

April 28, 2009

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 28th day of April, 2009 at 7:33 P.M. The meeting was called to order by Joseph Florio, Deputy 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, 2009, 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 and the Star Ledger. A copy of said Resolution is on file with the Clerk of the Township."

BOY SCOUT TROOP 65 FROM FRANKLIN SCHOOL WILL CONDUCT THE FLAG CEREMONY

Scoutmaster – Curt Bashford Assistant Scoutmaster – Glenn Dzedzic
Committee Chair – Theresa John

Ademola Adeoba	Scott Bashford
Michael Dzedzic	Michael Goldstein
George Olguin	William Ruggieri
Joshua Valera	

MRS. RESTIVO RECITED THE PRAYER.

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

Present: Joseph Florio, Vice Chairman
Peter Capodice
Brenda Restivo
Clifton People, Jr.

Absent: Anthony Terrezza, Chairman

BUSINESS OF THE MONTH:

Union Pork Store – Leszek & Bozena Jablonski

On motion of Mr. Capodice, seconded by Mr. People, and carried, the Township Committee moved to approve the Minutes of Meetings held on April 13, 2009, Executive and Conference and the Meetings held on April 14, 2009, Conference and Regular, as printed and distributed by the Clerk.

PUBLIC NOTICE:

High priority project for 5 roads within the Township of Union

In pursuance to notice duly published, the Clerk presented for consideration, as to second and final reading, an ordinance amending Chapter 170 of the Land Development Ordinance to include Article XXX “Riparian Buffer Conservation Zone”, as mandated by the NJDEP.

The said ordinance having been advertised and posted on the bulletin board in the Municipal Building in accordance with statutory requirements, it was

On motion of Mr. Capodice, seconded by Mrs. Restivo, and carried, the Township Committee,

RESOLVED, that the said ordinance, the title of which is hereinbelow set forth, be taken up on second reading.

The Clerk read:

THE REQUIREMENTS SET FORTH IN ARTICLE
XXX ARE CONSISTENT WITH THOSE FOUND
IN THE STATE OF NEW JERSEY’S STORMWATER
MANAGEMENT RULES, N.J.A.C. 7:8, THE FLOOD
HAZARD AREA CONTROL ACT RULES, N.J.A.C. 7:15.

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. Capodice, seconded by Mrs. Restivo, and carried, the Township Committee

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

Mrs. Restivo aye, Mr. Capodice, Mr. People aye, Mr. Florio aye
Mr. Terrezza absent.

In pursuance to notice duly published, the Clerk presented for consideration, as to second and final reading, an ordinance amending Chapter 170 of the Land Development Ordinance to include Article XXXI “Steep Slope Ordinance” as mandated by the NJDEP.

The said ordinance having been advertised and posted on the bulletin board in the Municipal Building in accordance with statutory requirements, it was

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

RESOLVED, that the said ordinance, the title of which is hereinbelow set forth, be taken up on second reading.

The Clerk read:

THE REQUIREMENTS SET FORTH IN THIS
ORDINANCE ARE CONSISTENT WITH THOSE
FOUND IN THE STATE OF NEW JERSEY'S
WATER QUALITY MANAGEMENT PLANNING
RULE (N.J.A.C.7:15).

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 Mrs. Restivo, 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.

Mrs. Restivo aye, Mr. Capodice, Mr. People aye, Mr. Florio aye
Mr. Terrezza absent.

In pursuance to notice duly published, the Clerk presented for consideration, as to second and final reading, an ordinance establishing a 2009 Calendar Year Cap Bank.

The said ordinance having been advertised and posted on the bulletin board in the Municipal Building in accordance with statutory requirements, it was

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

RESOLVED, that the said ordinance, the title of which is hereinbelow set forth, be taken up on second reading.

The Clerk read:

CALENDAR YEAR 2009 ORDINANCE TO ESTABLISH
A CAP BANK (N.J.S.A.40A-45.14)

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 Mrs. Restivo, and carried, the Township Committee

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

Mrs. Restivo aye, Mr. Capodice, Mr. People aye, Mr. Florio aye
Mr. Terrezza absent.

The Clerk presented draft of an ordinance amending Chapter 170, of the Land Development Ordinance, Article XXXII, Fees, Guaranties; Inspections.

On motion of Mr. Capodice, seconded by Mr. People, 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.

The Clerk read:

AMENDING TECHNICAL REVIEW FEES FOR
SUBDIVISION AND SITE PLAN APPLICATIONS.

Mrs. Restivo aye, Mr. Capodice, Mr. People aye, Mr. Florio aye
Mr. Terrezza absent.

On motion of Mr. Capodice, seconded by Mr. People, 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 June 9, 2009.

