

May 12, 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 12th day of May, 2009 at 7:32 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."

CUB SCOUT PACK 163, WASHINGTON SCHOOL WILL CONDUCT THE PRAYER AND FLAG CEREMONY

DEN 4

Roman Mioduszewski Christian Glaser
Eric Kapner

DEN 5

Rick Mioduszewski Christopher Lepore
Thomas Novak Jared Griffith
Jonathan Surpris

DEN 8

Sean Glaser

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.

MAYOR'S AWARDS:

Winners of the Mayor's Spelling Bee

1st Place – Shamar Sims
2nd Place – Isabella Ntigbu

PROCLAMATION:

Proclaiming the week of May 16 – 22, 2009 as “National Safe Boating Week”

On motion of Mrs. Restivo, seconded by Mr. People, and carried, the Township Committee moved to approve the Minutes of Meetings held on April 28, 2009, Executive, Conference and Regular, as printed and distributed by the Clerk.

Mr. Terrezza abstained.

The Clerk presented draft of an ordinance providing for the replacement and repair of the existing retaining walls for Lightning Brook in the Township of Union.

On motion of Mr. Capodice, seconded by Mrs. Restivo, 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:

ORDINANCE REAPPROPRIATING \$365,292.67 PROCEEDS OF OBLIGATIONS NOT NEEDED FOR THEIR ORIGINAL PURPOSES IN ORDER TO PROVIDE FOR THE REPLACEMENT AND REPAIR OF EXISTING RETAINING WALLS FOR LIGHTNING BROOK AND ALL OF ITS TRIBUTARIES IN AND FOR THE TOWNSHIP OF UNION, IN THE COUNTY OF UNION, NEW JERSEY.

Mrs. Restivo aye, Mr. Capodice, 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 May 26, 2009.

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

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

Endorsing the 2009 Transportation Enhancement Grant Application from the NJDOT to improve traffic circulation & pedestrian safety in the vicinity of Hannah Caldwell School.

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

Introduction of the 2009 Municipal Budget.
(Public Hearing June 9th)

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

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

Approving the submission of an application to
participate in the Local Government Energy
Audit Program of the NJ Board of Public Utilities.

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

Authorizing the investment in certificates of deposit at
Garden State Community Bank in the amount of
\$18,800,000.00 from April 29 through June 8, 2009 at
a rate of 1.35% - 1.50%

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

Authorizing the acceptance of a Performance
Guarantee in the amount of \$54,087.91 from
Waseem Enterprises LLC for Block 3403, Lot 3,
Route 22 West & Greeley Avenue.

On motion of Mrs. Restivo, 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 \$53,432.87 from
Waseem Enterprises LLC for Block 3409,
Lot 22, 2490 Route 22 East

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

Authorizing a two year lease extension for two
(2) 2003 Jeep Liberty's for the Building Department
and the Tax Assessor's Office from Book Auto
Leasing at an amount not to exceed \$249.00 per
month, per vehicle.

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. 2008-188 increasing
the amount to Edward Kologi, Esq., by \$400.00
for a revised total contract amount not to exceed
\$2,900.00 to represent a Police Officer in Municipal
Court.

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. 2009-94 increasing the amount to Robert Varady, Esq., by \$5,000.00 for a revised total contract amount not to exceed \$12,500.00 for the Daniel Russo & Hott 22 litigation.

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

Amending Resolution No. 2009-121 increasing the amount to Robert Varady, Esq., by \$10,000.00 for a revised total contract amount not to exceed \$20,000.00 for all Skate 22 litigation.

On motion of Mrs. Restivo, seconded by Mr. People, 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. (April)

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

Authorizing the place to place transfer, expansion of premise, of Plenary Retail Consumption License No. 2019-32-037-002 to include an outdoor café, at Tiffany Gardens, 1637 Vauxhall Road.

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

Amending the contract to Haig's Service Corporation to include the add alternate of the Security System for the Municipal Building Upgrades in the amount of \$32,400.00 for a revised total contract amount of \$110,900.00.

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

Amending the 2008 Consolidated Action Plan.

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

Authorizing the Township Administrator to sign a TWA application in connection with the Kean University Residence Halls.

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

Accepting a dismissal agreement in connection with the CUU v. Eileen Birch litigation.

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

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 May 12, 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:

BLOCK/LOT	NAME	YEAR	AMOUNT	DEDUCTION
605/5	Michael I. Schneck Atty. For Kim Associates	2008	\$3,923.71	State 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:

BLOCK/ LOT	NAME	YEAR	AMOUNT
605/5	Michael I. Schneck Atty. For Kim Associates	2008	\$3,923.71
4501/18	Elizabeth S. Wynne	2008	\$1,806.61
209/15	Joseph & Joanne M. Steffel	2009	\$1,879.49

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 \$7,151.98

COMMUNICATION:

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

NAME	AMOUNT	CERT#	LOCATION
US Bank/Cust for Phoenix	\$22,494.91 \$15,500.00	08-00027	778 Evergreen Pkwy

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

From: Rodrigo DaSilva, Manager, Rio 22, 2185 Route 22 West,
Re: Requesting permission to hang a 13' x 4' banner from June 7 through
June 21, 2009 promoting Fathers Day.

