

August 25, 2015

The Township Committee of the Township of Union in the County of Union, convened in regular session at Municipal Headquarters, Friberger Park, Union, New Jersey, on the 25th day of August, 2015 at 7:30 P.M. The meeting was called to order by Manuel Figueiredo, Chairman of the Township Committee.

The Clerk read the following statement:

"This is a regular meeting of the Township Committee. Public Notice of this meeting has been given, as required by the 'Open Public Meeting's Law'. A Resolution was adopted on January 1, 2015, designating this date, this hall and 7:30 P.M. as the time for this regular meeting of the Township Committee of the Township of Union in the County of Union.

A notice of each and every regular meeting of the Township Committee was posted, in accordance with the aforesaid 'Open Public Meeting's Law', in one public place reserved for the posting of Ordinances and official notices of the Township of Union, namely, the bulletin board next to the Clerk's Office. In addition thereto, a copy of said Resolution was forwarded to The Local Source, Suburban News and the Star Ledger. A copy of said Resolution is on file with the Clerk of the Township."

The opening prayer was led by Deputy Mayor Suzette Cavadas, and the pledge to the flag was led by Committeeman Joseph Florio.

The Clerk called the roll. Those present and those absent, were as follows:

Present: MANUEL FIGUEIREDO, MAYOR
 SUZETTE CAVADAS, DEPUTY MAYOR
 ANTHONY TERREZZA
 CLIFTON PEOPLE, JR.
 JOSEPH FLORIO

MAYOR'S AWARD:

Ralph Vincelli – World War II Veteran

PROCLAMATION:

Anthony Reed, Jr. – Department of Public Works

BUSINESS OF THE MONTH:

JAG Physical Therapy

INTRODUCTION:

Police Officer Earl Bidy, III

APPOINTMENTS:

Firefighter Brian Shanahan
Firefighter Troy Rohrmoser
Firefighter Sean Flannery
Firefighter Robert Miller
Firefighter Michael Amato
Firefighter John Chua
Firefighter Eric Hamilton

PROMOTIONS:

Captain Gregory Stagaard to Battalion Chief
Lieutenant David Zeh to Captain
Lieutenant Dean Ferdinandi to Captain
Firefighter Christopher Steitz to Lieutenant
Firefighter Jerry Dipisa to Lieutenant
Firefighter Richard Becker to Lieutenant

Mayor Figueiredo called for a two minute recess.

APPROVAL OF MINUTES:

On motion of Mr. Florio, seconded by Mr. People, and carried, the Township Committee moved to approve the Minutes of Meetings held on July 28, 2015, Conference and Regular Meetings as printed and distributed by the Clerk.

SECOND AND FINAL READINGS:

In pursuance to notice duly published, the Clerk presented for consideration, as to second and final reading, Amending Chapter 170-166 entitled "Location".

AN ORDINANCE AMENDING CHAPTER 170-166
ENTITLED "LOCATION" BY THE TOWNSHIP
COMMITTEE OF THE TOWNSHIP OF UNION,
COUNTY OF UNION, STATE OF NEW JERSEY (This
corrects the allowable coverage of the yard area for a pool)

The Chairman announced public hearing on the said ordinance. There being no person present expressing the desire to be heard in this connection, it was

On motion of Ms. Cavadas, seconded by Mr. People, and carried, the Township Committee

RESOLVED, that the aforesaid ordinance be and the same is hereby passed on second and final reading.

Mr. Terrezza, aye, Mr. Florio, aye, Mr. People, aye, Ms. Cavadas aye, Mr. Figueiredo aye.

In pursuance to notice duly published, the Clerk presented for consideration, as to second and final reading, authorizing a Special Emergency Appropriation for the payment of contractually required severance liabilities in the amount of \$2,000,000.00.

ORDINANCE AUTHORIZING A SPECIAL EMERGENCY
APPROPRIATION IN THE AMOUNT OF \$2,000,000.00
FOR THE PAYMENT OF CONTRACTUALLY
REQUIRED SEVERANCE LIABILITIES, IN AND BY THE
TOWNSHIP OF UNION, IN THE COUNTY OF UNION, NEW
JERSEY

The Chairman announced public hearing on the said ordinance. There being no person present expressing the desire to be heard in this connection, it was

On motion of Mr. People, seconded by Mr. Terrezza, and carried, the Township Committee

RESOLVED, that the aforesaid ordinance be and the same is hereby passed on second and final reading.

Mr. Terrezza, aye, Mr. Florio, aye, Mr. People, aye, Ms. Cavadas aye, Mr. Figueiredo aye.

In pursuance to notice duly published, the Clerk presented for consideration, as to second and final reading, providing for a preliminary study in connection with the Springfield Avenue, Vauxhall Redevelopment.

BOND ORDINANCE PROVIDING FOR A PRELIMINARY STUDY IN CONNECTION WITH THE SPRINGFIELD AVENUE, VAUXHALL REDEVELOPMENT, BY AND IN THE TOWNSHIP OF UNION, IN THE COUNTY OF UNION, STATE OF NEW JERSEY; APPROPRIATING \$30,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$15,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF

The Chairman announced public hearing on the said ordinance. There being no person present expressing the desire to be heard in this connection, it was

On motion of Mr. Terrezza, seconded by Mr. People, and carried, the Township Committee

RESOLVED, that the aforesaid ordinance be and the same is hereby passed on second and final reading.

Mr. Terrezza, aye, Mr. Florio, aye, Mr. People, aye, Ms. Cavadas aye, Mr. Figueiredo aye.

In pursuance to notice duly published, the Clerk presented for consideration, as to second and final reading, Providing for the 2016 Road Improvement Program.

BOND ORDINANCE PROVIDING FOR VARIOUS ROAD IMPROVEMENTS BY AND IN THE TOWNSHIP OF UNION, IN THE COUNTY OF UNION, STATE OF NEW JERSEY; AUTHORIZING THE ISSUANCE OF \$300,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF

The Chairman announced public hearing on the said ordinance. There being no person present expressing the desire to be heard in this connection, it was

On motion of Ms. Cavadas, seconded by Mr. People, and carried, the Township Committee

RESOLVED, that the aforesaid ordinance be and the same is hereby passed on second and final reading.

