

TOWNSHIP OF CLINTON
REGULAR COUNCIL MEETING
April 22, 2015

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CALL TO ORDER:

Mayor Higgins called the meeting to order at 7:31 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	Absent
Council President Mullay	Present
Mayor Higgins	Present
Kristina P. Hadinger, Esq.	Present
Marvin Joss, Administrator	Present
Carla Conner, Acting Township Clerk	Present

APPROVAL OF MINUTES:

Joint Executive Session (Council & Planning Board)	March 2, 2015
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Mayor Higgins introduced the matter.

MOTION was made by Councilman Imbriaco to approve the above-referenced minutes. Seconded by Councilwoman Switlyk. There being no further discussion the roll was called. Motion carried.

Roll Call:

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

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Regular Session

March 11, 2015

Mayor Higgins introduced the matter.

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

Roll Call:

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

Consent #1

Resolution #48-15 – Tax Premium Refund, Block 79.01 Lot 2.1403, Block 79.01 Lot 2.1303

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
79.01	2.1403	2014-011	US BANK AS CUSTODIAN FOR BLUE VIRGO CAPITAL MANAGEMENT	200.00
			ATTN TAX LIEN SERVICES GROUP	
			2 LIBERTY PLACE	
			50 SOUTH 16 TH STREET SUITE 1950	

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			PHILADELPHIA, PA 19102	
79.01	2.1303	2014-009	US BANK CUST FOR PC4 FIRSTTRUST BANK	1000.00
			ATTN TAX LIEN SERVICES GROUP	
			2 LIBERTY PLACE	
			50 SOUTH 16 TH STREET SUITE 1950	
			PHILADELPHIA, PA 19102	
			TOTAL	1,200.00

Consent #2

Resolution 49-15 – Accepting the 2014 Annual Audit

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions; and

WHEREAS, the Annual Report of Audit for the year 2014 has been filed by a Registered Municipal Accountant with the Municipal Clerk as per the requirements of N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body; and

WHEREAS, the Local Finance Board has promulgated a regulation requiring that the Governing Body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled: General Comments, Recommendations; and

WHEREAS, the members of the governing body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled: General Comments, Recommendations as evidenced by the group affidavit form of the Governing Body; and,

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, as per the regulations of the Local Finance Board; and

WHEREAS, all members of the Governing Body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the promulgations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52 – to wit:

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R.S. 52:27BB-52 – “A local officer or member of a local governing body, who after a date fixed for compliance, fails or refuses to obey an order of the Director of Local Government Services, under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000) or imprisoned for not more than one year, or both, in addition shall forfeit his office.”

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Township of Clinton hereby states that it has complied with the promulgation of the Local Finance Board of the State of New Jersey dated July 30, 1968 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

Consent #3

Resolution 50-15 – Accepting the 2014 Corrective Action Plan

WHEREAS, the 2014 audit of the municipal operations of the Township of Clinton performed by Suplee, Clooney & Company has been received, and

WHEREAS, pursuant to the Local Finance Board a corrective action plan must be prepared to remedy Findings and Recommendations for the year ending December 31, 2014 as listed in the 2014 report of Audit,

NOW, THEREFORE, BE IT RESOLVED, that the governing body hereby approves the Corrective Action Plan for the 2014 Report of Audit, which is listed below.

- Item #1 That the Finance office consistently perform all appropriate non-cash journal entries.
- Item #2 That the practice of issuing confirming orders will be discontinued.
- Item #3 That the sub-accounts in the payroll agency account be accurately maintained.

After this corrective action plan is approved a copy of the resolution will be submitted to the Division of Local Government Services.

PUBLIC COMMENT:

Sharon Schutts questioned if the Council will only be having a discussion on Apgar Lane or will the Council take action at tonight’s meeting. Mayor Higgins stated the Council will probably decide at tonight’s meeting what action to take in the next few weeks.

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OLD BUSINESS:

Apgar Lane

Mayor Higgins explained the Council should consider whether there is a public need for Apgar Lane, or a portion of it to be a public road. Administrator Joss explained there was legal action between the residents on the lane in which the Township was not involved. The judge issued a decision that there was no evidence the Township ever vacated any rights to the road and therefore the Township is not in the position to say it's not a public road. Since the Township has not maintained the southwest portion of the lane for a very long time, and it is not traveled by the general public, and there is no anticipated future need for the road to serve public travel, it is Mr. Joss's recommendation that the Township vacate the southern (lower) portion of the road.

Councilwoman Switlyk stated she is apprehensive about maintaining a road when the Township is already having financial difficulty maintaining all our other roads. Councilwoman Switlyk is comfortable with maintaining the upper portion the Township already maintains to the extent of current maintenance. Councilwoman Switlyk suggested having the Township Engineer, Cathy Marcelli go out and look at the road. The Council was in agreement for the Township Engineer to look at the road to determine where a logical end to the lane would be if vacated.

