

December 21, 2010

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 21<sup>st</sup> day of December, 2010 at 7:35 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, 2010, 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 Committeewoman Brenda Restivo.

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

Present: Anthony Terrezza, Chairman  
Brenda Restivo, Vice Chairman  
Joseph Florio  
Manuel Figueiredo  
Clifton People, Jr.

**SPECIAL PRESENTATION:**

Veteran's Alliance  
Regular Democratic Club of Union

**APPOINTMENTS:**

***Four New Police Officers***

Paulo DeSouza  
Nuno Lopes  
John Oliveira  
Ricardo Santos

**POLICE PROMOTIONS:**

Sergeant Kenneth Elliott to Lieutenant  
Sergeant William Spekhardt to Lieutenant

Mr. Terrezza called for a two minute recess.

On motion of Mr. Figueiredo, seconded by Mr. Florio, and carried, the Township Committee moved to approve the Minutes of the Meetings held on December 6, 2010, Conference and Conference and Regular on December 7, 2010, as printed and distributed by the Clerk.

**SECOND READINGS:**

In pursuance to notice duly published, the Clerk presented for consideration, as to second and final reading, an ordinance amending Ordinance No. 3729 to include a handicap parking space in front of 682 Palisade Road & 252 Winfield Terrace.

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. Florio, seconded by Mr. Figueiredo, 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 AN  
ORDINANCE ENTITLED "AN 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.**

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. Florio, 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.

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

In pursuance to notice duly published, the Clerk presented for consideration, as to second and final reading, an ordinance providing for Improvements to the Police & Fire Department Buildings.

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. Florio, 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 OF THE TOWNSHIP OF UNION, IN THE COUNTY OF UNION, NEW JERSEY PROVIDING FOR IMPROVEMENTS TO POLICE AND FIRE DEPARTMENT BUILDINGS TO AND FOR THE TOWNSHIP AND APPROPRIATING \$500,000 THEREFOR, AND PROVIDING FOR THE ISSUANCE OF \$475,000 IN BONDS OR NOTES OF THE TOWNSHIP OF UNION TO FINANCE THE SAME**

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. Florio, 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.

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

**RESOLUTIONS:**

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

Urging the State Legislature and Governor to exempt the Reserve for Uncollected Taxes from the 2% Cap.

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

Authorizing the cancellation of an outstanding balance in the Trust Account in the amount of \$500,000.00 to Trust Surplus.

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

Authorizing the cancellation of outstanding balances in the Current Fund in the amount of \$900,000.00 to Surplus.

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

Authorizing an appropriation transfer for the

last two months of the fiscal year. (2/3 majority vote required)

<u>TO</u>		<u>FROM</u>
Tax Collection – Other Expenses	1,000.00	Solid Waste – Salary
Planning Board – Other Expenses	2,500.00	Code Enforcement
Agency – Other Exp.		
Fire – Other Expenses	30,000.00	Fire – Salary
Fire – Other Expenses	20,000.00	Police – Salary
Shade Tree – Other Expenses	200.00	Solid Waste – Salary
Division of Accounts – Salary	1,000.00	Solid Waste – Salary
Public Events	1,000.00	Solid Waste – Salary
UCIA – Interest	193.51	Interest on Bonds
Public Works – Other Expenses	60,000.00	Solid Waste–Contract

SEWER UTILITY ACCOUNT:

<u>TO</u>		<u>FROM</u>
Public Works Salary	20,000.00	Group Insurance

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

Authorizing the Place-to-Place transfer of Plenary Retail Distribution License No. 2019-44-003-008, Ishan Liquor LLC, t/a Liquor Savers, located at 2229 Springfield Avenue.

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

Authorizing Change Order No. 5 resulting in a net change of \$0.00 for a total contract amount of \$1,143,941.34 in connection with the 2009 Road Improvement Program – Contract 1 with Stilo Excavation, Inc.

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

Authorizing Change Order No. 5 resulting in a net change of \$0.00 for a total contract amount of \$995,588.51 in connection with the 2009 Road Improvement Program – Contract 2 with Stilo Excavation, Inc.

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. 2 and Final decreasing the amount to S. Brothers, Inc. by \$10,913.97 for a revised total contract amount of \$166,023.05 in connection with the 2010 CDBG Road Improvements – Laurel Avenue.

