

May 26, 2020

The Township Committee of the Township of Union in the County of Union, convened in regular session at the Municipal Building, Union, New Jersey, on the 26<sup>th</sup> day of May, 2020 at 6:01 P.M. The meeting was called to order by Michele Delisfort, 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, 2020, 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, Suburban News and the Star Ledger. A copy of said Resolution is on file with the Clerk of the Township.

The Local Source and Star Ledger were noticed on Monday May 18, 2020 of the time change of this regular meeting to 6:00pm. The notice was also posted on the Township website and bulletin board."

The opening prayer was led by Committeeman People, and the pledge to the flag was led by Township Clerk Eileen Birch.

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

Present: MICHELE DELISFORT, MAYOR, in person  
JOSEPH FLORIO, DEPUTY MAYOR, virtual  
CLIFTON PEOPLE, JR., virtual  
MANUEL FIGUEIREDO, virtual  
SUZETTE CAVADAS, virtual

#### **APPROVAL OF MINUTES:**

On motion of Mr. People, seconded by Mr. Florio, and carried, the Township Committee moved to approve Conference and Regular Session Minutes of May 12, 2020

#### **ORDINANCES:**

#### **DRAFT AND FIRST READINGS:**

The Clerk presented draft of an ordinance, approving the application for a long term tax exemption.

On motion of Ms. Cavadas, seconded by Mr. Figueiredo, 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.

Ordinance of the Township of Union, County of Union, New Jersey approving the application for a long term tax exemption and authorizing the execution of a financial

agreement with RMS Liberty Place Urban Renewal Entity,  
LLC

On motion of Ms. Cavadas, seconded by Mr. Figueiredo, 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 June 9, 2020.

Mr. Figueiredo, aye, Ms. Delisfort, aye, Mr. People, aye, Mr. Florio, aye, Ms. Cavadas, aye.

The Clerk provided draft of an ordinance providing funds for the Joint Meeting.

On motion of Mr. Florio, 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.

Providing funds for a portion of the Joint Meeting of Essex and Union Counties Capital Improvement Plan in the amount of \$4,885,000.00.

On motion of Mr. Florio, 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 June 9, 2020.

#### **RESOLUTIONS:**

On motion of Mr. Figueiredo, seconded by Ms. Cavadas, and carried, the Township Committee moved the adoption of **Resolution No. 2020-168**:

WHEREAS, the Township desires to engage a professional engineering firm for professional Contract Administration and Inspection (CA&I) services associated with the 2020 Road Improvement Program – Phase III; and

WHEREAS, Maser Consulting P.A. has submitted a proposal dated April 13, 2020 for professional CA&I services associated with the 2020 Road Improvement Program – Phase III for a fee not-to-exceed \$215,600.00; and

WHEREAS, funds would be available in the Township Capital Account to compensate the person or firm selected to advise the Governing Body in connection with the foregoing; and

WHEREAS, the Chief Financial Officer has certified that funding is available in Capital Ordinance No. 5664 to award the contract in the total amount of \$215,600.00 for 2020 Road Improvement Program – Phase III CA&I services; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40a:11-1) et. Seq. requires that the Resolution authorizing the award of Contracts for “Professional Services” without competitive bids must be available for public inspection.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee in the Township of Union in the County of Union that:

1. The Chairman of the Township Committee and the Township Clerk are hereby authorized and directed to enter into an agreement with Maser Consulting, P.A. for the Professional CA&I Services in connection with the 2020 Road Improvement Program – Phase III as described in the Maser Consulting, P.A. proposal dated April 13, 2020 for a fee not-to-exceed \$215,600.00.
2. This Contract is awarded without competitive bidding as a Professional Service in accordance with 40a:11-5(1)(a) of the Local Public Contracts Law, because the said Maser Consulting, P.A. is authorized to practice a recognized profession.

3. The contractor agrees to comply with all affirmative action Regulations pursuant to N.J.S.A. 10:21-1 et seq. (p.l. 1975 C. 127. NJAC 17:27).
4. A notice of this action shall be published in the Local Source.

