

CALL TO ORDER

Mayor Dziubek opened the meeting at 7:03 p.m.

“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

ROLL CALL - Present: Mr. Haynes, Mr. Severino, Mr. Mazza, Mrs. Dziubek,

Absent: Mr. Bischoff

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

APPROVAL OF MINUTES

- a. Regular and Executive Session Meeting Minutes of July 1, 2009.

Mr. Mazza made a correction to his statement on page 6. It should read “Contract for Township Pest Control was discussed and it was determined that Viking would be retained only for termite control at the Hoffman property.”

Mr. Severino corrected his statement on page 6 to read, “Waste Management Company is trying to negotiate the contract with the County. He tried contacting the County without success.”

A motion was made by Mr. Mazza to approve the Regular and Executive Session Meeting Minutes of July 1, 2009 as corrected. Mr. Severino seconded. Vote: Ayes –Mr. Severino, Mr. Mazza, Mrs. Dziubek. Abstain: Mr. Haynes. Motion Carried.

VISITORS

- a. Mr. Barry Gilbert, 72 Cook’s Cross Road. He complained about drainage problem on his property. Mr. Gilbert also said there was sustained severe damage to his pool by the latest storm. He asked if the Township is going to look at the problem. After discussion, Mr. Haynes stated that Route 579 is a County Route and suggested contacting Hunterdon County Office. The Committee agreed the Township Engineer will do preliminary research and contact the County on the issue. He will also look into the stormwater regulations . The Engineer will update Mr. Gilbert. Michelle McBride spoke on the issue.
- b. Michelle McBride of Environmental Commission.
- Ms. McBride thanked Attorney Jost for his well prepared presentation of the Douglass Farm application before the UT Board of Adjustment.
 - Forwarded Hoffman RFP to the County, but has not had any response from them. The Attorney suggested one of the Committee members should contact the County Freeholders office. The Mayor will call.
 - Environmental Commission offered assistance in writing the grant application for Energy Audit.

REPORTS RECEIVED

- a. Road Dept.- Week Ending 6/26/09; 7/03/09; 7/10/09; 7/17/09; 7/24/09.
- b. UT Municipal Court – June 2009

- c. Animal Control Officer – June 2009.
- d. Tax Collector – June 2009
- e. Safety Committee Report was also submitted.

CORRESPONDENCE

Mr. Haynes mentioned the following correspondence: None

Mr. Mazza mentioned the following correspondence: None

Mr. Severino mentioned the following correspondence:

- NJ Dept of Agriculture, Gypsy Moth Survey, 7/17/09. We need to respond by August 21 with the survey.

Mr. Severino made a motion to approve sending the application to conduct Gypsy Moth Survey. Mr. Mazza seconded. Vote: Ayes – Mr. Haynes, Mr. Severino, Mr. Mazza, Mrs. Dziubek. Motion carried.

- Mr. Severino asked that the Clerk notify the DEP of the change in the Clerk's name.

Mrs. Dziubek mentioned the following correspondence:

- Mayors Fax Advisory notification of a 16% premium increase in health insurance premiums and a 12% increase in PERS. Mrs. Dziubek said that once again the municipalities are subject to unfunded State mandates, which are going to affect us adversely in the future. She also stated that October is open enrollment month. Perhaps, at that time, the Committee should consider obtaining information on various plans.
- Manual for Open Space, Farmland and Historic Preservation Trust Fund Policies and Procedures Manual, 4th Edition. Copies in Clerk's and Environmental Commission office.
- Received an email from COAH Counsel, Stuart Koenig with regard to Non Residential Development Fees and COAH Refunds. Mr. Koenig advised to waiting prior to taking action on any refunding, pending advice from COAH.
- A-3443 Authorizes Set-Asides, Fees in-Lieu for Open Space and Recreation Purposes. She said the bill allow municipalities to require on-site open space set asides from developers of Planned Unit Developments. Consideration for future development.
- Land Use Ordinance from Clinton Twp. regarding SOLAR ENERGY SYSTEMS. The Clerk was asked to forward to Planning Board for review and discussion in the future.

Mr. Severino made a motion to submit the above to the Planning Board for review. Mr. Mazza seconded. Vote: Ayes – Mr. Haynes, Mr. Severino, Mr. Mazza, Mrs. Dziubek. Motion carried.

PUBLIC COMMENTS - None

PUBLIC HEARING – 2nd reading

OLD BUSINESS –

- a. Discussion – Union Township Municipal Offices Organizational Chart.

Adjustments will be made to the Charts presented by the Mayor. Inclement weather communication chain of command chart was discussed and approved.

