

TOWNSHIP OF CLINTON  
REGULAR COUNCIL MEETING  
June 24, 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	Absent
Councilman Marra	Present
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	May 13 2015
Executive Session	May 13, 2015

Mayor Higgins introduced the matter.

MOTION was made by Councilwoman Switlyk 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	Yes
Councilman Marra	Abstain
Councilman President Mullay	Yes
Mayor Higgins	Yes



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**WHEREAS**, The recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

**WHEREAS**, a resolution authorizing this municipality to apply for such tonnage grants for the calendar year 2014 will memorialize the commitment of this municipality to recycling and to indicate the assent of the Township of Clinton to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

**WHEREAS**, Such a resolution should designate the individual authorized to ensure the application is properly completed and timely filed.

**NOW THEREFORE BE IT RESOLVED** by the Mayor and Council of the Township of Clinton, County of Hunterdon, State of New Jersey that Clinton Township hereby endorses the submission of the recycling tonnage grant application to the New Jersey Department of Environmental Protection and designates Claude Meixsell, DPW Director, to ensure that the application is properly filed; and

**BE IT FURTHER RESOLVED** that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.

Consent #2

Resolution 70-15 – Tax Premium Refund, Block 81 Lot 37

**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>Certificate</u>	<u>Vendor</u>	<u>Premium</u>
81	37	2014-017	US BANK CUST FOR BLUE VIRGO CAPITAL MANAGEMENT ATTN TAX LIEN SERVICES GROUP 2 LIBERTY PLACE 50 SOUTH 16 <sup>TH</sup> STREET SUITE 1950 PHILADELPHIA, PA 19102	<b>1300.00</b>

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			<b>TOTAL</b>	<b>1300.00</b>

Consent #3

Resolution 71-15 – Approval – Fireworks at Camp Fatima (Baptist Camp)

**WHEREAS**, Camp Fatima wishes to present a fireworks display; and the specific dates of such display are August 11 and August 18, 2014, with potential rain dates of August 13 and 19, 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 at Camp Fatima

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

**PUBLIC COMMENT:**

No public comment

**OLD BUSINESS:**

**REPORTS:**

Councilwoman Switlyk:

Councilwoman Switlyk reported that the School Board met on Monday, June 22 and the memorandum of agreement for the teacher’s contract is still being discussed. There was a presentation by John Anderson, Eagle Scout from Annandale Troop 200. He did a give back program to the music program and took time to build a guitar rack to hold 18 guitars, a drum kit riser on castors and 12 big band style music stands. The next School Board meeting is July 27.

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Councilman Marra:

Councilman Marra reported that the Recreation Committee decided not to run the Junior Olympics in September since the attendance has gone down in the last few years.

Mayor Higgins:

Mayor Higgins reported that Clinton Township's petition to the Highlands Council for the Township to conform to the Highlands Master Plan in our Planning area was voted on and approved by the Highlands Council. Mayor Higgins stated Lebanon Township Fire Department sent the Mayor a letter praising two of the Township's Police officer's for their assistance at a retired chief's funeral.

Council President Mullay:

Council President Mullay stated the Planning Board had adopted the Township's Fair Share Affordable Housing Plan at the June 22 meeting. Council President Mullay stated the Hanna Memorial Center has six months to send in prints for their complex to receive approval.

Marvin Joss:

Administrator Joss reported the co-op paver Tilcon Paving, will be paving Welsh Road, Amelia Drive, Sheridan Road and Eton Court, which will be a mill and 2 inch overlay. Administrator Joss stated the Township Engineer, Cathy Marcelli is finalizing bid specs to go out in the summer for five roads to be paved in the fall including Highfield Road, Hemlock Road, Redwood Drive, Spruce Road and Uptom Pine Road which all will be reconstruction work.

