

August 22, 2023

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 22nd day of August at 7:31 P.M. The meeting was called to order by Manuel Figueiredo, 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, 2023, designating this date, this hall and 7:30P.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 Star Ledger. A copy of said Resolution is on file with the Clerk of the Township."

The opening prayer was led by Committeewoman Cavadas and the pledge to the flag was led by Committeeman Florio.

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

Present: Manuel Figueiredo, Mayor
Suzette Cavadas, Deputy Mayor
Joseph Florio
Michele Delisfort
James Bowser, Jr.

APPROVAL OF MINUTES:

On motion of Ms. Cavadas, seconded by Mr. Bowser, and carried, the Township Committee moved to approve the Conference and Regular Session Minutes of July 25, 2023.

ORDINANCES:

SECOND AND FINAL READINGS:

In pursuance to notice duly published, the Clerk presented for consideration, as to second and final reading, an ordinance amending Chapter 170 of the Municipal Code pertaining to smoke shops.

AN ORDINANCE OF THE TOWNSHIP OF UNION, COUNTY OF UNION, STATE OF NEW JERSEY AMENDING CHAPTER 170 OF THE MUNICIPAL CODE.

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 Ms. Delisfort, and carried, the Township Committee, resolved, that the aforesaid ordinance be and the same is hereby passed on second and final reading. Mr. Florio, aye, Ms. Delisfort, aye, Mr. Bowser, aye, Ms. Cavadas, aye, Mr. Figueiredo, aye.

In pursuance to notice duly published, the Clerk presented for

consideration, as to second and final reading, an ordinance amending Chapter 266-66.2 of the Municipal Code removing a portion of the parking restrictions on Winfield Terrace

AN ORDINANCE AMENDING CHAPTER 266-66.2, SCHEDULE XXVII ENTITLED "RESIDENTIAL PERMIT EXEMPTIONS", "BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UNION, COUNTY OF UNION, STATE OF NEW JERSEY (This ordinance affects Winfield Terr.)

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. Bowser, seconded by Ms. Cavadas, and carried, the Township Committee, resolved, that the aforesaid ordinance be and the same is hereby passed on second and final reading. Mr. Florio, aye, Ms. Delisfort, aye, Mr. Bowser, aye, Ms. Cavadas, aye, Mr. Figueiredo, aye.

In pursuance to notice duly published, the Clerk presented for consideration, as to second and final reading, an ordinance amending Ordinance 3729 to add a handicap parking space in front of 1823 Manor Drive and 212 Astoria Place.

AN ORDINANCE AMENDING THE DESIGNATION OF RESTRICTED PARKING SPACES FOR USE BY PERSONS WITH SPECIAL VEHICLE IDENTIFICATION CARDS, IN THE TOWNSHIP OF UNION, UNION COUNTY, NEW JERSEY. (This ordinance creates a handicap space in front of 1823 Manor Drive and 212 Astoria Place)

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

DRAFT AND FIRST READINGS:

In pursuance to notice duly published, the Clerk presented for consideration a draft of an ordinance amending Ordinance 3729 to add a handicap parking space in front of 258 Montclair Avenue.

AN ORDINANCE AMENDING THE DESIGNATION OF RESTRICTED PARKING SPACES FOR USE BY PERSONS WITH SPECIAL VEHICLE IDENTIFICATION CARDS, IN THE TOWNSHIP OF UNION, UNION COUNTY, NEW JERSEY. (This ordinance creates a handicap space in front of 258 Montclair Avenue)

On motion of Ms. Cavadas, seconded by Mr. Bowser, and carried on roll call, the Township Committee, resolved, that the aforesaid ordinance be and the same is hereby passed on first reading, Mr. Florio, aye, Ms. Delisfort, absent, Mr. Bowser, aye, Ms. Cavadas, aye Mr. Figueiredo, aye. FURTHER RESOLVED, that the aforesaid ordinance be considered as to second and final reading, at a meeting to be held on September 12, 2023. Mr. Florio, aye, Ms. Delisfort, aye, Mr. Bowser, aye, Ms. Cavadas, aye, Mr. Figueiredo, aye.

In pursuance to notice duly published, the Clerk presented for consideration a draft of an ordinance authorizing the private sale of

Township owned property Block 5708 Lot 2, Waldorf Place.

ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UNION, COUNTY OF UNION, STATE OF NEW JERSEY, AUTHORIZING THE PRIVATE SALE OF BLOCK 5708, LOT 2, IN THE TOWNSHIP OF UNION, AT PRIVATE SALE PURSUANT TO N.J.S.A. 40A:12-1 ET SEQ.
(This ordinance authorizes the sale of an undersized lot located on Waldorf Place)

On motion of Mr. Florio, seconded by Ms. Delisfort, and carried on roll call, the Township Committee, resolved, that the aforesaid ordinance be and the same is hereby passed on first reading, Mr. Florio, aye, Ms. Delisfort, absent, Mr. Bowser, aye, Ms. Cavadas, aye Mr. Figueiredo, aye. FURTHER RESOLVED, that the aforesaid ordinance be considered as to second and final reading, at a meeting to be held on September 12, 2023. Mr. Florio, aye, Ms. Delisfort, aye, Mr. Bowser, aye, Ms. Cavadas, aye, Mr. Figueiredo, aye.

