

TOWNSHIP OF CLINTON
REGULAR COUNCIL MEETING
February 10, 2016

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CALL TO ORDER:

Mayor Higgins called the meeting to order at 7:01 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 McTiernan | Present |
| Councilman D'Alleinne | Present |
| Council President Mullay | Present |
| Mayor Higgins | Present |
| | |
| Kristina Hadinger, Esq. | Present |
| Marvin Joss, Administrator | Present |
| Carla Conner, Township Clerk | Present |

APPROVAL OF MINUTES:

| | |
|-----------------|-------------------|
| Regular Session | November 12, 2015 |
| Regular Session | December 9, 2015 |

Mayor Higgins introduced the matter.

MOTION was made by Council President Mullay to approve the above referenced minutes. Seconded by Councilwoman Switlyk. There being no further discussion a voice vote was called. Motion carried.

CONSENT:

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

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

Roll Call:

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| Councilwoman Switlyk | Yes |
|----------------------|-----|

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| | |
|-----------------------------|-----|
| Councilman McTiernan | Yes |
| Councilman D'Alleinne | Yes |
| Councilman President Mullay | Yes |
| Mayor Higgins | Yes |

Consent #1

Resolution #27-16 – Release of Escrow, Block 76 Lot 2

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 |
|-------------|-------------|-------------------|--------------------|-----------------|
| \$10,759.20 | 76 /2 | 190 Center Street | Clinton Point, LLC | Perf. Guarantee |

PUBLIC COMMENTS:

Georgia Gates from Clinton Township stated she was not in favor of having Rt. 629 name officially changed due to the fact it would cause a commotion with address changes, GPS and map changes. Mayor Higgins stated the road will only have an honorary name change. Ms. Gates stated she is in favor of a memorial. Ms. Gates requested that there be more police enforcement along Rt. 629 due to excessive speeding especially by motorcycles. Councilwoman Switlyk requested the police monitor Rt. 629. Ms. Gates stated she is concerned about how the bridge on Payne Road will be built. Ms. Gates stated the bridge recently completed on Cratetown Road is too big for the road and does not want the bridge on Payne Road to be built like that. Council President Mullay explained the steps Hunterdon County takes to improve bridges, which includes a public presentation by the County. Mayor Higgins stated the bridge will be properly permitted and built according to all of the environmental standards required by the State. Mayor Higgins stated The Township Engineer will also review the plans before construction starts.

Appointment by Mayor with Advice and Consent of the Township Council

- Sewer Authority
 - Peter Geiger – Seat 1 – 5 year term, expires 1/31/21

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MOTION was made by Councilman McTiernan to approve the appointment of Peter Geiger to the Sewer Authority. Seconded by Council President Mullay. There being no further discussion a voice vote was called. Motion carried.

Roll Call:

| | |
|-----------------------------|-----|
| Councilwoman Switlyk | Yes |
| Councilman McTiernan | Yes |
| Councilman D'Alleinne | Yes |
| Councilman President Mullay | Yes |
| Mayor Higgins | Yes |

NEW BUSINESS:

- Discussion of clearing brush and maintenance of drainage on Spyglass Court

Council President Mullay questioned Attorney Hadinger if the detention basin is owned by the homeowner should the homeowner maintain it. Councilman D'Alleinne questioned if there is a homeowners association associated with this development. Attorney Hadinger stated there is a drainage easement on the property and the Township needs to find out who the grantee of the drainage easement is. Councilman D'Alleinne stated the bottom of the detention basin is filled with at least a foot of sediment. Councilman D'Alleinne stated the homeowner has dug a channel by hand for the water to run through. The basin is a foot less deep than it should be for detention purposes.

Tom O'Meara from Spyglass Court stated about a third of his property is easement property and a flood way zone in front of the house. Mr. O'Meara spoke with Cathy Marcelli, the Township's Engineer and the Environmental Commission. Mr. O'Meara stated he showed them his deed which addresses the basin and the responsibility of the Township and the homeowner. The deed states the homeowner is to maintain the easement. Mr. O'Meara stated he cuts the lawn, trims the bushes, weed wacks and has brought in chippers and brush hogs on the property to take care of the basin. Mr. O'Meara stated the basin was completely overgrown in 2000 when he bought his home. Mr. O'Meara stated the Township sealed Spyglass Court and, as the roadway deteriorates, the sediment washes into the basin. Mr. O'Meara stated in the last five years it has built up and the basin needs to be cleared with a backhoe. Mr. O'Meara stated his deed states that he cannot clear the basin but the Township has the right of way to come on his property and clear the basin. Mayor Higgins stated the DPW will go out and look at the basin.

Attorney Hadinger stated the Township will look over his deed and then decide what steps to take.

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- Discussion on renaming Rt. 629

Mayor Higgins stated that the family of Jeff Scheuerer would like the Township to honor Mr. Scheuerer with a memorial sign on Rt. 629 where he lost his life. The Council agreed to put a memorial sign at the intersection of Rt. 22 and Reservoir Road south.

