

May 9, 2006

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 9th day of May 2006 at 7:39 P.M. The meeting was called to order by Peter Capodice, 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, 2006, 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 Union Leader, Star Ledger, and The News Tribune. 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, Jr.

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

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

**MAYOR'S AWARDS:**

**Employee Recognition**

Phyllis Monguso  
Dominick Fagnoli

**PROCLAMATION:**

Emergency Medical Services Week –  
May 14<sup>th</sup> - May 20<sup>th</sup>, 2006

**VALOR AWARD:**

Detective Anthony Marques  
Lieutenant Thomas Bondurich

**CIVILIAN VALOR AWARD:**

Corey Caldwell

Gunther Guerra

**BUSINESS OF THE MONTH:**

Angelo's Barber Shop – Angelo Ruggiero, Phil Ruggiero and Angelo Ruggiero, Jr.

On motion of Mrs. Restivo, seconded by Mr. People, and carried, the Township Committee moved to approve the Minutes of the Meetings held on April 25, 2006, Executive Session Minutes and Conference, Regular Meetings, and Special Meeting of April 24, 2006 and May 4, 2006, as printed and distributed by the Clerk.

The Clerk presented draft of an ordinance amending Ordinance No. 4906, to include the 2006 series and amend the 2005 series for the Union County Improvement Authority Capital Equipment and Infrastructure Lease Program.

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 A BOND ORDINANCE ENTITLED "AN ORDINANCE AUTHORIZING THE EXECUTION OR ACKNOWLEDGEMENT AND DELIVERY BY THE TOWNSHIP OF UNION (the "MUNICIPALITY") OF CERTAIN LEASE AGREEMENTS IN RELATION TO THE UNION COUNTY IMPROVEMENT AUTHORITY ISSUANCE OF GENERAL OBLIGATION LEASE REVENUE BONDS, SERIES 2006 (CAPITAL EQUIPMENT AND INFRASTRUCTURE LEASE PROGRAM)" IN IT'S ENTIRITY.

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

On motion of Mrs. Restivo, seconded by Mr. Terrezza, 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 May 23, 2006.

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

The Clerk presented draft of an ordinance amending Ordinance No. 4331 to provide for the purchase of computer equipment.

On motion of Mr. Terrezza, 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 REAPPROPRIATING \$28,689.17 PROCEEDS OF OBLIGATIONS NOT NEEDED FOR THEIR ORIGINAL PURPOSES IN ORDER TO PROVIDE FOR THE PURCHASE OF COMPUTER EQUIPMENT IN THE TOWNSHIP OF UNION, IN THE COUNTY OF UNION, NEW JERSEY.

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

On motion of Mr. Terrezza, 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 May 23, 2006.

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

The Clerk presented draft of an ordinance amending Ordinance No. 3729 to include handicapped parking spaces in front of 1818 Burnet Avenue and 1016 Warren Avenue.

On motion of Mr. People, 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.

The Clerk read:

AN ORDINANCE AMENDING AN ORDINANCE ENTITLED ORDINANCE AUTHORIZING THE DESIGNATION OF RESTRICTED PARKING SPACES FOR USE BY PERSONS WITH SPECIAL VEHICLE IDENTIFICATION CARDS AND FIXING PENALTIES FOR THE VIOLATION THEREOF", adopted on June 12, 1984 and identified as Ordinance No. 3729, IN THE TOWNSHIP OF UNION, UNION COUNTY, NEW JERSEY.

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

On motion of Mr. People, seconded by Mr. Terrezza, 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 May 23, 2006.

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

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

Authorizing an agreement with T&M Associates for the Rehabilitation of Burkley Place and Drainage Improvements at the Intersection of Hunt Avenue and Elm Street Project, at a cost not to exceed \$12,000.00 in accordance with Resolution No. 2006-17.

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

Opposing the adoption of Senate Bill 1219 and Senate Bill S366, certain amendments to the Open Public Records Act

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

Authorizing the cancellation of outstanding capital balances to surplus and to the deferred unfunded account.