Mr. Terrezza, aye, Mr. Florio, aye, Mr. People, aye, Ms. Cavadas aye, Mr. Figueiredo aye.

In pursuance to notice duly published, the Clerk presented for consideration, as to second and final reading, amending Bond Ordinance Number 5328 to allow for the appropriation of grants.

BOND ORDINANCE AMENDING AND SUPPLEMENTING BOND ORDINANCE NUMBER 5328 (WHICH PROVIDES FOR VARIOUS ROAD IMPROVEMENTS AND WHICH WAS PREVIOUSLY AMENDED BY BOND ORDINANCE 5340) HERETOFORE FINALLY ADOPTED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UNION, IN THE COUNTY OF UNION, STATE OF NEW JERSEY, ON JANUARY 27, 2015, TO INCREASE THE APPROPRIATION THEREIN BY \$248,058 TO 3,898,058, TO PROVIDE FOR THE APPROPRIATION OF GRANTS AND OTHER CONTRIBUTIONS FOR THE PROJECT IN THE AMOUNT OF \$248,058 AND TO AMEND THE DESCRIPTION OF THE IMPROVEMENTS.

The Chairman announced public hearing on the said ordinance. There being no person present expressing the desire to be heard in this connection, it was

On motion of Ms. Cavadas, seconded by Mr. Terrezza, and carried, the Township Committee

RESOLVED, that the aforesaid ordinance be and the same is hereby passed on second and final reading.

Mr. Terrezza, aye, Mr. Florio, aye, Mr. People, aye, Ms. Cavadas aye, Mr. Figueiredo aye.

In pursuance to notice duly published, the Clerk presented for consideration, as to second and final reading, Amending Ordinance 3729 to add a handicap parking space in front of 301 Indiana Street.

AN ORDINANCE AMENDING THE DESIGNATION OF RESTRICTED PARKING SPACES FOR USE BY PERSONS WITH SPECIAL VEHICLE IDENTIFICATION CARDS, IN THE TOWNSHIP OF UNION, COUNTY OF UNION, NEW JERSEY. (This ordinance creates a handicap spot in front of 301 Indiana Street)

The Chairman announced public hearing on the said ordinance. There being no person present expressing the desire to be heard in this connection, it was

On motion of Mr. People, seconded by Ms. Cavadas, and carried, the Township Committee

RESOLVED, that the aforesaid ordinance be and the same is hereby passed on second and final reading.

Mr. Terrezza, aye, Mr. Florio, aye, Mr. People, aye, Ms. Cavadas aye, Mr. Figueiredo aye.

The Clerk presented draft of an ordinance amending Chapter 266-59 Schedule XVIII entitled "Time Limit Parking" and Chapter 266-66 Schedule XXV entitled Parking by Permit Only (This ordinance applies to a portion of Commerce Avenue).

On motion of Ms. Cavadas, seconded by Mr. Terrezza, and carried, the Township Committee,

RESOLVED, that the said draft of ordinance be received, approved, and that the same be taken up on first reading by title.

AN ORDINANCE AMENDING CHAPTER 266-59 SCHEDULE XVIII ENTITLED "TIME LIMIT PARKING" AND CHAPTER 266-66 SCHEDULE XXV ENTITLED "PARKING BY PERMIT ONLY" BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UNION, COUNTY OF UNION, STATE OF NEW JERSEY (This ordinance applies to a portion of Commerce Avenue)

On motion of Mr. Terrezza, seconded by Ms. Cavadas, and carried on roll call, the Township Committee,

RESOLVED, that the aforesaid ordinance be and the same is hereby passed on first reading, and

FURTHER RESOLVED, that the aforesaid ordinance be considered as to second and final reading, at a meeting to be held on September 8, 2015.

Mr. Terrezza, aye, Mr. Florio, aye, Mr. People, aye, Ms. Cavadas aye, Mr. Figueiredo aye.

RESOLUTIONS:

On motion of Mr. Terrezza, seconded by Mr. Florio, and carried, the Township Committee moved the adoption of **Resolution No. 2015-256:**

WHEREAS; The New Jersey Department of Transportation has proposed the replacement of the structurally deficient Route 82 Morris Avenue Bridge in the Townships of Union and Springfield in the County of Union; and

WHEREAS; the Department has proposed to replace the current bridge with a high level fixed structure and provide a sufficient detour of traffic as discussed with Township officials.

NOW, THEREFORE, BE IT RESOLVED THAT THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UNION IN THE COUNTY OF UNION hereby approves the replacement of the Rt. 82 Morris Avenue Bridge in the Townships of Union and Springfield and the sufficient detour of traffic.

On motion of Ms. Cavadas, seconded by Mr. Terrezza, and carried, the Township Committee moved the adoption of **Resolution No. 2015-257:**

WHEREAS, the County of Union purchased Automatic License Plate Readers for the Township of Union Police Department from General Sales Administration, Inc. t/a Major Police Supply; and

WHEREAS, as part of the agreement, a maintenance agreement covering hardware, technical support, software upgrades and updates to 3M's OCR engine for enhanced plate detection is required and has been paid by the County for one year; and

WHEREAS, it is now the responsibility of the Township to continue the maintenance agreement with General Sales Administration, Inc. t/a/ Major Police Supply; and

WHEREAS, General Sales Administration, Inc. t/a Major Police Supply is qualified to maintain said system under State Contract No.80311; and

WHEREAS, funds are available from the 2015 budget for the payment of the services General Sales Administration, Inc. t/a Major Police Supply and the availability thereof has been certified by the Local Finance Officer; not to exceed \$4,560.00 and will be encumbered to 5-01-25-240-292; and

WHEREAS, the Local Public Contracts Law provides that an exemption may be made for the provision or performance of goods or services for the support or maintenance of proprietary computer hardware and software, (N.J.S.A. 40A:11-5dd).

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

1. The Chairman of the Township Committee and the Township Clerk be and they are hereby authorized and directed to enter into an agreement with General Sales Administration, Inc. t/a Major Police Supply, 47 N. Dell Ave., Kenvil, NJ 07847 to provide the services hereinabove mentioned, and that such an agreement shall be made part of this resolution.
2. A notice of this action be published in the Local Source.