REPORTS:

Councilman D'Alleinne:

Councilman D'Alleinne reported that the Environmental Commission is working with the homeowner from Spyglass Court regarding his drainage basin. Councilman D'Alleinne stated the Township should adopt an ordinance that residential developments should have a homeowners association so the burden to maintain a basin that serve the entire development is not on any one person. Councilman D'Alleinne reported the Environmental Commission received a \$12,800 grant to be used for walking trails on Windy Acres. Councilman D'Alleinne suggested hiring a summer intern to work with the Township Engineer to organize records of all of the detention basins in the Township.

Councilman McTiernan:

Councilman McTiernan reported he attended banquets for the Annandale Hose Company and the Clinton First Aid Rescue Squad. Councilman McTiernan reported the rescue squad had recent exposure in the newspaper and online to recruit new members. Councilman McTiernan reported by advertising the first aid squad has recruited 13-14 new members. Councilman McTiernan reported the Recreation Committee met and discussed the Easter Parade on March 19 and Community Day on April 30. Councilman McTiernan reported Field of Dreams has been refurbished and will have a grand opening in the future. Councilman McTiernan reported there are plans for Bundt Park this year. Councilman McTiernan reported that a fence has been repaired and the Recreation Committee is looking into field maintenance and putting up a shed to store equipment. The shed will cost \$17,000 to buy plus installation costs. Councilman McTiernan reported that residents are requesting that two of the basketball courts get turned into tennis courts.

Councilman Switlyk:

Councilwoman Switlyk reported that she and Mayor Higgins met with the recruiting firm, Strategic Educational Advantage (SEA) at the Clinton Township Middle School regarding the hiring of a new Superintendent.

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Mayor Higgins

Mayor Higgins reported that the owner of 10 Concord Road applied for a demolition permit. Mayor Higgins reported the owner has not handed in building plans. Mayor Higgins requested that Administrator Joss follow up with the building inspector, Mike Wright regarding the building plans.

Council President Mullay:

Council President Mullay reported that the Sewerage Authority has a new chairperson, Steve Krommenhoek and Peter Geiger will be the vice chairperson. Council President Mullay stated the Sewerage Authority is holding off on rebuilding the Maple Avenue pump station until the Sewerage Authority has cleared up an issue on Rt. 641. Council President Mullay reported the Historic Commission met and discussed the Old Municipal Building. Council President Mullay stated the State Historic Preservation Office deemed the plans for the building to be an encroachment on the Historic status of the building. The State Historic Sites Council has scheduled a hearing February 18 to get its feedback on the Township's plans. President Council Mullay stated the Historic Commission would like the Township to update the Township seal.

Administrator Joss

Administrator Joss reported he sent a letter to BPU informing the BPU that the Township is starting the ascertainment process for Comcast's upcoming franchise renewal in Clinton Township. BPU responded and Administrator Joss was told the Township is in the ascertainment process. Administrator Joss followed up with DOT Government Affairs representative to make sure the DOT received the Township's second letter regarding a Country Club Drive and Rt. 31 intersection study. The representative stated the Township is in the queue for a study of the intersection but did not know the time frame. Administrator Joss stated he is conducting interviews for a new mechanic and electrical inspector.

RESOLUTIONS:

Action Item #1

Resolution #28-16 – Authorizing execution of a PILOT agreement with Ingerman Development Co., concerning property known as Beaver Brook Homestead, Block 60.03 Lot 26

Mayor Higgins introduced the matter.

MOTION was offered by Councilman McTiernan 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

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|-----------------------------|-----|
| Councilman McTiernan | Yes |
| Councilman D'Alleinne | Yes |
| Councilman President Mullay | Yes |
| Mayor Higgins | Yes |

WHEREAS, Ingerman Development Company, L.L.C. (“**Ingerman**”) proposes to construct and operate sixty-six units of affordable rental housing and other amenities (the “**Project**”) on property known as the Beaver Brook Homestead, and identified as Block 60.03, Lot 26 on the Clinton Township Tax Maps (the “**Property**”) pursuant to the provisions of the New Jersey Housing and Mortgage Finance Agency Law of 1983, as amended (N.J.S.A. 55:14K-1 et seq.) (the “**HMFA Law**”);

WHEREAS, the Project and Property are the subject of a redevelopment plan approved by the Mayor and Council of the Township of Clinton (“**Mayor and Council**”) pursuant to N.J.S.A. 40A:12A-1 et seq. and Ordinance No. 1080-16 entitled, “AN ORDINANCE OF THE TOWNSHIP OF CLINTON IN HUNTERDON COUNTY, NEW JERSEY ADOPTING, PURSUANT TO N.J.S.A. 40A:12A-7, A REDEVELOPMENT PLAN FOR THE BEAVER BROOK HOMESTEAD, BLOCK 60.03, LOT 26 ON THE CLINTON TOWNSHIP TAX MAPS;”

