

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. Bischoff, Mr. Mazza, Mrs. Dziubek.
Others Present: J. Peter Jost, Esq., Kevin Smith, Township Engineer, Ella M. Ruta, Township Clerk.

APPROVAL OF MINUTES

a. Regular and Executive Session Meeting Minutes of September 2, 2009.

Mr. Bischoff noted a change on page 5. The last sentence in Resolution 122 that Mr. Bischoff brought to everyone’s attention was a formatting error.

The Mayor noted changes on page 10. Change “Public” to “Municipal” Alliance and re-word the last sentence to say, “The Committee agreed not to participate.”

Mr. Bischoff made a motion to approve the Regular Session Meeting Minutes of September 2, 2009 as amended. Mr. Mazza seconded. Vote: Ayes –Mr. Severino, Mr. Bischoff, Mr. Mazza, Mrs. Dziubek. Abstain – Mr. Haynes. Motion Carried.

Mr. Severino noted a change to the September 2, 2009 Executive Session Minutes. Remove the word “late” from the first sentence of the minutes. Change “a” to “the” before NJ in the same sentence.

Mr. Bischoff made a motion to approve the corrected Executive Session Meeting Minutes of September 2, 2009. Mr. Mazza seconded. Vote: Ayes – Mr. Severino, Mr. Bischoff, Mr. Mazza, Mrs. Dziubek. Abstain – Mr. Haynes. Motion Carried.

Special and Special Executive Session Meeting Minutes of September 9, 2009.

Mr. Haynes noted a change of date from September 8 to September 9 on the Executive Session Meeting Minutes.

Mr. Bischoff made a motion to approve the amended Special and Special Executive Session Meeting Minutes of September 2, 2009. Mr. Mazza seconded. Vote: Ayes – Mr. Severino, Mr. Bischoff, Mr. Mazza, Mrs. Dziubek. Abstain – Mr. Haynes. Motion Carried.

VISITORS**REPORTS RECEIVED**

a. Road Dept.- Week Ending 8/28/09; 9/04/09.

Mayor Dziubek questioned the repair on a private driveway. Myer’s property replacement or repair of pipe not the Township’s responsibility. The pipe will be cleaned by the Road Dept.

- b. Animal Control Officer - July/August 2009.
The truck has never been used. The Township has met the legal requirement of having a truck.
- c. UTEC – September 8th Agenda

CORRESPONDENCE/WRITTEN COMMUNICATION

Mr. Haynes mentioned the following correspondence: None

Mr. Severino mentioned the following correspondence:

- NJ Dept. of the Treasury, Division of Risk Management, Re: Fireworks at Hunterdon Developmental Center 40th Anniversary Celebration. Attorney Jost said the letter informs the Township that they are covered by the Tort Claims Act and have immunity, therefore, they do not give indemnification letters.

Mr. Mazza mentioned the following correspondence:

- Pioneer Environmental Group. LLC, Re: Public Notification – Jutland Shell. This is informational for the Township and the DEP handles. The Attorney will review ordinances.

Mr. Bischoff mentioned the following correspondence:

- NJLM, Prevailing Wage Threshold Change - The State Department of Labor and Workforce Development has determined that the municipal government threshold for the New Jersey Prevailing Wage Act has increased to \$14, 187.00 effective July 1, 2009.
- NJLM Re: Lame Duck Issues #6 Affordable Housing Reform. We anticipate significant debate during the lame duck on the issue of affordable housing. Senator Raymond Lesniak, after the passage of NJ Stimulus Act, which he sponsored, indicated that in addition to the suspension of the 2.5% non-residential fee in the Stimulus Act, he intends to push for significant COAH reform after the election. The League has been in regular communication with the Senator and the Administration on this, and we are cautiously optimistic that significant reform to the Fair Housing Act and to COAH is forthcoming. If so, this is good news.
- Township of Clinton, Notice of Introduction – Ord. #994-09. The ordinance title in part “To prohibit the issuance of a construction permit prior to final site plan approval.” We have issued them beforehand with the understanding that the builder/developer does so at his own risk. This would be a way of slowing things down and forcing them to get a construction permit. The Attorney recommended that this ordinance be sent with a letter to the Planning Board for their consideration and recommendations.
- Township of Bethlehem, Notice of Introduction Ordinance #255.54 2009. Ordinance requiring subsurface sewerage disposal systems on new building lots to be located within the building envelope. A brief discussion followed.

Mrs. Dziubek mentioned the following correspondence: None

PUBLIC COMMENTS - None

PUBLIC HEARING – 2nd reading - None

OLD BUSINESS

- a. **Discussion-** Union Twp. Municipal Offices Organizational Chart.
First Draft of Organization Charts presented to Committee. Discussion and changes on several of the charts.

- b. **RESOLUTION #2009-___**; Max Spann Realty – Authorizing Sale of Deed-Restricted Farm Property Block 29, Lot 13; Township of Union (“Douglass Farm”).
Tabled for next meeting.
- c. **Motion** – Approval of Revised Application Form for Use of the Fields and/or Facilities at the Township Parks.
Tabled for the next meeting after the Attorney’s review.