RESOLUTIONS:

On motion of Mr. Bowser, seconded by Ms. Cavadas, and carried, the Township Committee moved the adoption of **Resolution No. 2023-274:**

WHEREAS, the Township of Union has placed special conditions on Plenary Retail Consumption License 2019-33-004-008, t/a Signaturz Sports Bar, by Resolution 2023-252 adopted on June 27, 2023 and Signaturz has filed an appeal with the State A.B.C.; and
WHEREAS, the Township needs to appoint counsel to handle the appeal and will appoint Frank Capece Esq., Garrubo & Capece, P.C., 2204 Morris venue, Union, N.J. 07083 as counsel for a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.4 et. seq.; and
WHEREAS, the Township of Union has determined and certified in writing that the value of the services may exceed \$17,500.00; and,
WHEREAS, the anticipated term of this contract is approximately one year; and
WHEREAS, the availability of funds in the 2023 Municipal Budget has been certified by the Local Finance Officer in the total amount of \$15,000.00 and will be charged to 3-01-30-156-269; and
WHEREAS, Frank Capece, Esq. has completed and submitted a Business Entity Disclosure Certification which certifies that he has not made any reportable contributions to a political or candidate committee in the Township of Union in the previous one year, and that the contract will prohibit from making any reportable contributions through the term of the contract, and
NOW THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Union authorizes a contract with Frank Capece, Esq.
BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution; and
BE IT FURTHER RESOLVED that a notice of this contract be published in the Local Source.

On motion of Ms. Delisfort, seconded by Mr. Florio, and carried, the Township Committee moved the adoption of **Resolution No. 2023-275:**

WHEREAS, N.J.A.C. 5:34-4.9 provides for the establishment of open-end contracts; and N.J.A.C. 5:34-1.2 provides that any local contracting unit purchasing, pursuant to N.J.S.A. 40A: 11-12, materials supplies or equipment under a contract entered into by the State Division of Purchase and Property shall authorize the award of such contract by resolution of

the governing body; and

WHEREAS, the Township of Union in the County of Union purchases automotive and light truck parts from Samuels, Inc. t/a Buy Wise, 2091 Springfield Ave., Vauxhall, NJ 07088 through the State Contract #85992, and

WHEREAS, the Township Committee previously adopted Resolution No. 2023-91 for an amount not to exceed \$55,000.00, Resolution No. 2023-166 for a total amount not to exceed \$65,000.00, Resolution No. 2023-227 for an amount not to exceed \$70,000.00 and Resolution No. 2023-249 for an amount not to exceed \$80,000.00 and it is necessary to increase that amount by an additional \$15,000.00 for a total contract amount not to exceed \$95,000.00; and

WHEREAS, the availability of funds has been certified by the Local Finance Officer in the amount of \$95,000.00 and will be charged to Police Account 3-01-25-240-226 - \$60,000.00 and Public Works 3-01-26-290-226 - \$35,000.00; and

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Union, in the County of Union, hereby amends Resolution No. 2023-249 increasing the amount to Samuels, Inc. t/a Buy Wise, 2091 Springfield Ave., Vauxhall, NJ 07088 State Contract Vendor 42071; pursuant to N.J.A.C. 5:34-4.9, open-end contracts by an additional \$15,000.00 for a total amount not to exceed \$95,000.00.

On motion of Ms. Cavadas, seconded by Mr. Bowser, and carried, the Township Committee moved the adoption of **Resolution No. 2023-276**:

WHEREAS, the Township Committee of the Township of Union needs to do an assessment of the Municipal Building HVAC system; and

WHEREAS, Jarmel Kizel Architects and Engineers is authorized to perform this service and previously submitted a proposal under the Fair and Open Process (N.J.S.A. 19:44A-20a, et. seq.) which was accepted by the Township Committee by Resolution No. 2023-41; and

WHEREAS, funds are available in the 2023 municipal budget for the payment of the services of Jarmel Kizel Architects and Engineers for an amount not to exceed \$15,000.00, and the availability thereof has been certified by the Local Finance Officer and will be charged to C-04-55-558-599; and

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

I. The Chairman of the Township Committee and the Township Clerk be and they are hereby authorized and directed to enter into an agreement with Jarmel Kizel Architects and Engineers, 42 Okner Parkway, Livingston, NJ 07039 to conduct an assessment of the Municipal Building HVAC system at an amount not to exceed \$15,000.00.

II. This resolution is subject to Jarmel Kizel Architects and Engineers executing the discrimination and employment contract pursuant to N.J.S.A. 10:2-1 et seq.

III. A notice of this action shall be published in the Local Source following the adoption of this resolution.

On motion of Mr. Florio, seconded by Ms. Delisfort, and carried, the Township Committee moved the adoption of **Resolution No. 2023-277**:

WHEREAS, DRA Fidelco Clermont LLC has requested by correspondence dated June 26, 2023 the release of the Performance Bond and the Cash Bond for site improvements at 450 Clermont Terrace; and

WHEREAS, the Township Engineer has determined that the applicant has completed all site improvements; and

WHEREAS, it has been determined that the Performance Guarantee Surety Bond S316888 in the amount of \$87,041.70 and the Cash Bond in the amount of \$9,671.30 by Check No. 43508 can be released subject to

posting a Maintenance Bond by the applicant; and
WHEREAS, in accordance with the Municipal Land Use Law (M.L.U.L), said Maintenance Bond shall run a two-year period expiring on April 21, 2025 and shall be in the amount of \$14,506.95, which is 15% of the cost of improvements.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Union in the County of Union that the Performance Guarantee pertaining to the subject property be released and the Cash Bond be returned subject to the applicant posting a Maintenance Bond at the aforesaid sums, the application approved by the Planning Board No. 2018-21 on October 25, 2018.