On motion of Mr. People, seconded by Mr. Florio, and carried, the Township Committee moved the adoption of **Resolution No. 2020-169:**

WHEREAS, Preliminary & Final Site Plan Approval with Variance Relief for RMS LIBERTY PLACE URBAN RENEWAL LLC Block 405, Lot(s) 15,17,18,19 and 57 was granted by the Planning Board of the Township of Union through a resolution adopted on December 16, 2019; and

WHEREAS, in accordance with Chapter 170, Land Use Code of the Township of Union, Performance Guarantees are required in connection with the Public Facilities work to be performed under said Site Plan; and

WHEREAS, it has been determined that the cost of the Off-Site improvements would require a Safety and Stabilization Bond in the amount of \$6,539.04 and a Cash Bond in the amount of \$726.56; and

WHEREAS, the Township Committee has examined the items constituting the above figure as the same set forth in the applicant's construction cost estimate and reviewed by Joseph R. Venezia, P.E., P.P., C.M.E., C.P.W.M., Township Engineer; and

WHEREAS, said Township has determined that in accordance with Sections 170-243 and 170-245 of the Land Development Ordinance and the Municipal Land Use Law (M.L.U.L.) that the guarantee should be posted in the following manner:

- |   |              |
|---|--------------|
| A. Safety and Stabilization Bond in the amount of 90% of the Performance Guarantee  | \$ 6,539.04  |
| B. A cash deposit in the amount of 10% of the Guarantee   | \$ 726.56    |
| C. Establishment of a Special Trust Fund Account for inspection & testing in the amount of 5% of the Cost of Improvements | \$ 68,743.09 |

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Union in the County of Union that the Performance Guarantee in connection with the application pertaining to property of RMS LIBERTY PLACE URBAN RENEWL LLC be fixed at the aforesaid sums and posted as hereinabove indicated, the application being identified as Planning Board No. 2019-07.

On motion of Ms. Cavadas, seconded by Mr. Figueiredo, and carried, the Township Committee moved the adoption of **Resolution No. 2020-170:**

WHEREAS, the Township of Union entered into an agreement with the County of Union for the HOME Investment Partnerships Consortium; and

WHEREAS, there is a stipulation in paragraph seven of said agreement stating that it may be automatically renewed for an additional three year period after being notified in writing of the Township's right not to participate; and

WHEREAS, the Township has agreed to continue the partnership with the County of Union for the Federal Fiscal Years 2021, 2022 and 2023; and

NOW THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Union in the County of Union, State of New Jersey that the HOME Investment Partnerships Program for the Federal Fiscal Years 2021, 2022 and 2023 is hereby renewed with the County of Union.

On motion of Mr. Florio, seconded by Mr. People, and carried, the Township Committee moved the adoption of **Resolution No. 2020-171:**

WHEREAS, the Township is a political subdivision of the State of New Jersey and is duly organized and existing pursuant to the Constitution and laws of the State of New Jersey; and

WHEREAS, pursuant to applicable law, the Governing Body of the Township of Union is authorized to acquire, dispose of and encumber real and personal property, including, without limitations, rights and interest in property, leases and easements necessary to the functions or operations of the Township; and

WHEREAS, the Township is purchasing SCBA safety equipment from Witmer Public Safety Group Inc., 104 Independence Way, Coatesville, Pa. 19344 through the Houston – Galveston Cooperative and therefore not subject to public bidding; and

WHEREAS, the Governing Body hereby finds and determines that the execution of one or more Master Lease-Purchase Agreements (“Leases”) in the principal amount not to exceed \$653,749.00 for the purpose of acquiring the property (“Equipment”) to be described in the Leases is appropriate and necessary to the functions and operations of the Township of Union.

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Township of Union:

Section 1. Either one of the Mayor or Clerk (each an “Authorized Representative”) acting on behalf of the Township of Union, is hereby authorized to negotiate, enter into, execute, and deliver one or more Leases in substantially the form set forth in the document presently before the Governing Body, which document is available for public inspection at the office of the Township Clerk. Each Authorized Representative acting on behalf of the Township of Union is hereby authorized to negotiate, enter into, execute and deliver such other documents relating to the Lease as the Authorized Representative deems necessary and appropriate. All other related contracts and agreements necessary and incidental to the Leases are hereby authorized.

Section 2. By a written instrument signed by an Authorized Representative, said Authorized Representative may designate specifically identified officers or employees of the Township of Union to execute and deliver agreements and documents relating to the Leases on behalf of the Township of Union.