Mr. Mazza made a motion to adopt the Inclement Weather Communications Chain of Command Chart. Mr. Severino seconded. Vote: Ayes – Mr. Haynes, Mr. Severino, Mr. Mazza, Mrs. Dziubek. Motion carried.

b. The following resolution introduced for adoption:

**RESOLUTION #2009-
MAX SPANN REALTY
AUTHORIZING SALE OF DEED-RESTRICTED FARM PROPERTY
BLOCK 29, LOT 13, TOWNSHIP OF UNION (“DOUGLASS FARM”)**

Tabled until UT Planning Board votes and the Committee has a copy of the resolution.

NEW ORDINANCE – 1ST Reading

**ORDINANCE #2009-5
AN ORDINANCE AMENDING CHAPTER XIX,
FLOOD DAMAGE PREVENTION, OF THE CODE OF THE
TOWNSHIP OF UNION, HUNTERDON COUNTY, NEW JERSEY**

WHEREAS, Union Township has been advised by the Federal Emergency Management Agency (FEMA) that Union Township needs to revise the Township’s current Flood Damage Prevention Ordinance to continue participation in the National Flood Insurance Program (NFIP); and

WHEREAS, the Bureau of Dam Safety and Flood Control of the New Jersey Department of Environmental Protection (DEP) has provided Union Township with an updated model ordinance containing the minimum requirements accepted by FEMA, and good cause appearing,

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Township Committee of the Township of Union, in the County of Hunterdon, State of New Jersey that the present **CHAPTER XIX, FLOOD DAMAGE PREVENTION**, of the Code of the Township of Union is hereby deleted in its entirety and replaced with a new **CHAPTER XIX, FLOOD DAMAGE PREVENTION**, as follows:

1.1 STATUTORY AUTHORIZATION

The Legislature of the State of New Jersey has in N.J.S.A. 40:48-1, *et seq.*, delegated the responsibility to local governmental units to adopt regulations designed to promote public health, safety, and general welfare of its citizenry.

1.2 FINDINGS OF FACT

[1] The flood hazard areas of Township of Union are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

[2] These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazard which increase flood heights and velocities, and when inadequately anchored, causes damage in other areas. Uses that are inadequately floodproofed, elevated or otherwise protected from flood damage also contribute to the flood loss.

1.3 STATEMENT OF PURPOSE

It is the purpose of this ordinance to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

- [1] To protect human life and health;
- [2] To minimize expenditure of public money for costly flood control projects;
- [3] To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- [4] To minimize prolonged business interruptions;
- [5] To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets, bridges located in areas of special flood hazard;
- [6] To help maintain a stable tax base by providing for the second use and development of areas of special flood hazard so as to minimize future flood blight areas;
- [7] To ensure that potential buyers are notified that property is in an area of special flood hazard; and
- [8] To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

1.4 METHODS OF REDUCING FLOOD LOSSES

In order to accomplish its purposes, this ordinance includes methods and provisions for:

- [1] Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- [2] Requiring that uses vulnerable to floods including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- [3] Controlling the alteration of natural flood plains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
- [4] Controlling filling, grading, dredging, and other development which may increase flood damage; and,
- [5] Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.

Section 2.0

DEFINITIONS

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

"Appeal" means a request for a review of the Zoning Officer's interpretation of any provision of this ordinance or a request for a variance.

"Area of shallow flooding" means a designated AO, AH, or VO zone on a community's Digital Flood Insurance Rate Map (DFIRM) with a one percent annual or greater chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

"Area of special flood hazard" means the land in the flood plain within a community subject to a one percent or greater chance of flooding in any given year.

"Base flood" means the flood having a one percent chance of being equaled or exceeded in any given year.

"Basement" means any area of the building having its floor subgrade (below ground level) on all sides.

"Breakaway wall" means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or supporting foundation system.

"Development" means any man made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials located within the area of special flood hazard.

"Digital Flood Insurance Rate Map" (DFIRM) means the official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

"Elevated building" means a non-basement building (i) built in the case of a building in an Area of Special Flood Hazard to have the top of the elevated floor elevated above the ground level by means of piling, columns (posts and piers), or shear walls parallel to the flow of the water, and (ii) adequately anchored so as not to impair the structural integrity of the building during a flood up to the magnitude of the base flood. In an Area of Special Flood Hazard "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters.

"Flood or flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- [1] The overflow of inland or tidal waters and/or
- [2] The unusual and rapid accumulation or runoff of surface waters from any source.

"Flood Insurance Study" (FIS) means the official report in which the Federal Insurance Administration has provided flood profiles, as well as the Flood Insurance Rate Map(s) and the water surface elevation of the base flood.

"Flood plain management regulations" means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a flood plain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such State or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

"Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than 0.2 foot.