On motion of Mr. Terrezza, seconded by Mr. Florio, and carried, the Township Committee moved the adoption of **Resolution No. 2015-258**:

WHEREAS, the Township of Union has filed a Declaratory Judgment Action in the Superior Court of New Jersey Union County in furtherance of the Supreme Court's March 10, 2015 decision captioned In re Adoption of N.J.A.C. 5:96 & 5:97 by N.J. Council on Affordable Housing, 221 N.J. 1 (2015) (the "Supreme Court Decision"); and

WHEREAS, Fair Share Housing Center ("FSHC"), through the services of David Kinsey, has prepared what it considers to be the statewide fair share numbers (the "FSHC Numbers") for use by the 15 vicinage Mt. Laurel Judges to calculate a municipality's affordable housing obligation pursuant to the Supreme Court Decision; and

WHEREAS, the Township of Union desires to participate in the preparation of a statewide fair share analysis to be undertaken by Rutgers, The State University of New Jersey ("Rutgers"), through Dr. Robert W. Burchell, Principal Investigator, and various other experts employed by Rutgers in order to establish a rational and reasonable methodology (the "Burchell Fair Share Analysis") for determination of a municipality's obligation to provide a realistic opportunity through its land use ordinances for its fair share of the region's affordable housing needs in accordance with the Mount Laurel Doctrine as set forth in In the Matter of the Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing, 221 N.J. 1 (2015) ("Decision") and prior decisions of the Courts of New Jersey, and the Fair Housing Act, N.J.S.A. 52:27D-301 et. seq.; and

WHEREAS, Rutgers, utilizing Dr. Burchell as the Principal Investigator and author has agreed to prepare the Burchell Fair Share Analysis within 90 days of being retained to establish his view of the proper way to determine each municipality's fair share obligation; and

WHEREAS, Dr. Burchell estimates the cost to prepare the initial Burchell Fair Share Analysis will be \$70,000; and

WHEREAS, it is anticipated that there will be a need for Dr. Burchell to analyze any challenges to his conclusions and prepare a rebuttal report to said challenges which is not included in the \$70,000; and

WHEREAS, it is anticipated that if each municipality contributes \$2,000, there will be sufficient monies to pay the cost to prepare the initial Burchell Fair Share Analysis, to analyze any challenges to the Initial Fair Share Analysis and to Prepare A Rebuttal Report given the number of municipalities that have expressed an interest in retaining Burchell; and

WHEREAS, a Municipal Shared Services Defense Agreement (hereinafter MSSDA"), has been prepared (a) so that monies can be collected to enter into an agreement with Rutgers (hereinafter "the Rutgers Agreement") and so that Burchell, along with various other experts from Rutgers, can perform the tasks described above and (b) so that the rights and responsibilities of each municipality that wishes to sign the agreement to retain Rutgers are defined; and

WHEREAS, the MSSDA provides that the Law Offices of Jeffrey R. Surenian and Associates, LLC ("Surenian") will serve as the administrative

entity to sign the Rutgers agreement on behalf of the municipalities that signed the MSSDA and paid the \$2,000 fee; and
WHEREAS, it is imperative given the time constraints for municipalities that wish to retain Burchell to sign the MSSDA and pay the \$2,000 fee so that Burchell can conduct the necessary analysis; and
WHEREAS, notwithstanding the foregoing, it is possible that the MSSDA may need to be changed as a result of ongoing negotiations with the Rutgers agreement following execution of the MSSDA and the payment of the \$2,000 fee; and
WHEREAS, in such an event, any member that objects to the changes that Rutgers may require shall have the opportunity to relinquish membership in the Municipal Group and to receive back the \$2,000 payment as more specifically set forth in the MSSDA.
NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Union, as follows:

1. The terms and conditions of the MSSDA attached hereto are hereby approved, ratified and confirmed.
2. The amount of \$2,000 is hereby authorized to be expended by the Township of Union for Rutgers through Dr. Robert Burchell, Principal Investigator to prepare the Burchell Fair Share Analysis.
3. A certification of funds authorizing the aforesaid expenditure has been signed by the Chief Financial Officer of the Township of Union.
4. The Township of Union be and is hereby authorized to execute the aforesaid MSSDA to memorialize the participation of the Township of Union in the preparation of the Burchell Fair Share Analysis and to take any and all actions reasonably required to effectuate said Agreement..
5. The Township of Union hereby authorizes Jeffrey R. Surenian, Esq. to execute on behalf of the Township of Union the Research Agreement with Rutgers to initiate and complete Burchell Fair Share Analysis and to do such other actions to effectuate the purposes of said Research Agreement.
6. If further changes to the MSSDA are needed as a result of finalizing the Rutgers Agreement, within ten (10) days of notification by Surenian of the changes, the Township of Union will inform Surenian if it objects to the changes and wishes to withdraw from the Municipal Group and obtain a refund of the \$2000 it paid.
7. This Resolution shall take effect immediately.

On motion of Mr. Terrezza, seconded by Ms. Cavadas, and carried, the Township Committee moved the adoption of **Resolution No. 2015-259:**

WHEREAS, the Township of Union in the County of Union is in need of purchasing and repairing landscaping equipment for the Public Works department, and
WHEREAS, this can be purchased through P&P Lawnmowers Inc., 1970 Springfield Avenue, Maplewood, NJ 07040 at their low quote of \$9,000.00; and
WHEREAS, the availability of funds has been certified by the Local Finance Officer in the amount of \$9,000.00 and will be charged to 5-01-26-310-227.
NOW THEREFORE BE IT RESOLVED that the Township Committee of the Township of Union hereby authorizes said purchases and repairs.