Section 3. The aggregate original principal amount of the Leases shall not exceed the amount stated above and shall bear interest as set forth in the Leases and the Leases shall contain such options to purchase by the Township as set forth therein.

Section 4. The Township’s obligations under the Leases shall be subject to annual appropriation or renewal by the Governing Body as set forth in each Lease and the Township’s obligations under the Leases shall not constitute general obligations of the Township or indebtedness under the Constitution or laws of the State of New Jersey.

Section 5. As to each Lease, the Township of Union reasonably anticipates to issue not more than \$10,000,000 of tax-exempt obligations (other than “private activity bonds” which are not “qualified 501(c)(3) bonds”) during the fiscal year in which each such Lease is issued and hereby designates each Lease as a qualified tax-exempt obligation for purposes of Section 265(b) of the Internal Revenue Code of 1986, as amended.

Section 6. This resolution shall take effect immediately upon its adoption and approval.

On motion of Mr. Figueiredo, seconded by Ms. Cavadas, and carried, the Township Committee moved the adoption of **Resolution No. 2020-172:**

WHEREAS, the Housing and Community Development Act of 1974 as amended, provides for a program of Community Development Block Grant (CDBG); and WHEREAS, the Township of Union is an entitlement municipality as defined under said Act and is eligible for financial assistance; and

WHEREAS, the Township of Union has, pursuant to the Housing and Community Development Act of 1974, as amended, and the Consolidated Plan requirements solicited citizen comments and recommendations as to a 2020-2024 Consolidated Plan and 2020 Annual Action Plan for the Community Development Program and has held meetings for such purposes; and,

WHEREAS, the Township of Union held public meetings for the purpose of providing citizens with an opportunity to participate in the preparation of the application; and,

WHEREAS, the Consolidated Plan and Annual Action Plan for said grant conforms to the Plan requirements as contained in Federal Regulations;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Union in the County of Union, State of New Jersey, being the Governing Body thereof, as follows:

1. That the Mayor be and is hereby authorized and directed to submit the Consolidated Plan documents, including all understandings and assurances contained therein to the fullest extent of the funding allowed and determined by the Department of Housing and Urban Development to act as the authorized

representative of the Township of Union and to provide such additional information as may be required.

2. That the Mayor and such other appropriate and responsible officials be and they are authorized and directed to execute on behalf of the Township of Union such certification and certifications as may be required under the Program/Plan.

On motion of Mr. People, seconded by Mr. Florio, and carried, the Township Committee moved the adoption of **Resolution No. 2020-173**:

WHEREAS, by Township Resolution No 2019-270 dated August 28, 2019, the Township of Union ("Township") terminated the Springfield Ave Streetscape Contract ("Contract") with Abraham General Construction, LLC ("Abraham") and authorized the Township Engineer to pursue a claim on Abraham's Performance Bond company, Selective Insurance Company of America ("Surety"), to complete the Springfield Ave Streetscape Contract; and

WHEREAS, the Township Engineer estimates the costs to complete the Contract to be \$80,000; and

WHEREAS, the Township Engineer pursued a claim against the Surety, in accordance with Surety's obligations under the Contract Performance Bond; and

WHEREAS, the Surety agreed to a complete and final resolution of the obligations of Surety under the Performance Bond pursuant to which Surety procured a contractor to perform the balance of the Contract and will pay the Surety's obligation to the Township; and

WHEREAS, Surety procured Cifelli & Sons General Contracting, Inc. ("Cifelli") to perform the balance of the Contract; and

WHEREAS, Cifelli agreed to assume all obligations of Abraham under the Contract and to perform all of the work required by the Contract, inclusive of providing the Township with a two-year maintenance bond for the price of \$80,000.00 subject to adjustment for increases or decreases in actual quantities and by any change orders to the Contract executed by Township, if any; and

WHEREAS, the funds for the payment to Cifelli of \$80,000 are available from the Contract retainage balance currently held by the Township of \$2,602.70 and \$77,397.22 to be paid by the Surety to the Township for the Surety's payment obligation; and

WHEREAS, the Township shall retain all rights and obligations pursuant to the Contract, which Contract is to be assumed by Cifelli; and

WHEREAS, the Surety seeks a release of its Contract Performance Bond obligation upon the payment to the Township of \$77,397.22; and

WHEREAS, a Tender and Release Agreement, attached as Exhibit A, has been prepared setting forth the rights and obligations of the Surety, Cifelli and the Township for the Contract.