PUBLIC COMMENT REGARDING APGAR LANE:

William Apgar from Cokesbury Road stated the road goes further than the Council sees it on the map.

Robert Hellander from Cokesbury Califon Road stated the Township does not maintain the southern part of the path which is behind his and Mr. Snyder's house, and the Township never did maintain it. Mr. Hellander also stated the emergency service vehicles can respond to the northern part of the road. Mr. Hellander also stated the road behind his house was barely noticeable until someone drove a bull dozer on the road and cleared it out. Mr. Hellander stated there is no true definition of where this road is on any end and has looked for a map stating this. Mayor Higgins stated if the Township vacates and maintains a portion of the road, the Township could consider having DPW try to do some work on the upper portion to make it a bit more convenient for driving.

Debra Lipman from Cokesbury Califon Road stated the road has never changed in the 20 years the Hellander's have lived there. There has always been a road. Ms. Lipman stated the Township agreed to maintain the road in 1979. Ms. Lipman wants the Township to maintain the whole road. Councilman Imbriaco stated the deeds establish the personal rights of the homeowners and it is not a public issue to enforce ingress and egress rights. Councilman Imbriaco stated everything Ms. Lipman has discussed is a private dispute amongst neighbors.

Jim Pauze from Cokesbury Califon Road stated the road is basically a shared driveway. Mr. Pauze offered a history of the road.

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Sharon Schutts from Cokesbury Road asked the Council if the Township will be widening the road. Council members stated they will wait for the Engineer's recommendations before deciding. Ms. Schutts questioned what will happen to the northern portion once the Township vacates the road. Mayor Higgins stated the northern end would remain as is unless the Engineer has some recommendation which the Township would take address. Ms. Schutts stated she would like to be notified if there is any work being done to the road.

Carolyn Pauze from Cokesbury Califon Road stated she wanted to thank the Council for listening. Ms. Pauze stated the road has always been a driveway and should not be given a name.

MOTION was offered by Mayor Higgins to request the Township Engineer to recommend a possible delineation for the beginning and ending of the road that would remain public. Seconded by Councilman Imbriaco. There being no further discussion the roll was called. Motion carried.

Roll Call:

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

REPORTS:

Mayor's Report:

Mayor Higgins stated since the Council recently has had a number of last minute changes to the agendas he will work harder to get the Council all necessary information that is needed for agenda items as soon as can be supplied. Mayor Higgins thanked the Police Department for playing a major role in breaking a large and active burglary ring. Detective Anthes and Sergeant Wilson deserve a special mention. The Fire Department continues to work on the proposition in which they would take over the state life safety inspections and also the smoke and CO alarm inspections.

Clark Caton Hinz has finished work with the Highlands and the Township is almost ready for our petition to conform to be heard by the full Highlands Council. Mayor Higgins stated he is working with Mayor Kovach from the Town of Clinton and will be hosting a Hunterdon Mayors meeting on April 30 to discuss the current situation regarding affordable housing: 16 mayors and a number of legislators plan to attend. The Mayor stated as a result of the Planning Board hearing, the Township's affordable housing plan will get a few minor edits which will be filed with the County and available in the Township offices by Friday. Hatch Mott MacDonald finished a geotech feasibility study at the Marookian property and conditions appear to be satisfactory for development.

Mayor Higgins stated he will be working with Mayor Kovach from the Town of Clinton, Tara Shepherd from HART and Councilwoman Switlyk to address the parking situation at the Park & Ride.

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Councilwoman Switlyk:

Councilwoman Switlyk stated the School Board will meet on April 27.

Councilman Imbriaco:

No report

Council President Mullay:

No report.

Marvin Joss:

Administrator Joss reported the Township received a grant for Potterstown Road in the amount of \$160,000 which is scheduled for repaving in 2016. This will be a joint project with Readington and Tewksbury Townships. Administrator Joss was in contact with the Morris County Purchasing Co-op for the repaving of the roads that aren't large and are on our road repaving list for 2015. These roads are: Eton Court, Upton Pine Road, Welsh Road, Amelia Drive and Sheridan Road.

ACTION:

2015 Budget, and setting the public hearing for May 27, 2015

Mayor Higgins introduced the matter. Administrator Joss gave an explanation of this year's budget, stating that Council has been cutting the budget dramatically since 2009-2010. The budget was as high as \$12,000,248 in 2010 and the budget for this year is \$11,737,275. This budget is 4.2% less than the one the Township adopted in 2010. Our revenue is down \$1.8 million since 2010.

Mr. Joss gave a detailed explanation of the elements of the 2015 budget.