On motion of Mr. Bowser, seconded by Ms. Cavadas, and carried, the Township Committee moved the adoption of **Resolution No. 2023-278:**

WHEREAS, N.J.A.C. 5:34-1.2 provides that any local contracting unit purchasing, pursuant to N.J.S.A. 40A: 11-12, materials supplies or equipment under a contract entered into by the State Division of Purchase and Property shall authorize the award of such contract by resolution of the governing body; and

WHEREAS, the Township of Union wishes to purchase two solar and cellular ALPR cameras; and

WHEREAS, this can be purchased from JCT Communications, 36 Commerce Street, Springfield, NJ 07081, through the Union County Coop, for an amount not to exceed \$31,114.05; and

WHEREAS, the availability of funds has been certified by the Local Finance Officer in the amount of \$31,114.05 and will be charged to the 3-01-25-240-275.

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Union, in the County of Union, hereby authorizes the purchase of two solar and cellular ALPR cameras from JCT Communications, 36 Commerce St., Springfield, NJ 07081.

On motion of Ms. Delisfort, seconded by Mr. Florio, and carried, the Township Committee moved the adoption of **Resolution No. 2023-279:**

AUTHORIZING PAYMENT OF ALL APPROVED VOUCHERS FOR SOLID WASTE COLLECTION, HAULAGE, AND DISPOSAL AT THE INTERIM RATE OF \$ 75.09 PER TON FOR HOUSEHOLD WASTE, AND \$ \$107.12 PER TON FOR BULKY WASTE.

WHEREAS, The Township has received the vouchers listed below which have been properly documented and checked, and

WHEREAS, said vouchers were submitted in accordance with the verification procedure designed by Suplee, Clooney and Company, which assures accurate calculation of charges for disposal and all applicable taxes, and

WHEREAS, The Township of Union continues to protect the interim rate of \$75.09 per ton for household waste and \$107.12 for bulky waste, this resolution is authorized subject to a possible retroactive rate adjustment by the Department of Environmental Protection, Board of Public Utilities, in which case the Township will demand a refund, and

NOW THEREFORE BE IT RESOLVED THAT, the Township Committee of the Township of Union, in the County of Union, New Jersey, in a meeting assembled this 22nd day of August 2023 hereby authorizes for payment the following vouchers, which are now owed, in accordance with the exceptions hereinbefore expressed.

<u>July</u>	<u>Voucher</u>	<u>Amount</u>
Contract Service	210937	191,666.67
Bulky Waste Service	210938	16,666.67
Condo/Apartments Service	210940	11,666.67
Recycling Contract	210939	79,166.67

Schools	210941	7,500.00
Vegetative Waste	210942	80,000.00
Totals: 7/1/23 – 7/31/23		\$386,666.68

On motion of Ms. Cavadas, seconded by Mr. Bowser, and carried, the Township Committee moved the adoption of **Resolution No. 2023-280**:

WHEREAS, Preliminary & Final Site Plan Approval with Variance Relief for JP MORGAN CHASE BANK Block 3406 Lot 2 was granted by the Planning Board of the Township of Union through a resolution adopted on June 22, 2023; 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 improvements would require a Performance Bond in the amount of \$4,500.00 and a Cash Bond in the amount of \$500.00; 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 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 \$ 4,500.00
- B. A cash deposit in the amount of 10% of the Guarantee \$ 500.00
- C. Establishment of a Special Trust Fund Account for Inspection & testing in the amount of 5% of the Cost of Improvements \$12,382 .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 JP MORGAN CHASE BANK be fixed at the aforesaid sums and posted as hereinabove indicated, the application being identified as Planning Board UTP 2023-05.

On motion of Mr. Florio, seconded by Ms. Delisfort, and carried, the Township Committee moved the adoption of **Resolution No. 2023-281**:

WHEREAS, Preliminary & Final Site Plan Approval with Variance Relief for NEEDA ASSAD LLC Block 1612, Lot 14 was granted by the Zoning Board of Adjustment of the Township of Union through a resolution adopted on December 14, 2022; 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 improvements required for said Site Plan for the Performance Guarantee shall be \$5,900.00 in an amount equal to one hundred twenty percent (120%) of the cost of improvements; 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. Performance Bond in the amount of 90% of the Performance Guarantee \$ 5,310.00

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|---|-------------|
| B. A cash deposit in the amount of 10% of the Guarantee | \$ 590.00 |
| C. Establishment of a Special Trust Fund Account for inspection & testing in the amount of 5% of the Cost of Improvements | \$ 7,315.10 |

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 NEEDA ASSAD LLC aka CASTROL SERVICE CENTER be fixed at the aforesaid sums and posted as hereinabove indicated, the application being identified as Zoning Board CAL No. 3406.

