TOWNSHIP OF CLINTON
REGULAR COUNCIL MEETING
July 13, 2016

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TOWNSHIP OF CLINTON
REGULAR COUNCIL MEETING
July 13, 2016

CALL TO ORDER:

Council President Mullay called the meeting to order at 7:00 PM.

OPEN PUBLIC MEETINGS ACT STATEMENT: Council President Brian Mullay 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	Absent
Kristina Hadinger, Esq.	Present
Marvin Joss, Administrator	Present
Carla Conner, Township Clerk	Present

APPROVAL OF MINUTES:

Regular Session May 11, 2016

Council President Mullay introduced the matter.

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

ROLL CALL:

Councilwoman Switlyk	Yes
Councilman McTiernan	Yes
Councilman D'Alleinne	Abstain
Council President Mullay	Yes

Regular Session May 25, 2016

Council President Mullay 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 a voice vote was called. Motion carried.

ROLL CALL:

Councilwoman Switlyk	Yes
Councilman McTiernan	Yes
Councilman D'Alleinne	Yes
Council President Mullay	Yes

BOARD OF HEALTH:

Council President Mullay convened the Council as the Board of Health, meeting to approve the following applications.

Block 4 Lot 15.02 – 92 Blossom Hill Road – Paul Harenberg of Engineering & Land Planning Associates, Inc. explained the waiver request: the proposed septic system will be located outside of the building envelope. The Hunterdon County Board of Health approved the waiver.

MOTION was offered by Councilman D'Alleinne to approve the waiver with the condition of moving the disposal field 15 feet more to the north. Seconded by Councilman McTiernan. There being no further discussion the roll was called. Motion carried.

Roll Call:

Councilwoman Switlyk	Yes
Councilman McTiernan	Yes
Councilman D'Alleinne	Yes
Council President Mullay	Yes

Block 84 Lot 2.02 – 523 Hamden Road – Erica Busch of Erica Busch, P.E. explained the waiver request: the proposed septic systems will be less than 10 feet from an occupied building. The tank will be 12 feet from the basement and 5 feet from the crawl space. The Hunterdon County Board of Health approved the waiver.

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

Roll Call:

Councilwoman Switlyk	Yes
Councilman McTiernan	Yes
Councilman D'Alleinne	Yes
Council President Mullay	Yes

Council President Mullay adjourned as the Board of Health and reconvened the meeting of

the Mayor & Council.

CONSENT:

Council President Mullay introduced the matter and read the items on the consent agenda.

MOTION was made by Councilman D'Alleinne to approve the consent agenda. Seconded by?? (Can't make motion and second – not sure who did which). 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

Consent #1

Resolution 67-16 – 100% disabled veteran tax refund

WHEREAS, pursuant to N.J.S.A. 54:5-3.30, the dwelling of a disabled veteran shall be exempt from real property taxes; and

WHEREAS, Donato Curcio, a veteran determined to have suffered a 100% service related disability; and

WHEREAS, the determination of the said disability, is retroactive to the deed date of January 14, 2016; and

WHEREAS, real estate taxes on this property known as Block 35 Lot 20 has been billed and paid for 2016 first and second quarters, and

WHEREAS, pursuant to N.J.S.A. 54:4-32, the governing body of a municipality may by resolution cancel taxes due on a property which would have been exempt had the claim been made at the time they were due; and

WHEREAS, Donato Curcio is entitled to a refund of 2016 real estate taxes from January 14 to June 30, in the amount of $4016.01; and

WHEREAS, 2016 third and fourth quarter taxes should be cancelled as a result of the exemption in the amount of $4,274.30;

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 attached listing.

VENDOR	BLOCK	LOT	LOCATION	YR/QTR	AMOUNT
Curcio, Donato & Lisa A	35	20	353 Cokesbury Rd	2016/1-2	$ 4016.01
353 Cokesbury Rd				2016/3-4	$ 4274.30
Annandale, NJ 08801					
TOTAL REFUND					**$ 4,016.01**
TOTAL CANCELLED	35	20	353 Cokesbury Rd		***$ 4274.30***

Consent #2

Resolution 68-16 – Authorizing cancellation of taxes, Block 79.02 Lots 7.1213, 7.1214, 7.1215

WHEREAS, the Township Assessor has advised the Tax Collector that the following parcels have been consolidated; and