"Highest adjacent grade" means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

"Historic Structure" means any structure that is:

- [a] Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

[b] Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

[c] Individually listed on a State inventory of historic places in States with historic preservation programs which have been approved by the Secretary of the Interior; or

[d] Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

- (1) By an approved State program as determined by the Secretary of the Interior; or
- (2) Directly by the Secretary of the Interior in States without approved programs.

"Lowest Floor" means the lowest floor of the lowest enclosed area [including basement]. An unfinished or flood resistant enclosure, useable solely for the parking of vehicles, building access or storage in an area other than a basement is not considered a building's lowest floor provided that such enclosure is not built so to render the structure in violation of other applicable non-elevation design requirements.

"Manufactured home" means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

"Manufactured home park or manufactured home subdivision" means a parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

"New construction" means structures for which the start of construction commenced on or after the effective date of a floodplain regulation adopted by a community and includes any subsequent improvements to such structures.

"New manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the flood plain management regulations adopted by the municipality.

"Recreational vehicle" means a vehicle which is [i] built on a single chassis; [ii] 400 square feet or less when measured at the longest horizontal projections; [iii] designed to be self-propelled or permanently towable by a light duty truck; and [iv] designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

"Start of Construction" for other than new construction or substantial improvements under the Coastal Barrier Resources Act (P.L. No. 97-348) includes substantial improvements and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site such as the pouring of a slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation, or the placement of a manufactured home on a foundation.

Permanent construction does not include land preparation, such as clearing, grading and filling nor does it include the installation of streets and/or walkways, nor does it include excavation for a basement, footings or piers, or foundations or the erection of temporary forms, nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any

wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

"Structure" means a walled and roofed building, a manufactured home, or a gas or liquid storage tank, that is principally above ground.

"Substantial Damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

"Substantial Improvement" means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

[1] Any project for improvement of a structure to correct existing violations of State or local health, sanitary or safety code specifications which have been identified by the local code enforcement officer and which are the minimum necessary to assure safe living conditions; or

[2] Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

"Variance" means a grant of relief from the requirements of this ordinance that permits construction in a manner that would otherwise be prohibited by this ordinance.

"Zoning Officer" means the Zoning Officer of the Township of Union, Hunterdon County, New Jersey.

Section 3.0

GENERAL PROVISIONS

3.1 LANDS TO WHICH THIS ORDINANCE APPLIES

This ordinance shall apply to all areas of special flood hazards within the jurisdiction of the Township of Union, Hunterdon County, New Jersey.

3.2 BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD

The areas of special flood hazard for the Township of Union, Community No.340242, are identified and defined on the following documents prepared by the Federal Emergency Management Agency:

- a) A scientific and engineering report "Flood Insurance Study, Hunterdon County, New Jersey (All Jurisdictions)" dated September 25, 2009
- b) Flood Insurance Rate Map for Hunterdon County, New Jersey (All Jurisdictions) as shown on Index and panel numbers 34019C0093F, 34019C0094F, 34019C0111F, 34019C0112F, 34019C0113F, 34019C0114F, 34019C0116F, 34019C0118F, 34019C0210F, 34019C0227F, 34019C0229F, 34019C0230F, 34019C0231F; whose effective date is September 25, 2009

The above documents are hereby adopted and declared to be a part of this ordinance. The Flood Insurance Study and maps are on file at 140 Perryville Road, Hampton, New Jersey 08827.

3.3 PENALTIES FOR NONCOMPLIANCE

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations. Violation of the provisions of this ordinance by failure to comply with any of its requirements (including violations of conditions and

safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$2,000 or imprisoned for not more than 90 days, or both, for each violation, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the Township of Union from taking such other lawful action as is necessary to prevent or remedy any violation.

3.4 ABROGATION AND GREATER RESTRICTIONS

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and other ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

3.5 INTERPRETATION

In the interpretation and application of this ordinance, all provisions shall be:

- [1] Considered as minimum requirements;
- [2] Liberally construed in favor of the governing body; and,
- [3] Deemed neither to limit nor repeal any other powers granted under State statutes.

3.6 WARNING AND DISCLAIMER OF LIABILITY

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the area of special flood hazards or uses permitted within such areas will be free from flooding or flood damages.

This ordinance shall not create liability on the part of the Township of Union, any officer or employee thereof or the Federal Insurance Administration, for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

Section 4.0

ADMINISTRATION

4.1 ESTABLISHMENT OF DEVELOPMENT PERMIT

A Development Permit shall be obtained before construction or development begins within any area of special flood hazard established in Section 3.2. Application for a Development Permit shall be made on forms furnished by the Zoning Officer and may include, but not be limited to; plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing.