On motion of Mr. Bowser, seconded by Ms. Cavadas, and carried, the Township Committee moved the adoption of **Resolution No. 2023-282:**

WHEREAS, the Township of Union desires to engage a professional engineering services firm for the installation of a 10,000 Gallon Above-Ground Storage Tank and vehicle refueling areas at the Department of Public Works site, One Swanstrom Place E in the Township of Union; and WHEREAS, Colliers Engineering and Design has submitted a scope of services proposal dated August 1, 2023 to provide the design plans and specifications for the project in order to support the work of Prestige Environmental, who has been awarded a professional services contract to implement the construction; and WHEREAS, the design requires a lump sum fee of \$49,000.00; and WHEREAS, the availability of said funds has been certified by the Local Finance Officer in Capital Account C-04-55-576-603; 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 Colliers Engineering and Design for design plans and specifications for the Above-Ground Storage Tank and vehicle refueling areas at the Department of Public Works facility for a lump sum fee of \$49,000.00.
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 Colliers Engineering and Design 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. N.J.A.C. 17:27)
4. A Notice of this action shall be published in the Local Source

On motion of Ms. Delisfort, seconded by Mr. Florio, and carried, the Township Committee moved the adoption of **Resolution No. 2023-283:**

WHEREAS, the Township of Union needs to hire an engineering firm for Concept Engineering Services for Phase IIA of the Rabkin Park Improvements – Tennis Courts; and

WHEREAS, the Township went through the fair and open process and prequalified CME Associates as a project engineer by Resolution No. 2023-29; and

WHEREAS, the Township will award the Professional Service Contract to CME Associates for the Phase IIA of the Rabkin Park Improvements for an amount not to exceed \$50,000.00 based on the proposal submitted on June 28, 2023; and

WHEREAS, the availability of said funds for the project has been certified by the Local Finance Officer and will be charged to C-04-55-576-103.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of 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 CME Associates for professional services associated with the items outlined in the Proposal for a fee of \$50,000.00.
2. 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).
3. A Notice of this action will be placed in the Local Source.

On motion of Ms. Cavadas, seconded by Mr. Bowser, and carried, the Township Committee moved the adoption of **Resolution No. 2023-284**:

WHEREAS, approximately one-third of all fatal traffic crashes in the United States involve impaired drivers; and
WHEREAS, impaired driving crashes killed 11,654 people in the United States in 2020; and
WHEREAS, impaired driving crashes cost the United States almost \$44 Billion a year; and
WHEREAS, during the past five years New Jersey's roadways experienced 33,798 crashes and 662 fatalities involving impaired drivers; and
WHEREAS, an enforcement crackdown is planned to combat impaired driving; and
WHEREAS, the summer season and the Labor Day holiday in particular are traditionally times of social gatherings which include alcohol; and
WHEREAS, the State of New Jersey, Division of Highway Traffic Safety, has asked law enforcement agencies throughout the state to participate in the *Drive Sober or Get Pulled Over 2023 Statewide Labor Day Crackdown*; and
WHEREAS, the project will involve increased impaired driving enforcement from August 18 through September 4, 2023; and
WHEREAS, an increase in impaired driving enforcement and a reduction in impaired driving will save lives on our roadways.
NOW, THEREFORE BE IT RESOLVED, that the Township Committee of the Township of Union, in the County of Union, hereby declares its support for the Drive Sober or Get Pulled Over 2023 Statewide Labor Day Crackdown from August 18 through September 4, 2023 and pledges to increase awareness of the dangers of drinking and driving.

On motion of Mr. Florio, seconded by Ms. Delisfort, and carried, the Township Committee moved the adoption of **Resolution No. 2023-285**:

WHEREAS, the Township of Union needs to purchase a Plow/Spreader for the Department of Public Works; and
WHEREAS, the Township of Union this can be purchased from Power Place, Inc. through the Educational Services Cooperative of NJ; and
WHEREAS, N.J.A.C. 5:34-1.2 provides that any local contracting unit purchasing, pursuant to N.J.S.A. 40A: 11-12, materials supplies or equipment under a contract entered into by the State Division of Purchase and Property shall authorize the award of such contract by resolution of the governing body.
NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Union, in the County of Union, hereby authorizes the purchase of a Plow/Spreader for the Department of Public Works from Power Place, Inc., 297 Route 22 East, Whitehouse Station, NJ 08889, through the Education Services Commission of NJ; pursuant to N.J.A.C. 5:34-1.2; and
BE IT FURTHER RESOLVED, pursuant to N.J.A.C. 5:34-5, the Purchasing Agent shall obtain a Certificate of Availability of Funds for purchases under this contract, not to exceed a total amount of \$9,318.05 and shall be encumbered to C-04-55-571-799.

On motion of Mr. Bowser, seconded by Ms. Cavadas, and carried, the Township Committee moved the adoption of **Resolution No. 2023-286**:

WHEREAS, pursuant to the Site Remediation Reform Act, N.J.S.A. 58:10-23.11 et seq., owners of contaminated sites are now required to engage a Licensed Site Remediation Professional ("LSRP") who will have the responsibility for the oversight of environmental investigations and cleanups; and

WHEREAS, Prestige Environmental is authorized to perform this service and submitted a proposal under the Fair and Open Process (N.J.S.A. 19:44A-20a, et. seq.) which was accepted by the Township Committee by Resolution No. 2023-32; and

WHEREAS, the Township requested and subsequently received a proposal from Prestige Environmental to replace the Underground Storage Tanks at the Department of Public Works, Police Department, Fire Station Headquarters and Station Two for a fee not-to-exceed \$2,200,000.00; and WHEREAS, the availability of said funds has been certified by the Local Finance Officer in C-04-55-576-603.