On motion of Ms. Cavadas, seconded by Mr. Florio, and carried, the Township Committee moved the adoption of **Resolution No. 2015-260:**

WHEREAS, Preliminary & Final Site Plan Approval with Variance Relief

for 2345 ROUTE 22 INVESTORS LLC Block 3304, Lots 2 and 3 was granted by the Planning Board of the Township of Union through a resolution granted on April 23, 2015; and

WHEREAS, in accordance with Chapter 170, Land Use Code of the Township of Union, Performance Guarantees are required in connection with the Public Facilities work to be performed under said Site Plan; and

WHEREAS, it has been determined that the cost of the improvements required for said Site Plan is in the amount of \$51,962.75 and the total amount of the Performance Guarantee shall be \$62,355.30 in an amount equal to one hundred twenty percent (120%) of the cost of improvements; and

WHEREAS, the Township Committee has examined the items constituting the above figure as the same set forth in the applicant's construction cost estimate and reviewed by Joseph R. Venezia, P.E., P.P., Township Engineer; and

WHEREAS, said Township has determined that in accordance with Sections 170-243 and 170-245 of the Land Development Ordinance and the Municipal Land Use Law (M.L.U.L.) that the guarantee should be posted in the following manner:

- A. Performance Bond in the amount of 90% of the Performance Guarantee \$56,119.77
- B. A cash deposit in the amount of 10% of the Performance Guarantee \$ 6,235.53
- C. Establishment of a Special Trust Fund Account for inspection & testing in the amount of 5% of the Cost of Improvements \$ 2,598.14

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Union in the County of Union that the Performance Guarantee in connection with the application pertaining to property of 2345 ROUTE 22 INVESTORS LLC be fixed at the aforesaid sums and posted as hereinabove indicated, the application being identified as Planning Board No. 2015-05 UTP-007.

On motion of Mr. Terrezza, seconded by Mr. Florio, and carried, the Township Committee moved the adoption of **Resolution No. 2015-261:**

WHEREAS, the Township of Union Police Department needs to purchase school zone flashing beacon systems for the safety of students; and

WHEREAS, Signal Control Products, 199 Evans Way, Branchburg, NJ 08876 is a qualified vendor under State Contract No. 87152; and

WHEREAS, funds will be available from the 2015 budget for the payment to Signal Control Products and the availability thereof has been certified by the Local Finance Officer; not to exceed \$9,758.00 and will be encumbered to C-04-55-511-599; and

WHEREAS, N.J.A.C. 5:34-1.2 provides that any local contracting unit purchasing, pursuant to N.J.S.A. 40A: 11-12, materials supplies or equipment under a contract entered into by the State Division of Purchase and Property shall authorize the award of such contract by resolution of the governing body; and

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee in the Township of Union in the County of Union hereby authorizes said purchase.

On motion of Ms. Cavadas, seconded by Mr. People, and carried, the Township Committee moved the adoption of **Resolution No. 2015-262:**

WHEREAS, the Township of Union is qualified as an entitlement community pursuant to the provision of the Union Housing and Community Development Act of 1974 and is receiving Federal financial assistance pursuant to such Act; and

WHEREAS, the Township Housing and Community Development

application included a provision for the following various nonprofit entities:

Hospice Care for the Terminally – Center for Hope Hospice, 1900 Raritan Road, Scotch Plains, NJ 07075 -\$5,000.30

Homemaker Services – Jewish Family Services, 655 Westfield Ave., Elizabeth, NJ 07028 - \$4,500.00

Companion Aide Project – Union Township Community Action Organization-2410 Springfield Ave., Vauxhall, NJ 07088 - \$10,000.00

Day Care Program Infants & Toddlers - Union Township Community Action Organization, 2410 Springfield Ave., Vauxhall, NJ 07088 -\$43,430.00

Public Address System- YM/YWHA of Union County, 501 Green Lane, Union, NJ 07083 - \$566.55

Adult Day Services – YMCA of Easter Union County W.I.S.E. Adult Day Services, 2095B Berwyn St., Union, NJ 07083 - \$5,992.75

2015 CDBG Road Reconstruction-Astoria Place – Township of Union, 1976 Morris Ave., Union, NJ 07083 - \$98,100.00

WHEREAS, funds will be available from the grant of the Federal Government; and

WHEREAS, under the Local Public Contracts Law and the regulation promulgated pursuant to the Housing and Community Development Act of 1974, the contract hereinafter authorized may be entered into without competitive bidding; and

WHEREAS, however, the awarding of said contract must be publicly advertised; and

WHEREAS, the availability of said funds has been certified by the Local Finance Officer; and

WHEREAS, the Local Public Contracts Law N.J.S.A. 40A:11-1 et seq. requires that the resolution authorizing the award of contracts for “professional services” without competitive bids and the contract itself must be available for inspection;

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Union in the County of Union as follows:

The Chairman of the Township Committee and the Township Clerk be and they are hereby authorized and directed to enter into a contract with the organizations above named for the activities set forth in the contract between said organization and the Township and that through the Office of Community Development the Township will pay to said organization the amount in accordance with each said contract.

These contracts are awarded without competitive bidding in accordance with the Local Public Contracts Law.

Notice of the awarding of these contracts shall be printed in the Local Source.

On motion of Mr. Terrezza, seconded by Mr. Florio, and carried, the Township Committee moved the adoption of **Resolution No. 2015-263**:

WHEREAS, the alcoholic beverage licensees listed below hereto have filed applications for renewal of said licenses for the year July 1, 2015 through June 30, 2016; and

WHEREAS, proper and due investigation has been made of each of said licensees, and;

WHEREAS, there appears to be no objection to the renewal of said licenses, and

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Union in the County of Union that in accordance with N.J.S.A. 33-1 et seq. that the licensee of each of said licenses appearing below be and they are hereby renewed for the year July 1, 2015 through June 30, 2016.

Club Licenses:

2019-31-077-001 Michael A. Kelly Post t/a VFW Hall

Consumption with Broad Package License:

2019-32-021-005 Union Plaza Diner t/a Union Plaza Diner
2019-32-037-002 Tiffany Gardens Restaurant II,
Inc. t/a Tiff's Burger & Ale House

Consumption License:

2019-33-046-008 E&G Soppo, LLC t/a Abuja International
Restaurant
2019-33-052-005 S & H Bar t/a CC Mugs
2019-33-054-004 FGK Diner, LLC t/a Mark Twain Diner
2019-33-064-003 Mikros Brothers & Assoc. t/a Huck Finn Diner
2019-33-065-005 Beniak Enterprizes, Inc. t/a Benitos Restaurant

Distribution License:

2019-44-008-003 Cap N. Cork Liquors t/a Cap-N-Cork
2019-44-020-003 Tri-M Corp. t/a Park Liquors

BE IT FURTHER RESOLVED that the Township Committee of the Township of Union, hereby authorizes said renewal effective July 1, 2015 by the following vote:

Mr. Florio, aye; Mr. Terrezza, aye; Mr. People, aye, Ms. Cavadas, aye; Mr. Figueiredo, aye.