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

Authorizing the Mayor and Clerk to submit the Consolidated Plan - 2006 Annual Action Plan documents for Community Development.

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

Requesting the New Jersey State Legislature to amend the Police & Fire Interest Arbitration Act to limit binding arbitration awards so as not to exceed the annual CAP Law Limitation.

On motion of Mrs. Restivo, seconded by Mr. Florio, 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 \$60.72 per ton for household waste and \$104.12 per ton for bulky waste. (April)

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

Authorizing an agreement with T&M Associates for the Connecticut Farms Flood Control Project, at a cost not to exceed \$189,600.00 in accordance with Resolution No. 2006-17. The local share for this phase of work is \$47,000.00.

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

Authorizing the application for loans from the New Jersey Environmental Infrastructure Financing Program.

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

Authorizing the investment in Certificates of Deposit at Sovereign Bank in the amount of \$14,500,000.00 from April 27 through June 8, 2006.

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

Authorizing the release of a Performance Bond and the acceptance of a Maintenance Bond from Union 22 Plaza, L.L.C. d/b/a Applebee's Restaurant.

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

Authorizing an agreement with T&M Associates to provide Engineering Support Services, in connection with the Garden State Parkway Interchange 142 (I-78) Project, at a cost not to exceed \$2,000.00 in accordance with Resolution No. 2006-17.

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

Authorizing the Person-to-Person and Place-to-Place transfer of Plenary Retail Consumption License No. 2019-33-055-008 with an effective date of May 10, 2006 (Nuevo Mexican Grill, LLC)

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

Authorizing the acceptance of a Performance Guarantee in the amount of \$589,353.60 from Kuyen Partners at Union, LLC., for property located at 650 Green Lane.

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

Granting New Jersey American Water Company permission to enter Joe Collins Park and Debra Way Park, pending approval from Green Acres, and the NJ Department of Environmental Protection.

On motion of Mr. Terrezza, seconded by Mrs. Restivo, 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 May 6, 2006, recommended 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 Mrs. Restivo, 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>BL/LOT</b>	<b>NAME</b>	<b>YEAR</b>	<b>AMT</b>	<b>DEDUCTION</b>
2005/1	Cole, Schotz, Meisel, Forman, Leonard, Atty Trust Acct.	2005	\$ 36,832.93	Tax Appeal
3809/3	Dolores Falcone		250.00	Senior Citizen
5009/6.103	Kai Wa Cheng		250.00	Senior Citizen
2509/8	Lucille M. Andriola		250.00	Wid. of Vet.
1301/9	Jadwiga Matusiak		250.00	Senior Citizen
1022/3	John & Catherine Anistranski		250.00	Senior Citizen
5008/12	Annie L. Cox		250.00	Senior Citizen
5226/10	Dominic Guida		250.00	Veteran
3503/2	Joseph Belly		250.00	Senior Citizen

**STATE APPEAL:**

<b><u>BLOCK/ LOT</u></b>	<b><u>NAME</u></b>	<b><u>YEAR</u></b>	<b><u>AMOUNT</u></b>
2005/1	Cole, Schotz, Meisel, Forman & Leonard P.A in trust for Tuscan/Lehigh Dairies LP	2005	\$ 36,832.93

On motion of Mr. Terrezza, seconded by Mrs. Restivo, 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>
1302/2	Joseph & Nellie Mendes	2005	\$ 2,420.15
2005/1	Cole, Schotz, Meisel, Forman,		

Leonard, Atty Trust Account      2005                      36,832.93

On motion of Mr. Terrezza, seconded by Mrs. Restivo, 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 Mrs. Restivo, and carried, the Township Committee authorized payment of Community Development Agency Bills in the amount of \$31,472.44

**COMMUNICATION:**

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

<b>NAME</b>	<b>AMOUNT</b>	<b>CERT#</b>	<b>LOCATION</b>
Wachovia – Col agt 1	\$116,706.11	02-051	2047 Route 22 W
Sass Muni IV	\$ 36,000.00		
Chun T. Li	\$ 169.58	05-042	1608 Porter Rd

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

From: Debra Cyburt, Chief Financial Officer, Re: Advising of the sale of Bond Anticipation Notes in the amount of \$745,000.00.