Specifically, the following information is required:

- [1] Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures;
- [2] Elevation in relation to mean sea level to which any structure has been floodproofed.
- [3] Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in Section 5.2-2; and,
- [4] Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

4.2 DESIGNATION OF THE LOCAL ADMINISTRATOR

The Zoning Officer is hereby appointed to administer and implement this ordinance by granting or denying development permit applications in accordance with its provisions.

4.3 DUTIES AND RESPONSIBILITIES OF THE ADMINISTRATOR

Duties of the Zoning Officer shall include, but not be limited to:

4.3-1 PERMIT REVIEW

[1] Review all development permits to determine that the permit requirements of this ordinance have been satisfied.

[2] Review all development permits to determine that all necessary permits have been obtained from those Federal, State or local governmental agencies from which prior approval is required.

[3] Review all development permits to determine if the proposed development is located in the floodway, assure that the encroachment provisions of Section 5.3[1] are met.

4.3-2 USE OF OTHER BASE FLOOD AND FLOODWAY DATA

When base flood elevation and floodway data has not been provided in accordance with Section 3.2, BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD, the Zoning Officer shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source, in order to administer Sections 5.2-1, SPECIFIC STANDARDS, Residential Construction, and 5.2-2, SPECIFIC STANDARDS, Nonresidential Construction.

4.3-3 INFORMATION TO BE OBTAINED AND MAINTAINED

[1] Obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.

[2] For all new or substantially improved floodproofed structures:

[i] verify and record the actual elevation (in relation to mean sea level); and

[ii] maintain the floodproofing certifications required in Section 4.1 (3).

[3] Maintain for public inspection all records pertaining to the provisions of this ordinance.

4.3-4 ALTERATION OF WATERCOURSES

[1] Notify adjacent communities and the New Jersey Department of Environmental Protection, Dam Safety and Flood Control Section and the Land Use Regulation Program prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.

[2] Require that maintenance is provided within the altered or relocated portion of said watercourse so the flood carrying capacity is not diminished.

4.3-5 INTERPRETATION OF FIRM BOUNDARIES

Make interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in section 4.4.

4.4 VARIANCE PROCEDURE

4.4-1 APPEAL BOARD

[1] The Planning Board as established by the Township of Union shall hear and decide appeals and requests for variances from the requirements of this ordinance.

[2] The Planning Board shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Zoning Officer in the enforcement or administration of this ordinance.

[3] Those aggrieved by the decision of the Planning Board, or any taxpayer, may appeal such decision to the Superior Court of New Jersey, as provided in such statutes made and provided.

[4] In passing upon such applications, the Planning Board, shall consider all technical evaluations, all relevant factors, standards specified in other sections of this ordinance, and:

- (i) the danger that materials may be swept onto other lands to the injury of others;
- (ii) the danger to life and property due to flooding or erosion damage;
- (iii) the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
- (iv) the importance of the services provided by the proposed facility to the community;
- (v) the necessity to the facility of a waterfront location, where applicable;
- (vi) the availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
- (vii) the compatibility of the proposed use with existing and anticipated development;
- (viii) the relationship of the proposed use to the comprehensive plan and flood plain management program of that area;
- (ix) the safety of access to the property in times of flood for ordinary and emergency vehicles;
- (x) the expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and,
- (xi) the costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

[5] Upon consideration of the factors of Section 4.4-1 [4] and the purposes of this ordinance, the Planning Board may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.

[6] The Zoning Officer shall maintain the records of all appeal actions, including technical information, and report any variances to the Federal Insurance Administration upon request.

4.4-2 CONDITIONS FOR VARIANCES

[1] Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items (i-xi) in SECTION 4.4-1[4] have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.

[2] Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

[3] Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

[4] Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

[5] Variances shall only be issued upon:

- (i) a showing of good and sufficient cause;
- (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant; and,
- (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public as identified in SECTION 4.4- 1[4], or conflict with existing local laws or ordinances.

[6] Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

Section 5.0

PROVISIONS FOR FLOOD HAZARD REDUCTION

5.1 GENERAL STANDARDS

In all areas of special flood hazards the following standards are required:

5.1-1 ANCHORING

[1] All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.

[2] All manufactured homes shall be anchored to resist flotation, collapse or lateral movement. Methods of anchoring may include, but are not to be limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.

5.1-2 CONSTRUCTION MATERIALS AND METHODS

[1] All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

[2] All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

5.1-3 UTILITIES

[1] All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

[2] New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters;

[3] On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding; and

[4] Electrical, heating, ventilation, plumbing and air-conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

5.1-4 SUBDIVISION PROPOSALS

[1] All subdivision proposals shall be consistent with the need to minimize flood damage;

[2] All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;

[3] All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and,

[4] Base flood elevation data shall be provided for subdivision proposals and other proposed development which contain at least fifty (50) lots or five (5) acres (whichever is less).

