

January 27, 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 27th day of January, 2009 at 7:40 P.M. The meeting was called to order by Anthony Terrezza, 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 Star Ledger. A copy of said Resolution is on file with the Clerk of the Township."

The opening prayer was led by Committeewoman Brenda Restivo and the pledge to the flag was led by Committeeman Clifton People.

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

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

#### **BUSINESS OF THE MONTH:**

Chestnut Chateau –  
Mannie Niotis, George Niotis and Michael Niotis

On motion of Mrs. Restivo, seconded by Mr. People, and carried, the Township Committee moved to approve the Minutes of Meetings held on January 12, 2009, Executive and Conference and the Meetings held on January 13, 2009, Conference and Regular, as printed and distributed by the Clerk.

In pursuance to notice duly published, the Clerk presented for consideration, as to second and final reading, an ordinance amending Chapter 28 of the Municipal Code entitled "Municipal Court".

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:

AN ORDINANCE ESTABLISHING AMENDING CHAPTER 28 ENTITLED "MUNICIPAL COURT" (This ordinance creates position of Municipal Judge)

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 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 aye, Mr. People aye, Mr. Florio aye  
Mr. Terrezza aye.

In pursuance to notice duly published, the Clerk presented for consideration, as to second and final reading, an ordinance establishing the salaries for certain Municipal Officials and employees. (This ordinance affects Municipal Court Employees)

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:

AN ORDINANCE ESTABLISHING THE 2009 SALARY RANGES OF CERTAIN MUNICIPAL OFFICIALS AND EMPLOYEES OF THE TOWNSHIP OF UNION IN THE COUNTY OF UNION.

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 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 aye, Mr. People aye, Mr. Florio aye  
Mr. Terrezza aye.

In pursuance to notice duly published, the Clerk presented for consideration, as to second and final reading, an ordinance amending Chapter 266-49 of the Municipal Code entitled "Stop Intersections" to include North Second Street at the intersection with Gruber Avenue.

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 Mr. Capodice, 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:

AN ORDINANCE AMENDING CHAPTER 266-49 ENTITLED "SCHEDULE VII: STOP INTERSECTION", IN THE TOWNSHIP OF UNION, UNION COUNTY, NEW JERSEY. (This Ordinance creates a stop sign on North Second Street at intersection with Gruber Ave.).

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. Capodice, 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 aye, Mr. People aye, Mr. Florio aye  
Mr. Terrezza aye.

In pursuance to notice duly published, the Clerk presented for consideration, as to second and final reading, an ordinance amending Chapter 266-55 of the Municipal Code entitled "Parking Prohibited at all Times" to create parking restrictions on Lehigh Avenue & Hunt Avenue.

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 Mr. Capodice, 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:

AN ORDINANCE AMENDING CHAPTER 266-55 ENTITLED  
“SCHEDULE XIV: PARKING PROHIBITED AT ALL TIMES”,  
IN THE TOWNSHIP OF UNION, UNION COUNTY, NEW JERSEY.  
(This Ordinance creates parking restrictions on Lehigh Ave  
and Hunt Ave.).

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. Capodice, 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 aye, Mr. People aye, Mr. Florio aye  
Mr. Terrezza aye.

The Clerk presented draft of an ordinance amending Chapter 192-7, Chapter 192-8 and Chapter 192-9 of the Municipal Code to manage lawn waste & debris in order to comply with the Storm Water Regulations.

On motion of Mrs. Restivo, 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:

AN ORDINANCE AMENDING CHAPTER 192-7,  
CHAPTER 192-8 AND CHAPTER 192-9 OF THE  
CODE OF THE TOWNSHIP OF UNION, UNION  
COUNTY, NEW JERSEY.

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

On motion of Mrs. Restivo, 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 February 10, 2009.

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

The Clerk presented draft of an ordinance repealing Chapter 339 of the Municipal Code entitled "Landscaping", Article I, "Permit Procedures".

On motion of Mrs. Restivo, 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:

AN ORDINANCE REPEALING CHAPTER 339 OF THE MUNICIPAL CODE, "LANDSCAPING," ARTICLE I, "PERMIT PROCEDURES," OF THE TOWNSHIP OF UNION, UNION COUNTY, NEW JERSEY.

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

On motion of Mr. Capodice, seconded by Mrs. Restivo, 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 February 10, 2009.

