

November 25, 2008

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 25th day of November, 2008 at 7:34 P.M. The meeting was called to order by Clifton People, Jr., 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, 2008, 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. 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 Peter Capodice.

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

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

Absent: Anthony Terrezza, Vice Chairman

APPROVAL OF MINUTES:

On motion of Mr. Capodice, seconded by Mr. Florio, and carried, the Township Committee moved to approve the Minutes of Meetings held on November 10, 2008, Conference and Regular, as printed and distributed by the Clerk.

SPECIAL PRESENTATION FROM GOVERNING BODY:

STUDENT VOTE PROJECT:

Nancy Erdman, Third Vice President, P.T.A. – Connecticut Farms School

WINNING SCHOOLS: Battle Hill and Washington School

BUSINESS OF THE MONTH:

Costco – Jim Keating

In pursuance to notice duly published, the Clerk presented for consideration, as to second and final reading, an ordinance appropriating \$50,000.00 for structural improvements to the Municipal Building.

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. Florio, 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 OF THE TOWNSHIP OF UNION
IN THE COUNTY OF UNION, NEW JERSEY,
PROVIDING FOR THE STRUCTURAL
IMPROVEMENTS TO THE MUNICIPAL BUILDING
IN AND FOR THE TOWNSHIP AND APPROPRIATING
\$50,000 THEREFOR, AND PROVIDING FOR THE
ISSUANCE OF \$47,500 IN BONDS OR NOTES OF THE
TOWNSHIP OF UNION TO FINANCE THE SAME.

The Chairman announced public hearing on the said ordinance. Roxanne Ciampi expressed her desire to be heard questioning where was money the coming from, Mr. Bradley explained that it is a capital ordinance. He also explained that the attic of the Municipal Building is going to be used to store municipal records and the floor must be reinforced to hold the weight.

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

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

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

The Clerk presented draft of an ordinance amending Chapter 266-55 of the Municipal Code entitled “Parking Prohibited at All Times” to include Robinson Terrace from Burroughs Terrace for 100 feet.

On motion of Mrs. Restivo, seconded by Mr. Capodice, 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 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 Robinson Terrace).

Mr. Capodice aye, Mr. Florio aye, Mrs. Restivo aye, Mr. Terrezza absent,
Mr. People 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 December 9, 2008.

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

The Clerk presented draft of an ordinance establishing the Defined
Contribution Retirement Plan for Municipal Officials & Employees.

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:

AN ORDINANCE ESTABLISHING THE DEFINED
CONTRIBUTION RETIREMENT PLAN FOR
MUNICIPAL OFFICIALS AND EMPLOYEES.

Mr. Capodice aye, Mr. Florio aye, Mrs. Restivo aye, Mr. Terrezza absent,
Mr. People 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 December 9, 2008.

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

The Clerk presented draft of an ordinance amending Chapter 93 of the Municipal Code entitled "Officers & Employees" & Chapter 102 entitled "Personnel Benefits" to include the position of Police Director.

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:

AN ORDINANCE AMENDING CHAPTER 93 ENTITLED "OFFICERS AND EMPLOYEES", AND CHAPTER 102 ENTITLED "PERSONNEL BENEFITS" BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UNION, COUNTY OF UNION, STATE OF NEW JERSEY (This Ordinance creates the position of police director and benefits associated with the position)

Mr. Capodice aye, Mr. Florio aye, Mrs. Restivo aye, Mr. Terrezza absent, Mr. People 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 December 9, 2008.

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

The Clerk presented draft of an ordinance establishing the 2008 salary range for the position of Police Director.

On motion of Mrs. Restivo, seconded by Mr. Capodice, 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 ESTABLISHING THE 2008
SALARY RANGES OF CERTAIN MUNICIPAL
OFFICIALS AND EMPLOYEES OF THE TOWNSHIP
OF UNION IN THE COUNTY OF UNION (This
ordinance sets the salary range for Police Director)

Mr. Capodice aye, Mr. Florio aye, Mrs. Restivo aye, Mr. Terrezza absent,
Mr. People 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 December 9, 2008.

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

The Clerk presented draft of an ordinance amending Chapter 109 of the
Municipal Code changing the designation of the appropriate authority.

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:

AN ORDINANCE AMENDING CHAPTER 109,
ENTITLED "PUBLIC SAFETY, DEPARTMENT OF",
BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP
OF UNION, COUNTY OF UNION, STATE OF NEW JERSEY
(This ordinance changes the "appropriate authority" from
the administrator to the police director)

Mr. Capodice aye, Mr. Florio aye, Mrs. Restivo aye, Mr. Terrezza absent,
Mr. People 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 December 9, 2008.

