

June 9, 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 9<sup>th</sup> day of May, 2020 at 6:04 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 June 1, 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 26, 2020

#### **ORDINANCES:**

#### **SECOND AND FINAL READINGS:**

In pursuance to notice duly published, the Clerk presented for consideration, as to second and final reading:

Approving the execution of financial agreement with RMS Liberty Place Urban Renewal Entity, LLC.

The Chairman announced public hearing on the said ordinance. There being no person who expressed the desire to be heard, it was

On motion of Ms. Cavadas, seconded by Mr. Figueiredo, 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, Ms. Cavadas aye, Mr. People, aye Mr. Florio aye, Ms. Delisfort, aye

In pursuance to notice duly published, the Clerk presented for consideration, as to second and final reading:

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.

The Chairman announced public hearing on the said ordinance. There being no person who expressed the desire to be heard, 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, Ms. Cavadas aye, Mr. People, aye Mr. Florio aye, Ms. Delisfort, aye

#### **DRAFT AND FIRST READING:**

The Clerk presented draft of an ordinance, approving regulating the use of recreational fires, fire pits and open burning.

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

Creating a new chapter in the Municipal Code entitled "Regulating the use of recreational fires, fire pits and open burning."

On motion of Mr. Figueiredo seconded by Ms. Cavadas, 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 23, 2020.

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

#### **RESOLUTIONS:**

On motion of Mr. People, seconded by Mr. Florio, and carried, the Township Committee moved the adoption of **Resolution No. 2020-176**:

WHEREAS, Final Approval for Lioni Lattacini, Inc, 555 Lehigh Avenue, Block 708 Lot16.01 was granted by the Zoning Board of the Township of Union on May 16, 2018; and

WHEREAS, in lieu of the requirements established in Chapter 170, Land Use Code of the Township of Union, a Safety and Stabilization Surety Bond is required and was posted in connection with the Public Facilities work to be performed under said Site Plan 2020-13 on May 26, 2020 in the amount of \$5,000.00 as said guarantee to be posted in the following manner:

- A. A Performance Bond in the form of a Safety and Stabilization Bond \$ 5,000.00
- B. Establishment of a Special Trust Fund Account for inspection & testing (5% of the cost of improvements) \$ 5,275.00

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 Lioni Lattacini, Inc. be fixed at the aforesaid sums and posted as hereinabove indicated, the application being identified as Zoning Board Calendar 3322.

On motion of Ms. Cavadas, seconded by Mr. Figueiredo, and carried, the Township Committee moved the adoption of **Resolution No. 2020-177:**

WHEREAS, Preliminary & Final Site Plan Approval with Variance Relief for DRA FIDELCO SUMMIT COURT PHASE 2 Block 06, Lot 2 was granted by the Planning Board of the Township of Union through a resolution adopted on October 25, 2018; 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 Performance Guarantee in the amount of \$96,713.00 and a Cash Bond in the amount of \$9,671.30; 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 Philip A. Haderer, P.E. C.M.E., Assistant 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. Performance Bond in the amount of 90% of the  
Performance Guarantee \$ 87,041.70
- B. A cash deposit in the amount of 10% of the Guarantee \$ 9,671.30
- C. Establishment of a Special Trust Fund Account for  
inspection & testing in the amount of 5% of the  
Cost of Improvements \$ 72,669.50

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 DRA FIDELCO SUMMIT COURT PHASE 2 be fixed at the aforesaid sums and posted as hereinabove indicated, the application being identified as Planning Board No. 2018-21.

On motion of Mr. Florio, seconded by Mr. People, and carried, the Township Committee moved the adoption of **Resolution No. 2020-178:**

WHEREAS, the Township Committee of the Township of Union wishes to retain a Real Estate and Economic Development Consultant, and

WHEREAS, it was determined that the value of such services may exceed \$17,500.00 annually; and

WHEREAS, pursuant to the Fair and Open Process (N.J.S.A. 19:44A-20a, et seq.) proposals were sought and subsequently received on June 3, 2020; and M3K Consulting, LLC submitted a responsive proposal with the attached fee schedule; and

WHEREAS, funds are available in the 2020 municipal budget for the payment of the services of M3K Consulting, LLC to provide this service, and the availability thereof has been certified by the Local Finance Officer and will be charged to 0-01-20-170-269; and 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 be and is hereby authorized and directed to enter into an agreement with M3K Consulting, LLC, 24 Percheron Road, Manalapan, NJ 07726 and the contracts are hereby made part of this resolution.
2. This resolution is subject to M3K Consulting, LLC executing the discrimination and employment contract pursuant to N.J.S.A. 10:2-1 et seq.
3. A notice of this action shall be published in the Local Source following the adoption of this resolution.