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

The Clerk presented draft of an ordinance amending Ordinance No. 5045 to include the positions and salary ranges of records manager, mechanic, diesel mechanic and principal clerk typist.

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:

AN ORDINANCE AMENDING ORDINANCE NO. 5045 ESTABLISHING THE 2007 AND 2008 SALARIES OF CERTAIN MUNICIPAL PERSONNEL OF THE TOWNSHIP OF UNION IN THE COUNTY OF UNION.

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

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 February 10, 2009.

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

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

Authorizing the release of a Performance Guarantee in the amount of \$182,804.22, subject to the posting of a 2-year Maintenance Guarantee in the amount of \$76,168.42 for TKV Union Station, 1070 Morris Ave.

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

Authorizing the Employee Health Insurance Policy with Horizon Blue Cross Blue Shield of New Jersey for the period of January 1, 2009 to December 31, 2009 at a premium of \$7,850,000.00.

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 and final, increasing the amount to Global Development Contractors, LLC by an additional \$2,000.00 for a revised total contract amount of \$12,000.00 for the Portland Road Sewer Repair.

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

Authorizing the Township Administrator as the liaison with the DEP regarding the West Branch Interceptor Project.

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 T&M Associates to provide contract administration and inspection services for the West Branch Interceptor Replacement Project for a fee not to exceed \$63,000.00 in accordance with Resolution No. 2009-17.

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

Authorizing the purchase of tires and tubes from Michelin North America, through Cleveland Auto Tire, State Contract No. A71689 for an amount not to exceed \$10,000.00.

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

Authorizing the purchase of tires and tubes from Goodyear Tire and Rubber Co., through F&S Tire Corporation, State Contract No. A71688 for an amount not to exceed \$10,000.00.

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

Authorizing repair service and maintenance on Township vehicles with BJ&M Auto Inc., under State Contract No. A70610, at an amount not to exceed \$10,000.00.

On motion of Mr. Capodice, seconded by Mr. Florio, 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 January 27, 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. Capodice, 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:

<b>BLOCK/LOT</b>	<b>NAME</b>	<b>YEAR</b>	<b>AMOUNT</b>	<b>DEDUCTION</b>
1608/20	P. & D. Partners, L.P.	2008	\$6,334.84	State Appeal
2210/2.01	P. & D. Partners, L.P.	2008	2,995.20	State Appeal

<b>BLOCK/LOT</b>	<b>NAME</b>	<b>YEAR</b>	<b>AMOUNT</b>	<b>ADJUSTMENT</b>
1608/20	P. & D. Partners, L.P.	2008	\$6,334.84	State Tax Appeal
2210/2.01	P. & D. Partners, L.P.	2008	2,995.20	State Tax Appeal

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

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

<b>BLOCK/ LOT</b>	<b>NAME</b>	<b>YEAR</b>	<b>AMOUNT</b>
4011/30	Beverly Davis	2008	\$ 196.18
4401/36	Antonio Morais/Leopoldina Gomes	2008	866.88
5223/6	Mauricio & Genevieve Barragan	2008	1,503.89
5706/7.404	Angela Battle	2008	1,004.21
5807/48	Countrywide Tax Service	2008	2,475.17
5810/31	Washington, Lee Ann-Ward, Estate	2008	1,166.48
3702/8	Michael A. Vespasiano, Atty.Trust	2008	16,338.81

On motion of Mr. Capodice, 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. Capodice, seconded by Mr. Florio, and carried, the Township Committee authorized payment of Community Development Agency Bills in the amount of \$3,233.97.

#### **COMMUNICATION:**

From: Dominick Fagnoli, Superintendent of Recreation, Re: Requesting William Morrison be added to the Recreation Advisory Committee for the 2009 term.

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

From: Luis Valle, Rio 22, 2185 Route 22 West, Re: Requesting permission to hang a 13' x 4' banner from February 1 through February 14, 2009 to promote his Valentine's Day special.

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

From: Philip Haderer, Township Engineer, requesting payment to the following:

A. Payment No.1 and final, to Global Development Contractors, LLC in the amount of \$12,000.00 for the Portland Road Sewer Repair.

B. Payment No. 4 to Denbar Construction in the amount of \$43,012.20 for the 2008 CDBG Road Improvement program.

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

From: Michael Panella, Adjutant, Union County St. Patrick's Day Parade Committee, Re: Requesting permission to hold the 2009 parade on March 14<sup>th</sup> in the Township.

