

TOWNSHIP OF CLINTON
REGULAR COUNCIL MEETING
March 11, 2015

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CALL TO ORDER:

Mayor Higgins called the meeting to order at 7:33 PM.

OPEN PUBLIC MEETINGS ACT STATEMENT: Mayor Higgins gave the statement of adequate notice. The annual meeting notice is on file in the Office of the Municipal Clerk for public inspection.

ROLL CALL:

Councilwoman Switlyk	Present
Councilman Imbriaco	Present
Councilman Marra	Present
Council President Mulla	Present
Mayor Higgins	Present
Kristina P. Hadinger, Esq.	Present
Marvin Joss, Administrator	Present
Carla Conner, Acting Township Clerk	Present

PROCLAMATION: NORWESCAP

Mayor Higgins read a portion of the Proclamation

PROCLAMATION commending Northwest NJ Community Action Partnership, Inc (NORWESCAP) upon the occasion of celebration the 50th Anniversary of Community Action

WHEREAS, It is the sense of this Legislative Body to Recognize that the quality and Character of life in the communities across north western New Jersey as reflective of the concerned and dedicated efforts of the organization and individuals that are devoted to the welfare of the community and it's citizenry; and

WHEREAS, Attendant to such concern, and in full accord with its long standing traditions, this Legislative Body is justly proud to commend NORWESCAP, upon the occasion of celebrating their 50th Anniversary of serving the community.

WHEREAS, Since 1965, Northwest NJ Community Action Partnership, Inc (NORWESCAP) has been providing, invaluable and outstanding service to citizens; and

WHEREAS, NORWESCAP is one of 23 Community Action Agencies in New Jersey State, and one of over 1,000 nationwide founded on a common purpose: to support low-income households as they develop their abilities to be self-supporting and develop family and community relationships that will sustain self-reliance; and

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WHEREAS, Community Action was born out of the Equal Opportunity Act of 1964 that was initiated by President John F. Kennedy and brought to fruition by President Lyndon B. Johnson who, during a memorable State of the Union address 50 years ago, declared unconditional war on poverty; the Economic Opportunity Act was signed into law on August 20th 1964, and not only spurred the birth of Community Action, but also inspired the introduction of Head Start one year later; and

WHEREAS, NORWESCAP was created through these efforts and;

WHEREAS, Half a century later, NORWESCAP operates fifteen major programs: has grown to 270 full and part-time employees and more than 30,000 individuals are served through a multitude of antipoverty services; and

WHEREAS, NORESCAP is a community leader; its positive action changes people's lives, embodies the spirit of hope, improves communities, and makes New Jersey a better place in which to live; and

WHEREAS, It is the sense of the Legislative Body that when organizations and individuals of such noble aims and accomplishments are brought to our attention, they should be recognized and applauded by all the citizens of New Jersey; now therefore, be it

RESOLVED, That this Legislative Body pause in its deliberations to commend the Northwest NJ Community Action Partnership, Inc. (NORESCAP), upon the occasion of celebration the 50th Anniversary of Community Action; and be it further

APPROVAL OF MINUTES:

Executive Session January 21, 2015

Mayor Higgins introduced the matter.

MOTION was made by Councilman Marra to approve the above-referenced minutes. Seconded by Council President Mullay. There being no further discussion the roll was called. Motion carried.

Roll Call:

Councilwoman Switlyk	Abstain
Councilman Imbriaco	Abstain
Councilman Marra	Yes
Councilman President Mullay	Yes
Mayor Higgins	Yes

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Regular Session

February 11, 2015

Mayor Higgins introduced the matter.

MOTION was made by Council President Mullay to approve the above-referenced minutes. Seconded by Councilman Marra. There being no further discussion the roll was called. Motion carried.

Roll Call:

Councilwoman Switlyk	Yes
Councilman Imbriaco	Yes
Councilman Marra	Yes
Councilman President Mullay	Yes
Mayor Higgins	Yes

CONSENT:

Mayor Higgins introduced the matter and read the items on the consent agenda.

MOTION was offered by Councilman Marra to approve the consent agenda. Seconded by Councilwoman Switlyk. There being no further discussion the roll was called. Motion carried.

Consent #1

Resolution #33-15 – Tax Premium Refund, Block 68.02 Lot 27

WHEREAS, on properties located within the Township of Clinton, an overpayment of real estate taxes has been made; and

WHEREAS, applications have been made to the Tax Collector for refunds of said overpayments, totaling \$3795.42; and

WHEREAS, the attached listing is a detail of the requested refunds.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Township of Clinton that the Tax Collector is hereby authorized to refund such taxes to the parties in the amounts specified on the listing below.