The budget is 3.9% more than last year, but we are 4.2% below 2010 levels. Administrator Joss explained the reductions in expenses in various line items.

MOTION was made by Council President Mullay to introduce the budget. Seconded by Councilman Imbriaco. There being no further discussion the roll was called. Motion carried.

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Roll Call:

Councilwoman Switlyk	Yes
Councilman Imbriaco	Yes
Councilman President Mulla	Yes
Mayor Higgins	Yes

INTRODUCTION OF ORDINANCE :

Ordinance #1066-15- CALENDAR YEAR 2015

ORDINANCE TO ESTABLISH A CAP BANK
(N.J.S.A. 40A:4-45.14)

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 May 27, 2015. Seconded by Council President Mulla. There being no further discussion the roll was called. Motion carried.

Roll Call:

Councilwoman Switlyk	Yes
Councilman Imbriaco	Yes
Councilman President Mulla	Yes
Mayor Higgins	Yes

CALENDAR YEAR 2015
ORDINANCE TO ESTABLISH A CAP BANK
(N.J.S.A. 40A:4-45.14)

WHEREAS, the Local Government Cap Law, N.J.S. 40A:4-45.1 et.seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said final budget appropriations to 1.50% unless authorized by ordinance to increase it to 3.5% over the previous years final appropriations; and,

WHEREAS, a municipality may, by ordinance, bank the difference between its final budget appropriations and the 3.5% increase authorized by this ordinance when said difference is not appropriated as part of the final budget; and,

WHEREAS, the Township Committee of the Township of Clinton, County of Hunterdon, hereby determines that this difference in the amount of \$164,037.10 that is not appropriated as part

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of the final budget shall be retained as an exception to the final appropriations in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, that any amount authorized herein above that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

ORDINANCE ADOPTIONS/PUBLIC HEARING :

Ordinance 1064-15 - AN ORDINANCE AMENDING CHAPTER 4 “ADMINISTRATION OF GOVERNMENT,” ARTICLE V, §4-25.A “ESTABLISHMENT OF DEPARTMENT AND DIVISIONS,” OF THE CODE OF THE TOWNSHIP OF CLINTON

Mayor Higgins introduced the matter and opened the public hearing.

There being no public comments, the Mayor closed the public hearing.

MOTION was made by Councilman Imbriaco to adopt the ordinance. Seconded by Councilwoman Switlyk. There being no further discussion the roll was called. Motion carried.

Roll Call:

Councilwoman Switlyk	Yes
Councilman Imbriaco	Yes
Council President Mulla	Yes
Mayor Higgins	Yes

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

Section 1. Article V and §4-25.A of Code Amended. Article V. Department of Municipal Operations shall be renamed, and §4-25.A “Establishment of department and divisions” 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~~):

Article V. Department of Municipal Operations Administration

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§ 4-25. Establishment of department and divisions.

A. Divisions established. Under the supervision of the Mayor, as Chief Executive Officer, there shall be a Department of ~~Municipal Operations~~ Administration, the head of which will be the Township Clerk Administrator. Within the Department there shall be the following divisions.

1. Office of the Township Clerk.
2. Office of the Municipal Attorney.
3. Office of Health, Registrar and Vital Statistics.
4. Office of Land Use and Zoning.
5. Office of Administration.

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.

Ordinance 1065-15 - AN ORDINANCE AMENDING §60-4 THE CODE OF THE TOWNSHIP OF CLINTON, IN HUNTERDON COUNTY TO MODIFY THE HOURS DURING WHICH THE SALE OF ALCOHOLIC BEVERAGES MAY OCCUR ON SUNDAYS

Mayor Higgins introduced the matter and opened the public hearing.

There being no public comments, the Mayor closed the public hearing.

MOTION was made by Councilman Imbriaco to adopt the ordinance. Seconded by Councilwoman Switlyk. There being no further discussion the roll was called. Motion carried.

Roll Call:

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

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

Section 1. §60-4 of Code Amended. Subsections B “Sundays” and C “New Year’s Day” of §60-4 of the Code of the Township of Clinton pertaining to the sale of alcoholic beverages are amended to read as follows (additions to text are indicated by underlining and deletions from text by ~~strikethroughs~~):

B. Sundays. The provisions of Subsection A shall not apply on Sundays. On Sundays, no licensee shall sell, serve, deliver, or allow, permit or suffer the sale, service or delivery of any alcoholic beverages or permit the consumption of any alcoholic beverages on licensed premises between the hours of 2:00 a.m. and ~~12:00 noon~~ 9:00 a.m.

C. New Year’s Day. ~~The P~~rovisions of Subsection A shall not apply on January 1. On that day alcoholic beverages may not be sold, served, delivered to or consumed in the licensed premises between the hours of 5:00 a.m. and 6:00 a.m. when it falls on a weekday. When January 1 falls on a Sunday, no alcoholic beverages may be sold, served, delivered or consumed between the hours of 5:00 a.m. and ~~12:00 noon~~ 9:00 a.m.