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

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

Authorizing the release of a Performance Guarantee to 675 Rahway Avenue, LLC, subject to the posting of a standby letter of credit in the amount of \$29,703.45, effective November 12, 2008.

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

Authorizing the acceptance of a Performance Guarantee from M&M Construction Company, Inc., for Block 504, Lot 4.02, 855 Lehigh Avenue in the amount of \$323,526.00.

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

Authorizing the acceptance of a Performance Guarantee from Schering Corporation for Block 101, Lot 2, 1011 Morris Avenue in the amount of \$21,423.60.

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

Authorizing the investment of certificate of deposit in the amount of \$12,000,000.00 with Investor's Savings Bank at a rate of 2.80% -2.90% from November 13, 2008 to December 29, 2008.

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

Authorizing Change Order No. 1 decreasing the amount to Denbar Construction, Inc., by \$53.20 for a revised total contract amount of \$374,812.30 for the 2008 CDBG Road Improvement Program.

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

Authorizing a Professional Service Agreement with Robert J. Pansulla, Esq., to provide legal representation to the Planning Board for litigation with Village Supermarket for an amount not to exceed \$5,000.00.

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

Authorizing an award of contract to Marturano Recreation Co., for the purchase of playground equipment at Esther Egbert Park at their low quote not to exceed \$31,245.00 under State Contract A59052.

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

Authorizing an award of contract to Trius for the purchase of one 2008 Stainless Steel V Spreader with Electric Spray System for the Department of Public Works at their low bid not to exceed \$18,513.00.

Sealed bids were received in the Meeting Room at Municipal Headquarters, for the purchase of one 2008 Stainless Steel V Spreader with Electric Spray System.

An award of contract to Trius at their low bid not to exceed \$18,513.00.

The Bids received and opened were as follows:

Modern Seeley Equipment, Co. 1325 Highway 34 Farmingdale, N.J.	\$24,763.00
Trius 5049 Industrial Road Farmingdale, N.J.	\$18,513.00
Bristol Donald Co., Inc. 50 Roanoke Avenue Newark, N.J.	\$21,495.00

Sergio Panunzio, Superintendent of Public Works reported that the bid of Trius was low bid and Mr. Panunzio 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 Mrs. Restivo, seconded by Mr. Capodice, and carried, the Township Committee,

RESOLVED, that the contract for the purchase of one 2008 Stainless Steel V Spreader with Electric Spray System, be awarded to Trius, 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. Florio, 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 November 25, 2008, 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. Florio, 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
605/1	Michael Vespasiano, Atty.Trust Acct.	2008	\$ 48,971.52	State Appeal
5107/1.01	Michael Vespasiano, Atty.Trust Acct.	2008	27,301.24	State Appeal

STATE TAX APPEAL:

BLOCK/LOT	NAME	YEAR	AMOUNT	ADJUSTMENT
6051/1	Michael Vespasiano, Atty.Trust Acct.	2008	\$ 48,971.52	State Tax Appeal
5107/1.01	Michael Vespasiano, Atty.Trust Acct.	2008	27,301.24	State Tax Appeal

On motion of Mr. Florio, 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
209/34	Ted & Eulalia S. Merced	2008	\$ 2042.65
605/1	Michael Vespasiano, Atty.Trust Acct.	2008	48,971.52
5107/1.01	Michael Vespasiano, Atty.Trust Acct.	2008	27,301.24

On motion of Mr. Florio, 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. Florio, seconded by Mr. Capodice, and carried, the Township Committee authorized payment of Community Development Agency Bills in the amount of \$8,351.25

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	\$ 3,280.70 \$12,300.00	08-00001	861 Hueston Street
US Bank/Cust for Phoenix Funding	\$12,211.66 \$11,500.00	08-00013	1227 Roger Ave
US Bank/Cust for Plymouth Park	\$ 8,651.93 \$ 8,000.00	08-00008	277 Newark Ave
US Bank/Cust for Plymouth Park	\$ 8,117.37 \$ 8,900.00	08-00017	1865 Long Terr

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

From: Richard Malanda, Construction Code Official, Re: Requesting a refund in the amount of \$60.00 be issued to Deegan Roofing Co., for a roof permit issued and never used.

On motion of Mr. Capodice, seconded by Mrs. Restivo, 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 December 15 through December 29, 2008 to promote their "New Years Event".

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

From: Felicia Hankerson, Union Resident, Re: Requesting permission to park approximately seventy-five (75) cars in Municipal lot #12 overnight on January 19, 2009 while on a bus trip to Washington D.C.

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

From: Betty Morris, Union Resident, Re: Requesting permission to park twelve (12) cars in the Jeanette Avenue parking lot overnight on November 28, 2008, while on a bus trip to New York.

