present.

PUBLIC COMMENTS

- Michele McBride, UTEC member, thanked Mr. Jost for providing deed of an easement for the Douglas property. The Stewardship Committee is going to meet to discuss the property. Mrs. McBride asked permission to contact Twp. Planner to help them with various decisions regarding Douglas property. The Committee agreed for Stewardship Committee to seek Mr. Hintz's help. Mrs. McBride also said that Earl Stevees, Twp. resident, and Max Spann realtor, would be involved with the auction process. The decision on what the Township is going to do with the easement will have to be made, Mrs. McBride added.
- Paul Schneider, Attorney for Pilot Travel Centers asked Committee that Pilot Travel Center be permitted to start construction as soon as possible, subject to the Twp. Engineer's satisfaction. He said that the only requirement left to fulfill all requirements would be approval of the Developers Agreement. He also said that Atty. Jost circulated a draft of the agreement. Atty. Schneider asked the Committee to take action on the agreement tonight. That would make possible for construction to begin immediately. Atty. Schneider stated that he has cashier checks to cover performance bond and escrow account. Mr. Severino answered that the Committee is not ready to take any action on the matter at tonight's meeting. He said the Township has a five-day rule, which means that the matter requiring Committee's action has to be scheduled on the agenda five days prior to the meeting. Atty. Schneider disagreed. He stated that prior speaker was not scheduled on the agenda under the Public Comments section of the meeting; however, the Committee considered her request.

PUBLIC HEARING – 2nd reading - None

OLD BUSINESS

- a. The following resolution was introduced for adoption:

**RESOLUTION 2009-
Animal Control Service Contract**

Atty. Jost asked that Tracy Fleming, Certified Animal Control Officer, present for the meeting, be given a chance to do a presentation of services she would provide under Animal Control Service Contract.

Ms. Fleming gave an overview of services she is presently providing for Kingwood Township. Ms. Fleming, in detail, explained various aspects of the job and answered all Committee questions. She also added that she performs dog censuses.

Mr. Severino asked that Ms. Fleming submit a written proposal of the contract.

- b. The following resolution was introduced for adoption:

RESOLUTION #2009-58

**Approving Maintenance Guarantee Agreement
Re: Grand Colonial**

BE IT RESOLVED by the Township Committee of the Township of Union, in the County of Hunterdon, State of New Jersey, that the Maintenance Guarantee Agreement for Grand Colonial, dated March 4, 2009, is hereby approved, and the Deputy Mayor and Clerk are hereby authorized to sign same on behalf of the Township of Union.

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

Briefly discussed were the outside lights at the Grand Colonial.

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

c. The following resolution was introduced for adoption:

**RESOLUTION 2009-59
Re: Grand Colonial Site Plan
Performance Guarantee Release**

WHEREAS, FDRA, LLC (“developer”) has requested a release in their performance guarantee for the project known as Grand Colonial Restaurant – Site Plan; and

WHEREAS, Township Engineer John D. Reymann, P.E. recommended in a memorandum dated January 5, 2009 the release of the remaining performance guarantee of the developer, after posting a maintenance guarantee of \$77,326.20, representing 15% of the performance guarantee posted at the start of the site work (\$515,508.00); and, that said maintenance guarantee shall include the 54 replacement trees; and

WHEREAS, the developer has posted a maintenance guarantee in the form of surety bond No. B98808-0165515M with FDRA, LLC as principal and American Southern Insurance Company as surety, in the amount of \$77,326.20, said maintenance surety bond being in a form acceptable to the Township Attorney; and

WHEREAS, Township Engineer Reymann certified in the above referenced memorandum that all site work has been complete and Carl Hintz has confirmed in a memorandum dated December 18, 2008 that the outstanding planning items have been satisfied; and

WHEREAS, FDRA, LLC has executed a maintenance guarantee agreement dated March 4, 2009 covering a two year maintenance period from the date thereof, said maintenance guarantee agreement including the 54 replacement trees; 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 developer’s performance guarantee, in the original amount of \$515,508, including surety bond No. B98808-0165515M issued by American Southern Insurance Company in the original amount of \$463,957.20 shall be and is hereby discharged and released, subject to the aforementioned maintenance bond in the amount of \$77,326.20, and contingent upon verification of the Union Township Chief Financial Officer that all escrow bills and COAH fees have been paid and sufficient escrow remains on deposit to cover the maintenance period, and upon said certification

the developer's performance guarantee including the 10% cash or letter of credit amount thereof shall be released; and

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

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

c. **Discussion** – Organizational Chart for UT Municipal Offices

Discussion tabled until the next Committee meeting.

d. **Discussion** – Bus Shelter at the Brass Castle Estates.

Discussion tabled until the next Committee meeting. No response received from the Association. Mr. Bischoff briefed Planning Board last week about the matter.

