

March 10, 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 10th day of March, 2009 at 7:30 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 the Star Ledger. A copy of said Resolution is on file with the Clerk of the Township."

The opening prayer was led by Committeeman Clifton People, Jr., and the pledge to the flag was led by Committeeman Peter Capodice.

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

Present: Anthony Terrezza, Chairman
Peter Capodice
Clifton People, Jr.

Absent: Joseph Florio, Vice Chairman
Brenda Restivo

PROCLAMATION:

March 8th – 14th, 2009, "GIRL SCOUT WEEK"

MAYOR'S AWARDS:

St. Patrick's Day Parade Committee:

Grand Marshal	Joseph Dugett
General Chairperson	Deborah Capasso
Adjutant	Michael J. Panella

Union High School Twirlers, Twirlmania International Competition:

Jenna Massarelli	Karena Chin
Ketley Dorelus	Victoria Cook
Brenda Valladares	Michelle Soriano
Eunice Kepka	Gina August
Marianna Bolanos	

On motion of Mr. People, seconded by Mr. Capodice, and carried, the Township Committee moved to approve the Minutes of Meetings held on February 24, 2009, Executive, Conference and Regular and the Special Meeting held on February 24, 2009, 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 deleting Chapter 437 of the Municipal Code entitled "Sexually Oriented Businesses"

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 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:

AN ORDINANCE DELETING CHAPTER 437 ENTITLED
"SEXUALLY ORIENTED BUSINESSES", IN THE TOWNSHIP
OF UNION, UNION COUNTY, 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. 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 absent, Mr. Capodice, Mr. People aye, Mr. Florio absent, Mr. Terrezza aye.

The Clerk presented draft of an ordinance amending Ordinance No. 5013 providing for Recreational & Park Facility Improvements in the Township of Union

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 OF THE TOWNSHIP OF UNION IN THE COUNTY OF UNION, NEW JERSEY AMENDING ORDINANCE NUMBER 5013 OF THE TOWNSHIP FINALLY ADOPTED JULY 24, 2007, PROVIDING FOR RECREATIONAL AND PARK FACILITIES IMPROVEMENTS AND RELATED EXPENSES IN AND FOR THE TOWNSHIP OF UNION AND APPROPRIATING \$180,000 THEREFOR AND PROVIDING FOR THE ISSUANCE OF \$71,250 IN BONDS OR NOTES OF THE TOWNSHIP OF UNION TO FINANCE THE SAME.

Mrs. Restivo absent, Mr. Capodice, Mr. People aye, Mr. Florio absent, 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 March 24, 2009.

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

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

Authorizing the Administrator to execute a utility agreement with the NJDOT further advancing the Bus Turnout plan for Route 22.

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

Authorizing the Tax Collector's Bond with Travelers Casualty & Surety Company for the period January 1, 2009 to December 31, 2009 at a premium of \$952.00.

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

Authorizing the Treasurers/Chief Financial Officer's Bond with Travelers Casualty & Surety Company for the period January 1, 2009 to December 31, 2009 at a premium of \$952.00.

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

Authorizing the acceptance of a Performance Guarantee from Commerce Realty Group, LLC, in the amount of \$105,660.00, for Block 4305, Lot 45, 1057 Commerce Avenue.

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

Authorizing the payment of all approved vouchers for solid waste collection, haulage and disposal at the interim rate of \$66.94 per ton for household waste and \$91.51 per ton for bulky waste. (February)

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

Authorizing a two year lease extension for a 2005 Ford Explorer for the Building Department from Book Auto Leasing at an amount not to exceed \$326.30 per month.

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

Authorizing appropriation transfers for the first three months of the Township's fiscal year.