**ACTION:**

**ORDINANCE ADOPTION/PUBLIC HEARINGS:**

Ordinance 1067-15 - AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED "AN  
ORDINANCE TO ESTABLISH SALARIES, WAGES AND COMPENSATION RANGES FOR  
NON-CONTRACTUAL OFFICIALS AND EMPLOYEES OF THE TOWNSHIP OF CLINTON,  
COUNTY OF HUNTERDON, STATE OF NEW JERSEY"

Mayor Higgins introduced the matter and opened the public hearing.

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

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

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Roll Call:

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

BE IT ORDAINED, BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF CLINTON IN THE COUNTY OF HUNTERDON, STATE OF NEW JERSEY AS FOLLOWS:

- 1) THAT SECTIONS 4 AND 5 OF THE ORDINANCE, THE TITLE OF WHICH IS RECITED IN THE TITLE OF THIS ORDINANCE, BE AND THE SAME IS HEREBY AMENDED TO READ AS FOLLOWS:

POSITION	MINIMUM	MAXIMUM
Mayor	\$ 3,200	\$ 6,700
Council Members	\$ 2,700	\$ 6,000

\* except that any member of Council may waive in writing, in whole or in part, any compensation not yet processed for payment.

<b>Grade 17:</b>	Administrator Administrator / Clerk	\$ 86,200	\$ 130,000
<b>Grade 16:</b>	Police Chief	\$ 97,700	\$ 119,700
<b>Grade 15:</b>	Police Lieutenant Officer in Charge stipend Police Director	\$ 90,000 \$ 500	\$ 120,426 \$ 3,000
<b>Grade 14:</b>	Construction Code / Subcode Official Public Works Manager Director of Finance (CFO)	\$ 60,000	\$ 97,500
<b>Grade 12:</b>	Court Administrator Tax Assessor Recreation Director	\$ 50,000	\$ 78,000

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<b>Grade 11:</b>	Municipal Clerk	\$ 45,000	\$ 66,900
	Acting Municipal Clerk		
	Tax Collector		
	Building Subcode Official		
<b>Grade 10:</b>	<b>POSITION</b>	<b>MINIMUM</b>	<b>MAXIMUM</b>
		\$ 12,500	\$ 61,800
	Planning Board / BOA Administrator		
	UCC Code Inspector		
<b>Grade 9:</b>		\$ 8,000	\$ 17,000
	Zoning Officer		
<b>Grade 8:</b>		\$ 35,800	\$ 55,000
	Deputy Municipal Clerk		
	Deputy Court Administrator		
	Senior Finance Clerk		
<b>Grade 7:</b>		\$ 30,000	\$ 45,300
	Administrative Assistant / Secretary		
	Field Inspector/Technical Support		
	Technical Assistant Construction Office		
<b>Grade 6:</b>		\$ 30,000	\$ 50,000
	Tax Assistant		
	Finance Clerk		
	Violations Clerk-Court Recreation Coordinator		
	Board of Health Secretary/Admin. Asst.		
<b>Grade 5:</b>		\$ 26,800	\$ 34,100
	Administrative Receptionist / Secretary		
<b>Hourly:</b>		\$ 7.25	\$ 50.00
<b>Part Time:</b>		\$ 15,000	\$ 40,000
	Clerical, Secretarial, Sub Code Officials, Fire Safety Inspectors, UCC Code Inspector, Special Police Officers,		

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Building Maintenance, Janitorial, Grounds  
 Maintenance, Truck Drivers, General Laborer,  
 Dog Canvasser, Recreation Department staff, Tax Assessment  
 Field Inspector, Recording Secretary/  
 Stenographer, Construction Office/Technical Assistant

**Salaried:**

<b>Part Time:</b> Municipal Court Judge	\$ 15,000	\$ 40,000
Prosecutor	15,000	42,840
Public Defender	2,000	15,000

**Seasonal:**

Summer Recreation Director	\$ 5,000	\$ 7,000
Teachers/Coordinators	\$ 1,000	\$ 2,000
Nurse	\$ 1,500	\$ 2,000
Senior Counselors	\$ 500	\$ 1,500
Counselors	\$ 500	\$ 1,000
Substitute Counselors	\$ 500	\$ 1,000

2) THE WITHIN ORDINANCE SHALL TAKE EFFECT UPON ADOPTION AND PUBLICATION IN ACCORDANCE WITH NEW JERSEY LAW.