On motion of Mr. Terrezza, seconded by Mr. Florio, and carried, the Township Committee moved the adoption of **Resolution No. 2015-264:**

WHEREAS, the Township of Union in the County of Union is in need of purchasing a MAINTENANCE AGREEMENT for the maintenance of the Edmunds software; and

WHEREAS, Edmunds Associates, Inc., 301 A Tilton Road, Northfield, NJ 08225 is qualified to maintain said system; and

WHEREAS, the availability of funds in the 2015 Municipal Budget has been certified by the Local Finance Officer in the amount of \$56,000.00 and will be charged to 5-01-20-145-279, 5-01-31-452-254 and 5-07-55-500-591; and

WHEREAS, the Local Public Contracts Law provides that an exemption may be made for the provision or performance of goods or services for the support or maintenance of proprietary computer hardware and software, (N.J.S.A. 40A:11-5dd)

NOW THEREFORE BE IT RESOLVED that the Township Committee of the Township of Union hereby authorizes said purchase.

On motion of Mr. People, seconded by Ms. Cavadas, and carried, the Township Committee moved the adoption of **Resolution No. 2015-265:**

WHEREAS, the Township of Union in the County of Union is in need of purchasing road materials (asphalt), and

WHEREAS, these can be purchased through the Union County Cooperative Pricing Council with Weldon Materials, 141 Central Avenue, Westfield, NJ 07090

WHEREAS, the availability of funds has been certified by the Local Finance Officer in the amount of \$125,000.00 and will be charged to 5-01-26-290-232; and

WHEREAS, public bids are not required when the purchase is under Joint Purchasing Agreements in accordance with 40A: 11-10 of the Local Public Contracts Law.

NOW THEREFORE BE IT RESOLVED that the Township Committee of the Township of Union hereby authorizes said purchase.

On motion of Mr. Florio, seconded by Mr. Terrezza, and carried, the Township Committee moved the adoption of **Resolution No. 2015-266:**

WHEREAS, N.J.A.C. 5:34-4.9 provides for the establishment of open-end contracts; and

WHEREAS, N.J.A.C. 5:34-1.2 provides that any local contracting unit

purchasing, pursuant to N.J.S.A. 40A: 11-12, materials supplies or equipment under a contract entered into by the State Division of Purchase and Property shall authorize the award of such contract by resolution of the governing body; and

WHEREAS, the Township of Union purchases FIREFIGHTER PROTECTIVE CLOTHING AND EQUIPMENT from Quaker Safety Products Union Fire Equipment Corporation, 2515 Vauxhall Road, PO 1786, Union, New Jersey 07083, State Contract No. 80950; and

WHEREAS, said purchases will exceed the bid threshold of \$40,000.00 for 2015; and

WHEREAS, the Township Committee previously authorized Resolution No. 2015-39 in the amount of \$25,000.000 and Resolution No. 2015-225 in the amount of \$30,000.00 and it is necessary to increase that amount by an additional \$20,000.00 for a total amount not to exceed \$75,000.00.

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Union, in the County of Union, hereby amends Resolution No. 2015-39 increasing the amount to Union Fire Equipment Corporation, 2515 Vauxhall Road, P.O. 1786, Union, New Jersey 07083, State Contract No. 80950; pursuant to N.J.A.C. 5:34-4.9, open-end contracts; and

BE IT FURTHER RESOLVED, pursuant to N.J.A.C. 5:34-5, the Purchasing Agent shall obtain a Certificate of Availability of Funds for purchases under this State Contract, not to exceed a total amount of \$75,000.00 and shall be encumbered to 265-222 (Fire).

On motion of Mr. Terrezza, seconded by Mr. Florio, and carried, the Township Committee moved the adoption of **Resolution No. 2015-267**:

WHEREAS, on February 24, 2015, the Township of Union awarded a contract to Reivax Contracting Corp., 356 Thomas Street, Newark, New Jersey 07114 for the 2014 Road Improvement Program inclusive of the Base Bid (\$744,542.70) and Alternate A Doris Avenue (\$533,476.80) for a total contract amount of \$1,278,019.50; and

WHEREAS, the Township Committee approved Change Order No. 1 to reflect a reduction in as-built quantity Items 17, 21 and 22 in the amount of \$7,500.00 and an increase in Supplementary Item S-1 in the amount of \$7,500.00 for a net change order amount of \$0.00 for a total contract amount of \$1,278,019.50 that has been reviewed and approved by the Township Engineer; and

WHEREAS, the Township Committee approved Change Order No. 2 to reflect a reduction in as-built quantity Items 12, 18, 19 and 20 in the amount of \$7,675.00 and an increase in Supplementary Item S-1 in the amount of \$7,675.00 for a net change order amount of \$0.00 for a total contract amount of \$1,278,019.50 reviewed and approved by the Township Engineer; and

WHEREAS, Reivax Contracting Corp. has submitted Change Order No. 3 to reflect a reduction in as-built quantity Items 8 and 10 in the amount of \$29,179.00 and an increase in Supplementary Item S-3 for sanitary sewer work at Liberty Avenue and Lori Court in the amount of \$29,179.00 resulting in a net change order of \$0.00 for a total contract amount of \$1,278,019.50 reviewed and approved by the Township Engineer; and

WHEREAS, the Chief Financial Officer has certified that funds are available in Ordinance No. 5328 to pay for said change order resulting in net change of \$0.00 for a total contract amount of 1,278,019.50

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Union, in the County of Union, State of New Jersey, hereby authorizes Change Order No.3 resulting in a net change of \$0.00 to the contract with Reivax Contracting Corp. for a total contract amount of \$1,278,019.50.