5.1-5 ENCLOSURE OPENINGS

All new construction and substantial improvements having fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria: A minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one (1) foot above grade. Openings may be equipped with screens, louvers, or other covering or devices provided that they permit the automatic entry and exit of floodwaters.

5.2 SPECIFIC STANDARDS

In all areas of special flood hazards where base flood elevation data have been provided as set forth in Section 3.2, BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD or in SECTION 4.3-2, Use of Other Base Flood Data, the following standards are required:

5.2-1 RESIDENTIAL CONSTRUCTION

[1] New construction and substantial improvement of any residential structure shall have the lowest floor, including basement together with the attendant utilities and sanitary facilities, elevated to or above base flood elevation;

[2] within any AO zone on the municipality's FIRM that all new construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as the depth number specified in feet (at least two feet if no depth number is specified). And, require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures.

5.2-2 NONRESIDENTIAL CONSTRUCTION

[1] New Construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to the level of the base flood elevation; and

[2] within any AO zone on the municipality's DFIRM that all new construction and substantial improvement of any commercial, industrial or other nonresidential structure shall have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as the depth number specified in feet (at least two feet if no depth number is specified). And, require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures;

or

[1] be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;

[2] have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and,

[3] be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the applicable provisions of this subsection. Such certification shall be provided to the official as set forth in SECTION 4.3-3 [2] [ii].

5.2-3 MANUFACTURED HOMES

[1] Manufactured homes shall be anchored in accordance with Section 5.1-1 [2].

[2] All manufactured homes to be placed or substantially improved within an area of special flood hazard shall be elevated on a permanent foundation such that the top of the lowest floor is at or above the base flood elevation.

5.3 FLOODWAYS

Located within areas of special flood hazard established in section 3.2 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

[1] Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless a technical evaluation demonstrates that encroachment shall not result in any increase in flood levels during the occurrence of the base flood discharge.

[2] If section 5.3[1] is satisfied, all new construction and substantial improvements must comply with section 5.0 PROVISIONS FOR FLOOD HAZARD REDUCTION.

[3] In all areas of special flood hazard in which base flood elevation data has been provided and no floodway has been designated, the cumulative effect of any proposed development, when combined with all other existing and anticipated development, shall not increase the water surface elevation of the base flood more than two-tenths (0.2) of a foot at any point.

III. Severability. If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause of provision so adjudged and the remainder of the Ordinance shall be deemed valid and effective,

IV. Repealer. All Ordinances or parts of Ordinances inconsistent with or in conflict with the Ordinance are hereby repealed to the extent of such inconsistency.

V. Effective Date. This Ordinance shall take effect after final passage, adoption and publication according to law.

Mr. Mazza made a motion to introduce Ordinance #2009-5 with Public Hearing scheduled for September 2, 2009. Mr. Severino seconded. Vote: Ayes – Mr. Haynes, Mr. Severino, Mr. Mazza, Mrs. Dziubek. Motion carried.

NEW BUSINESS

a. The following resolution introduced for adoption:

**RESOLUTION #2009-111
CHAPTER 159-HIGHLANDS COUNCIL INITIAL ASSESSMENT GRANT**

WHEREAS, NJSA 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or

municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and

WHEREAS, the Director of the Division of Local Government Services may also approve the insertion of an item of appropriation for equal amount,

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Union in the County of Hunterdon, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2009 in the sum of \$15,000.00, which is now available from the State of New Jersey, Highlands Water Protection Council, in the amount of \$15,000.00.

BE IT FURTHER RESOLVED, that the like sum of \$15,000.00 is hereby appropriated under the caption Highlands Council Initial Assessment Grant, Other Expenses; and

BE IT FURTHER RESOLVED that the above is the result of funding from the State of New Jersey, Highlands Council in the amount of \$15,000.00.

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

b. The following resolution introduced for adoption:

RESOLUTION #2009-112
CHAPTER 159-HIGHLANDS COUNCIL 2009 PLAN CONFORMANCE GRANT

WHEREAS, NJSA 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and

WHEREAS, the Director of the Division of Local Government Services may also approve the insertion of an item of appropriation for equal amount,

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Union in the County of Hunterdon, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2009 in the sum of \$50,000.00, which is now available from the State of New Jersey, Highlands Water Protection Council,.