**RESOLUTIONS:**

Action Item #1

Resolution #72-15 – Salary Resolution

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

MOTION was offered by Council President Mullay 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 Marra	Yes
Councilman President Mullay	Yes
Mayor Higgins	Yes

**BE IT RESOLVED**, by the Mayor and Township Council of the Township of Clinton that the salaries of the following non-contract employees are listed below for the entire calendar year of 2015, unless otherwise specified.

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NAME	GRADE	POSITION	2015
Ballard, Robert		Prosecutor	42,840
Budrewicz, Jennifer	8	Deputy Court Administrator	54,816
Carasio, Al	P/T	P/T Special Officer	19.11/hr
Centofanti, Patricia	11	Tax Collector	64,243
Charters, Erica	7	Bd of Health Secty/Admin Asst	33,660
Higgins, John		Mayor	3,369
Conner, Carla	11	Acting Clerk	45,900
DeMarco, Carol	6	Tax Assistant	44,256
DeStefano, Gene	P/T	P/T Tax Assessment Field Inspector	15.30/hr
Dominijanni, Debbie	8	Senior Finance Clerk	46,200
Gimson, Richard	P/T	P/T Special Officer	18.58/hr
Howell, Terri	7	Technical Assistant (TACO)	44,525
Housel, Tracy	5	Administrative Receptionist	31,620
Imbriaco, James		Councilman	2,877
Joss, Marvin	17	Administrator	129,465
Lorenz, Lynn	12	Court Administrator	74,993

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McIvor, Maureen	P/T	P/T Technical Assistant	15.30/hr
McLaren, Kathy	6	Violations Clerk	33,660
Marra, Peter		Councilman	2,877
Meixsell, Claude	14	Public Works Manager	81,457
Mitzner, Scott		Public Defender (Part Time)	660/session
Moscatiello, Harry	P/T	P/T UCC Code Inspector	31.21/hr
Mullay, Brian		Councilman	2,877
Perkins, Eric		Municipal Court Judge	36,720
Rossi, Joseph	P/T	P/T UCC Code Inspector	32.20/hr
Switlyk, Amy		Councilwoman	2,877
Ward, Jeff	12	Tax Assessor	77,376
Will, Steve	P/T	P/T Recreation Dept Staff	18.70/hr
Wright, Michael	14	Construction Code Official / Subcode	87,447
Yotkowski, Julia	P/T	Police & Court (PT)	14.32/hr

Action Item #2

Resolution #73-15 – Adopting Fair Share Housing Plan

Mayor Higgins introduced the matter.

Attorney Hadinger stated the Planning Board acted on the plan Monday, June 22 with a public hearing to improve the plan which will be submitted with the Declaratory Judgment action to the court next month.

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Ed Snieckus and Tom Behrens from Burgis Associates gave a brief presentation on the Fair Share Housing Plan.

MOTION was offered by Council President Mullay to approve the resolution. Seconded by Mayor Higgins. There being no further discussion the roll was called. Motion carried.

Roll Call:

Councilwoman Switlyk	Yes
Councilman Marra	No
Councilman President Mullay	Yes
Mayor Higgins	Yes

**WHEREAS**, the Planning Board of the Township of Clinton, County of Hunterdon, State of New Jersey (“**Planning Board**”) adopted an amended Housing Plan Element and Fair Share Plan on June 22, 2015 (the “**2015 HPE&FSP**”), said 2015 HPE&FSP having been prepared by Burgis Associates, Inc. and dated June 22, 2015;

**WHEREAS**, the Mayor and Council of the Township of Clinton, County of Hunterdon, State of New Jersey have reviewed said 2015 HPE&FSP adopted by the Planning Board; and

**WHEREAS**, the Mayor and Council desire to endorse the 2015 HPE&FSP and, upon consideration of same at a public meeting held on June 24, 2015, the Mayor and Council agreed with the Planning Board that the 2015 HPE&FSP (a) is consistent with the goals and objectives of the Township Master Plan, (b) will guide the use of lands in the Township in a manner which protects public health and safety and promotes the general welfare in accordance with N.J.S.A. 40:55D-28, and (c) the adoption and implementation of the 2015 HPE&FSP will achieve access to affordable housing to meet present and prospective housing needs in accordance with N.J.S.A. 52:27D-310;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Township of Clinton, County of Hunterdon that they hereby endorse the 2015 HPE&FSP.