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

From: Philip Haderer, Township Engineer, Re: Requesting payment to the following:

- A. Payment No. 2 to Denbar Construction in the amount of 154,220.44 for work completed through November 13, 2008 on the 2008 CDBG Road Improvement Program

B. Payment No. 5 to Stilo Excavation, Inc., in the amount of \$105,595.10 for work completed through November 12, 2008 on the 2007 Road Program – Minute Arms Road Area

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

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

DEPARTMENT REPORTS

Board of Health	Division of Accounts
Department of Public Works	Municipal Court

COMMITTEE REPORTS:

MR. CAPODICE:

Mr. Capodice congratulated all the Award Winners and the League of Woman Voters for the fine job they have done with the students and the Kids Voting Program.

Mr. Capodice wished to congratulate Costco for being chosen “Business of the Month” and wished them continue success.

Mr. Capodice announced that the Rotary Club of Union is collecting coats for the needy, coats must be clean and good condition.

Concerning a report of the Police Department for the month of October, 2008, indicating total fees received and activities in the month, Mr. Capodice moved the report be accepted for filing.

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

Mr. Capodice announced that the 200th Bicentennial Ball was a very enjoyable event and wished to thank Brenda Restivo, Nancy Terrezza, Ted Kobran and the Bicentennial Committee.

Mr. Capodice wished everyone a very Happy Thanksgiving.

MR. FLORIO:

Mr. Florio congratulated all the Award Winners and the League of Woman Voters.

Mr. Florio congratulated Costco for being chosen “Business of the Month”.

Mr. Florio announced that the Township’s Food Pantry is in need of food and urged resident to bring whatever possible to the Clerk’s Office.

Mr. Florio invited everyone to attend the Tree Lighting to be held on Sunday, December 7, 2008. Mr. Florio suggested that those attending the Tree Lighting bring a can of food to help those less fortunate.

Mr. Florio thanked Brenda Restivo and Nancy Terrezza for all the hard work they did to make the Bicentennial Ball such a successful and enjoyable event.

MRS. RESTIVO:

Mrs. Restivo congratulated all the Award Winners and the League of Woman Voter for the fine job they have done with the students and the Kids Voting Program.

Mrs. Restivo wished to congratulate Costco for being chosen “Business of the Month” and wished them continue success.

Mrs. Restivo announced that leaf collection continues and urged residents to please follow the rules to make the program go more efficiently. Residents can pickup additional bags at the Department of Public Works if more are needed.

Mrs. Restivo announced that the Library has many interesting programs and urged residents to attend.

Mrs. Restivo wished everyone a Happy Thanksgiving.

MR. TERREZZA:

Mr. Terrezza was absent.

MR. PEOPLE:

Mr. People thanked the League of Woman Voters and the Award Winners from Battlehill and Washington Schools.

Mr. People announced that the Township was very well represented and received at the League of Municipalities.

Mr. People wished to thank Mrs. Restivo and Ted Kobran who worked very hard to make this Bicentennial Year very successful.

PUBLIC HEARING:

Rita Davidovic, 552 Lehigh Avenue, explained that she lives across the street from a cheese factory and the workers park in front of her house and it is very difficult for her to pull out of her driveway. She has asked the workers to park in front of the cheese factory, but they refuse. Ms. Davidovic is requesting a No Parking from 8:00AM-4:00PM sign in front of her home, there are other such signs on her side of the street. Ms. Davidovic stated she has been requesting this sign for a number of years. Mr. Florio requested an official report from the Police Department as to the investigation and report back to the Committee.

Mrs. Lipstein, 2569 Jackson Avenue, stated she is proud to be part of the League of Woman Voters. Mrs. Lipstein was happy to say that Mrs. Kessler, who started Kids Voting in 2000, would be pleased to know it is still continuing. She

explained that next year Kids Voting will be looking for more volunteers.

Roxanne Ciampi, 277 Beechwood Avenue, questioned items 4, 5 and 6 on the Agenda, these items are in reference to the appointment of the new Police Director. Mr. Antonelli explained each item to Mrs. Ciampi. She stated that residents hear that the Township has no money, so why spend \$125,000 for a position that is not needed. Mrs. Ciampi suggested the Township save the money for something more important.

Devendra Makkar, 568 Ashwood Road, Springfield, complaining about the reconfiguration of Morris Avenue at Liberty Avenue and the summons issued by the Union Police Department.

There being no further business presented, the Township Committee on motion of Mr. Capodice, seconded by Mrs. Restivo, and carried, adjourned the meeting, the time being 8:50 P.M.

Dated: November 25, 2008

Clifton People, Jr., Chairman
of the Township Committee
of the Township of Union
in the County of Union.

EILEEN BIRCH, Township Clerk