Mrs. Restivo aye, Mr. Capodice, Mr. People aye, Mr. Florio aye
Mr. Terrezza absent.

On motion of Mr. People, seconded by Mr. Capodice, and carried, the Township Committee moved the adoption of the following entitled Resolution:

Endorsing the submission of the Municipal Recycling Tonnage Grant Application to the NJDEP and designating the Recycling Coordinator to ensure the application is properly filed.

On motion of Mr. Capodice, seconded by Mr. People, and carried, the Township Committee moved the adoption of the following entitled Resolution:

Authorizing the Township Engineer to reject all bids received & re-advertise for new bids in connection with the Rotary Park Restoration Project.

On motion of Mr. People, seconded by Mrs. Restivo, and carried, the Township Committee moved the adoption of the following entitled Resolution:

Supporting Bill HR 1618, which would limit the size and weight of trucks traveling on major highways & bridges.

On motion of Mr. Capodice, seconded by Mr. People, and carried, the Township Committee moved the adoption of the following entitled Resolution:

Supporting Senate Bill 164 & Assembly Bill 1703,
permitting additional fines to landlords and tenants
for violating occupancy requirements.

On motion of Mrs. Restivo, seconded by Mr. People, and carried, the Township Committee moved the adoption of the following entitled Resolution:

Endorsing the submission of the Sustainable Jersey
Grant application and designating Sergio Panunzio,
Superintendent of Public Works to properly file said
application.

On motion of Mr. People, seconded by Mrs. Restivo, and carried, the Township Committee moved the adoption of the following entitled Resolution:

Authorizing a Professional Service Agreement with
PMK Group, for the Asbestos Abatement Project
Design, Contractor Selection & Project Monitoring
for the Union Public Main Library at a fee not to
exceed \$9,250.00.

On motion of Mr. Capodice, seconded by Mr. People, and carried, the Township Committee moved the adoption of the following entitled Resolution:

Authorizing a Professional Service Agreement with
Luongo Associates, P.A. for engineering services
for the additional mechanical expansion work
performed at the existing Union Public Main
Library at a fixed fee of \$7,000.00.

On motion of Mrs. Restivo, seconded by Mr. People, and carried, the Township Committee moved the adoption of the following entitled Resolution:

Authorizing Change Order No. 1, resulting in a
net change of zero dollars (\$0.00) to DeFino
Contracting, Co., for a total contract amount
not to exceed \$1,254,456.68 for the 2008 Road
Improvement Program – Contract 2.

On motion of Mr. Capodice, seconded by Mr. People, and carried, the Township Committee moved the adoption of the following entitled Resolution:

Amending Resolution No. 2009-86 increasing
the amount to Robert Varady, Esq., by \$5,000.00
for a revised total contract amount of \$10,000.00
for all Skate 22 litigation.

On motion of Mr. People, seconded by Mrs. Restivo, and carried, the Township Committee moved the adoption of the following entitled Resolution:

Authorizing an award of contract to Netrix Inc.,
for the Main Library Asbestos Abatement Project
at their low base bid not to exceed \$26,000.00.

Sealed bids were received in the Meeting Room at Municipal Headquarters, for the Main Library Asbestos Abatement Project

An award of contract to Netrix Inc., at their low base bid not to exceed \$26,000.00.

The Bids received and opened were as follows:

Netrix, Inc. 95 Berkshire Avenue Paterson, N.J. 07502	\$26,000.00
SMAC Corporation 27 East 33 rd Street Paterson, N.J. 07502	\$27,000.00
Paragon Contracting, Inc. 590 River Road Clifton, N.J. 07014	\$30,999.00
B&G Restoration, Inc. 105 Ryerson Road Lincoln Park, N.J. 07035	\$33,000.00
Abate Tech 30 Maple Avenue Lumberton, N.J. 08048	\$37,900.00
Lilich Construction Co. 606 McBride Avenue West Paterson, N.J. 07424	\$42,500.00
Orion Construction Group 14 Teak Road Wayne, N.J. 07470	\$48,900.00
Slavco Construction 164 Getty Avenue Clifton, N.J. 07013	\$56,300.00
Greenwood Abatement Consultants 268 Main Street Butler, N.J. 07405	\$67,000.00
Rici Corp. 41 Liberty Street Passaic, N.J. 07055	\$75,000.00

Philip Haderer, Township Engineer, T&M Associates reported that the bid of **Netrix Inc.**, was the low base bid and Mr. Haderer recommended that the award be made accordingly.

Clerk advised that approved Contract Award Certification forms from the C.F.O. are on file.

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

RESOLVED, that the contract for the Main Library Asbestos Abatement Project, be awarded to **Netrix Inc.**, at the bid price set forth in their sealed proposal, and that the Chairman and the Clerk be authorized to execute said contract.

