

TOWNSHIP OF CLINTON  
REGULAR COUNCIL MEETING  
May 13, 2015

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**CALL TO ORDER:**

Mayor Higgins called the meeting to order at 7:30 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	Absent
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:**

Regular Session

March 25, 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 President Mullay	Yes
Mayor Higgins	Yes

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Regular Session

April 8, 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	Abstain
Councilman President Mullay	Yes
Mayor Higgins	Yes

Executive Session

April 8, 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	Abstain
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 Council President Mullay to approve the consent agenda. Seconded by Councilwoman Switlyk. There being no further discussion the roll was called. Motion carried.

Roll Call:

Councilwoman Switlyk	Yes
Councilman President Mullay	Yes
Mayor Higgins	Yes

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Consent #1

Resolution #53-15 – Approval for fireworks – Immaculate Conception Festival

**WHEREAS**, the Immaculate Conception Church will hold a Festival in June of 2015; and

**WHEREAS**, the Church wishes to present a fireworks display; and the specific dates of such display are June 17, and June 20, with a potential rain date of June 21, 2015 ; and

**WHEREAS**, Fire Chief Dave Lunger of the Annandale Hose Company No. 1 has assured there will be coverage at the event as required by law.

**BE IT RESOLVED**, that approval is given by the Mayor and Council of the Township of Clinton for the display of fireworks during the Immaculate Conception Festival of 2015.

**BE IT FURTHER RESOLVED**, that approval is subject to all required permits and insurance.

Consent #2

Resolution 54-15 – Tax Premium Refund Block 68 Lot 46

**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.

<u>Block</u>	<u>Lot</u>	<u>Certificat</u> <u>e</u>	<u>Vendor</u>	<u>Premium</u>
68	46	2014-007	US BANK CUST FOR PC4 FIRSTTRUST BANK ATTN TAX LIEN SERVICES GROUP 2 LIBERTY PLACE 50 SOUTH 16 <sup>TH</sup> STREET SUITE 1950 PHILADELPHIA, PA 19102	900.00
			<b>TOTAL</b>	<b>900.00</b>

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Consent #3

Resolution 55-15 – Overpayment of Taxes Block 79.01 Lot 2.0704, Block 79.01 Lot 12.0804

**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 \$1144.29; 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.

VENDOR	BLOCK	LOT	LOCATION	Quarter	AMOUNT
JOHN MORCOM	79.01	2.0704 C0704	36 INVERRARY PLACE	2015/2	449.38
36 INVERRARY PLACE					
ANNANDALE, NJ 08801					
JASON R. NEWCOMB	79.01	12.0804C 0804	8 FIRESTONE DRIVE	2015/2	694.91
3 HUNTINGTON DRIVE					
ANNANDALE, NJ 08801					
<b>TOTAL REFUND</b>					<b>\$1144.29</b>

Consent #4

Resolution 56-15 – Escrow Release Block 26 Lot 1.01

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

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

Amount	Block / Lot	Street Address	Applicant	Type of Permit
\$ 2,514.33	26/1.01	1240 Rt 31	Steven J DeCasperis	DMD Escrow

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**PUBLIC COMMENT:**

No public comment

**NEW BUSINESS:**

**OLD BUSINESS:**

**Highlands Update**

Mayor Higgins explained that at the August 13, 2014 Council meeting, there was a presentation given to Council by the Township's Highlands planning consultant, Clarke Caton & Hintz. During that presentation, the implications of opting to conform to the Highlands Master Plan were discussed. Based on that meeting, the Council asked Administrator Joss to send a letter to the Highlands, which he did in September, asking for the Highlands to act on the Township's petition seeking to conform to the Highlands Master Plan. Andrea Malcolm and Mike Sullivan from Clarke Caton & Hintz have been going back and forth with the Highlands officials to straighten out any inconsistencies between current and proposed land use ordinances. The Township is now ready to move forward with conformance with the Highlands and will send another letter and be put on the Highland Council's June agenda. Mayor Higgins introduced Andrea Malcolm from Clarke Caton & Hintz to provide further information on the Highlands conformance process.

Ms. Malcolm presented a slide presentation regarding the Regional Master Plan Conformance update. Ms. Malcolm stated Clarke Caton Hintz has drafted a municipal response letter to send to the Highlands Council.

MOTION was offered by Mayor Higgins to authorize a submission of the updated Highlands Conformance documents to the Highlands Council and request the Township's petition for Plan Conformance be heard and approved by the Highlands Council. Seconded by Councilwoman Switlyk. There being no further discussion the roll was called. Motion carried.