NOW THEREFORE BE IT RESOLVED that the Township Committee of the Township of Union authorizes the Mayor and Clerk to execute the Tender and Release Agreement.

On motion of Ms. Cavadas, seconded by Mr. Figueiredo, and carried, the Township Committee moved the adoption of **Resolution No. 2020-174**:

WHEREAS, Resolution No. 2020-157 incorrectly identified the Block/ Lot No. for Clinton Manor and is hereby rescinded; and

WHEREAS, the Township of Union ("Township") desires to conduct Preliminary Investigations for Designation of Areas In Need of Redevelopment without Eminent Domain for the properties identified on the Township Tax Maps: Clinton Manor B3402 L2.01, AZKO Nobel/International Paint B4101 L1.01; Carpenter Tech B3303 L8; and WHEREAS, Maser Consulting, P.A. submitted a scope of services proposal dated April 15, 2020, to prepare ("Maser Consulting") an Area in Need of Redevelopment Investigation Study for each property: Clinton Manor, AZKO Nobel/International Paint, Carpenter Tech; and

WHEREAS, the Preliminary Investigation will assemble and analyze data for preparation of an Area in Need of Redevelopment Investigation report pursuant to the Local Redevelopment and Housing Law (LRHL) and attend public meetings and coordination with the Township for a fee not-to-exceed \$11,500.00 for each of the properties stated for a total fee of \$34,500.00; and

WHEREAS, in accordance with the provisions of N.J.S.A. 19:44A-20.4, qualifications have been received through a fair and open process; and  
WHEREAS, Maser Consulting submitted a qualification to the Township and has qualified for the aforesaid services for 2020; and  
WHEREAS, the availability of said funds has been certified by the Local Finance Officer in Account 0-01-20-100-269; and  
NOW, THEREFORE, BE IT RESOLVED by the Township Committee in the Township of Union in the County of Union that:

1. Resolution No. 2020-157 is hereby rescinded.
2. The Chairman of the Township Committee and the Township Clerk are hereby authorized and directed to enter into an agreement with Maser Consulting for an Area In Need of Redevelopment Investigation associated with the properties identified on the Township Tax Maps as Clinton Manor Block 3402 Lot 2.01, AZKO Nobel/International Paint B4101 L1.01 and Carpenter Tech B3303 L8 for a fee not-to-exceed \$34,500.00.
3. This Contract is awarded in accordance with the provisions of N.J.S.A. 19:44A-20.4, whereby qualifications have been received through a fair and open process from Maser Consulting who has been qualified for the aforesaid services for 2020.
4. The contractor agrees to comply with all affirmative action Regulations pursuant to N.J.S.A. 10:21-1 et seq. (p.l. 1975 C.127. N.J.A.C. 17:27).
5. A notice of this action shall be published in the Local Source.

On motion of Mr. Florio, seconded by Mr. People, and carried, the Township Committee moved the adoption of **Resolution No. 2020-175**:

WHEREAS, the pump stations in the township have not been inspected and the wet wells not properly cleaned for some time; and  
WHEREAS, this situation can lead to sewer issues within the township if left uncompleted; and  
WHEREAS, it was the determination of the official in charge that this is an emergency situation and therefore permits the entry into an emergency contract without public bidding pursuant to N.J.S.A. 40A:11-6; and  
WHEREAS, the Township sought a proposal for repairs from Rapid Pump and Meter Service Co., Inc., 285 Straight Street, Paterson, NJ 07509 and is awarding a contract; and  
WHEREAS, funds are available for the repair in the amount of \$8,870.00 and will be charged to 0-07-55-500-579.

NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Union in the County of Union that:

1. The Township authorized a contract with Rapid Pump and Meter Service Co., Inc., in the amount of \$8,870.00 for emergency and immediate inspections and cleanings.
2. This contract is awarded as an emergency contract pursuant to NJSA 40A:11-6 of the Local Public Contracts Law.
3. The contractor agrees to comply with all affirmative action regulations, pursuant to N.J.S.A 10:2-1 et seq. (P.L. 1975 c. 127, NJAC 17:27)

#### **FINANCES:**

On motion of Mr. Figueiredo, seconded by Ms. Cavadas, 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 26, 2020, approved by respective Departments as being correct.