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

From: Elizabeth Bewalder, The Sawtooth Group, 100 Woodbridge Center, Woodbridge, NJ, Re: Requesting permission to hang a 12' x 3' "Meet This Thursday" banner from February 13 through February 19, 2009 at the PNC Bank located at 2660 Morris Avenue, advertising the appearance of a pro basketball player.

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

From: Gilbert Quesada, Mood Restaurant, 1996-1998 Morris Avenue, Re: Requesting permission to hang a 4' x 6' banner for thirty (30) days advertising their new lunch menu.

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

From: Sweta Patel, Subway Shop, 2583 Morris Avenue, Re: Requesting permission to hang an 8' x 3' banner for thirty (30) days beginning February 9, 2009 advertising their "sub specials".

On motion of Mr. Capodice, seconded by Mr. Florio, 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:**

Division of Accounts  
Health Department  
Municipal Court

##### **ANNUAL REPORTS:**

Township Clerk's Office  
Community Development  
Public Works  
Division of Accounts  
Economic Development  
Recreation Department

#### **COMMITTEE REPORTS:**

##### **MRS. RESTIVO:**

Mrs. Restivo congratulated the Chestnut Chateau for being chosen "Business of the Month" and wished them continued success.

Mrs. Restivo invited all residents to attend the Vauxhall Library, they are conducting many interesting programs for children and adults.

Mrs. Restivo advised residents to remove their cars from the street in the event of a snow storms.

MR. PEOPLE:

Mr. People congratulated the Chestnut Chateau for being chosen “Business of the Month” and wished them continued success.

MR. CAPODICE:

Mr. Capodice congratulated the Niotis family for being chosen “Business of the Month” and wished them continue success.

MR. FLORIO:

Mr. Florio congratulated the Chestnut Chateau for being chosen “Business of the Month” and wished them continued success.

The monthly report of the Building Department was submitted by Mr. Florio, and he recommended it be accepted for filing. The motion was seconded by Mr. People, and carried.

Mr. Florio spoke of a recent fire on Morrison Avenue and gave residents some fire prevention tips.

Applications for licenses were presented by Mr. Florio, 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:**

**Amusements:**

Don Antonio – 1252 Stuyvesant Avenue – juke box, video game, pool table  
Hy-Way Bowl – 1731 Route 22 West – Bowling Alley  
Union Movie Cinema – 990 Stuyvesant Avenue – theater with over 400 seats  
Suspender’s – 1131 Magie Avenue – juke box  
Shooter’s – 1235 W. Chestnut Street – “go-go”, pool table

**Video Distribution License:**

Evergreen Vending – 1396 Stuyvesant Avenue, Union  
(Suspender’s)  
Amusement Management – 5 Veronica Avenue, Somerset, NJ  
(Union Sports Arena)

**Video Games:**

Suspender’s – 1131 Magie Avenue (1 game)  
Union Sports Arena – 2441 Route 22 West (11 games)

**Gasoline Stations:**

Getty Gas Station – 2352 Morris Avenue

**Private Gas Pumps:**

Department of Public Works – 1 Swanstrom Place  
Police Department – 981 Caldwell Avenue

**Junk Yard/Scrap Metal:**

Union Auto Wrecker – 2345 Route 22 rear

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

MR. TERREZZA:

Mr. Terrezza congratulated the Chestnut Chateau for being chosen “Business of the Month”.

PUBLIC HEARING:

Fred Bittner, 2715 Andrea Road, spoke to the Committee concerning his bill for the paramedics that came to his home in June for his disabled son, and the fact that he feels he should not have to pay that bill. The Committee and an EMU representative explained the way the billing process works and it is his responsible to pay the bill.

Charles Donnelly, Reinhold Terrace, questioned why Ed Weber Ballfield never gets shoveled or salted. Mr. Terrezza responded it is private property. Mr. Terrezza directed Sergio to look into the matter.

Mr. Donnelly would like to see Frances Court become a snow road. Mr. Bradley explained it does not qualify, because it is a secondary road.

There being no further business presented, the Township Committee on motion of Mr. People, seconded by Mrs. Restivo, and carried, adjourned the meeting, the time being 8:42 P.M.

Dated: January 27, 2009

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ANTHONY TERREZZA, Chairman  
of the Township Committee  
of the Township of Union  
in the County of Union.

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Antoinette M. Kielwasser, Assistant Municipal Clerk