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 Prestige Environmental Inc. to perform the aforementioned services for a fee not-to-exceed \$2,200,000.00.
2. 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).

On motion of Ms. Delisfort, seconded by Mr. Florio, and carried, the Township Committee moved the adoption of **Resolution No. 2023-287**:

WHEREAS, a Township Fire ladder truck was totaled in an accident and the Fire Department cannot operate without a working ladder truck; and WHEREAS, the Township can rent/lease a Pierce Ladder Truck from ABC Emergency Rental, 76 S. Wyetta Road, Medford, N.J. 08055 for the term of one year; and

WHEREAS, the Township of Union has determined that it would be harmful to the public safety to be without the proper equipment to fight fires and the Purchasing Agent as submitted a letter to that effect; and

WHEREAS, due to the ladder truck being totaled the cost will be paid by the Garden State JIF.

NOW THEREFORE BE IT RESOLVED that the Township Committee of the Township of Union in the County of Union hereby approved a lease/rent of a Pierce Ladder Truck for the Fire Department with all terms covered in the attached agreement.

On motion of Ms. Cavadas, seconded by Mr. Bowser, and carried, the Township Committee moved the adoption of **Resolution No. 2023-288**:

WHEREAS, the Department of Public Works and the Engineering Department received residential complaints of a flooding issue in the back yards of 129 through 137 Burkley Place and 128 and 132 Astoria Place preventing any usage of their properties due to excessive amount of water accumulation; and

WHEREAS, the Department of Public Works Sewer Division investigated the flooding and determined a subsurface disturbance requiring immediate repairs to adequately support the wall, garage and backyard encompassing approximately twenty feet in length by five feet in width; and

WHEREAS, the Township Engineer solicited Lancha Construction Corporation who was available on short notice to inspect the present conditions of the aforementioned residences and provide a time and

materials estimate to make the repair on an emergency basis; and WHEREAS, Lancha Construction Corporation completed the emergency repair on August 11, 2023 and provided a time & materials invoice of \$123,180.00 on August 1, 2023 for the work which was completed in a satisfactory manner; and WHEREAS, the Township Engineer in a memorandum dated July 31, 2023 to the Purchasing Agent urged the township to award an emergency contract to Lancha Construction Corporation for the repair of the yards, sidewalk, landscaping, fences and drainage system including piping with open grates and clean outs which was determined to be a significant risk to public health, safety and welfare; and WHEREAS, the Purchasing Agent, pursuant to N.J.S.A. 40A:11-6 concurs with the recommendation of the Township Engineer and the Superintendent of Public Works to award an emergency contract to Lancha Construction Corporation in the amount of \$123,180.00 for the sewer repair; and WHEREAS, the Chief Financial Officer has determined that there is sufficient funding in the Sewer Capital Outlay Account No. 3-07-55-512-502 to award the contract; and WHEREAS, the aforementioned emergency contract award complies with the New Jersey Local Public Contracts Law requirements. NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Union in the County of Union that the emergency contract for the drainage repair be awarded to Lancha Construction Corporation, 3090 Englishtown Road, Jamesburg, N.J. 08831 in the amount not-to-exceed \$123,180.00 in accordance with said contractor's invoice dated August 1, 2023.

On motion of Mr. Florio, seconded by Ms. Delisfort, and carried, the Township Committee moved the adoption of **Resolution No. 2023-289**:

WHEREAS, the Township of Union desires to engage the services of a professional engineering firm to coordinate an On-Call Geographic Information Systems (GIS) services for the Township; and WHEREAS, Colliers Engineering and Design has submitted a scope of services proposal dated August 11, 2023 identified as: Phase 1.0 On-Call GIS Services to include GIS and Cartegraph training for Township staff, additional web-GIS tools, GIS mapping updates, staff training for web and mobile applications and GIS data collection, develop new datasets for Township GIS consumption, develop route map for snowplow recycling and trash truck route and public facing maps and applications for consumption for a total fee not-to-exceed \$10,000.00; and WHEREAS, the availability of said funds for the project has been certified by the Local Finance Officer through Capital Account C-04-55-571-799 in the amount of \$10,000.00; and WHEREAS, the local Public Contracts Law (N.J.S.A.40a:11-1) et. Seq. requires that the Resolution authorizing award of the Contract for "Professional Services" without competitive bids must be available for public inspection. NOW, THEREFORE, BE IT RESOLVED by the Township Committee of 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 Colliers Engineering and Design for professional engineering services associated with the items outlined in the Proposal for On-Call Geographic Information systems (GIS) for a fee of \$10,000.00.
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 Colliers Engineering and Design is authorized to practice a recognized profession.
3. The contractor agrees to comply with all affirmative action Regulations pursuant to N.J.S.A. 10-21-1et.seq. (p.l. 1975 C.127.N.J.A.C. 17:27)
4. A Notice of this action will be placed in the Local Source.