NEW BUSINESS

Motion to Approve – Application for Special Permit for Social Affair – Arc of Hunterdon Foundation

Mr. Haynes made a motion to adopt the above Application for Special Permit for Social Affair. Mr. Bischoff seconded. Vote – Ayes: Mr. Haynes, Mr. Severino, Mr. Bischoff. Motion Carried.

NEW ORDINANCE – 1ST Reading - NONE

REPORTS

a. **Engineer's Report** – Engineer Smith reported the following:

- Received a letter from NJDEP concerning the bridge on Van Syckel's Road. Spoke with the County about it. Atty. Jost will provide information from his files.
- Working with Mr. Mazza on NJDOT Grant application for Road Maintenance

b. **Attorney's Report**

- Atty. Jost introduced the following resolution for adoption:

**RESOLUTION 2009-60
RE: OBTAINING OF OPEN SPACE TRUST FUNDS
FROM THE HUNTERDON COUNTY BOARD OF CHOSEN FREEHOLDERS**

WHEREAS, the Hunterdon County Board of Chosen Freeholders has approved an Open Space Trust Fund and established a Municipal Grants Program to provide Program Funds in connection with municipal acquisition of lands for recreation, conservation and general open space purposes, farmland preservation, preparation of plan elements of a municipal Master Plan and/or restoration of county-owned historic facilities; and

WHEREAS, The Governing Body of the Township of Union, County of Hunterdon, desires to obtain Open Space Trust Funds in the amount of \$47,782.32, to fund the following project(s):

Milligan Farm – Union Township Open Space Plan – Green Acres Project No. 1025-02-075 – acquisition in fee simple of 83.913 acres to be permanently preserved as open space.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Union, in the County of Hunterdon, State of New Jersey, that:

1. Union Township Deputy Mayor Matt Severino is authorized to: (a) make an application to the County of Hunterdon for Open Space Trust Funds, (b) provide additional application information and furnish such documents as may be required for the Municipal Grants Program and (c) act as the principal contact person and correspondent of the above-named municipality;

2. If the County of Hunterdon determines that the application is complete and in conformance with the Hunterdon County Open Space, Farmland and Historic Preservation Trust Fund Plan, and the Policies and Procedures Manual for the Municipal Grants Program adopted thereto, the municipality is willing to use the approved Open Space Trust Funds in accordance with such adopted policies and procedures, and applicable state and local government rules, regulations and statutes thereto;

3. Deputy Mayor Matt Severino is hereby authorized to sign and execute any required documents and agreements with the County of Hunterdon for the approved Open Space Trust Funds.

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

– Atty. Jost briefly updated the Committee on the Pilot Travel Centers LLC. Matter. The Committee felt that they would like to have official minutes from the Planning Board before making any decision.

c. **Mayor's Report** - Absent

d. **Committee Report**

Mr. Haynes reported the following: no report

Mr. Bischoff reported the following:

– Prepared a letter to UT Municipal Judge Martin, answering February 5th correspondence from him.

Mr. Severino reported the following:

– New recycling contract will be negotiated in April with Waste Management. Mr. Severino asked that Mr. Bischoff participate in negotiations. Mr. Bischoff agreed.

e. **Clerk's Report**

- Raffle License #2009-13; Woodland Wildlife Refuge, Inc.; Tricky Tray; 04/03/09
- Raffle License #2009-14 ; Woodland Wildlife Refuge, Inc; 50/50 On Premise; 04/03/09

Mr. Bischoff made a motion to approve raffle licenses #2009-13 and #2009-14. Mr. Haynes seconded. Vote: Ayes – Mr. Haynes, Mr. Severino, Mr. Bischoff. Motion Carried.

- **Motion** – 2009 Clerks' Conference April 27-30, 2009

The Committee briefly discussed coverage of expenses and time off the job for employees attending conferences.

Mr. Bischoff made a motion to allow the Clerk to attend the conference on company time, but at her own cost for registration and hotel accommodation. Mr. Haynes seconded. Vote: Ayes – Mr. Haynes, Mr. Severino, Mr. Bischoff. Motion Carried.

The Committee agreed to schedule the next Budget Workshop Meeting for March 19, 2009 at 6:00 pm.

PUBLIC COMMENTS – None

PAYMENT OF THE BILLS

Mr. Bischoff moved that all claims against the Township of Union as appearing in the Claims Register of this date be paid with the exception of voucher #20146 & #20190 and that all checks listed hereinafter be issued in payment thereof. Mr. Haynes seconded. Vote: Ayes - Mr. Haynes, Mr. Severino, Mr. Bischoff. Motion Carried.

EXECUTIVE SESSION – no issues for Executive Session

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

Meeting adjourned at approximately 8:27 p.m.

Respectfully submitted,

Ella M. Ruta, RMC
Municipal Clerk