On motion of Ms. Cavadas, seconded by Mr. People, and carried,

the Township Committee moved the adoption of **Resolution No. 2015-268**:

WHEREAS, on March 10, 2015, the Supreme Court ruled that COAH has failed to act and as a result, the Courts will be assuming jurisdiction over the Fair Housing Act; and

WHEREAS, on August 24, 2010, COAH determined that the Township of Union had satisfied all conditions necessary to grant 3rd Round Substantive Certification, and granted 3rd Round Substantive Certification in September 2010 thus implementing the Housing Element and Fair Share Plan; and

WHEREAS, the plan relies upon an affordable housing trust fund to support affordable housing development in the Township and the Township has established and maintains such a trust fund in accordance with COAH requirements; and

WHEREAS, the Township was required to file for a Declaratory Judgment during a thirty-day window (June 8 to July 7, 2015) in order to alert the Court of the Township's wishes to comply with the constitutional mandate to provide affordable housing; and

WHEREAS, since the time of the Township's filing, the Township has received challenges from interveners through the Court; and

WHEREAS, the Township received a proposal dated August 21, 2015 from Maser Consulting P.A. in connection with Professional Planning services necessary to assist the Township in the filing of court documents and other support services as may be necessary to address said challenges for a fee not-to-exceed \$7,500.00; and

WHEREAS, funds are available in the township's developer's fee account to compensate the person or firm selected to advise the Township Committee in connection with the foregoing; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40a:11-1) et. Seq. requires that the Resolution authorizing the award of Contracts for "Professional Services" without competitive bids must be available for public inspection.

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

1. The Chairman of the Township Committee and the Township Clerk are hereby authorized and directed to enter into an agreement with Maser Consulting P.A. to provide services as described in Maser Consulting, P.A. proposal dated August 21, 2015 for a fee of \$7,500.00.
2. This Contract is awarded without competitive bidding as a Professional Service in accordance with 40a:11-5(1)(a) of the Local Public Contracts Law, because the said Maser Consulting, P.A. is authorized to practice as a recognized profession.
3. The contractor agrees to comply with all affirmative action Regulations pursuant to N.J.S.A. 10:21-1 et seq. (p.l. 1975 C. 127. NJAC 17:27).
4. A notice of this action shall be published in the Local Source.

On motion of Mr. Terrezza, seconded by Mr. Florio, and carried, the Township Committee moved the adoption of **Resolution No. 2015-269**:

WHEREAS, the Township of Union received four (4) bids on August 18, 2015 in connection with the Springfield and Milltown Roads Intersection Improvement Program project following a public advertisement in the Newark Star Ledger on August 4, 2015; and

WHEREAS, Fai-Gon Electric, Inc., 140 11th Street, Piscataway, New Jersey 08854 was the responsive, low bidder with a total base bid amount of \$364,012.00; and

WHEREAS, the Township Engineer has reviewed the bid and issued a recommendation of award letter dated August 21, 2015 for Fai-Gon, Inc., being the responsive, low bidder, in the amount of \$364,012.00 subject to availability of funds; and WHEREAS, the availability of said funds has

been certified by the Chief Financial Officer; and WHEREAS, the aforementioned bid complies with the New Jersey Local Public Contracts Law requirements. NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Union in the County of Union that the Contract for said Intersection Improvements at Springfield Road and Milltown Road in the amount of Three Hundred Sixty-Four Thousand, Twelve Dollars, and 00/100 Dollars [\$364,012.00] be and the same is hereby awarded to Fai-Gon Electric, Inc., 140 11th Street, Piscataway, New Jersey 088540 in accordance with all bid specifications and requirements.

On motion of Ms. Cavadas, seconded by Mr. Florio, and carried, the Township Committee moved the adoption of **Resolution No. 2015-270**:

WHEREAS, the Township of Union will be cooperating with the County of Union on the usage and sharing of the Union County First Alert System that has been paid for by a Homeland Security Grant for Domestic Preparedness; and

WHEREAS, the Township of Union and the County of Union will enter into a Memorandum of Understanding to memorialize the cooperation between them for various issues; and

WHEREAS, the Mayor is hereby authorized to execute the attached Memorandum of Understanding with the County of Union.

NOW, THEREFORE BE IT RESOLVED, that the Governing Body of the Township of Union, County of Union, hereby authorizes the Mayor to execute a Memorandum of Understanding with the County of Union.

On motion of Mr. Terrezza, seconded by Mr. Florio, and carried, the Township Committee moved the adoption of **Resolution No. 2015-271**:

WHEREAS, it has been found necessary by the Township of Union to make a Special Emergency Appropriation to meet certain extraordinary expenses incurred, or to be incurred due to contractually required severance liabilities resulting from the layoff and/or retirement of Township employees; and

WHEREAS, the Township Committee has on August 25, 2015, adopted Ordinance No. 5347, authorizing a Special Emergency Appropriation in the amount of \$2,000,000.00 for the payment of contractually required severance liabilities, in and by the Township of Union; and

WHEREAS, N.J.S.A. 40A:4-53 provides that it shall be lawful to make such appropriation, which appropriation and/or the "special emergency notes" issued to finance the same shall be provided for in succeeding annual budgets by the inclusion of an appropriation of at least one-fifth of the amount authorized pursuant to this act.

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Union in accordance with the provisions of N.J.S.A. 40A:4-55:

1. A special emergency appropriation be and the same is hereby made for Severance Liabilities for Payment of Accrued Vacation and Sick Time in the total amount of \$2,000,000.00.
2. The total amount per ordinance is for \$2,000,000.00 and the Township Committee hereby requests that an exclusion from the "Cap" be granted by the Director of the Division of Local Government Services in accordance with P.L. 1981 Chapter 56 in the amount of \$400,000.00 per year in the budgets of the next five succeeding years commencing with the budget of calendar year 2016 in accordance with N.J.S.A. 40A:4-55(c).
3. That a special emergency note or notes be authorized not in excess of \$2,000,000.00 the amount appropriated by ordinance as stated above.
4. Such notes are hereby authorized to be issued pursuant to the Ordinance and this resolution and shall be negotiable notes payable to bearer, or registered notes, and shall bear interest at a rate per annum

within the limitations prescribed by law, and such interest shall be payable at the maturity of such notes. The notes shall be dated on or about the date of their issuance and may be renewed from time to time, but at least 1/5 of the total amount of notes hereby authorized, and the renewals thereof, shall mature and be paid in each year, so that all notes and renewals shall have matured and have been paid not later than the last day of the fifth year following the date of this resolution. The issuing officers are authorized to provide that the notes may be redeemable at the option of the Township.