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VENDOR	BLOCK	LOT	LOCATION	Quarter	AMOUNT
THOMAS A & BETH OKRASINSKI	68.02	27	20 CRESTVIEW DR	2014/2	3795.42
C/O LANZA & LANZA, LLP					
5 MAIN STREET, PO BOX 2520					
FLEMINGTON, NJ 08822					
TOTAL REFUND					\$3795.42

Consent #2

Resolution #34-15 – Tax Premium Refund, Block 82.13 Lot 57.1705, Block 48 Lot 4

WHEREAS, liens on properties located in the Township of Clinton have been redeemed;
and

WHEREAS, Tax Collector, Patricia Centofanti requests Mayor and Council approve the premium refunds required.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Township of Clinton as follows:

1. Checks shall be issued for the properties listed below, such checks representing premium refunds on tax liens.

Block	Lot	Certificate	Vendor	Premium
82.13	57.1705 C1705	2014- 018	US BANK CUST FOR PC4 FIRSTTRUST BANK	\$1,000.00
			50 S 16 TH ST. SUITE 2050	
			PHILADELPHIA, PA 19102	
48	4	2014- 003	US BANK CUST FOR PC4 FIRSTTRUST BANK	1,000.00
			TOTAL	\$2,000.00

Consent #3

Resolution 35-15- Release of Escrow

BE IT RESOLVED that certain performance guarantees and escrows have been recommended by the Planning Board and Township Engineer to be reduced,

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NOW, THEREFORE BE IT RESOLVED that the following refunds be issued:

Amount	Block / Lot	Street Address	Applicant	Type of Permit
\$2,000.00	60.03/14	37 Maple Ave	Linas Kudzma	Performance Guar.
\$ 1,597.50	60.03/14	37 Maple Ave	Linas Kudzma	Escrow

PUBLIC COMMENT:

Arne Olsen from Beaver Brook stated he is on the Democratic Committee member for the 12th voting district. Mr. Olsen stated the Council has been holding Executive Session meetings to discuss affordable housing/COAH matters and at the March 2 joint meeting of the Planning Board/Council meeting Joe Burgis, the COAH Planner outlined two potential housing plans to address the Township's affordable housing obligation. During that meeting Joe Burgis was authorized to prepare a housing plan to be scheduled for a public hearing on March 16 with the Planning Board. Mr. Olsen requested if during the public hearing Joe Burgis can have a clear image of the location of the proposed Marookian and Windy Acres sites, address the specific problems for each site, the entry and access for residents on the Marookian site for both the North and South directions along Route 31 and water treatment and delivery issues due to the location of Windy Acres and/or conditions with onsite septic processing and location of site next to a stream which will provoke wetlands considerations. Mr. Olsen would like to see a summation of each plan, the cost for the taxpayers to provide for each of the housing plans. Mr. Olsen would like the cost of a potential developer to build these housing elements.

Mayor Higgins stated the full plan is available at the window in the Planning Board office. A copy will be available on the website very shortly.

Nick Corcodilos from Old Mountain Road stated the housing elements should be posted on the Township's website before the Planning Board meeting on Monday, March 16.

Frank Snyder from Cokesbury Road questioned the Township Council on the status of Apgar Lane. Mayor Higgins stated it is unchanged as of now. The Township Attorney stated if the Township were to vacate it, an Ordinance would be placed on the Council's agenda for consideration.

OLD BUSINESS:

COAH Update

Mayor Higgins explained that the Supreme Court came out with a decision earlier this week. The Township is well prepared to address the recommendations. The courts will take the place of COAH in determining the town's housing affordable housing obligation. Towns have been giving a 90 day

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grace period to approach the Superior Court judges with motions for immunity and potentially new plans.

Township Attorney stated there are elements of the decision that are less than 100% clear to people who are practicing in the field and as things progress the Township anticipates some of those interpretations to solidify and there will further updates.

Council President Mullay praised the Planning Board Attorney, Jon Drill on an exceptional job representing the Township and getting all the municipalities a decision we all can deal with.

REPORTS:

Councilwoman Switlyk:

Councilwoman Switlyk stated the Board of Education meeting regarding the budget will be held on Monday, March 16. Once the budget is approved it will go to the County Superintendent for approval. Once the County approves the preliminary budget, it will go back to the Board of Education for final approval on March 23. The Finance Committee had its second meeting with regard to the budget and will meet with department heads Tuesday, March 17.