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

From: Pastor Samuel M. Wright, Jr., Union Chapel Church, Re: Requesting permission to hold their Annual Family & Friends Week-end July 15 & 16, 2006, 9:00 AM – 9:00 PM on Faitoute Avenue also requesting permission to use the Township’s showmobile, with all fees waived.

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

From: Luis Cruz, General Manager, Modell’s, 2401 Route 22 West, Re: Requesting permission to hold sidewalk sales two weekends a month, beginning in May and ending in September.

On motion of Mr. Florio, seconded by Mr. Terrezza, and carried, the Township Committee moved to approve two sales in May and two in June, and then request permission again for future sales.

From: Alfredo Rendeiro, Coordinator, Portuguese American Civic Association, Re: Requesting permission to hold their annual Portuguese Festival at Costa Del Sol, June 3 & 4, 2006, and to hang a 15’x3’ banner at Costa Del Sol. Also requesting permission for the American Flag Co., to hang Portuguese Flags on the poles along Morris Avenue from May 30

through June 5, 2006.

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

From: Ted Kastis, President, St. Demetrios Greek Orthodox Church, Re: Requesting permission to hold their annual Greek Festival, with all fees waived from September 7<sup>th</sup> through September 10<sup>th</sup>, 2006 in the church parking lot, permission to erect several large tents during the event, and to place four large signs throughout the Township to advertise this affair.

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

From: Eugene O'Brien, Re: Advising of his resignation from the Economic Development Commission.

On motion of Mr. People, seconded by Mr. Florio, and carried, the Township Committee moved to accept the resignation and thanked him for his service.

From: Kimberly Jordan Hannah, Union Resident, Re: Requesting a handicapped parking space in front of 123 Montclair Avenue.

On motion of Mr. Terrezza, seconded by Mr. Florio, and carried, the Township Committee moved to refer to the Police Department for investigation.

From: Patty Gilmore, Union Resident, Re: Requesting permission to have a block party on Rony Road, Saturday July 29<sup>th</sup> with a rain date of Sunday July 30<sup>th</sup>, 2006.

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

From: Thomas Kraemer, Chief of Police, Re: Recommending the creation of "Parking Prohibited at All Times" on the west side of Liberty Avenue, from Nicholas Place south toward Morris Avenue for a distance of 100 feet.

On motion of Mrs. Restivo, seconded by Mr. Terrezza, and carried, the Township Committee moved to refer to the Township Attorney for the preparation of an appropriate ordinance.

From: National Wholesale Liquidators, Route 22 West, Re: Requesting permission to hang two 4'x10' banners for thirty days beginning May 25, 2006 to promote their seasonal and outdoor items.

On motion of Mr. Terrezza, seconded by Mr. People, and carried, the Township Committee moved to approve the banner on the building.

From: Charles Capaccio, Secretary, Veteran's Alliance, Re: Requesting permission to hold the annual Memorial Day Parade on May 29, 2006, beginning at 10:00 A.M. and also requesting the use of the Showmobile with all fees waived.

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

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

## **DEPARTMENT REPORTS**

### **MONTHLY**

Clerk's Office  
Assessor's Office  
Division of Senior Citizens  
Economic Development  
Purchasing  
Public Works  
Engineering Department  
Police Department  
Building Department  
Recreation Department

### **COMMITTEE REPORTS:**

#### **MR. TERREZZA:**

Mr. Terrezza congratulated the award recipients and wished them continue success.

Mr. Terrezza congratulated Mayor Capodice on recently becoming a grandfather for the first time.

Mr. Terrezza invited seniors to register for the Senior Olympics to be held in June, for more information call the Senior Center at 851-5290.