On motion of Mr. Figueiredo, seconded by Ms. Cavadas, and carried, the Township Committee authorized payment of Community Development Agency Bills in the amount of \$1528.16.

#### **COMMUNICATIONS:**

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

<b>NAME</b>	<b>AMOUNT</b>	<b>CERT#</b>	<b>LOCATION</b>
US Bank Cust.	\$1,894.55	17-00119	334 Russell St.
PC 7 Firsttrust			
PPP New,LLC	\$12,111.41	17-00028	1520 Rt. 22E
	\$10,000.00		

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

From: Betty Spiropoulos, St. Demetrios Greek Church, Re: Requesting permission to hold their annual Greek Festival September 10th- 13th, 2020. Also requesting permission to utilize several tents in their parking lot with all fees waived and to hang four banners at various locations in the Township from August 9 – September 9, 2020.

On motion of Ms. Cavadas, seconded by Mr. Figueiredo, and carried, the Township Committee moved to approve the request with the requirement that all guidelines in effect at the time from the Governor and CDC are adhered to.

From: Joseph Venezia, Township Engineer, Re: Requesting the following payments:

A. Payment No. 6 to Stilo Excavating, Inc. in the amount of \$41,698.51 for work completed through May 8, 2020 for the 2019 Road Resurfacing Program –Phase I.

B. Payment No. 4 to Stilo Excavating, Inc. in the amount of \$353,238.06 for work completed through May 8, 2020 in connection with the 2019 Road Resurfacing Program, Phase 2B.

C. Payment No. 8 to JTG Construction, Inc. in the amount of \$134,319.22 for work completed through May 15, 2020 in connection with the 2019 Road Improvement Program, Phase II.

D. Payment No. 1 to Granada Construction Corp. in the amount of \$150,073.27 for work completed through May 8, 2020 in connection with the 2020 Road Improvement Program, Phase III.

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

From: Jack May, Keystone Novelties, LLC, Re: Requesting permission to hold a tent sale at 2700 Route 22 from June 24<sup>th</sup> – July 5<sup>th</sup>, 2020 for the sale of fireworks.

On motion of Ms. Cavadas, seconded by Mr. Figueiredo, and carried, the Township Committee authorized the tent sale.

#### **DEPARTMENT REPORTS:**

##### **MONTHLY REPORTS:**

Municipal Court  
Fire Department  
Police Department

On motion of Mr. People, seconded by Mr. Florio, and carried, the Township Committee directed that the department reports be received for filing.

#### **COMMITTEE REPORTS:**

##### **MS. DELISFORT:**

- Ms. Delisfort thanked the administration for their work for the rededication of Veteran's Honor Roll & Memorial Park. A special thanks to Bob Johnson, Leo Graf, VFW Members, & the Memorial Day Parade Committee.

- Ms. Delisfort thanked all those that joined the Township for the car parade on Sunday. A total of \$2300 was raised for FLAG of Union, a local Front Line Appreciation Group.
- Ms. Delisfort reminded residents that there is a list of small businesses offering food delivery and/or pick up on the Township website. A code is listed for discounts.
- Ms. Delisfort asked all business owners and commercial property owners to complete our online survey to help us better understand their needs with the COVID-19 pandemic.
- Ms. Delisfort announced a lawn sign fundraiser where proceeds will go towards small business relief.
- Ms. Delisfort thanked MTN Organization who brought their food Pantry to Jefferson Elementary School on Saturday, May 23<sup>rd</sup> from 10am-11:30am.
- Ms. Delisfort announced the Union Rec Department will create a slide show for birthdays (belated/upcoming) to share on social media.
- Ms. Delisfort announced the Front Steps Project of Union.
- Ms. Delisfort thanked residents who responded to the 2020 Census.
- Ms. Delisfort reminded the public to sign up for Code Red online or by calling the Administration office at 908-851-8500.

**PUBLIC HEARING:**

The Clerk reported that no one expressed a desire to be heard.

There being no further business presented, the Township Committee on motion of Mr. Figueiredo, seconded by Mr. People, and carried, adjourned the meeting, the time being 6:18 P.M.

Dated: May 26, 2020

---

MICHELE DELISFORT, Chairwoman of the  
Township Committee of the Township of Union,  
in the County of Union.

---

EILEEN BIRCH, Township Clerk