Administrator Joss:

Administrator Joss stated that the Township's budgets have been going down substantially since 2010. The budget last year was a million dollars less than 2010. Mr. Joss said it was impossible to have reduced budgets every year, and this year it will be necessary to increase the budget. The Township's revenue is down over \$200,000. There are various fixed costs that are in the budget that continue to rise, which will lead to an overall larger budget than last year.

Councilman Imbriaco

Councilman Imbriaco stated that the Environmental Commission was approached by the Peregrine Foundation. The Environmental Commission was asked to place two or three Kestrel nesting boxes at the Windy Acre site. The Council supports this.

Council President Mullay:

Council President Mullay stated the Historic Commission did not receive the grant to consider creating a historic district in Hamden.

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Mayor Higgins

Mayor Higgins stated he took a ride with Patrol Sergeant DeRosa to the County Narcotics Task Force which was very interesting. Mayor Higgins suggested if any of the Council members would like to spend an afternoon with our Police Department, the Police Department would very much enjoy the interest of the elected officials.

Administrator Joss

Administrator Joss stated the Township received a letter from Beaver Brook County Club requesting that the Township's ordinance be changed to allow alcohol to be served at 9:00 am on Sunday mornings instead of noon.

ACTION:

ORDINANCE INTRODUCTION:

Ordinance #1062-15 AN ORDINANCE AMENDING CHAPTER 4 "ADMINISTRATION OF GOVERNMENT," ARTICLE 1 "TOWNSHIP COUNCIL," §4-1 "ORGANIZATION AND DUTIES," OF THE CODE OF THE TOWNSHIP OF CLINTON, NEW JERSEY

Mayor Higgins introduced the matter. Administrator Joss explained the Ordinance.

MOTION was made by Councilman Imbriaco to introduce the ordinance on first reading and schedule the public hearing for April 8, 2015. Seconded by Councilwoman Switlyk. There being no further discussion the roll was called. Motion carried.

Roll Call:	Councilwoman Switlyk	Yes
	Councilman Imbriaco	Yes
	Councilman Marra	Yes
	Council President Mulla	Yes
	Mayor Higgins	Yes

AN ORDINANCE AMENDING CHAPTER 4 "ADMINISTRATION OF GOVERNMENT," ARTICLE 1 "TOWNSHIP COUNCIL," §4-1 "ORGANIZATION AND DUTIES," OF THE CODE OF THE TOWNSHIP OF CLINTON, NEW JERSEY

BE IT ORDAINED, by the Mayor and Council of the Township of Clinton, in the County of Hunterdon, New Jersey as follows:

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Section 1. §4-1 of Code Amended. § 4-1 “Organization and duties” of the Code of the Township of Clinton is amended to read as follows (additions to text are indicated by underlining and deletions from text by ~~strikethroughs~~):

4-1. Organization and Duties.

- A. **Legislative power.** All legislative power of the Township will be exercised by the Township Council pursuant to the Charter. The Township Council, in addition to such other powers and duties as may be conferred upon it by the Charter or otherwise by general law, may require any municipal officer to prepare and submit sworn statements regarding his/her official duties and the performance thereof, and may investigate the conduct of any department, office or agency of the municipal government.
- B. **Organization; President of Council.** The Council will organize annually ~~on the first business day following January 1,~~ on a date established by the Mayor on or after January 1 and no later than January 7, at which time it will select a President of the Council from among its members. The Mayor shall preside over all meetings of the Council. In the absence of the Mayor, the President shall preside. In the absence of the Mayor and the President, the Council shall select a temporary presiding officer from among its members.
- C. **Clerk of Council.** The Municipal Clerk, appointed by the Mayor with the advice and consent of the Council, shall maintain, prepare and sign the minutes of the Council, maintain the records of the Council and perform such other duties as shall be assigned.
- D. **Agenda.** ~~Policies regarding the composition and preparation of agenda shall be established by the Council at its reorganization meeting.~~ The agenda for Council meetings shall be set by the Mayor, in consultation with the Council President, Township Administrator, Township Attorney and Township Clerk.

Section 2. Repealer. All ordinances and resolutions or parts thereof inconsistent with this ordinance are repealed.

Section 3. Severability. If any section, paragraph, subsection, clause or provision of this ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provision so adjudged and the remainder of this ordinance shall be valid and enforceable.

Section 4. Effective Date. This ordinance shall take effect upon passage, publication and in accordance N.J.S.A. 40:69A-181.

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Ordinance 1063-15 AN ORDINANCE AMENDING CHAPTER 4 “ADMINISTRATION OF GOVERNMENT,” ARTICLE IV “DEPARTMENTS,” §4-11 “DEPARTMENTS,” OF THE CODE OF THE TOWNSHIP OF CLINTON

Mayor Higgins introduced the matter. Administrator Joss stated Ordinance 1063-15 will be tabled.