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

From: Anna Cicchetti, Investors Savings Bank, 977 Stuyvesant
Avenue, Re: Requesting permission to hang a "Home Loan Banner" for
two months.

On motion of Mrs. Restivo, seconded by Mr. People, and carried, the
Township Committee moved to approve the request for a period of 30 days.

From: Daniel Zieser, Police Director, Re: Recommending
amending Chapter 266-107 of the Municipal Code to combine the
Municipal Parking at Columbus Park (lot 24) & Axton Avenue (lot 17), into
one lot.

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

From: Sharon Rambaran, Mama Sher's Caribbean Cuisine, 1406
B Stuyvesant Avenue, Re: Requesting permission to have a cook out in
the rear of her restaurant to celebrate their first anniversary on July 11,
2009 from 12:00 PM – 11:00 PM.

On motion of Mrs. Restivo, seconded by Mr. Capodice, and carried, the
Township Committee moved to refer to the Health Department for
recommendations.

From: Walter Frye, UTCAO, 2410 Springfield Avenue, Re:
Requesting permission to utilize a 10' x 10' tent, with the assistance from
DPW for setup & take down, during the annual Prom Red Carpet Event
on Thursday June 4, 2009 from 5:00 PM -7:00 PM in the parking lot of
Central Five School.

On motion of Mrs. Restivo, seconded by Mr. People, and carried, the
Township Committee moved to approve the request, but they must pay the over
time costs.

From: Charles Capaccio, Veterans Alliance, Re: Requesting
permission to hold the annual Memorial Day Parade on Monday May 25,
2009 beginning at 10:00 AM. Also, requesting the use of the Showmobile,
and for the Township to supply water at the end of the parade route.

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

From: Shelly Foster, Resident, Re: Requesting a handicap
parking space in front of 1769 Walker Avenue, at Mill Run.

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

From: John Agriantonis, St. Demetrios Greek Orthodox Church, 721 Rahway Avenue, Re: Requesting permission to utilize two (2) 40' x 100' tents with all fees waived during their annual festival September 10 through 13, 2009. Also, requesting permission to place three (3) 4' x 4' signs at various intersections, one banner across Stuyvesant Ave. and three additional banners in other locations for approximately one month to advertise their event.

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

From: Marshall Keener, Whole Foods Market, Springfield Ave., Re: Requesting permission to grill outside their establishment two days per week from June 10 through September 3, 2009. Also requesting permission to hang a 2'x 6' banner on the building to advertise the event.

On motion of Mr. People, seconded by Mr. Capodice, and carried, the Township Committee moved to refer the request for grilling outside to the Health Department and granting permission to hang the banner for a period of thirty days.

From: Severio Caivano, Metro Auto Exchange, Morris Avenue, Re: Requesting permission to hang Flag streamers to promote business for a period of 90 days.

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

From: Gail Ransom Brown, Bethune Temple #572, George E. Cannon #858, Vauxhall, Re: Requesting permission to utilize the Showmobile and sound equipment with all fees waived for their annual Youth Day on July 11, with a rain date of July 25, 2009 from 12:00 PM – 5:00 PM. Also requesting the intersections of Arcadia Place, Tuxedo Place & Valley Street blocked off.

On motion of Mr. People, seconded by Mr. Capodice, and carried, the Township Committee moved to approve the request, but all fees must be paid.

From: Renato Reniva, President, Bayanihan Club of Union, Re: Requesting permission to hang the Philippine Flag on the flagpoles & street lights along Morris Avenue from June 10 through June 16, 2009. Also extending an invitation to the Governing Body to attend their event on June 14, 2009.

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

From: Louis Green, Karako Suits, 2470 Route 22, Center Isle, Re: Requesting permission to hang a 24" x 60" banner from May 21 through June 21, 2009 to help promote business.

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

Ratifying a request from the Ambulatory Surgical Center, 950 W. Chestnut Street to post 18" x 24" lawn signs & to hang a banner on the building advertising their May 16th "Health Fair".

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

Mr. Terrezza directed Mr. Antonelli to introduce John Carbone, Esq., the Attorney for Township Clerk, Eileen Birch. Mr. Carbone presented the findings of the lawsuit brought by Citizens for United Union and Joseph Padula, Fran Metta and Allen Hodapp against Mrs. Birch and if the dismissal stipulation meets with the Committees approval, he asked that the resolution be adopted to support the outcome of the lawsuit. Mr. Carbone directed the Clerk to read into the record the resolution of settlement agreement. Mrs. Birch read the resolution, the Committee moved to adopt the resolution. The Committee thanked Mr. Carbone for his presentation.