TO		FROM	
Mayor & Council – Other Expense	10.00	Adm. & Exec. – Other Expense	
Legal – Other Expense	550.00	Adm. & Exec. – Other Expense	
Engineering – Other Expense	275.00	Adm. & Exec. – Other Expense	
Planning Board – Other Expense	1,200.00	Adm. & Exec. – Other Expense	
Fire – Other Expense	18,000.00	Snow Removal - Salary	
Public Works – Other Expense	13,000.00	Snow Removal – Salary	
Electricity	30,000.00	Street Lighting	
Gasoline & Diesel	10,000.00	Legal - Litigation	
Shade Tree – Other Expense	5,000.00	Solid Waste – Contractual	

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

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

Authorizing the investment in certificates of deposit at NJ Cash Management Fund in the amount of \$1,500,000.00 from February 20 until April 14, 2009 at a rate of 1.13%.

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

Requesting a review by the State Police and the State Department of Transportation to see if a reduction in speed is necessary on Route 78 and 24 within Union, Springfield, Millburn & Summit.

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 for the Contract Administration and Inspection Services for the Firehouse #2 Improvement Program at a fee not to exceed \$14,425.00 in accordance with Resolution No. 2009-17.

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

Appointing Robert Varady to represent the Township in all Skate 22 Litigation at a fee not to exceed \$5,000.00 in accordance with Resolution No. 2009-24.

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

Authorizing an award of contract to Lombardi Enterprises for the Firehouse #2 Parking Lot Improvements and OWS Installation at their low bid not to exceed \$121,782.00.

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

Authorizing an award of contract to Penn-Bower, Inc., for the Kawameeh Park Sewer Repair Project at their low quote not to exceed \$5,900.00.

Sealed bids were received in the Meeting Room at Municipal Headquarters, for the Firehouse #2 Parking Lot Improvements and OWS Installation

An award of contract to Lombardi Enterprises, at their low bid not to exceed \$121,782.00.

The Bids received and opened were as follows:

DeFino Contracting Co. 28 Industrial Drive Cliffwood Beach, N.J.	\$158,660.00
Drill Construction 80 Main Street West Orange, N.J.	\$162,400.00
Montone Construction P.O. Box 760 Holmdel, N.J.	\$195,590.00
A.J.M. Contractors 300 Kuller Road Clifton, N.J.	\$136,350.00
Simpson & Brown 119 North Avenue West Cranford, N.J.	\$164,876.35
Denbar Construction, Inc. 711 Monmouth Avenue Kenilworth, N.J.	\$138,005.00
Lombardi Enterprises 2901 S. Clinton Avenue S. Plainfield, N.J.	\$121,782.00

Tec-Con Contractors, Inc. 9 Dodd Street East Orange, N.J.	\$165,232.00
Aurora Environmental, Inc. 1102 Union Avenue Union Beach, N.J.	\$274,765.00
Ted Slack Environmental Services, Inc. 4 Mark Road Kenilworth, N.J.	\$180,069.00
Adamsville Maintenance 548 East Main Street Bound Brook, N.J.	\$133,280.00
4 Clean –Up, Inc. P.O. Box 5098 North Bergen, N.J.	\$123,600.00
Navka Construction Co., Inc. 199 Clifford Street Newark, N.J.	\$173,725.00

Philip Haderer, Township Engineer, T&M Associates, reported that the bid of Lombardi Enterprises was the low 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. Capodice, seconded by Mr. People, and carried, the Township Committee,

RESOLVED, that the contract for the Firehouse #2 Parking Lot Improvements and OWS Installation, be awarded to Lombardi Enterprises at the bid price set forth in their sealed proposal, and that the Chairman and the Clerk be authorized to execute said contract.

Quotes were received in the Meeting Room at Municipal Headquarters, for the Kawameeh Park Sewer Repair Project.

An award of contract to Penn-Bower, Inc., at their low quote not to exceed \$5,900.00.