BE IT FURTHER RESOLVED, that the like sum of \$50,000.00 is hereby appropriated under the caption Highlands Council 2009 Plan Conformance Grant, Other Expenses; and

BE IT FURTHER RESOLVED that the above is the result of funding from the State of New Jersey, Highlands Council in the amount of \$50,000.00.

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

The Mayor said she received a communication from Highlands concerning August 20th meeting. The Attorney and Engineer were designated to attend.

c. The following resolution introduced for adoption:

RESOLUTION #2009-113

**UNION TOWNSHIP, HUNTERDON COUNTY
FIREWORKS APPROVAL – HUNTERDON DEVELOPMENTAL CENTER**

WHEREAS in order to provide entertainment at the Hunterdon County Developmental Center, located at 40 County Road 513, Clinton, New Jersey, permission has been requested to allow a fireworks display on Friday, September 11, 2009, at approximately 9:00 p.m. or dark; rain date, September 18, 2009;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Union that permission is granted to allow a fireworks display at the Hunterdon County Developmental Center on Friday, September 11, 2009; approximately 9:00 p.m. or dark; rain date, September 18, 2009, subject to the following conditions:

1. The persons conducting the fireworks display and all other persons involved shall hold the Township of Union harmless from any liability in connection with said display.
2. A Certificate of Liability Insurance listing the Township of Union, 140 Perryville Rd., Hampton, N. J. 08827, as a named insured shall be supplied to the Township Clerk prior to issuance of this consent.
3. Compliance with all requirements of law and any requirements of the Township’s Insurance Carrier.

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

d. The following resolution introduced for adoption.

RESOLUTION #2009-114

**UNION TOWNSHIP, HUNTERDON COUNTY
TAX REFUND**

WHEREAS, there exists for 2008 a refund of taxes per Docket No. 008890-2008, Stipulation of Settlement for the following:

<u>BLOCK/LOT</u>	<u>NAME</u>	<u>AMOUNT</u>
11.01 1	Toll Land/Greaves, Peter	\$5,135.26

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Union, County of Hunterdon, State of New Jersey, that the 2008 refund(s) be paid to the above stated name(s) or designee and that the Treasurer of the Township of Union is hereby authorized to issue a check in the stated amount(s) for each owner.

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

e. The following resolution introduced for adoption:

**RESOLUTION #2009-115
UNION TOWNSHIP, HUNTERDON COUNTY
REFUND OF TAX SALE PREMIUM**

WHEREAS, there exists a premium of taxes for the following tax sale certificate which was redeemed on July 29, 2009:

<u>TAX SALE CERTIFICATE #</u>	<u>BLOCK LOT QUALIFIER</u>	<u>NAME</u>	<u>AMOUNT</u>
08-02	25 1.07	Hulse, Richard	\$9,100.00

*To be refunded to US Bank – Cust/Sass Muni U DTR

THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Union, County of Hunterdon, State of New Jersey, that the refund of tax sale premium be returned to the above stated name, and that the Chief Finance Officer of the Township of Union is hereby authorized to issue a check in the sated amount.

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

f. The following resolution introduced for adoption:

**RESOLUTION 2009-116
ESCROW REFUND
RE: JEANNE A. FLECK, 471 COUNTY ROUTE 579
MILFORD, NJ 08848**

WHEREAS, Jeanne A. Fleck posted an escrow account for a planning board application, and

WHEREAS, Jeanne A. Fleck quested a refund of the unused portion of these fees, and

WHEREAS, all invoices submitted for this application have been paid,

NOW, THEREFORE, BE IT RESOLVED, that the following balance of escrow account # 711483 in the amount of \$37.50 be released to Jeanne A. Fleck.

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

g. The following resolution introduced for adoption:

**RESOLUTION 2009-117
FIXED ASSETS INVENTORY LIMIT**

WHEREAS, The State of New Jersey, Department of Community Affairs, Division of Local Government Services, requires each municipality to maintain a fixed assets inventory; and

WHEREAS, the Township Committee of each municipality may set the limit for such fixed assets inventory; and

WHEREAS, the Township’s Auditors, Suplee Clooney and Company, have recommended that the limit be set at \$500.00;

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Union, in the County of Hunterdon does hereby set the Fixed Asset Inventory limit at \$500.00.

Briefly discussed was the limit amount for fixed assets inventory.