Mr. Terrezza urged mothers to watch channel 34 for Mother's Day Greetings, from over 700 youngsters within the Township.

Mr. Terrezza wished everyone a Happy Mother's Day.

#### **MR. PEOPLE:**

Mr. People congratulated the award winners and also congratulated Mr. Capodice on recently becoming a grandfather.

Mr. People read a letter of commendation he had received, concerning the professionalism of Deputy Chief James Davitt.

Mr. People announced that the Adopt A Park clean up will be held on Saturday, June 3, 2006, for more information call the Department of Public Works at 686-1922.

Mr. People wished everyone a Happy Mothers Day.

MR. FLORIO:

Mr. Florio moved a Special Meeting for May 15, 2006, at 6:00 P.M. to discuss the Township and Board of Education's Budget, the motion was seconded by Mr. Terrezza, and carried.

Mr. Florio wished to congratulate the award winners and wished them continued success.

Mr. Florio urged residents that if they see graffiti around the Township to report the location to the Department of Public Works.

Mr. Florio announced that Grass Collection has begun and not to put grass clippings in plastic bags only open containers.

Mr. Florio wished everyone a Happy Mother's Day.

MRS. RESTIVO:

Mrs. Restivo congratulated Mayor Capodice on recently becoming a grandfather.

Mrs. Restivo congratulated the award winners and wished them well.

Mrs. Restivo announced that the Library will begin a new program for homebound residents, they will be delivering books to the elderly or disabled. Mrs. Restivo advised residents who wish to participate to call the Library for more information.

Mrs. Restivo announced that the Police Department will be holding their annual Bike Auction, for more information call the Police Department at 686-0700.

Mrs. Restivo wished everyone a Happy Mother's Day.

MR. CAPODICE:

Mr. Capodice commended the award winners and wished them well.

Mr. Capodice wished everyone a Happy Mother's Day.

PUBLIC HEARING:

Carol Segal, Sherwood Road, stated that he received the information sent to him by Township Attorney Daniel Antonelli concerning the recently adopted Residential Property Ordinance and it is not the information he requested. He also stated that it is not lawful to have landlords pay everytime a tenant moves into a property.

Mr. Segal questioned what is being opposed in Resolution No. 5. Mr. Capodice responded it has to do with time limits.

Jill Hall, 509 Whitewood Avenue, requested the Township Committee at their meeting with the Board of Education next week, when making their decision

to cut the budget, to remember the students. Ms. Hall explained that she is a single parent with children in the Union School System and has lived in the Township for 40 years.

Ken Schuster, Plymouth Road, requested when the Township Committee makes their decision concerning the re-examination of the master plan, to consider a CAP is requested of 3,000 to 3200 sq. ft. Mr. Capodice stated that the Committee is still discussing the matter and not have made a decision at this time.

Dorothy Connolly, O'Mara Drive, congratulated Mr. Capodice on recently becoming a grandfather.

Ms. Connolly was concerned about the recent homicide at Biertuempfel Park. Police Chief Kraemer explained that the residents had nothing to worry about, it was a family dispute and the young man was killed by his brother.

Donna Senkiw, 1127 Bushnell Street, urged the Committee when looking to cut the Board of Education Budget, remember the children.

Ellen Entiken, 665 Fairfield Road, requested the Township Committee in making their decision next week concerning the master plan, to please consider the CAP of no more that 3200 sq. ft.

Noel Guzman, 986 Balsam Way, stated that he signed a petition to change the parking restriction on his street, questioned why the restriction cannot be changed. He explained that there are children and it has become dangerous with the traffic and illegal parking of cars. Mr. Capodice explained that the Police Department conducted a study and they stated that the restriction stay as is, for now.

There being no further business presented, the Township Committee on motion of Mr. Florio, seconded by Mr. Terrezza, and carried, adjourned the meeting, the time being 9:03 P.M.

Dated: May 9, 2006

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PETER CAPODICE, Chairman  
of the Township Committee  
of the Township of Union  
in the County of Union.

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EILEEN BIRCH, Township Clerk