The Quotes received and opened were as follows:

Global Developmental 86 Lavergne Avenue Belleville, N.J.	\$8,100.00
Penn-Bower, Inc. 132 West Main Street High Bridge, N.J.	\$5,900.00

Philip Haderer, Township Engineer, T&M Associates, reported that the quote of Penn-Bower, Inc. was the low quote 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 Mr. Capodice, and carried, the Township Committee,

RESOLVED, that the contract for the Kawameeh Park Sewer Repair Project, be awarded to 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. Capodice, seconded by Mr. People, 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 March 10, 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. People, 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:

<u>BLOCK/LOT</u>	<u>NAME</u>	<u>YEAR</u>	<u>AMOUNT</u>	<u>DEDUCTION</u>
3302/4.01	Michael A. Vespasiano, Atty.	2008	\$ 8,386.56	Tax Appeal
4303/17	Alfieri-2401 Morris Ave. Assoc.	2008	23,811.84	Tax Appeal
3409/3.02	Target c/o Lotz	2008	94,753.15	Tax Appeal
4411/28	Rosella Faniel	2009	1,943.14	Vet. Exempt
2502/4.01	Michael A. Vespasiano, Atty.	2008	5,241.60	Tax Appeal
4402/1.01	Skoloff & Wolfe, P.C. Atty.	2008	14,886.14	Tax Appeal
4414/10	William Wild	2009	250.00	Veteran
1307/17	Neal Victor Strain	2009	250.00	Veteran
5224/5	Margaret Fabricatore	2009	250.00	Sen. Citizen
4411/48	Sidney Hayes	2009	250.00	Veteran
3801/40	John & Maddaline Liberatore	2009	250.00	Sen. Citizen
3202-15.1008	Paula Ann Pace	2009	250.00	Disabled
2309/6	Jarko Mykola (Life Estate)	2009	250.00	Sen. Citizen

STATE TAX APPEALS:

<u>BLOCK/ LOT</u>	<u>NAME</u>	<u>YEAR</u>	<u>AMOUNT</u>	<u>ADJUSTMENT</u>
3302/4.01	Michael A. Vespasiano, Atty. Trust Acct.	2008	\$ 8,386.56	State Tax Appeal
2502/4.01	Michael A. Vespasiano, Atty. Trust Acct.	2008	5,241.60	State Tax Appeal
4303/17	Alfieri-2401 Morris Ave. Assoc	2008	23,811.84	State Tax Appeal
4402/1.01	Union King Inc.	2008	14,886.14	State Tax Appeal
3409/3.02	Target c/o Lotz	2008	94,753.15	State Tax Appeal

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

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

BLOCK/ LOT	NAME	YEAR	AMOUNT
3302/4.01	Michael A. Vespasiano, Atty.Trust	2008	\$ 8,386.56
4303/17	Alfieri-2401 Morris Ave Assoc.	2008	23,811.84
3409/3.02	Target c/o Lots	2008	94,753.15
4411/28	Rosella Faniel	2009	1,943.14
2502/4.01	Michael A. Vespasiano, Atty.Trust	2008	5,241.60
4402/1.01	Skoloff & Wolfe, P.C., Trust Acct.	2008	14,886.14

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

RESOLVED, that the said communication be received, and

RESOLVED, that refund of the following sewer payments be approved and payment authorized:

BLOCK/ LOT	ACCT. #	NAME	YEAR	AMOUNT
4806/15	13310-0	William Burke	2009	\$324.85

On motion of Mr. Capodice, seconded by Mr. People, 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. People, and carried, the Township Committee authorized payment of Community Development Agency Bills in the amount of \$4,350.00

COMMUNICATIONS:

From: Rodrigo DaSilva, Rio 22, 2185 Route 22 West, Re: Requesting permission to hang a 13' x 4' banner from March 29 until April 12, 2009, to promote their Easter Sunday special.

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

From: Steve Lanno, Resident, Re: Requesting a \$5.00 refund representing an overpayment of a dog license.

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

From: Michael A. Pacio, Jr., Borough of Roseland, Re: Requesting permission to utilize the Township's Showmobile on Saturday June 6, 2009 for their annual "Run for the Roses/Country Fair".

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

From: Vincent Amato, Feast Co-Chairman, Columbia Italian American Club, Re: Requesting permission to hold the annual "Italian Feast" in Union Center September 18 through September 20, 2009 and requesting permission to hang a banner in the center of Stuyvesant & Morris Avenues from August 20 until September 20, 2009.