On motion of Mr. People, seconded by Mr. Capodice, 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 April 28, 2009, 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. People, seconded by Mr. Capodice, 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
214/3	George Kalousis	2009	\$1,813.25	Veteran Exempt

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

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

BLOCK/ LOT	NAME	YEAR	AMOUNT
214/3	George Kalousis	2009	\$1,813.25

On motion of Mr. People, seconded by Mr. Capodice, 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.

The Tax Department recommended the refund of the following over-payment – "Sewer Utility Account":

BLOCK/ LOT	ACCT. #	NAME	YEAR	AMOUNT
5813/11.01	18648-0	Rizzo, Joseph & Rizzo, Joseph A. Jr.	2009	\$163.40

On motion of Mr. People, seconded by Mr. Capodice, 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. People, seconded by Mr. Capodice, and carried, the Township Committee authorized payment of Community Development Agency Bills in the amount of \$2,598.01

COMMUNICATION:

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

NAME	AMOUNT	CERT#	LOCATION
US Bank/Cust for Plymouth Park Tax Services	\$ 7,399.77 \$ 6,000.00	08-00036	8 Brunswick Ave
US Bank/Cust for Plymouth Park Tax Services	\$49,065.28 \$66,000.00	08-00006	1126 Grove Street

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

From: Wade Massey, Manager, Wal-Mart, 900 Springfield Road, Re: Requesting permission to hold sidewalk sales in front of the store for a total of eight (8) weekends May through August of 2009.

On motion of Mrs. Restivo, seconded by Mr. Capodice, and carried, the Township Committee moved to approve the request.

From: Joel Fox, Vespia Tire Center, 2250 Morris Avenue, Re: Requesting permission to hold a parking lot sale from June 19 through June 30, 2009 also requesting the use of a 20' x 20' tent, banners, flags and balloons.

On motion of Mr. People, seconded by Mr. Capodice, and carried, the Township Committee moved to grant permission.

From: Richard Malanda, Construction Code Official, Re: Requesting refunds to the following:

- A. American Tank Service \$62.00 for a permit issued for work never performed
- B. TLC Restoration \$10,000.00 demolition check for work successfully completed at 2274 Morrison Avenue

On motion of Mr. Capodice, seconded by Mrs. Restivo, and carried, the Township Committee moved to approve the request.

From: Steve Guglich, First Baptist Church of Union, 525 Thoreau Terrace, Re: Requesting permission to close Thoreau Terrace between Colonial Avenue & Crawford Terrace for their annual Vacation Bible School to be held July 6 through July 10, 2009.

On motion of Mrs. Restivo, seconded by Mr. People, and carried, the Township Committee moved to grant permission.

From: Highland Avenue Residents, Re: Requesting permission to have a Block Party on Saturday June 20, 2009.

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

From: Alfredo Rendeiro, Festival Coordinator, Portuguese American Civic Association, Re: Requesting permission to hang the Portuguese flag on the poles along Morris & Stuyvesant Avenues from May 26 until June 10, 2009.

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

From: Daniel Zieser, Police Director, Re: Recommending the following traffic requests:

- A. Amending Chapter 266-55 of the Municipal Code, entitled "Parking Prohibited at All Times" to delete a section of Liberty Avenue, northwest and add a section of Liberty Avenue, southwest
- B. Recommending against the request to change Oakwood Parkway from Oakland Avenue to Stuyvesant Avenue into a one-way street

On motion of Mr. Capodice, seconded by Mr. People, and carried, the Township Committee moved to concur with the recommendation from the Police Director and send request A. to Mr. Antonelli for the preparation of an appropriate ordinance.

From: Philip Haderer, Township Engineer, Re: Recommending payment no. 1 in the amount of \$68,013.23 to DeFino Contracting, Co., for work completed through April 20, 2009 on the 2008 Road Improvement – Contract 2 Program.

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

From: James G. Clarke, Bedrooms Unlimited, 2536 Route 22 East, Re: Requesting permission to utilize a 30' x 30' tent for their annual sale to be held May 29 through June 22, 2009.

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

From: Leonie Lewis, Team Manager, NJ Stingrays Swim Team, Re: Requesting permission to park approximately twenty (20) cars in Municipal Lot #12 from May 22 until May 25, 2009 while the team is at a swim meet in North Carolina.

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

From: Tino Rodrigues, Maxon, Hyundai, Mazda, 2329 Route 22 West, Re: Requesting permission to erect a 20' x 40' tent during the month of May.

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

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

DEPARTMENT REPORTS

MONTHLY REPORTS:

Municipal Court

COMMITTEE REPORTS:

MRS. RESTIVO:

Mrs. Restivo commended the Boy Scout Troop 65, Franklin School on the great job they did in reciting the Salute to the Flag.