On motion of Mr. Bowser, seconded by Ms. Cavadas, and carried, the Township Committee moved the adoption of **Resolution No. 2023-290**:

WHEREAS, on October 25, 2022 the Township of Union awarded a contract to Lancha Construction Corporation, 3090 Englishtown Road, Jamesburg, New Jersey 08831 for the 2022 Road Resurfacing Program Phase I project for a total contract amount of \$1,799,627.85; and

WHEREAS, the Township Committee approved Change Order No. 1 by Resolution 2022-168 to reflect an increase of \$178,739.94 for Supplemental Items S-1 thru S-12 resulting in a total net increase of \$178,739.94 for a revised increased contract amount of \$1,978,367.79 having been reviewed and approved by the Township Engineer; and

WHEREAS, the Township Committee approved Change Order No. 2 to reflect an increase in the amount of \$116,750.00 for Supplemental Items S13- thru S-18 resulting in a total net increase of \$116,750.00 for a revised increased contract amount of \$2,095,117.79 having been reviewed and approved by the Township Engineer; and

WHEREAS, Lancha Construction has submitted Change Order No. 3 to reflect an increase in Supplemental Items S-19 thru S-21 in the amount of \$46,900.00 and a reduction in as-built quantities in the amount of \$42,007.50 resulting in a net increase of \$4,892.50 for a revised contract amount of \$2,100,010.29.

WHEREAS, the Chief Financial Officer has certified that funds are available in Ordinance No. 5729 to pay for said change order resulting in net increase of \$4,892.50 for a revised contract amount of \$2,100,010.29.

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Union, in the County of Union, State of New Jersey, hereby authorizes Change Order No.3 resulting in a net change increase of \$4,892.50 to the contract with Lancha Construction Corporation for a revised contract amount of \$2,100,010.29.

On motion of Ms. Delisfort, seconded by Mr. Florio, and carried, the Township Committee moved the adoption of **Resolution No. 2023-291**:

WHEREAS, the Township of Union has agreed to enter into a Shared Service Agreement with the Township of Springfield to provide Local Public Health Services; and

WHEREAS, such Shared Service Agreement is permitted pursuant to N.J.S.A. 40A:65-1 et seq., the Uniform Shared Services and Consolidation Act, and the agreement is attached hereto.

NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Union in the County of Union that the hereby authorizes a Shared Services agreement with the Township of Springfield to provide Local Public Health Services with all terms and conditions provided in the attached agreement.

On motion of Ms. Cavadas, seconded by Mr. Bowser, and carried, the Township Committee moved the adoption of **Resolution No. 2023-292**:

WHEREAS, the Township of Union requested three (3) quotes on July 27, 2023 in connection with the 2024 Road Program-Sanitary Sewer Cleaning and TV Inspection; and

WHEREAS, Oswald Enterprises, Inc., P. O. Box 126, 161 East Road, Belford, New Jersey 07718 was the responsive, low bidder at a total bid amount of \$37,831.25; and

WHEREAS, the Township Engineer has reviewed the bids and recommends the Township award the 2024 Road Program Sanitary Sewer TV Inspection/Cleaning in the amount of \$37,831.25 to Oswald Enterprises, Inc.; and

WHEREAS, the Chief Financial Officer has certified that funding is available

in Sewer Capital Outlay 3-07-55-512-502; and
 WHEREAS, the aforementioned bid complies with the New Jersey Local Public Contracts Law requirements.
 NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Union in the County of Union that the Contract for said 2024 Road Program Sanitary Sewer Cleaning and TV Inspection in the amount of Thirty-Seven Thousand, Eight Hundred Thirty-One and 25/100 Dollars [\$37,831.25] be and the same is hereby awarded to Oswald Enterprises, Inc. in accordance with all bid specifications and requirements; and

On motion of Mr. Florio, seconded by Ms. Delisfort, and carried, the Township Committee moved the adoption of **Resolution No. 2023-293:**

WHEREAS, the Township of Union awarded a contract for HVAC Services for various buildings to Newmans Heat & Air Conditioning, 123 Hoffman Blvd., East Orange, N.J. 07017 by Resolution No. 2022-246 for an amount not to exceed \$38,889.92; and
 WHEREAS, the township wishes to exercise the extension option of the contract for a period of one year at a 0% increase; and
 WHEREAS, the Purchasing Agent has issued a recommendation letter dated August 9, 2023 recommending that the Township extend the contact for HVAC Services for Various Municipal Buildings.
 NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Union, in the County of Union, hereby authorizes the Township of Union to extend the HVAC Services for Various Municipal Buildings from Newmans Heat & Air Conditioning, 123 Hoffman Blvd., East Orange, N.J. 07017 for the period of one year; and
 BE IT FURTHER RESOLVED that the Purchasing Agent shall obtain a Certificate of Availability of Funds for purchases, not to exceed a total amount of \$38,899.92 and shall be encumbered to for 2023 - DPW-3-01-26-310-282- \$9,915.65, Fire-3-01-26-265-282 - \$2,125.00 and Police – 3-01-26-240-282 - \$4,166.65 and for 2023 – DPW – 4-01-26-310-282 - \$13,883.31, Fire 4-01-25-265-282 -\$2,975.00 and POLICE – 4-01-25-240-282 - \$5,833.31.