NEW ORDINANCE – 1ST Reading

**ORDINANCE #2009-6
APPROVING CHANGES TO THE PLANNING BOARD FEE SCHEDULE**

The above ordinance tabled for the next meeting

NEW BUSINESS

- a. The following resolution introduced for adoption:

**RESOLUTION 2009-131
Excavation Bond Refund
Glen Scherer, 22 Williamson Lane
Asbury, NJ 08802
Block 15 lot 10**

WHEREAS, Glen Scherer, did post an excavation bond, in the amount of \$500.00, for work performed at Block 15 Lot 10 on an in-ground pool, in the Township, and

WHEREAS, the work and inspections are complete, and

WHEREAS, the Department of Community Affairs, representing the Township of Union, has issued the Certificate of Occupancy for the in-ground pool,

NOW, THEREFORE, BE IT RESOLVED, that the excavation bond for the in-ground pool in the amount of \$500.00, be released to Glen Scherer,

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

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

- b. The following resolution introduced for adoption:

**Resolution No. 2009-132
HUNTERDON COUNTY, TOWNSHIP OF UNION
APPLY TO PARTICIPATE IN THE
LOCAL GOVERNMENT ENERGY AUDIT PROGRAM**

WHEREAS, the New Jersey Board of Public Utilities, Office of Clean Energy administers the Local Government Energy Audit Program (Program), an incentive program to assist local government agencies to conduct energy audits and to encourage implementation of energy conservation measures; and,

WHEREAS, the Committee of Township of Union has decided to apply to participate in the Local Government Energy Audit Program; and,

WHEREAS, the facilities to be audited are in New Jersey, are owned by Township of Union, are served by a New Jersey regulated public utility, and that the Township of Union has not already reserved \$100,000 in the Program this year as of this application; and,

WHEREAS, it is acknowledged that acceptance into the Program is dependent on the Scope of Work and cost proposal, and that Program rules will have to be met in order to receive incentive funds; and,

WHEREAS, upon acceptance into the Program, the Township of Union will prepare Facility Data Forms and Scopes of Work for each facility to be audited, solicit quotations from the authorized contractors, and submit the Part B application; and,

WHEREAS, the Township of Union understands that energy audit work cannot proceed until a Application Approval Notice is received from the Program; and,

WHEREAS, the Township of Union has passed a resolution supporting participation in the following organization supporting energy efficiency: Sustainable NJ Municipal Certification Program

NOW, THEREFORE, BE IT RESOLVED by the Committee of the Township of Union, approves the submission of an Application for participation in the Local Government Energy Audit Program of the New Jersey Board of Public Utilities; and,

BE IT FURTHER RESOLVED that a copy of resolution supporting the participation in the organization listed above be attached to and made a part of this resolution.

Mr. Severino made a motion to adopt the above resolution applying to participate in the Local Government Energy Audit Program. Mr. Bischoff seconded. Vote: Ayes – Mr. Haynes, Mr. Severino, Mr. Mazza. Nays – Mr. Bischoff, Mrs. Dziubek. Motion Carried.

c. **Motion** – Highlands Environmental Resource Inventory Notification Approval.

Mr. Mazza made a motion to approve the Highlands Environmental Resource Inventory Notification. Mr. Severino seconded. Vote: Ayes – Mr. Haynes, Mr. Severino, Mr. Bischoff, Mr. Mazza, Mrs. Dziubek. Motion Carried.

d. **Discussion** – Background Check Ordinance.

The Attorney presented a sample ordinance for Committee review and comments. Tabled under advisement.

- e. **Discussion** – Resolution, Re: Opposing Septic Study proposed by Highlands and NJDEP. Tabled for next meeting. Mr. Bischoff agreed that resolution be adopted post haste and sent to all Highlands Municipalities for their adoption as well as to the NJLM for their consideration. Attorney Jost will contact Mr. Balzano for assistance in preparing a resolution for the Oct. 7th meeting.
- f. **Discussion** – Williams Gas Pipeline. In the future any communication, if there is any, with Williams Gas Pipeline they need to address those with the Township Committee unless they post an escrow account.

REPORTS

- a. **Engineer's Report** – a written copy of the report has been submitted with the following topics:
- Maintenance & Repair – 2009. Asphalt Paving has been held up with the weather.
 - Efficiency and Conservation Block Grants Program - previously discussed.
 - Williamson Gas Pipeline-Milligan Farm - previously discussed.
 - Wilderness Fiber Optic
 - Miscellaneous Activities
 - Pending Issues
- b. **Attorney's Report** – Mr. Jost reported the following:
- The Attorney finally reached Chuck Reilly at DOT about Rt. 173 and Frontage Road. Discussion of road signs and Baptist Church Marginal Road name change to Frontage Road.
 - The following resolution was dictated by Atty. Jost:

**RESOLUTION #2009-133
UNION TOWNSHIP, HUNTERDON COUNTY
ROAD NAME CHANGE**

BE IT RESOLVED, that the portion of road showing on the official New Jersey State map as Baptist Church Marginal Road is hereby requested to be changed to Frontage Road effective immediately.