On motion of Mr. Figueiredo, seconded by Ms. Cavadas, and carried, the Township Committee moved the adoption of **Resolution No. 2020-179:**

WHEREAS, on January 30, 2020, the World Health Organization declared the outbreak of the novel coronavirus (COVID-19) to be a Public Health Emergency of International Concern as human-to-human transmission; and

WHEREAS, on January 31, 2020, the United States Department of Health and Human Services Secretary declared the novel Coronavirus to be a United States Public Health Emergency.

WHEREAS, on February 3, 2020, New Jersey's Governor, Philip D. Murphy, issued Executive Order 102 establishing the New Jersey Coronavirus Task Force in an effort to monitor the spread of the Coronavirus within the State of New Jersey, the United States of America, and the entire world in order to facilitate necessary and appropriate action to ensure the safety and security of the residents of the State of New Jersey; and

WHEREAS, on March 4, 2020, the State of New Jersey reported the first confirmed positive case of Coronavirus throughout the State; and

WHEREAS, on March 9, 2020, Governor Murphy issued Executive Order 103 declaring a State of Emergency and a Public Health Emergency in response to the outbreak of the novel Coronavirus within the State of New Jersey; and

WHEREAS, on March 13, 2020, the President of the United States of America formally declared the outbreak of the novel Coronavirus to constitute a National Emergency pursuant to the National Emergencies Act (50 U.S.C. § 1601. et seq.); and

WHEREAS, on March 16, 2020, Governor Murphy issued Executive Order 104 enacting several "social distancing" regulations, including but not limited to, limiting public gatherings to no more than 50 people, closing educational facilities, closing various recreation and entertainment based businesses, imposed restrictions on scope of service and hours of operation for other non-essential retail, recreational, restaurants/bars and entertainment businesses; and

WHEREAS, on March 21, 2020, Governor Murphy issued Executive Order 107 which expanded the social distancing regulations set forth within Executive Order 104, including but not limited to, directing all New Jersey remain in their home or place of residence with specific limited exceptions, prohibited gatherings of any size, closed all non-essential retail businesses and identified essential businesses permitted to continue to operate subject to specific limitations, and reiterated and strengthened social distancing requirements when in public; and

WHEREAS, on March 21, 2020, Governor Murphy also issued Executive Order 108 which specifically voided and precluded County and Municipal Governments from imposing or enforcing any restrictions/regulations that in any way would or might conflict with any of the provisions of Executive Order 107, with the exception of regulating online marketplaces for arranging or offering lodging, municipal or country parks, and beaches and boardwalks; and

WHEREAS, Executive Order 107 specifically regulates the continued operation of Bars/Restaurants and provides, in part, that "All restaurants, cafeterias, dining establishments and food courts, with or without a liquor license, all bars, and all other holders of a liquor license with retail consumption privileges, are permitted to operate their normal business hours, but are limited to offering only food delivery and/or take-out services in accordance with their existing liquor licenses;" and

WHEREAS, on June 15, 2020, outdoor dining will be permitted and the Mayor and Township Committee of the Township of Union find it to be appropriate to temporarily relax its Ordinances, including but not limited to the procedures associated with review and approval in order to permit said establishments to locate tables and chairs out-of-doors, in the Township right-of-way including the sidewalk and/or in other locations on or off site, subject to the requirements and restrictions set forth herein and subsequent to the State of New Jersey rescinding and/or relaxing the restrictions of Executive Order 107 and/or any other directive prohibiting the same; and

WHEREAS, the Township Administrator, Assistant Township Administrator, other Township Officials and other stakeholders have been meeting to discuss ways in which to implement outdoor dining, balancing the needs of the businesses and public safety in an effort to assist and promote the economic development of local business in these extremely difficult times and have determined that the ability for local business' to expand its available space will economically assist the businesses in the reduction of capacity caused by the social distancing requirements; and

WHEREAS, the Mayor and Township Committee have determined that it is in the best interest of the Township to temporarily relax the outdoor dining and outdoor display restrictions on local business establishments and to extend outdoor dining and outdoor

retail displays into public rights of way including sidewalks and to provide for additional space for outdoor dining into designated public parking lot areas and to allow for outdoor dining areas to be established on private property and private parking lots under specific terms and conditions consistent with guidelines provided by the State of New Jersey and upon application and approval by the Township Administrator and/or her designee; and