WHEREAS, on January 6, 2016, the Mayor and Council adopted a Resolution of Need determining that the Project will meet an existing housing need within the Township and approved an Affordable Housing Agreement with Ingerman with respect to the Project:

WHEREAS, the Project will help satisfy the Township’s “Mt. Laurel” affordable housing obligation;

WHEREAS, the Project will be subject to the requirements of the New Jersey Housing and Mortgage Finance Agency (the “**HMFA**”), including mortgage and loan documents executed pursuant to the HMFA Law;

WHEREAS, the sixty-six units of rental housing in the Project will qualify as low and moderate income units under the Fair Housing Act, N.J.S.A. 52:27D-301 et seq. and the Uniform Housing Affordability Controls, N.J.A.C. 5:80-16.1 et seq.;

WHEREAS, the HMFA Law permits the governing body of a municipality in which a housing project financed by the HMFA is located to exempt such housing project from real property taxation if the housing project’s sponsor enters into an agreement (a “**PILOT Agreement**”) with the municipality for payments to the municipality in lieu of taxes for municipal services;

WHEREAS, the Mayor and Council find that entering into a PILOT Agreement with Ingerman is necessary to assure implementation of the Project and the construction of the affordable rental housing, and have negotiated a PILOT Agreement with Ingerman consistent with HMFA Law and protocols that obligate Ingerman to pay an annual service charge of 6.28% of its Project revenues to the Township for a period of thirty years;

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WHEREAS, Ingerman has provided an estimate of Project revenues and payments in lieu of taxation to the Township, it being acknowledged that the actual Project revenues and corresponding payments in lieu of taxation cannot be determined until the Project has been implemented and, further are subject to HMFA Law; and

WHEREAS, the Mayor and Council deem it appropriate to authorize and enter into a PILOT Agreement with Ingerman.

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

1. The preamble to this Resolution is hereby incorporated as if more fully set forth herein.
2. The Mayor and Clerk are hereby authorized to execute an Agreement for Payments in Lieu of Taxes with Ingerman, and the Mayor and Council, in the form previously negotiated between the parties.
3. This Resolution is hereby adopted with the intent and purpose that from the date of execution of a mortgage from the HMFA, the proposed Project, including both the land and improvements thereon, will be exempt from real property taxation as provided in the HMFA Requirements, provided that payments in lieu of taxes for municipal services supplied to the Project are made to the municipality in the manner set forth in the attached Agreement for Payments in Lieu of Taxes.
4. The Mayor and Council do hereby adopt the within Resolution and make the determination and findings herein contained by virtue of, pursuant to, and in the conformity with the provisions of the HMFA Law with the intent and purpose that the Agency shall rely thereon in making a mortgage loan to Ingerman, which shall construct, own and operate the Project.

Action Item #2

Resolution #29-16 – Amending Resolution #20-16 – Appointing Fire Official

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

MOTION was offered by Councilman McTiernan to approve the resolution. Seconded by Councilman D'Alleinne. There being no further discussion the roll was called. Motion carried.

Roll Call:

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|-----------------------------|-----|
| Councilwoman Switlyk | Yes |
| Councilman McTiernan | Yes |
| Councilman D'Alleinne | Yes |
| Councilman President Mullay | Yes |
| Mayor Higgins | Yes |

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WHEREAS, an opening for the position of Fire Official exists within the Township, and;

WHEREAS, the Township Administrator has advertised for the position and interviewed several candidates, and;

WHEREAS, it is the opinion of the Administrator that Patrick Renaldi has the experience and expertise to successfully carry out the duties of Fire Official and pursuant to N.J.A.C 5:71-4.3 is certified to perform said function, and does hereby recommend that Mr. Renaldi be hired by the Township as Fire Official.

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Township of Clinton, County of Hunterdon, State of New Jersey, that Patrick Renaldi is hereby appointed Fire Official effective January 7, 2016, and;

BE IT FURTHER RESOLVED, that he shall be paid at a rate \$27.50 per hour for between 3 to 10 hours per week as needed.

VOUCHERS:

Mayor Higgins introduced the matter.

MOTION was offered by Council President Mullay to approve the check control registers dated February 10, 2016 totaling \$5,889,850.12. Seconded by Councilman D'Alleinne. There being no further discussion the roll was called. Motion carried.

Roll Call:

| | |
|-----------------------------|-----|
| Councilwoman Switlyk | Yes |
| Councilman McTiernan | Yes |
| Councilman D'Alleinne | Yes |
| Councilman President Mullay | Yes |
| Mayor Higgins | Yes |

PUBLIC COMMENT:

There were no public comments.

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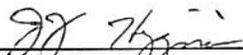
MOTION TO ADJOURN:

MOTION was offered by Councilman D'Alleinne to adjourn at 8:43p.m. Seconded by Councilman McTiernan. There being no further discussion a voice vote was called. All ayes. Motion carried.

ATTEST:



Carla Conner, Township Clerk



John Higgins, Mayor

Adopted: March 23, 2016