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

- Sent a registered letter to Janell Hensinger whose truck got stuck in the tunnel. There are signs 3/10 of a mile in each direction from the tunnel. We should consider a second sign next to the tunnel.
 - Shueing Property. There may be multiple contractors trespassing on Township property. The Attorney will send letter to the NJWater Supply Authority.
 - Attorney will talk to Mr. Haynes and the Township Engineer about Gano Road and the drainage issue.
 - Recycling – The Attorney called Alan Johnson and John Davenport and left messages, will let the Committee know when he hears back from them.
- c. **Mayor's Report** – Mrs. Dziubek reported the following:
- The Mayor accompanied Mr. Jost to the Schueing property which he previously reported.
 - Has not received a response from the County regarding the RFP for the Hoffman Property. Called Freeholder Eric Petersen and the RFP is at the County Counsel. Mr. Petersen will let the Mayor know when a decision is reached.

- The Committee received the Clerk's vacation schedule and who will be responsible for the building and meeting preparations in her absence.
- Discussed meeting dates to clarify the joint sessions. Send out an email to all Committee members and Planning Board members and professionals for joint meetings. Dates for upcoming meetings are September 29 and October 22 at 7:00 pm in the Municipal Building.
- Has a personnel item for an Executive Session.

d. **Committee Reports**

Mr. Bischoff reported the following:

- "The Democracy will cease to exist when you take away from those who are willing to work and give to those who are not." Thomas Jefferson.
- Flood Insurance Study. The Engineer is continuing to review.
- Health Benefits. An email from Freeholder Sworen, the County has plans for benefits. It will be discussed further upon additional information received.
- A study by the phone company for traffic of phone calls at the Court. The Court claims that it is receiving a large volume of incoming phone calls that leaves them little time to work. Embarq provided a free survey and as soon as Mr. Bischoff reviews it, he will include it in further discussions concerning the Court.
- Discussion with Assemblyman Mike Dougherty about receiving additional revenues for the Court. Assemblyman Dougherty's office is investigating and looking at several different proposals. Mr. Bischoff has requested, from Mrs. Cupon, additional information concerning tickets.

Mr. Severino reported the following:

- The landscaping in front of the Municipal Building is in need of attention. Several suggestions were made and it was decided that a landscaper was needed to clear it out.

Mr. Severino made a motion to obtain a quote for landscaping maintenance to the front of the Municipal Building, not to exceed \$500.00. Mr. Haynes seconded. Votes: Ayes – Mr. Haynes, Mr. Severino, Mr. Bischoff, Mr. Mazza, Mrs. Dziubek. Motion Carried.

- Recycling – Mr. Severino has requested the Recycling Tonnage Report from Mr. Garrison. This report is once again late. It was due in April.

Mr. Mazza reported the following:

- EPA Workshop on Brownfields Cleanup. September 24th in Trenton. Do you need to own the property to apply for the workshop? Mr. Mazza is unable to attend.

Mrs. Dziubek reported the following: None

e. **Clerk's Report**

- Raffle License #2009-26 Interfaith Hospitality Network of Hunterdon County, Inc.; On Premise 50/50; 10/19/09.
- Raffle License #2009-27 Church of the Annunciation; On Premise Tricky Tray; 10/23/09.

Mr. Bischoff made a motion to approve the above Raffle Licenses #2009-26 and #2009-27. Mr. Severino seconded. Vote: Ayes – Mr. Haynes, Mr. Severino, Mr. Bischoff, Mr. Mazza, 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, Mr. Mazza, Mrs. Dziubek. Motion Carried.

EXECUTIVE SESSION – the following resolution introduced for adoption:

RESOLUTION 2009-134

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:

Matters Relating to the Employment Relationship: Any matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance of promotion or disciplining of any specific prospective public officer or employee or current public officer or employee employed or appointed by the public body, unless all the individual employees or appointees whose rights could be adversely affected request in writing that such matter or matters be discussed at a public meeting.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Union, assembled in Executive session on September 2, 2009, at 9:21 p.m. in the Union Township Municipal Building, 140 Perryville Road, Hampton, New Jersey, for the discussion of matters relating to the specific items designated above.

It is anticipated that the deliberations conducted in closed session may be disclosed to the public upon the determination of the Township Committee that the public interest will no longer be served by such confidentiality.

At 9:38 pm, Mr. Bischoff made a motion to adopt the above resolution to discuss Personnel. Mr. Severino seconded. Vote – Ayes: Mr. Haynes, Mr. Severino, Mr. Bischoff, Mr. Mazza, Mrs. Dziubek. Motion Carried.

At 10:01 p.m., Mr. Severino made a motion to go back to public session. Mr. Mazza seconded. Vote: Ayes –Mr. Haynes, Mr. Severino, Mr. Bischoff, Mr. Mazza, Mrs. Dziubek. Motion carried.

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

Meeting adjourned at approximately 10:02.

Respectfully submitted,

Pat Essig
Administrative Assistant