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

From: Richard Malanda, Construction Code Official, Re: Requesting the release of the following bonds and refund:

- A. \$10,000 Demolition Bond to Bishop Claude L. Campbell for work completed at 2780 Vauxhall Road.
- B. \$10,000 Demolition Check to Maria Nikitopoulos for work completed at 2124 Springfield Avenue.
- C. \$56.00 refund to Deegan Roofing Co., for a permit issued and work never performed.

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

From: Philip Haderer, Township Engineer, Re: Requesting payment no. 5 in the amount of \$13,764.10 to Denbar Construction, Inc., for work completed through February 26, 2009 on the 2008 CDBG Road Improvement Program.

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

From: Robert Salvatore, Chairman, Special Citizens Drive, Knights of Columbus, Re: Requesting permission to conduct their annual fundraiser on the corners in Union Center as well as in front of various stores throughout the Township.

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

From: Union Hot Bagels, 1561 Morris Avenue, Re: Requesting permission to hang "Grand Opening" pennant flags along the store for thirty (30) days.

On motion of Mr. Capodice, 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:

Clerk's Office
Community Development
Economic Development
Tax Assessor's Office
Recreation Department
Municipal Court
Senior Citizens Department
Purchasing Department
Engineering Department
Fire Department
Police Department

COMMITTEE REPORTS:

MRS. RESTIVO:

Mrs. Restivo was absent.

MR. PEOPLE:

Mr. People congratulated the Girl Scouts and the Twirlers from the High School.

Mr. People invited everyone to attend the annual St. Patrick's Day Parade to be held on Saturday, March 14, 2009. He also commended the St. Patrick's Day Committee on the fine job they do.

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

MR. CAPODICE:

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

Amusements:

Elk's Club #858 – 103 Valley Street (jukebox)
Gepetto's – 1967 Morris Avenue (jukebox)
Hawk's Tavern – 2140 Springfield Avenue (jukebox)
Campus Inn – 498 North Avenue (pool table, jukebox, game)
Union Sports Arena – 2441 A Route 22 West (Ice Skating Rink)

Mr. Capodice invited everyone to attend the St. Patrick's Day Parade on Saturday, March 14, 2009.

Mr. Capodice thanked and congratulated the Parade Committee for the fine job they do.

Mr. Capodice congratulated Gina Calderone and the High School Twirlers for their outstanding performances.

Concerning a report of the Police Department for the month of February, 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. FLORIO:

Mr. Florio absent.

MR. TERREZZA:

Mr. Terrezza invited senior citizens to sign up for the Defensive Driving Course offered by the Division of Motor Vehicle. Mr. Terrezza stated that seniors should call the Senior Center for more information.

Mr. Terrezza invited everyone to attend the St. Patrick's Day Parade on Saturday, March 14, 2009.

PUBLIC HEARING:

Carol Segal, Sherwood Road, questioned why the Township needs two Township Administrators.

Mr. Segal stated that he submitted an OPRA request for the attendance and phone records of Jeri Durso. Mr. Segal was waiting for the phone records. Mr. Segal had additional questions regarding Ms. Durso.

Mr. Terrezza advised Mr. Segal that his time was up. Mr. Segal refused to sit down and was escorted out of the meeting by a police officer.

Roxanne Ciampi, Beechwood Street, questioned ordinance no.1 on the agenda. Mr. Antonelli explained the reason for the ordinance and Mrs. Ciampi understood.

Mrs. Ciampi stated that there is not enough publicizing of the Charter Study Meetings and there are no notices in the newspaper. Mr. Terrezza stated that they are publicized on Channel 34 and notices are sent to the newspapers.

Mrs. Ciampi questioned Mr. Bradley's status with the Police Department, she stated that he was at a fire with his light on and he is not authorized to be there. She feels that he hinders the fireman and police officers from doing their jobs.

Fran Metta, Kathleen Terrace, stated that since the redevelopment plan did not pass, the Township has done nothing for five months. Mr. Terrezza explained that is not true, the Township is currently working with a developer in the Gateway North area & will then move to the other areas of the center..

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 8:21 P.M.

Dated: March 10, 2009

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

EILEEN BIRCH, Township Clerk