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

Amending Resolution No. 2010-235, to BJ&M Auto by an additional \$5,000.00 for repair services for Motor Vehicles at a total contract amount not to exceed \$45,000.00 under State Contract A73496.

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

Amending Resolution No. 2010-109, to David Minchello, Esq., by an additional \$2,500.00 to defend a Township employee in the Negrin v. the Township litigation, for a total contract amount not to exceed \$6,000.00.

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

Amending Resolution No. 2010-107 to Robert Varady, Esq., by an additional \$3,000.00 to defend two Township employee's in the Negrin v. the Township litigation for a total contract amount not to exceed \$8,000.00.

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

Amending Resolution 2009-250 to David Fassett, Esq., by an additional \$550.00 to represent the Township in the ARC, LLC v. the Township litigation for a total contract amount not to exceed \$20,550.00.

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

Authorizing an award of contract to American Traffic Solutions for the Automated Photo Enforcement System (red light cameras) at no cost to the Township.

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

Authorizing an award of contract to Automated Building for the 2011 HVAC Services for various Township Buildings at a total contract amount not to exceed \$26,088.00.

Sealed bids were received in the Meeting Room at Municipal Headquarters, for the 2011 HVAC Services for various Township Buildings.

An award of contract to Automated Building, at a total contract amount

not to exceed \$26,088.00.

The Bids received and opened were as follows:

Honeywell Columbia Road Morristown, N.J.	\$35,460.00
Automated Building 3320 Rt. 66 Neptune, N.J.	\$26,088.00
Carrier Commercial Ser. 14-30 Madison Avenue Fairfield, N.J.	\$32,400.00
Core Mechanical 7150 N. Paqrk Drive, Suite 400 Pensauken, N.J.	\$65,152.00

Sergio Panunzio, Supt. of the Department of Public Works reported that the bid of Automated Building was the 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. People, and carried, the Township Committee,

RESOLVED, that the contract for the 2011 HVAC Services for various Township Buildings, be awarded to Automated Building 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 Mrs. Restivo, seconded by Mr. People, and carried, the Township Committee moved the adoption of the following entitled Resolution:

Appointing Timothy Donohue, Esq. to represent the Township in a gun appeal for an amount not to exceed \$5,000.00.

#### **FINANCES:**

On motion of Mr. Florio, 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 December 21, 2010, approved by respective Departments as being correct.

On motion of Mr. Florio, 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
501/8	Faustina Peeples	2010	\$ 800.00
1906/1.11	Pereira & Shannon Nuno	2010	2, 254.92
407/4	Rose Marie Malcolm	2010	2, 784.27
1107/11	Arthur L. Rogers	2010	2, 599.20
101/4.0270	Mega Title, LLC	2010	2, 372.92

On motion of Mr. Florio, 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. Florio, seconded by Mr. People, and carried, the Township Committee authorized payment of Community Development Agency Bills in the amount of \$66,714.83

**COMMUNICATIONS:**

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

NAME	AMOUNT	CERT #	LOCATION
Tower Lien, LLC	\$25,159.82 \$ 7,500.00	10-00042	2601 Lori Court
US Bank/Cust for Plymouth Park Tax Services	\$45,410.11 \$15,100.00	08-00021	221 Lincoln Ave

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

From: Debra Tesman, Union resident, Re: Requesting a handicap parking space in front of 289 Beechwood Avenue.

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

From: Omar Villacis, Karako Suits, 2470 Route 22, Re: Requesting permission to continue hanging a 90" x 60" banner, also requesting permission to hang two feather banners (11.5 x 2.5) and three stick signs to help promote business.

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

From: Daniel Zieser, Police Director, Re: Recommending a handicap parking space in front of 1108 West Chestnut Street.

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

From: Jesse Arteche, CPA, 1917 Morris Avenue Re:

Requesting permission to hang an 8' x 2' banner to promote their tax season for thirty (30) days.

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

From: Phillip Haderer, Township Engineer, Re: Requesting payments be issued to the following contractors:

- A. Payment No. 2 & final, in the amount of \$31,671.22 to S. Brothers, Inc., for work completed through December 14, 2010 in connection with the 2010 CDBG Road Improvement Program – Laurel Avenue Resurfacing Project.
- B. Payment No. 7 in the amount of \$111,100.52 to Stilo Excavation Inc., for work completed through December 13, 2010 in connection with the 2009 Road Program – Contract 1 Project.
- C. Payment No. 6 in the amount of \$151,479.15 to Stilo Excavation Inc., for work completed through December 13, 2010 in connection with the 2009 Road Program – Contract 2 Project.