RESOLUTIONS:

Action Item #1

Resolution #36-15 – Amending Denise Filardo Job Responsibility and Salary

Mayor Higgins introduced the matter.

MOTION was offered by Councilman Imbriaco to approve the resolution. Seconded by Councilwoman Switlyk. There being no further discussion the roll was called. Motion carried.

Roll Call:

Councilwoman Switlyk	Yes
Councilman Imbriaco	Yes
Councilman Marra	Yes
Councilman President Mullay	Yes
Mayor Higgins	Yes

WHEREAS, due to a retirement as of April 30, 2015 there will be a vacancy in the position of Planning Board/Board of Adjustment Secretary, and;

WHEREAS, it is the recommendation of the Administrator and the Mayor that Denise Filardo, who is currently employed in the Township Recreation Department, take on the added responsibilities of the Planning Board/Board of Adjustment Secretary position, and;

WHEREAS, to assure an efficient transition, it is also recommended that Ms. Filardo attend upcoming Planning Board and Board of Adjustment evening meetings, and immediately assume responsibility for covering for the current Planning Board/Board of Adjustment Secretary during periods of vacation or other personal leave time, and;

WHEREAS, to compensate Ms. Filardo for her time and additional responsibilities, Ms. Filardo’s annual salary shall be increased by \$12,500 effective March 16, 2015 for a total salary of \$49,003.

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NOW THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Township of Clinton, County of Hunterdon, State of New Jersey, that:

1. Effective March 16, 2015, Denise Filardo's 2015 annual salary shall be increased by \$12,500 to a total of \$49,003 with no retroactivity and no further adjustment for 2015.
2. Effective April 30, 2015, Denise Filardo is hereby appointed Clinton Township Planning Board/Board of Adjustment Secretary.

VOUCHERS:

Mayor Higgins introduced the matter.

MOTION was offered by Council President Mullay to approve the check control registers dated March 11, 2015 totaling \$317,443.37. Seconded by Councilwoman Switlyk. There being no further discussion the roll was called. Motion carried.

Roll Call:

Councilwoman Switlyk	Yes
Councilman Imbriaco	Yes
Councilman Marra	Yes
Councilman President Mullay	Yes
Mayor Higgins	Yes

PUBLIC COMMENT:

Ian Church, General Manager of Beaver Brook Country Club stated he was in attendance to address any concerns regarding the changing of hours to sell alcohol on Sunday morning. Mr. Church stated he wrote two letters to the Township, one in January and one in February in response to the initial requirements to see when the other Townships locally serve alcohol on Sunday mornings. Mr. Church's second letter requested that Beaver Brook Country Club be able to serve alcohol on 9:00 am Sunday mornings. The Township Council was in agreement with the time change and will introduce an amended Ordinance at the March 25 Council meeting.

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EXECUTIVE SESSION:
Resolution #37-15

MOTION was made by Mayor Higgins to go into executive session. Seconded by Councilwoman Switlyk. There being no further discussion the roll was called. Motion carried.

Roll Call:

Councilwoman Switlyk	Yes
Councilman Imbriaco	Yes
Councilman Marra	Yes
Council President Mullay	Yes
Mayor Higgins	Yes

WHEREAS, Section 8 of the Open Public Meetings Act (NJSA 10:4-12 (b) (1-9) permits the exclusion of the public from a meeting in certain circumstances; and,

WHEREAS, the Township Council is of the opinion that circumstances exist, and

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Clinton, County of Hunterdon, and State of New Jersey as follows:

1. The public shall be excluded from discussion of and action on a closed session on January 25, 2015. The general nature of the subject matter to be discussed is as follows:
 - Advice of Counsel with respect to Affordable Housing, litigation and COAH matters.
2. It is unknown precisely when, if ever, the matters discussed in this closed session may be disclosed to the public.
3. Matters involving the issue may be announced upon the conclusion of any trial or settlement of the litigation.
4. No action will be taken in closed session

RETURN FROM EXECUTIVE SESSION:

MOTION was made by Council President Mullay to return from executive session. Seconded by Councilman Imbriaco. There being no further discussion a voice vote was called. All ayes. Motion carried.

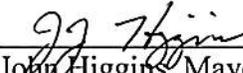
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MOTION TO ADJOURN:

MOTION was offered by Councilwoman Switlyk to adjourn at 8:31p.m. Seconded by Councilman Marra. There being no further discussion a voice vote was called. All ayes. Motion carried.

ATTEST:


Carla Conner, Acting Township Clerk


John Higgins, Mayor

Adopted: April 22, 2015