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

DEPARTMENT REPORTS

MONTHLY REPORTS:

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

COMMITTEE REPORTS:

MRS. RESTIVO:

Mrs. Restivo commended the Cub Scout Pack 163, Washington School on the great job they did in reciting the Prayer and Salute to the Flag.

Mrs. Restivo congratulated the winners of the Mayor's Spelling Bee Contest and wished them well.

Mrs. Restivo congratulated those receiving the Proclamation on National Safe Boating Week.

Mrs. Restivo invited everyone to come out to see the Memorial Day Parade, to be held on Monday, May 25, 2009. It is a good way to thank those who served our Country for the freedom we have today.

Mrs. Restivo invited all residents to participate in the annual Adopt a Park Program, in which residents and Department of Public Works employees clean parks in their communities. Mrs. Restivo stated it is a fun day with tee-shirts and food for all who participate.

Mrs. Restivo stated that many potholes are being filled within the Township. If any resident sees any potholes please report them to the Department of Public Works.

MR. PEOPLE:

Mr. People congratulated the winners of the Mayor's Spelling Bee Contest and wished them well.

Mr. People commended the Cub Scout Pack 163, Washington School on the great job they did in reciting the Prayer and Salute to the Flag.

Mr. People congratulated those receiving the Proclamation on National Safe Boating Week.

Concerning a report of the Recreation 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. Capodice, and carried.

MR. CAPODICE:

Mr. Capodice commended the Cub Scout Pack 163, Washington School on the great job they did in reciting the Prayer and Salute to the Flag.

Mr. Capodice congratulated the winners of the Mayor's Spelling Bee Contest and wished them well.

Mr. Capodice congratulated those receiving the Proclamation on National Safe Boating Week.

Mr. Capodice invited everyone to come out to see the Memorial Day Parade, to be held on Monday, May 25, 2009. It is a good way to thank those who served our Country for the freedom we have today.

Mr. Capodice announced that the Township Clerk's Office will be having summer hours to help serve the residents. The summer hours will be Monday through Thursday, 8:00 a.m.-5:00 p.m. and Friday 8:30 a.m. -4:30 p.m.

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. FLORIO:

Mr. Florio commended the Cub Scout Pack 163, Washington School on the great job they did in reciting the Prayer and Salute to the Flag.

Mr. Florio congratulated the winners of the Mayor's Spelling Bee Contest and wished them well.

Mr. Florio congratulated those receiving the Proclamation on National Safe Boating Week.

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

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

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 application

Gas Station:

Union Exxon – 1722 Route 22 East

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

MR. TERREZZA:

Mr. Terrezza commended the Cub Scout Pack 163, Washington School on the great job they did in reciting the Prayer and Salute to the Flag.

Mr. Terrezza congratulated those receiving the Proclamation on National Safe Boating Week.

Mr. Terrezza announced that the Senior Citizens Department will be conducting Computer Classes, call the Senior Center at 851-5290.

Mr. Terrezza announced that Defensive Driving Classes will begin on May 29, 2009 at the Senior Center, call for an appointment.

PUBLIC HEARING:

Mike Schultz, Jean Terrace, complained about the plane traffic flying over his neighborhood. Mr. Bradley explained two years ago the Township joined a lawsuit to change the air traffic pattern and that litigation is still pending.

Mr. Schultz stated that Colonial Avenue is a mess and needs to be repaved. Mr. Manzella explained that the Township has made application to have five major roads paved with the government stimulus monies and Colonial Avenue is one of the roads to be repaved. Mr. Manzella suggested he see Mr. Haderer for a the list of exact streets that will be paved.

Mr. Schultz congratulated the new police director and wondered if crime was down. Mr. Terrezza requested Director Zeiser give a brief report. Director Zeiser stated that crime is down by 9% and arrests are up by 5% over the same time last year.

Allen Hodapp, Orange Avenue, questioned item # 14 on the agenda and the amount of money needed. Mr. Manzella explained the project to him and he understood.

Mr. Hodapp questioned no. 15, on agenda. Mr. Bradley responded that the Consolidated Plan is submitted to the Federal Government which outlines what will be done with HUD funds.

Fran Metta, Kathleen Terrace, came to clear the record stating that the lawsuit was dismissed due to lack of funds. Ms. Metta explained that the CUU wanted the residents to have rights.

Roxanne Ciampi, Beechwood Avenue, wanted it on record that the lawsuit was dismissed due to lack of funding and not because the CUU could not provide all the information.

There being no further business presented, the Township Committee on motion of Mr. Capodice, seconded by Mr. Florio, and carried, adjourned the meeting, the time being 8:32 P.M.

Dated: May 12, 2009

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

EILEEN BIRCH, Township Clerk