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.

I, Carla Conner, Acting Clerk for the Township of Clinton, hereby certify that Ordinance #1065-15 was introduced on first reading by the governing body of the Township of Clinton, County of Hunterdon on March 25, 2015. Public hearing and consideration for adoption was held on April 22, 2015, at which time the Ordinance was finally adopted.

RESOLUTIONS:

Action Item #1

Resolution #51-15 – Authorizing the Old Municipal Building (Fox Seal site) be a Non-Condemnation Redevelopment Area

Mayor Higgins introduced the matter.

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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 President Mulla	Yes
Mayor Higgins	Yes

WHEREAS, by Resolution No. 120-14 adopted December 10, 2014, the Mayor and Council of the Township of Clinton directed the Clinton Township Planning Board to conduct an investigation into whether the old Municipal Building site, sometimes referred to as the “Fox Seals” site, located on West Street in the Village of Annandale and being identified as Block 53, Lot 3 on the Clinton Township Tax Maps (hereinafter the “**Property**”) constitutes and shall be established as a non-condemnation redevelopment area under the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1 et seq.* (hereinafter the “**Statute**”);

WHEREAS, the Planning Board completed its investigation of the Property, received and reviewed the report of its expert Joseph Burgis, PP, AICP titled “Area in Need of Redevelopment Study, former Municipal Building Site, Block 53, Lot 3, Clinton Township, Hunterdon County, New Jersey” (hereinafter the “**Report**”), and, following a public hearing on March 16, 2015, acted to recommend that the Property be declared a non-condemnation redevelopment area pursuant to the Statute, said action being memorialized by resolution of April 6, 2015;

WHEREAS, the Mayor and Council have also reviewed the Report and the Planning Board’s resolution and concur with the Planning Board’s findings; and

WHEREAS, consistent with a March 19, 2015 memorandum by Joseph Burgis PP, AICP regarding the Property, the Mayor and Council further find that due to its proximity to the Annandale Train Station and access to public water and sewer, the Property is situated in an area in which redevelopment is to be encouraged.

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

1. The preamble to this Resolution is incorporated and made a part hereof as if set forth at length herein.
2. Pursuant to the Statute, and consistent with the recommendation of the Planning Board and the Report, the Property is hereby determined to be a non-condemnation redevelopment area.
3. The Clerk shall forthwith transmit a copy of this Resolution, the Report and a March

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19, 2015 memorandum by Joseph Burgis, PP, AICP regarding the Property being situated in an area in which redevelopment is be encouraged to Charles A. Richman, Acting Commissioner, Department of Community Affairs, State of New Jersey by certified mail, return receipt requested.

4. The Planning Board is directed to prepare a redevelopment plan for the Property.

Action Item #2

Resolution #52-15 – Dedication by Rider – Snow Removal Reserve Trust Fund

Mayor Higgins introduced the matter. Chief Financial Officer Marie Pardo explained the resolution.

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 President Mullay	Yes
Mayor Higgins	Yes

WHEREAS, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonable accurate estimates in advance, and

WHEREAS, the Township of Clinton reflects a balance at year end on Snow Removal appropriation reserve fund to provide for the operating cost to administer this act; and

WHEREAS, N.J.S.A. 40A:4-39 provides that the Director of the Division of Local Government Services may approve expenditures of monies by dedication by rider,

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

1. The Mayor and Council hereby request permission of the Director of the Division of Local Government Services to collect monies for the purposes delineated above.
2. The municipal clerk of the Township of Clinton is hereby directed to forward two certified copies of this resolution to the Director of the Division of Local Government Services.

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VOUCHERS:

Mayor Higgins introduced the matter.

MOTION was offered by Councilman Imbriaco to approve the check control registers dated April 22, 2015 totaling \$415,646.76. Seconded by Council President Mullaney. There being no further discussion the roll was called. Motion carried.

Roll Call:

Councilwoman Switlyk	Yes
Councilman Imbriaco	Yes
Councilman President Mullaney	Yes
Mayor Higgins	Yes

PUBLIC COMMENT:

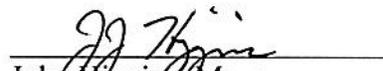
Sharon Schutts from Cokesbury Road stated the agenda was not on the website when she looked on Monday.

MOTION TO ADJOURN:

MOTION was offered by Councilwoman Switlyk to adjourn at 9:05p.m. Seconded by Councilman Imbriaco. There being no further discussion a voice vote was called. All ayes. Motion carried.

ATTEST:


Carla Conner, Acting Township Clerk


John Higgins, Mayor

Adopted: May 27, 2015