WHEREAS, the State ABC has created a new permit to address anticipated need of licensees to expand their premises to allow reasonable seating capacity while observing social distancing guidelines, which will allow liberal expansion privileges outdoors; and NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Union, County of Union, State of New Jersey as follows:

1. The statements that are set forth in the preamble are true and accurate. All of the statements of the preamble are repeated and are incorporated herein by this reference thereto and are made a part hereof as if each and every statement were set forth fully herein.
2. Effective immediately, the Township Administrator, the Chief of Police, the Chief of the Fire Department, the Health Officer and the Township Clerk are hereby authorized to implement the objectives of this Resolution in order for the retail businesses, restaurants and food establishments the ability to set-up outdoor display and outdoor dining areas subject to the approval provided for below.
3. Effective immediately, the Township Administrator in consultation with the Township Clerk, the Chief of Police, the Chief of the Fire Department, and the Health Officer is hereby authorized to promulgate requirements, rules and regulations pertaining to the application for and the use of outdoor areas, both public and private, by local business establishments for outdoor dining and outdoor displays consistent with the guidelines established by the State of New Jersey including but not limited to all COVID related safety precautions and measures during the effective dates of this Resolution.
4. Any and all business establishments of the Township of Union who wish to utilize the public right of way including sidewalks or any other public property and/or private parking lots or private property for outdoor displays and outdoor dining shall, prior to its use, complete and submit an application to the Township Administrator for review and approval. In an effort to assist the local businesses, the Township has agreed to waive any application and/or approval fees relating its review, including any fees due the Special Improvement District.
5. The Township Administrator and/or her designee are hereby granted the authority and discretion to approve Outdoor Dining Plan Applications pertaining to existing "full-service bars/restaurants," defined as "restaurants engaged in the preparation and service of meals/food," subject to the review and approval of the Chief of Police, in order to permit said establishments to relocate existing tables/seating or locate new tables/seats to the Township right-of-way including sidewalks and/or other locations on or off site

BE IT FURTHER RESOLVED by the Mayor and Township Committee of the Township of Union that it hereby reserves the right to amend, terminate, or repeal this Resolution and/or any approvals granted herein at any point in time, if it determines that it is in the best interest of the health safety and welfare of the Township, and accordingly no property rights are granted to any person(s) or entities by virtue of this Resolution and/or approval hereunder and any person(s) or entities electing to pursue temporary relief in accordance with the provisions of this Resolution are hereby given notice that the expenditure of any funds, or the incurrence of any costs, in reliance upon this Resolution and any approval hereunder shall be at their sole and exclusive risk and expense. All persons and/or entities are hereby given notice that the risk of loss for any expenditure and/or costs incurred shall be their sole and exclusive responsibility; and BE IT FURTHER RESOLVED by the Mayor and Township Committee of the Township of Union that with the exception of the temporary relief and application process set forth herein relating to outdoor dining and outdoor displays, existing and proposed retail businesses must comply with any and all other federal, state, county, and local laws and regulations, including any and all other existing zoning ordinances and/or general

ordinances governing the operation of bars/restaurants and retail businesses; and  
BE IT FURTHER RESOLVED by the Mayor and Township Committee of the Township of Union that in the event the Township Administrator, Zoning Officer and/or Police Department determines that a business establishment or person is in violation of the conditions of any temporary Outdoor Dining and/or Outdoor Display Plan approved in relation to this Resolution, the Township Administrator is hereby authorized to immediately revoke the approval received in relation to this Resolution; and

BE IT FURTHER RESOLVED by the Mayor and Township Committee of the Township of Union that the Township Administrator, Zoning Officer and Police Department are hereby authorized and empowered to enforce this Resolution and the several provisions hereof as well as the conditions of approval for the use of outdoor dining and outdoor displays; and

BE IT FURTHER RESOLVED by the Mayor and Township Committee of the Township of Union that that the Township Administrator is hereby further empowered to enforce the discretionary powers which are considered necessary in order to make the provisions hereof properly effective and useful for the benefit of the Township and its businesses, including but not limited to the separation of the commencement of the application and approval process for outdoor dining and outdoor displays; and