Action Item #3

Resolution #74-15 – Approval for entering into Shared Service Agreement with Rutgers for Burchell Fair Share Analysis

Mayor Higgins introduced the matter.

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

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Roll Call:

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

**WHEREAS**, the Township of Clinton has filed or anticipates filing a Declaratory Judgment Action in the Superior Court of New Jersey, Hunterdon County in furtherance of the Supreme Court's March 10, 2015 decision captioned In re Adoption of N.J.A.C. 5:96 & 5:97 by N.J. Council on Affordable Housing, 221 N.J. 1 (2015) (the "Supreme Court Decision"); and

**WHEREAS**, Fair Share Housing Center ("FSHC"), through the services of David Kinsey, has prepared what it considers to be the statewide fair share numbers (the "FSHC Numbers") for use by the 15 vicinage Mt. Laurel Judges to calculate a municipality's affordable housing obligation pursuant to the Supreme Court Decision; and

**WHEREAS**, the Township of Clinton desires to participate in the preparation of a statewide fair share analysis to be undertaken by Rutgers, The State University of New Jersey ("Rutgers"), through Dr. Robert W. Burchell, Principal Investigator, and various other experts employed by Rutgers in order to establish a rational and reasonable methodology (the "Burchell Fair Share Analysis") for determination of a municipality's obligation to provide a realistic opportunity through its land use ordinances for its fair share of the region's affordable housing needs in accordance with the Mount Laurel Doctrine as set forth in In the Matter of the Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing, 221 N.J. 1 (2015) ("Decision") and prior decisions of the Courts of New Jersey, and the Fair Housing Act, N.J.S.A. 52:27D-301 et. seq.; and

**WHEREAS**, Rutgers, utilizing Dr. Burchell as the Principal Investigator and author has agreed to prepare the Burchell Fair Share Analysis within 90 days of being retained to establish his view of the proper way to determine each municipality's fair share obligation; and

**WHEREAS**, Dr. Burchell estimates the cost to prepare the initial Burchell Fair Share Analysis will be \$70,000; and

**WHEREAS**, it is anticipated that there will be a need for Dr. Burchell to analyze any challenges to his conclusions and prepare a rebuttal report to said challenges which is not included in the \$70,000; and

**WHEREAS**, it is anticipated that if each municipality contributes \$2,000, there will be sufficient monies to pay the cost to prepare the initial Burchell Fair Share Analysis, to analyze any challenges to the Initial Fair Share Analysis and to Prepare A Rebuttal Report given the number of municipalities that have expressed an interest in retaining Burchell; and

**WHEREAS**, a Municipal Shared Services Defense Agreement (hereinafter MSSDA"), has been prepared (a) so that monies can be collected to enter into an agreement with Rutgers

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(hereinafter “the Rutgers Agreement”) and so that Burchell, along with various other experts from Rutgers, can perform the tasks described above and (b) so that the rights and responsibilities of each municipality that wishes to sign the agreement to retain Rutgers are defined; and

**WHEREAS**, the MSSDA provides that the Law Offices of Jeffrey R. Surenian and Associates, LLC (“Surenian”) will serve as the administrative entity to sign the Rutgers agreement on behalf of the municipalities that signed the MSSDA and paid the \$2,000 fee; and

**WHEREAS**, it is imperative given the time constraints for municipalities that wish to retain Burchell to sign the MSSDA and pay the \$2,000 fee so that Burchell can conduct the necessary analysis; and

**WHEREAS**, notwithstanding the foregoing, it is possible that the MSSDA may need to be changed as a result of ongoing negotiations with the Rutgers agreement following execution of the MSSDA and the payment of the \$2,000 fee; and

**WHEREAS**, in such an event, any member that objects to the changes that Rutgers may require shall have the opportunity to relinquish membership in the Municipal Group and to receive back the \$2,000 payment as more specifically set forth in the MSSDA.