FINANCES:

On motion of Mr. Bowser, 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 August 22, 2023, approved by respective Departments as being correct.

On motion of Mr. Bowser, seconded by Ms. Cavadas, and carried, the Township Committee, RESOLVED, that refund of the following tax over-payments be approved and payment authorized:

<u>BLOCK/ LOT</u>	<u>NAME</u>	<u>YEAR</u>	<u>AMOUNT</u>	<u>DEDUCTION</u>
3202-15.2202 C2202	Gincel, Genna	2023-3	\$1,745.89	Refund O/P
4816-15	Timothy, Henry L.	2023-3	\$1,797.77	D/V
4408-3	Kenol, Junior	2023-2	\$1,740.81	D/V
		2023-3	\$2,981.86	
5503-11	Liebman, Jason	2023-3	\$2,589.15	Refund O/P

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. Bowser, seconded by Ms. Cavadas, and carried
 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:

<u>LOT/BLOCK</u>	<u>NAME</u>	<u>YEAR</u>	<u>AMOUNT</u>	<u>DEDUCTION</u>
4816-15	Timothy, Henry L.	2023-3	\$ 1,797.77	D/V
		2023-4	\$ 1,972.63	
4408-3	Kenol, Junior	2023-2	\$ 1,740.81	D/V
		2023-3	\$ 2,981.86	
		2023-4	\$ 3,049.65	
		2715-8		Richardson, Ahmad
2023-4	\$ 2,221.90	D/V		

On motion of Mr. Bowser, seconded by Ms. Cavadas, and carried, the Township Committee authorized payment of Community Development Agency Bills in the amount of \$1,761.00 and Covid-19 Round 1 in the amount of \$484.20.

COMMUNICATIONS:

From: Richard Malkowski, Union Elks, Re: Requesting eight barricades and eight garbage cans with liners on October 8, 2023 with a rain date of October 15, 2023 for their annual Car Show.

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

From: Bennett Epstein, Temple B'nai Abraham, Re: Requesting to erect a 60'x60' tent for an Annual Memorial Service from September 20 - September 25, 2023 with all fees waived.

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

From: Henry Wiley, Golden Rule Lodge, Re: Requesting the use of the showmobile for their Community Day Event on Saturday September 2, 2023 at 12:00 PM.

On motion of Mr. Florio, seconded by Ms. Delisfort, and carried, the Township Committee moved to authorize the request.

From: Rev. Alfonzo Williams, Aenon Baptist Church, Re: Requesting permission to have a community block party on Sunday August 27, 2023 from 11:00 AM – 6:00 PM on Brown Avenue.

On motion of Mr. Bowser, seconded by Ms. Cavadas, and carried, the Township Committee moved to approve the block party.

From: Christine Parmenter, St. Michael's Church, Re: Requesting the use of multiple inflatables for their Feast Day Fair on Saturday September 30, 2023 from 12:00 PM – 5:00 PM.

On motion of Ms. Delisfort, seconded by Mr. Florio, and carried, the Township Committee moved to approve the request pending fire department approval.

From: DeAnna Adams, 746 Woodland Avenue, Plainfield NJ, Re: Requesting to park approximately thirty (30) cars in the Jeanette Avenue lot September 30, 2023 between the hours of 9:00 AM – 9:00 PM for a bus trip to Pennsylvania.

On motion of Ms. Cavadas, seconded by Mr. Bowser, and carried, the Township Committee moved to deny the request.

From: Kimberly Ciprian, 1806 Quaker Way, Re: Requesting permission to have a block party on Saturday August 26, 2023 from 2:00

PM – 10:00 PM on Quaker Way.

On motion of Mr. Florio, seconded by Ms. Delisfort, and carried, the Township Committee moved to approve the block party.

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

A. Payment No. 1 to Granada Construction Corporation in the amount of \$89,304.80 for work completed through August 4, 2023 in connection with 2023 Road Reconstruction Program, Phase II.

B. Payment No. 2 to P&A Construction Inc in the amount of \$980,236.22 for work completed through August 4, 2023 in connection with the 2022 Road Resurfacing Program, ETG.

C. Payment No. 8 to Granada Construction Corporation in the amount of \$58,667.70 for work completed through June 9, 2023 in connection with the 2022 Road Program, Phase III.

D. Payment No. 2 to Lancha Construction Corporation in the amount of \$278,866.76 for work completed through August 4, 2023 in connection with the 2023 Road Program, Phase I.

E. Payment No. 4 to Lancha Construction Corporation in the amount of \$311,561.01 for work completed through August 4, 2023 in connection with the 2022 Road Improvement Program, Phase I.

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

On motion of Ms. Delisfort, seconded by Mr. Florio, and carried, the Township Committee moved to receive and file the following department reports:

MONTHLY REPORTS:

Clerk's Office Police Department
Senior Citizens Fire Department
Municipal Court

COMMITTEE REPORTS:

Ms. Delisfort:

- Ms. Delisfort presented the DPW report.

Mr. Florio:

- Mr. Florio presented the Police report.

Mr. Bowser:

- Mr. Bowser presented the Recreation report.
- Mr. Bowser presented the Senior report.