BE IT FURTHER RESOLVED by the Mayor and Township Committee of the Township of Union that in order to avoid injustice or the possible abuse of discretion and to correct the possibility of error in judgment, any Applicant, who's Outdoor Dining and/or Outdoor Display Plan application is denied by the Township Administrator and/or her designee, has the right to appeal to the Township Committee by filing a notice of appeal with the Township Clerk within thirty (30) days of the denial of said application. Upon receipt of any such notice of appeal, the Township Committee will hear the appeal at its regular meeting, at which time the owner and any other persons appearing in the matter will be heard or afforded the opportunity to be heard. At the conclusion of said hearing, the Township Committee will consider the matter, determine whether to uphold or overturn the Township Administrator and/or her designee's decision, and thereafter notify the owner of its decision; and

BE IT FURTHER RESOLVED by the Mayor and Township Committee of the Township of Union that, upon the effective date of this Resolution, all requirements of prior ordinances or parts of ordinances inconsistent with this temporary Resolution are hereby temporary suspended to the extent of their inconsistencies only; and

BE IT FURTHER RESOLVED by the Mayor and Township Committee of the Township of Union that should any section, paragraph, sentence, clause or phrase of this Resolution be declared unconstitutional or invalid for any reason, or not approved by the State of New Jersey, the remaining portions of this Resolution shall not be affected thereby and shall remain in full force and effect, and to that end the provisions of this Resolution are hereby declared to be severable; and

BE IT FURTHER RESOLVED by the Mayor and Township Committee of the Township of Union, upon adoption of this Resolution the Township Clerk shall forward copies, electronically or otherwise, to the New Jersey Director of the Division of Alcoholic Beverage Control.

#### **FINANCES:**

On motion of Mr. People, 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 June 9, 2020, approved by respective Departments as being correct.

Authorize the adjustment of taxes receivable and adjustments due to State and/or County Tax Appeals as listed by the Tax Collectors Office.

On motion of Mr. People, seconded by Mr. Florio, and carried, the Township Committee authorized payment of Community Development Agency Bills in the amount of \$764.25.

#### **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	\$19,533.96	19-00060	3 Tuxedo Pl
Twr DBIX 2019-1	\$26,600.00		
US Bank Cust. PC 7 Firstrust	\$800.00	17-00119	334 Russell St.

On motion of Ms. Cavadas, seconded by Mr. Figueiredo, and carried, the Township Committee moved to approve the payments.

From: Bradley Levie, Wash Hounds, Rt. 22, Requesting permission to utilize a 20'x40' tent from June through September in the back of the property for car storage while awaiting detailing.

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

From: Joseph Venezia, Township Engineer, Re: Requesting payment No. 2 to DeMaio Electrical Inc. in the amount of \$117,766.60 for work completed through May 11, 2020 on the Sumner Avenue Pump Station Upgrades project.

On motion of Mr. Figueiredo, seconded by Ms. Cavadas, and carried, the Township Committee moved to approve the payment.

From: Patricia Guerra-Frazier, Resident, Re: Requesting permission to hold a block party on Mildred Terrace, Friday June 19, 2020 from 3:00pm-10:00pm with a rain date of Saturday June 20, 2020.

On motion of Mr. People, seconded by Mr. Florio, and carried, the Township Committee authorized the block party with all CDC and social distancing guidelines in place.

#### **DEPARTMENT REPORTS:**

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

Clerk's Office  
Engineering Department

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

#### **COMMITTEE REPORTS:**

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

- Ms. Delisfort reminded everyone about the Farmer's Market every Thursday from 3pm to 8pm until September 24<sup>th</sup> in the front parking lot of the Town Hall. Visit [uniontwpfarmersmarket.com](http://uniontwpfarmersmarket.com). All patrons will be required to wear masks and gloves to enter the market.
- Ms. Delisfort announced that a list is available on [unioncentersid.com](http://unioncentersid.com) of all Union restaurants and eateries that are currently open and offering pickup and delivery services. Also plans are in the works for outside dining for our business corridors.
- Ms. Delisfort asked all business owners and commercial property owners to visit [unioncentersid.com](http://unioncentersid.com) to complete an online survey so the township can better understand your needs.
- Ms. Delisfort announced a lawn sign fundraiser where proceeds will go towards small business relief.
- Ms. Delisfort announced a drive through food pantry hosted by MTN Organization on Monday June 22<sup>nd</sup> from 6pm-7pm. Volunteers will place a box of food in the trunk there will be no contact.
- Ms. Delisfort asked for donations for our Township food pantry, in the form of food, monetary donations or gift cards.

- 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. Florio, seconded by Ms. Cavadas, and carried, adjourned the meeting, the time being 6:18 P.M.

Dated: June 9, 2020

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

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EILEEN BIRCH, Township Clerk