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

From: Richard Malanda, Construction Code Official, Re: Requesting the return of a \$10,000.00 Demolition Bond to the following companies:

- A. M & M Construction Co., Inc., 855 Lehigh Avenue, Block 504, Lot 4.02 (Ratify)
- B. Doherty Enterprises, Inc., d/b/a Applebees Restaurant 965 Jefferson Avenue, Block 3409, Lot 46
- C. Catco, Inc., 2087 Springfield Avenue, Block 5701, Lot 9.01

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

From: Waseem Chandhary, 7-11/Shell Gas Station, 2515 Route 22 West, Re: Requesting permission to hang a temporary 68" x 42" banner and three (3) feather banners to help promote new business

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

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

## **DEPARTMENT REPORTS**

### **MONTHLY REPORTS:**

Health Department  
Police Department

COMMITTEE REPORTS:

MR. FIGUEIREDO:

Mr. Figueiredo congratulated the four new Police Officers and wished them well.

Mr. Figueiredo commended and congratulated Lieutenant Kenneth Elliott and Lieutenant William Spekhardt on their promotions.

Mr. Figueiredo wished to commend Mrs. Brenda Restivo on her many years of dedication to the Township of Union and wished her well.

Mr. Figueiredo announced that there will be no garbage pick up on 12/24/10 and 12/31/10. He also announced that recycling calendars will be sent out shortly with some changes. If you have any questions call the Department of Public Works at 686-1922 or visit our Website.

Mr. Figueiredo wished everyone a blessed holiday season.

MR. FLORIO:

Mr. Florio congratulated the four new Police Officers and wished them well.

Mr. Florio commended and congratulated Lieutenant Kenneth Elliott and Lieutenant William Spekhardt on their promotions.

Concerning a report of the Building Department for the month of November 2010, 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.

Mr. Florio stated that he and Brenda Restivo have been on the Township Committee for 12 years and she worked hard and is dedicated to her community. She did a great job in her 12 years. Mr. Florio wished Brenda well in her new life in New Mexico.

Mr. Florio wished everyone a happy holiday season.

MR. PEOPLE:

Mr. People congratulated the four new Police Officers and wished them well.

Mr. People commended and congratulated Lieutenant Kenneth Elliott and Lieutenant William Spekhardt on their promotions.

Mr. People wished Brenda the best in her retirement. Brenda is very dedicated to her community and its residents. He wished her well in New Mexico.

Mr. People announced that residents with low income can still have repairs made to their homes. They should call or visit the Department of Community Development for help with the repairs.

Mr. People wished everyone a happy holiday season.

**MRS. RESTIVO:**

Mrs. Restivo congratulated the four new Police Officers and wished them well.

Mrs. Restivo commended and congratulated Lieutenant Kenneth Elliott and Lieutenant William Spekhardt on their promotions.

Mrs. Restivo stated that it was such a privilege and honor to serve the Township of Union. Mrs. Restivo stated that she has met so many, many wonderful people. Mrs. Restivo thanked Peter Capodice for everything she learned from him.

Mrs. Restivo thanked the Municipal Employees for all their help and many great memories.

Mrs. Restivo urged residents to get involved in their community and help each other.

Mrs. Restivo thanked everyone for a wonderful experience.

**MR. TERREZZA:**

Mr. Terrezza congratulated the four new Police Officers and wished them well.

Mr. Terrezza commended and congratulated Lieutenant Kenneth Elliott and Lieutenant William Spekhardt on their promotions.

Mr. Terrezza wished Brenda well in her new life in New Mexico. Mr. Terrezza commended her on the great job she did for the residents of Union and it was a pleasure serving with Brenda.

Mr. Terrezza explained what a great pleasure it was serving as Mayor in 2010. Mr. Terrezza thanked all the Department Heads and the employees for all their help

Mr. Terrezza wished everyone a happy holiday season.

**PUBLIC HEARING:**

Peter Capodice, 534 Bailey Avenue, wished Brenda well and he was honored and privileged to serve with her.

There being no further business presented, the Township Committee on motion of Mr. Florio, seconded by Mr. Figueiredo, and carried, adjourned the meeting, the time being 8:36 P.M.

Dated: December 21, 2010

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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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EILEEN BIRCH, Township Clerk