Ms. Cavadas:

- Ms. Cavadas made a motion to appoint Ricardo McNeil to the Board of Adjustment with Richard Graves appointed as an alternate. The motion was seconded by Mr. Florio, and carried
- Ms. Cavadas presented the Fire report.
- Ms. Cavadas wished all of the students, parents, and teachers a great 1st day of school.

Mr. Figueiredo:

- Mr. Figueiredo congratulated Det. Lt. Carter on representing our Police Department and bringing home gold, silver, and bronze medals at the 2023 World Police & Fire Games.

- Mr. Figueiredo invited everyone to the Luau Party at the Township of Union Farmer's Market on Thursday August 24, from 4:00PM-8:00PM at Biertuempfel Park. Residents will have the opportunity to make donations to the Luau to Maui United Way, Maui Food Bank, or to the Hawaii Animal Rescue Foundation.
- Mr. Figueiredo invited everyone to the Township's first OMChilla Yoga Festival providing a family friendly yoga experience at Lower Biertuempfel Park from 9am-12pm and an adult yoga experience from 4pm-9pm,
- Mr. Figueiredo announced the Annual Ukrainian flag raising with the Township's Ukrainian Independence Committee Sunday, August 27 at 12pm in front of Town Hall.
- Mr. Figueiredo announced the Havana Nights Networking Event on Thursday, August 31st from 7-10pm at the Centurion Union Center.
- Mr. Figueiredo announced a Save the date for Soul House 23 on Saturday, September 9 at Biertuempfel Park from 2:00-9:00PM.
- Mr. Figueiredo announced the 7th Annual Hispanic and Latino Heritage Celebration on Friday, September 15th from 5:30-9:30PM and Saturday, September 16 from 3:30-9:30PM at Biertuempfel Park.
- Mr. Figueiredo announced that online video submissions are now open until Friday, September 22 for Union's Got Talent.
- Mr. Figueiredo encouraged all residents to sign up for Everbridge notifications.

PUBLIC HEARING:

Ruth Slovak, 1700 Patriot Way, inquired about the meaning of shared services for public health.

Don Travisano explained the terms of the contract.

Daryn Martin, 1163 Francyne Way expressed concerns about Black Businesses being targeted in the Township of Union, especially Signaturz Bar.

Traci Yazici, 1027 Bertram Terrace, inquired about the chicken ordinance.

Dan Antonelli stated that it is his opinion that the ordinance does not need to be amended.

Clayton Barker, 35 Herbert Terrace, West Orange expressed concerns about Signaturz Bar treatment from the Township. Mr. Barker also stated that Ms. Burgos should be held to the same standards as other businesses in town and he believes it is not.

Angela Burgos, 2134 Denk Court, owner of Signaturz Sports Bar, spoke about decisions made by the Township regarding her business and the conditions put on her liquor license and accused the township of targeting her.

Dan Antonelli responded to the accusations made by Ms. Burgos, Mr. Martin and others. Mr. Antonelli wanted to go on record stating Ms. Burgos is being held to the same standards that all liquor licenses in the Township are held. Mr. Antonelli stated the restrictions on the license came recommended by the Police Department. The matter is currently before the ABC. They will decide whether the conditions will remain, be removed, or modified. Mr. Antonelli also stated that the Township has had several meetings with Ms. Burgos that did not work out. Mr. Antonelli wanted to go on record that the Township is not doing anything improper.

Andre Corbin, 205 Buchanan Drive, and Michael Preguica, 785 Chestnut St. spoke regarding permit parking for Buchanan Drive. A

petition was put in for permit parking and denied. They stated perhaps the parking analysis was done during the day and not the evening. They asked that it be reviewed again at different times of the day.

Mr. Figueiredo asked Mr. Corbin and Mr. Pregaica to speak with Director Donnelly. Mr. Figueiredo stated that perhaps we can re-evaluate the issue.

Isetta, manager at Signaturz, inquired about the difference in standards Signaturz is being held to compared to other bar establishments.

Mr. Antonelli again stated that Signaturz is being held to the same standards as other establishments. The difference between establishments is other establishments are being renewed without special conditions.

Isetta inquired about the police being sent to Signaturz every other day and this not happening to other establishments.

Mr. Antonelli stated that if the Township gets a complaint, they address it. Mr. Antonelli repeated that the matter is before the ABC who will decide if the conditions will remain, be modified, or removed.

Linda Barker, 35 Herbert Terrace, West Orange inquired about what complaints are being made against Signaturz and if they can be worked out.

Mr. Antonelli stated that there have been multiple noise complaints, parking issues, people blocking driveways and fire hydrants, and lewd acts. The Township shared these complaints with Ms. Burgos, but after no resolution the Township took action based on recommendation of the Police Department to impose the special conditions.

Ms. Barker asked if these complaints were shared with Ms. Burgos.

Mr. Antonelli responded that Ms. Borges was made aware multiple times and that several residents from the neighborhood addressed the Township Committee at more than one meeting.

There being no further business presented, the Township Committee on motion of Mr. Bowser, seconded by Ms. Cavadas, and carried, adjourned the meeting, the time being 8:32pm.

Dated: August 22, 2023

Manuel Figueiredo, Chairman of the
Township Committee of the Township
of Union in the County of Union

Eileen Birch, Township Clerk