5. The Chairman of the Township Committee and the Chief Financial Officer are hereby authorized to execute said notes, and the Township Clerk is hereby authorized to affix the seal of the Township to such notes and to attest such seal and said notes, and said officers are hereby authorized to issue said notes in such form as they may adopt in conformity with law and to recite therein that all requirements and conditions of law have been complied with in the issuance of said notes, and that said notes are within every debt and other limit prescribed by the Constitution or statutes of New Jersey.

6. The Chief Financial Officer is hereby authorized to sell said notes and any renewals thereof from time to time, at not less than par and accrued interest and to determine within the limitations prescribed by this resolution, the date, principal amount, maturity date, and denomination of said notes, and the rate of interest said notes shall bear and to deliver such notes upon receiving the purchase price to be paid therefor.

7. The Township Committee hereby designates the Special Emergency Notes as "qualified tax-exempt obligations" for the purpose of Section 265(b)(3) of the Internal Revenue Code of 1986, as amended (the "Code"). It is hereby determined and stated that the Special Emergency Notes (1) are not "private activity bonds" as defined in the Code and (2) the Township and its subordinate entities, if any, do not reasonably anticipate issuing in excess of \$10 million of new money tax-exempt obligations (other than private activity bonds) during the calendar year 2011. The Township will, to the best of its ability, attempt to comply with respect to the limitations on issuance of tax-exempt obligations pursuant to Section 265(b)(3) of the Code; however, the Township does not covenant to do so, and expressly states that a covenant is not made hereby.

8. That two (2) certified copies of this Resolution will be filed with the Director of the Division of Local Government Services.

9. This resolution shall take effect immediately.

FINANCES:

On motion of Mr., seconded by Mr., and carried, the Township Committee authorized the payment of bills which are listed in the Permanent Claim's Register against the Township of Union, for the period August 25, 2015, approved by respective Departments as being correct.

The Clerk presented listing of "Adjustment of Taxes Receivable" submitted by the Collector of Taxes for remission, in pursuance to Revised Statutes.

On motion of Mr. Terrezza, seconded by Mr. Florio, and carried, the Township Committee,

RESOLVED, that the said listing be received and that in pursuance of the Collector's recommendation, he be and is hereby authorized to cancel of record the taxes enumerated in the listing as follows:

BLOCK/LOT	NAME	YEAR	AMOUNT	DEDUCTION
4411-28	Rosella Faniel	2015	\$7116.53	DV
4704-13.01	Franklin Prather	2015	\$2471.54	DV

4114-1	Kenneth Esdale	2010	\$8420.11	Tax Appeal
		2011	\$5795.30	Tax Appeal
3702-4	565 Rahway Ave.,LLC.	2014	\$7796.94	Tax Appeal
4214-16.01	2009-2013 Inc.	2013	\$4501.40	Tax Appeal
	c/o Philip Geron	2014	\$4580.93	Tax Appeal
<u>SEE ATTACHED LISTING</u>		2015	\$157,475.77	Cty Appeal
<u>OF REMISSIONS</u>				
<u>SEE ATTACHED LISTING</u>		2016	\$ 78,737.93	Cty Appeal
<u>OF REMISSIONS</u>				

On motion of Mr. Terrezza, seconded by Mr. Florio, and carried, the Township Committee,

RESOLVED, that refund of the following Tax over-payments be approved and payment authorized:

BLOCK/ LOT	NAME	YEAR	AMOUNT	
4411-28	Rosella Faniel	2015	\$ 2246.15	Refund/DV
		2015	\$ 2465.25	
4704-13.01	Franklin Prather	2015	\$ 892.19	Refund/DV
		2015	\$ 626.10	Refund/DV
		2015	\$ 276.90	Refund/DV
4114-1	Kenneth Esdale	2010	\$ 8420.11	Tax Appeal
		2011	\$ 5795.30	Tax Appeal
<u>Payable to: Bruce J. Stavitsky Esq. for benefit of Walgreens</u>				
3702-4	5 Rahway Ave., LLC.	2014	\$7796.94	Tax Appeal
<u>Payable to: Michael Vespasiano, Attorney Trust Account</u>				

On motion of Mr. Terrezza, seconded by Mr. Florio, and carried, the Township Committee,

RESOLVED, that the said communication be received, and

FURTHER RESOLVED, that the Township Treasurer be and is hereby authorized and directed to draw checks to cover Sewer overpayments.

RESOLVED, that refund of the following Sewer overpayments be approved and payment authorized:

BLOCK/ LOT	NAME	YEAR	AMOUNT
5106-6	Jetendra Sanichar	2015	\$ 50.00

On motion of Mr. Terrezza, seconded by Mr. Florio, and carried, the Township Committee,

RESOLVED, that the said communication be received, and

FURTHER RESOLVED, that the Township Treasurer be and is hereby authorized and directed to draw checks to cover overpayments.

On motion of Mr. Terrezza, seconded by Mr. Florio, and carried, the Township Committee authorized payment of Community Development Agency Bills in the amount of \$97,791.28

COMMUNICATIONS:

From: Terri Malanda, Tax Collector, Re: Requesting the Township Committee authorize checks issued to the following representing the redemption of tax sale certificates:

NAME	AMOUNT	CERT#	LOCATION
US Bank Cust	\$ 9,865.84	14-00152	128 Hunt Avenue
PC4 Firsttrust	\$ 3,000.00		
US Bank Cust/	\$ 1,539.23	14-00078	2132 Van Buren Pl

BV001 Trust	\$ 1,400.00		
MTAG Cust/ Alterna Fund, LLC	\$44,281.05	12-00022	242 Globe Avenue
US Bank Cust/ BV0001 Trust	\$14,500.00		
	\$16,024.73	14-00100	2561 Doris Avenue

On motion of Mr. Terrezza, seconded by Mr. Florio, and carried, the Township Committee moved to approve the request.