**NOW, THEREFORE, BE IT RESOLVED**, by the [Borough/Township/City/Council, Committee] of the Township of Clinton, as follows:

1. The terms and conditions of the MSSDA attached hereto are hereby approved, ratified and confirmed.
2. The amount of \$2,000 is hereby authorized to be expended by the Township of Clinton for Rutgers through Dr. Robert Burchell, Principal Investigator to prepare the Burchell Fair Share Analysis.
3. A certification of funds authorizing the aforesaid expenditure has been signed by the Chief Financial Officer of the Township of Clinton and is appended hereto.
4. The [Mayor] [Manager] [other Chief Executive Officer] be and is hereby authorized to execute the aforesaid MSSDA to memorialize the participation of the Township of Clinton in the preparation of the Burchell Fair Share Analysis and to take any and all actions reasonably required to effectuate said Agreement.
5. The Township of Clinton hereby authorizes Jeffrey R. Surenian, Esq. to execute on behalf of the Township of Clinton the Research Agreement with Rutgers to initiate and complete Burchell Fair Share Analysis and to do such other actions to effectuate the purposes of said Research Agreement.

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6. If further changes to the MSSDA are needed as a result of finalizing the Rutgers Agreement, within ten (10) days of notification by Surenian of the changes, the Township of Clinton will inform Surenian if it objects to the changes and wishes to withdraw from the Municipal Group and obtain a refund of the \$2000 it paid.

This Resolution shall take effect immediately

Action Item #4

Resolution #75-15 – Amending Resolution #64-15 – Approving the hire of personnel for Summer Recreation, 2015

Mayor Higgins introduced the matter. MOTION was offered by Councilwoman Switlyk to approve the resolution. Seconded by Council President Mullay. There being no further discussion the roll was called. Motion carried.

Roll Call:

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

**WHEREAS**, Resolution 64-15 established the names and salary for the Summer Recreation staff for 2015, and;

**WHEREAS**, two of the expected employees, Samantha DiVito and Emily Fornaro, have decided not to start their employment, and need to be replace, and;  
**WHEREAS**, two people listed on previous resolution 64-15 as Counselor, will now be promoted to Senior Counselor.

**NOW THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Township of Clinton, County of Hunterdon, State of New Jersey, that Grace Ciszewski and Matthew Conner are hereby hired as Senior Counselors at rate of \$8.00 per hour.

**VOUCHERS:**

Mayor Higgins introduced the matter.

MOTION was offered by Council President Mullay to approve the check control registers dated June 24, 2015 totaling \$343,756.02. Seconded by Councilwoman Switlyk. There being no further discussion the roll was called. Motion carried.

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Roll Call:

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

**PUBLIC COMMENT:**

No public comment

**EXECUTIVE SESSION:**

Resolution #76-15

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

Roll Call:

Councilwoman Switlyk	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 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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3. It is unknown precisely when, if ever, the matters discussed in this closed session may be released to the public.
4. No action shall be taken in closed session.
5. Matters concerning litigation may be announced upon the conclusion of any trial or settlement of that litigation.

**RETURN FROM EXECUTIVE SESSION:**

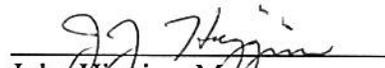
MOTION was made by Council President Mullay to return from executive session. Seconded by Councilman Marra. There being no further discussion a voice vote was called. All ayes. Motion carried.

**MOTION TO ADJOURN:**

MOTION was offered by Councilman Marra to adjourn at 9:05p.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: August 12, 2015