Roll Call:

Councilwoman Switlyk	Yes
Councilman President Mulla	Yes
Mayor Higgins	Yes

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**REPORTS:**

Councilwoman Switlyk:

Councilwoman Switlyk reported the School Board had two meetings which were held on April 27 and May 11. Councilwoman Switlyk reported on April 27 both the budget and the strategic plan were presented again. The Board was not aware that students from North Hunterdon High School attended the meeting to discuss the foreign language program. The school district has made changes to classes for the 2015-2016 school year. Subjects such as English, Math and Science will have more class time and foreign language class time will be cut. This decision was made by a committee of the Clinton Township school system. Teachers and students from the High School took issue with this decision. At the May 11 School Board meeting, the School Board was happy to report that on Tuesday, May 5 the personnel committee and teachers union now have memorandum of agreement. The Board of Education and the CTEA have a Memorandum of Agreement that must be approved by both organizations. Additional work on the Memorandum must take place to finalize the contract with votes by each entity.

Mayor Higgins:

Mayor Higgins reported that the Open Space Committee project this year will be trail markings.

Council President Mullay:

Council President Mullay reported that there were two items on the agenda for the Planning Board. The first item was a new elevator at North Hunterdon High School. The second item was the continuation of the public hearing for the Township's amended affordable housing plan. Council President Mullay stated the plan was not adopted. The Planning Board decided to delay any action until June.

Council President Mullay reported that the Historic Committee would like some guidance from Council on how they can improve the Historic Preservation Ordinance as it currently exists. The Historic Committee has concerns with certain properties that might be subject to demolition through neglect and are worried about the future of those buildings.

Marvin Joss:

Administrator Joss reported DPW are mowing fields and filling pot holes in the Township. Administrator Joss reported that the Township Engineer, Cathy Marcelli inspected Apgar Lane and the Council will be receiving her recommendations shortly.

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**RESOLUTIONS:**

Action Item #1

Resolution #57-15 – Appointing Tom Silvia as Zoning Officer

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

MOTION was offered by Council President Mully 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 President Mully	Yes
Mayor Higgins	Yes

**WHEREAS**, at the January 7, 2015 Reorganization meeting, the Governing Body appointed a Zoning Officer through June 30, 2015, and;

**WHEREAS**, after consideration, the Mayor and Administrator have decided that a new Zoning Officer be appointed, and;

**WHEREAS**, the current Zoning Officer had agreed to remain Zoning Officer until such time as a replacement was appointed, and;

**WHEREAS**, after deliberation and review of the background and professional accomplishments of Tom Silvia, which included his recent successful completion of Rutgers Certified Public Managers Program, his service as Public Works liaison for the Township and his approximate 13 years of service to the Township as Recreation Director, the Mayor and Administrator believe he will serve the Township admirably as its new Zoning Officer.

1. **NOW THEREFORE, BE IT RESOLVED**, by the Governing Body of the Township of Clinton, in the County of Hunterdon, State of New Jersey, that effective May 18, 2015 and ending December 31 2015, Tom Silvia be appointed as the Township's new Zoning Officer at an annual salary of \$12,000 in addition to his current salary as Recreation Director/Public Work liaison, and that the previous appointment of Joe Rossi as Zoning Officer is hereby rescinded effective close of business Friday May 15, 2015.

**VOUCHERS:**

Mayor Higgins introduced the matter.

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MOTION was offered by Councilwoman Switlyk to approve the check control registers dated May 13, 2015 totaling \$7,853,667.02. Seconded by Council President Mullay. There being no further discussion the roll was called. Motion carried.

Roll Call:

Councilwoman Switlyk	Yes
Councilman President Mullay	Yes
Mayor Higgins	Yes

**PUBLIC COMMENT:**

No public comment

**EXECUTIVE SESSION:**

Resolution #58-15

MOTION was made by Council President Mullay 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
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 Township Council will now convene in closed session which will be limited only to consideration of items from which the public may be excluded pursuant to Section 7B of the Open Public Meetings Act.
2. The general nature of the subject matter to be discussed is as follows:
  - Advice of Counsel with respect to affordable housing matters, anticipated affordable housing litigation and litigation strategy.

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- Negotiations of terms and conditions for agreements for the purchase of sanitary sewage capacity, and advice of counsel related thereto.
3. It is unknown precisely when, if ever, the matters discussed in this closed session may be disclosed to the public.
  4. No action shall be taken in closed session.

**RETURN FROM EXECUTIVE SESSION:**

MOTION was made by Mayor Higgins to return from executive session. Seconded by Councilwoman Switlyk. There being no further discussion a voice vote was called. All ayes. Motion carried.

MOTION was offered by Mayor Higgins to authorize the Council to make an inquiry of Readington for sewage capacity sufficient to support our housing plan at Windy Acres. Seconded by Councilwoman Switlyk. There being no further discussion the roll was called. Motion carried.

Roll Call:

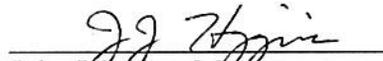
Councilwoman Switlyk	Yes
Councilman President Mulla	Yes
Mayor Higgins	Yes

**MOTION TO ADJOURN:**

MOTION was offered by Council President Mulla to adjourn at 9:19p.m. Seconded by Councilwoman Switlyk. There being no further discussion a voice vote was called. All ayes. Motion carried.

ATTEST:

  
Carla Conner, Acting Township Clerk

  
John Higgins, Mayor

Adopted: June 24, 2015