From: Joseph Venezia, Township Engineer, Re: Requesting payment to the following:

- A. Payment No. 4 in the amount of \$207,986.37 to Stilo Excavation, for work completed through August 7, 2015 in connection with the 2015 Road Improvement Program.
- B. Payment No. 4 in the amount of \$190,527.73 to Reivax Contracting Co., for work completed through August 18, 2015 in connection with the 2014 Road Improvement Program.

On motion of Ms. Cavadas, seconded by Mr. Terrezza, and carried, the Township Committee moved to approve the request.

From: Tyshiem Dasher, Golden Rule Lodge, Vauxhall, Re: Requesting Burkley Place at various intersections and Tebe Place and Waldorf Place be blocked off for their annual Community Day Event on September 5, 2015 between 12:00 PM and 5:00 PM.

On motion of Ms. Cavadas, seconded by Mr. People, and carried, the Township Committee moved to approve the request.

From: Melissa Samoilow, Director, Connecticut Farms Church Nursery School, Re: Requesting permission to hang two 4' x 5' banners announcing school registration from August 26, 2015 to September 26, 2015.

On motion of Mr. Terrezza, seconded by Mr. Florio, and carried, the Township Committee moved to approve the request.

From: Kathy Tomlinson, Resident, Re: Requesting permit parking on Oak Place.

On motion of Mr. Florio, seconded by Mr. Terrezza, and carried, the Township Committee moved to forward to the police department for review.

From: Angela Rizzi, Indian Motorcycle Re: Requesting permission to borrow 40 barricades for Wednesday, October 14, 2015 to Friday, October 16, 2015 from 9:00 AM to 6 PM.

On motion of Ms. Cavadas, seconded by Mr. People, and carried, the Township Committee moved to forward to the police department for review.

From: Matthew Sanagustin, World Tae Kwon Do Academy, 1070 Stuyvesant Ave., Re: Requesting permission to hang a 12' x 3.5' banner on the building to advertise the business.

On motion of Mr. Florio, seconded by Mr. People, and carried, the Township Committee moved to approve the request, subject to the removal of current signage.

From: Carla & Carlos Soares, Emily's Bakery, 962 Stuyvesant Ave., Re: Requesting permission to hang an 8' x 2' banner advertising that the

bakery is under new management.

On motion of Ms. Cavadas, seconded by Mr. Florio, and carried, the Township Committee moved to approve the request for a period of 30 days.

On motion of Mr. Terrezza, seconded by Mr. People, and carried, the Township Committee directed the reports be received for filing

**DEPARTMENT REPORTS:
MONTHLY REPORTS:**

Clerk's Office
Purchasing Office
Community Development
Municipal Court

Senior Services
Engineering Department
Fire Department
Police Department

COMMITTEE REPORTS:

MR. FLORIO:

- Mr. Florio congratulated World War II Veteran Ralph Vincelli on receiving the Mayor's Award.
- Mr. Florio congratulated all the award winners and also JAG Physical Therapy for being chosen Business of the Month.
- Mr. Florio congratulated all those Firemen and Police Officers receiving promotions and being appointed.
- Mr. Florio presented his monthly report from the Fire Department.

MR. TERREZZA:

- Mr. Terrezza congratulated World War II Veteran Ralph Vincelli on receiving the Mayor's Award for his outstanding service for our country.
- Mr. Terrezza congratulated all the award winners and also JAG Physical Therapy for being chosen Business of the Month.
- Mr. Terrezza congratulated all those Firemen and Police Officers receiving promotions and being appointed.
- Mr. Terrezza presented his monthly report from the Recreation Department.
- Mr. Terrezza presented his monthly report from the Senior Citizens Department.

MR. PEOPLE:

- Mr. People congratulated World War II Veteran Ralph Vincelli on receiving the Mayor's Award for his outstanding service for our country.
- Mr. People congratulated all the award winners and also JAG Physical Therapy for being chosen Business of the Month.
- Mr. People congratulated all those Firemen and Police Officers receiving promotions and being appointed.
- Mr. People presented the monthly report from the Police Department.

SUZETTE CAVADAS:

- Ms. Cavadas presented the monthly report from the Department of Public Works.
- Ms. Cavadas congratulated World War II Veteran Ralph Vincelli on receiving the Mayor's Award for his outstanding service for our

- country.
- Ms. Cavadas congratulated all the award winners and also JAG Physical Therapy for being chosen Business of the Month.
 - Ms. Cavadas congratulated all those Firemen and Police Officers receiving promotions and being appointed.

MR. FIGUEIREDO:

- Mr. Figueiredo congratulated World War II Veteran Ralph Vincelli on receiving the Mayor's Award for his outstanding service for our country.
- Mr. Figueiredo congratulated all the award winners and also JAG Physical Therapy for being chosen Business of the Month.
- Mr. Figueiredo congratulated all those Firemen and Police Officers receiving promotions and being appointed.
- Mr. Figueiredo thanked all the sponsors for the Township's Concert Series for 2015.
- Mr. Figueiredo commended and thanked all those who helped make "Night Out Against Crime" the huge success it has become.

PUBLIC HEARING:

Charles Donnelly, Reinhold Terrace, complaining about a traffic light knocked down from an accident that was not replaced as of yet.

Mr. Donnelly would like the Police Department to conduct a traffic study on Tucker Avenue for speeding vehicles.

Mr. Donnelly voiced a complaint about a vacant lot at the intersection of Colonial Avenue and Chestnut Street that is leased to a contractor to park heavy duty equipment.

There being no further business presented, the Township Committee on motion of Mr. Terrezza, seconded by Mr. Florio, and carried, adjourned the meeting, the time being 8:52 P.M.

Dated: August 25, 2015

MANUEL FIGUEIREDO, Chairman
of the Township Committee
of the Township of Union
in the County of Union.

EILEEN BIRCH, Township Clerk