Mrs. Restivo congratulated the Union Pork Store for being chosen Business of the Month.

Mrs. Restivo announced that the Grass Collection Program has begun and if any resident has any questions to call the Department of Public Works at 686-1922.

Mrs. Restivo urged residents to report potholes to the Department of Public Works.

Mrs. Restivo invited everyone to the Taste of Union, which will be held at the Senior Center on Thursday, April 30th from 6:00 P.M. to 8:00 P.M.

MR. PEOPLE:

Mr. People congratulated the Union Pork Store for being chosen Business of the Month.

Mr. People commended the Boy Scout Troop 65, Franklin School on the great job they did in reciting the Salute to the Flag.

Concerning a report of the Recreation Department for the month of March, 2009, indicating total fees received and activities in the month, Mr. People moved the report be accepted for filing.

The motion was seconded by Mr. People, and carried.

Mr. People invited everyone to the Taste of Union, which will be held at the Senior Center on Thursday, April 30th from 6:00 P.M. to 8:00 P.M.

MR. CAPODICE:

Mr. Capodice congratulated the Union Pork Store for being chosen Business of the Month.

Mr. Capodice commended the Boy Scout Troop 65, Franklin School on the great job they did in reciting the Salute to the Flag.

Concerning a report of the Police Department for the month of March, 2009, indicating total fees received and activities in the month, Mr. Capodice moved the report be accepted for filing.

The motion was seconded by Mr. People, and carried.

Mr. Capodice invited everyone to the Taste of Union, which will be held at the Senior Center on Thursday, April 30th from 6:00 P.M. to 8:00 P.M.

Applications for licenses were presented by Mr. Capodice, and none of the Township Committeemen voicing any conflict, he moved that the Township Committee approve the applications, as follows:

License applications to be approved:

OUTDOOR CAFÉ

Patio Café & Grill – 1899-1901 Morris Avenue
Mosaica Restaurant – 2933 Vauxhall Road

The motion was seconded by Mr. Florio, and carried.

MR. FLORIO:

Mr. Florio congratulated the Union Pork Store for being chosen Business of the Month.

Mr. Florio commended the Boy Scout Troop 65, Franklin School on the great job they did in reciting the Salute to the Flag.

Mr. Florio invited everyone to the Taste of Union, which will be held at the Senior Center on Thursday, April 30th from 6:00 P.M. to 8:00 P.M.

Mr. Florio was happy to report that crime has gone down in the Township and that this is due to aggressive police work.

Mr. Florio spoke briefly concerning the Swine Flu outbreak and various precautions to take to prevent its spread. Mr. Florio urged residents to call the Health Department at 851-8507 if they have any questions.

Mr. Florio reported that the Township Committee is diligently working on the budget and invited the residents to attend the budget meetings for a better understanding of how the process works.

MR. TERREZZA:

Mr. Terrezza was absent.

PUBLIC HEARING:

Roxanne Ciampi, Beechwood Avenue, questioned items no. 5 and 10 on the agenda. Mr. Panunzio responded to her questions.

Mrs. Ciampi stated that she has attended the budget hearings and feels that the Township Committee is doing a good job, however, is not in favor of using the pension deferral.

Ms. Santos, 954 Grandview Avenue, expressed concerns with the roadwork being done on her street. Ms. Santos questioned why the Committee did not put more money in the project to include curbing. She stated that the street is a mess and she cannot even get out of her car. Mr. Haderer explained the process to her and that it will look much different when it is completed.

Fred Frank, 979 Grandview Avenue, stated that letters should have been sent to the homeowners explaining what was going to be done on their street.

Rosa Vieira, 971 Grandview Avenue, complained about puddles in front of her home, she never had this before they dug up the road.

John Damato, Grandview Avenue, complained that the curbing needs to be replaced in front of his home and others. He stated that the street floods and the contractors are not doing a good job.

Mr. Florio invited Mr. Haderer and all the residents to convene in the Conference Room and discuss their issues.

Charles Donnelly, Reinhold Terrace, complaining about FIOS installing wires underground. Mr. Donnelly stated that they are lifting driveway and putting holes in the street. Mr. Florio directed Mr. Bradley and Mr. Panunzio to look into the matter.

John Llemos, 532 Winchester Avenue, wished to thank the Committee on the great lighting that was recently installed at the Biertuempfel Park Tennis Courts.

There being no further business presented, the Township Committee on motion of Mr. Capodice, seconded by Mr. People, and carried, adjourned the meeting, the time being 9:01 P.M.

Dated: April 24, 2009

JOSEPH FLORIO, Deputy Chairman
of the Township Committee
of the Township of Union
in the County of Union.

EILEEN BIRCH, Township Clerk