Mr. Severino made a motion to adopt the above resolution, changing the limit from proposed of \$5,000.00 to \$500.00. Mr. Haynes seconded. Vote: Ayes – Mr. Haynes, Mr. Severino, Mr. Mazza, Mrs. Dziubek. Motion carried.

h. The following resolution introduced for adoption:

**RESOLUTION 2009-118
RE: DEMOLITION PERFORMANCE GUARANTEE
GRAND COLONIAL RESTAURANT**

WHEREAS, FDRA, LLC is the owner of the property known as Block 12, Lot 12, 86 Route 173 West, Hampton, Union Township, New Jersey, known as the Grand Colonial Restaurant; and

WHEREAS, on or about June 12, 2006, FDRA, LLC posted Letter of Credit No. UB0001078 issued by Unity Bank in the amount of \$51,690.00 as a demolition guarantee for the demolition of the partially constructed ballroom addition located at the above location; and

WHEREAS, said demolition was satisfactorily completed and inspected by the Union Township Construction Department, and the said Letter of Credit No. UB0001078 in the amount of \$51,690.00 issued by Unity Bank was reduced to the 15% retainage figure, or \$7,754.00, effective June 6, 2007, said retainage to remain in effect for one year from the date thereof; and

WHEREAS, said one year period having expired, and good cause appearing;

NOW, THEREFORE, BE IT RESOLVED that the said reduced letter of credit No. UB 0001078 in the amount of \$7,754.00, is hereby discharged and released, subject to payment of any escrow fees or deposits due or owing to the Township by FDRA, LLC.

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

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

i. The following resolution introduced for adoption:

**RESOLUTION #2009-119
AWARDING CONTRACT FOR 2009 ROAD RESURFACING PROGRAM (OIL & CHIP)**

WHEREAS, One (1) bid was received on July 13, 2009 for the 2009 Road Resurfacing Program (Oil & Chip) in the Township of Union; and

WHEREAS, the bid have been reviewed by the Township Engineer and it is the firm's recommendation that the contract be awarded to the only bidder, Asphalt Paving Systems, Inc. located at 500 North Egg Harbor Road, Hammonton, New Jersey; and

WHEREAS, the Township Attorney has reviewed the bids and has determined that the bid submitted by Asphalt Paving Systems, Inc. is in order with respect to legal compliance; and

WHEREAS, the Chief Financial Officer has certified the availability of funds for this expenditure; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Union as follows:

1. The contract for Improvements to Various Township Roads is hereby awarded to Asphalt Paving Systems, Inc. located in Hammonton, New Jersey in the amount of Seventy Three Thousand Two Hundred Forty Four and 00/100 Dollars (\$73,244.00).
2. The Mayor and Township Clerk are hereby authorized to execute an agreement with Asphalt Paving Systems, Inc. subject to approval of the Township Attorney.

Briefly discussed was the financing of the 2009 tar and chip.

Mr. Severino made a motion to adopt the above resolution in the amount of \$73,244 subject to the CFO's certification of availability of funds. Mr. Mazza seconded. Vote: Ayes – Mr. Haynes, Mr. Severino, Mr. Mazza, Mrs. Dziubek. Motion carried.

j. The following resolution introduced for adoption:

**RESOLUTION #2009-
AUTHORIZATION TO SIGN FIRE PROTECTION SERVICES AGREEMENT
WITH FRANKLIN TOWNSHIP FIRE DISTRICT NO. 1**

Resolution tabled for next meeting.

- k. **Motion** – Approval to the Fee Schedule of the Land Use Code.
Matter briefly discussed. Atty. Jost will prepare the Ordinance for the next Committee meeting.
- l. **Motion** - To Approve 4-Day Walking Pilgrimage from St. Peter Church, Great Meadows to Our Lady of Czestochowa, Doylestown, PA
Mr. Mazza made a motion to approve the above application subject to certificate of insurance naming Union Township as an additional insured. Mr. Haynes seconded. Vote: Ayes – Mr. Haynes, Mr. Severino, Mr. Mazza, Mrs. Dziubek. Motion carried.
- m. **Motion** – Approval of North Hunterdon Rotary Club 2008 Skylands Triathlon – September 13, 2009.
Mr. Severino made a motion to approve the above application subject to certificate of insurance naming Union township as an additional insured. Mr. Mazza seconded. Vote: Ayes – Mr. Haynes, Mr. Severino, Mr. Mazza, Mrs. Dziubek. Motion carried.
- n. **Motion** – Approval of Revised Application Form for Use of the Fields and/or Facilities at the Township Parks. After discussion concerning insurance compliance issues, the motion was tabled until next Committee meeting.
- o. **Discussion** – Highlands Council Water Protection and Planning Council in Support of the Highlands Regional Master Plan.

REPORTSa. **Engineer's Report** – a written copy of the report has been submitted with the following topics:

- Annual Stormwater Report 2008/2009. Completed and filed with the State. Engineer will have report amended to include 2008 activity.
- Maintenance & Repair – 2009. Oil and chip for 2009 was discussed earlier in the meeting.
- Maintenance & Repair -2008 – Maintenance Guarantee - Engineer and representative from Asphalt Paving Co. marked out the limits of the repair work and it will be coordinated with the '09 work.
- Efficiency and Conservation Block Grants Program. Discussion of funding issues, exposure of the municipality and sustainability.

Mr. Mazza made a motion to authorize the Engineer to prepare the documents for the Local Government Energy Audit Program and to receive proposals without obligation. Mr. Haynes seconded. Vote: Ayes – Mr. Haynes, Mr. Severino, Mr. Mazza, Mrs. Dziubek. Motion carried.

- Railroad Overpass at Baptist Church Road. The Engineer spoke with Mr. Schmoyer who inspected the overpass and found it structurally sound. Norfolk Southern intends to perform maintenance on the overpass to address the falling pieces of concrete.
- Pilot Travel Centers – Attorney Jost will report on the TCO issue.
- 72 Cooks Cross Road – Discussed earlier in the meeting.
- Williams Gas Pipeline – Milligan Farm. The Engineer has requested Williams Gas Pipeline to detail the repair work that is required for the detected pipeline anomaly.
- Wilderness Fiber Optic. The Engineer gave an overview of the path the fiber optic cable will run through the Township.

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

- Pilot was issued a TCO by DCA office without consulting the Township. The TCO was rescinded. Atty. Jost will forward a copy of Amendment to the Developers Agreement to Pilot.

Mr. Mazza made a motion to approve the Amendment to the Developers Agreement. Mr. Haynes seconded. Vote: Ayes – Mr. Haynes, Mr. Severino, Mr. Mazza, Mrs. Dziubek. Motion carried.

- Driveway issue, Mr. Myer, 79 Perryville Road, requested the Township fix the problem with the pipe in his driveway.
- OPRA Request from the Courier News for payroll records for 2008 and 2009.

c. **Mayor's Report** – Mrs. Dziubek reported the following:

- Highlands was discussed earlier in meeting.
- Trails extended at Finn Road Park. Farming hay field was discussed.
- Clean out of Construction Office.

- Mayor Dziubek, prior to signing Municipal Alliance Agreement, requested that Grace Brennan obtain more information about the Twp.'s obligation.
- Gypsy Moth. The Clerk will attach three copies of Municipal map to the survey and mail by August 21st.
- Received memo from Amy Barkman, Administrator of the UT schools. The contract terms and conditions of the School District's Superintendent and Business Administrator to be discussed on the 24th and invited a contingent of the Committee to attend. Mr. Severino will attend.
- Merlin's pest control contract was clarified.
- Jim Seguire from Pattenburg EMT asked the Township to pay for workers comp insurance. The Committee agreed to decline the request.
- Court personnel postponed until next meeting.

d. Committee Reports

Mr. Severino reported the following:

- Asked if Freeholders signed recycling agreement with Waste Management. Atty. Jost will find out.

Mr. Mazza reported the following:

- The golf outing planned for the Quakertown Fire Department in September was canceled until next year. It was difficult to obtain sponsors, due to the economy. Everyone was notified and all agreed.

Mr. Haynes reported the following: None

Mrs. Dziubek reported the following: None

e. Clerk's Report

- Raffle License #2009-23 Church of the Immaculate Conception, Off Premise Merchandise, 11/15/09
- Raffle License #2009-24 Church of the Immaculate Conception, Off Premise Merchandise, 11/15/09
- Raffle License #2009-25 Church of the Immaculate Conception, Off Premise Merchandise, 11/15/09

Mr. Mazza made a motion to approve the above applications. Mr. Severino second. Vote: Ayes – Mr. Haynes. Mr. Severino, Mr. Mazza, Mrs. Dziubek. Motion carried.

PUBLIC COMMENTS - None

PAYMENT OF THE BILLS

Mayor's personal request that in the future, single vouchers be issued for various Township purchases and personal product items should not be included. Mayor will speak to Grace Brennan, CFO.

Mr. Mazza 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. Mazza. Mrs. Dziubek. Motion Carried.

The Attorney requested short Executive Session for the purpose of discussing Coastal Litigation

EXECUTIVE SESSION – the following resolution introduced for adoption:

RESOLUTION 2009-120**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:

1. _____ *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 Executive session on August 5, 2009, at 9:51 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 to discuss Costal litigation. Mr. Mazza seconded. Vote – Ayes: Haynes, Mr. Severino, Mr. Mazza, Mrs. Dziubek Motion Carried.

At 10:00 p.m., Mr. Severino made a motion to go back to public session. Mr. Mazza seconded. Vote: Ayes –Mr. Severino, Mr. Mazza, Mrs. Dziubek. 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 10:00 p.m.

Respectfully submitted,

Pat Essig
Administrative Assistant