WHEREAS, the total taxable value is assessed against Block 79.02 lot 7.1212; and

WHEREAS, certain 2016 taxes should be cancelled as a result of the consolidation as detailed below; and

WHEREAS, pursuant to N.J.S.A. 54:4-32, the governing body of a municipality may by resolution cancel taxes due on a property which should not have been billed; and

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

ASSESSED OWNER	BLOCK	LOT	LOCATION	YR/QTR	AMOUNT
L & H HOLING LLC	79.02	7.1213	1465 ROUTE 31	2016/1-4	$ 1036.41
L & H HOLING LLC	79.02	7.1214	1465 ROUTE 31	2016/1-4	$ 1036.41
L & H HOLING LLC	79.02	7.1215	1465 ROUTE 31	2016/1-4	$ 1036.41
TOTAL CANCELLATION					$ 3109.23

Consent #3

Resolution 69-16 – Authorizing the return of premium refund, Block 87.04 Lot1

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
87.04	1	2015-012	US BANK CUST BV001 TRST&CRDTRS	47,300.00
			50 SOUTH 16TH ST SUITE 2050	
			PHILADELPHIA, PA 19102	
			TOTAL	47,300.00

Consent #4

Resolution 70-16 – Chapter 159 – Clean Communities 2016

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and

WHEREAS, the Director may also approve the insertion of an item of appropriation for equal amount.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Township of Clinton, County of Hunterdon, State of New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the 2016 budget in the sum of $42,318.50

BE IT FURTHER RESOLVED, that the like sum of $42,318.50 is hereby appropriated under the caption, Clean Communities;

Consent #5

Resolution 71-16 – Chapter 159 – Click It or Ticket It 2016

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and

WHEREAS, the Director may also approve the insertion of an item of appropriation for equal amount.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Township of Clinton, County of Hunterdon, State of New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the 2016 budget in the sum of $5,000.00, which is now available from the State of New Jersey Law and Public Safety, Division of Highway Patrol.

BE IT FURTHER RESOLVED, that the like sum of $5,000.00 is hereby appropriated under the caption Click it or Ticket; and

BE IT FURTHER RESOLVED that the above is the result of funds from New Jersey Division of Criminal Justice for Click it or Ticket.

Consent #6

Resolution 72-16 – Alcohol Education 2016

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and

WHEREAS, the Director may also approve the insertion of an item of appropriation for equal amount.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Township of Clinton, County of Hunterdon, State of New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the 2016 budget in the sum of $2,598.55, which is now available from the State of New Jersey Alcohol Ed Rehab Enforcement Fund.

BE IT FURTHER RESOLVED, that the like sum of $2,598.55 is hereby appropriated under the caption, Alcohol Ed Rehab Fund; and

BE IT FURTHER RESOLVED that the above is the result of funds from New Jersey Alcohol Ed Rehab Enforcement Fund.

Consent #7

Resolution 73-16 – Approval for fireworks – Camp Fatima 2016

WHEREAS, the Camp wishes to present a fireworks display; and the specific date of such display are August 9, with a potential rain date of August 11, 2016; and

WHEREAS, Fire Chief Bob Emery 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 to Camp Fatima.

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

Consent #8

Resolution 74-16 – 2015 Tonnage Grant Application

WHEREAS, The Mandatory Source Separation and Recycling Act, P.L1987, c.102, has established a recycling fund from which tonnage grants may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, It is the intent and the spirit of the Mandatory Source Separation and Recycling Account to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and

WHEREAS, the New Jersey Department of Environmental Protection has promulgated recycling regulations to Implement the Mandatory Source Separation and Recycling Act; and

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 2015 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.

PUBLIC COMMENTS:

There were no public comments.

REPORTS:

Councilman D'Alleinne:

Councilman D'Alleinne reported the Environmental Commission members went out to Windy Acres to start installing posts for signage for a walking trail they be constructing.

Councilman McTiernan:

Councilman McTiernan reported the Cable Committee will meet with the Executive Director of Government Affairs for Comcast and its network engineer to discuss the upcoming franchise agreement. Councilman McTiernan reported that for Summer Recreation program, last year there was a participation rate of 273 kids and this year 315 kids have signed up. Councilman McTiernan reported the Planning Board approved a three-month extension to Clinbar to replace its septic system and other site improvements. Councilman McTiernan reported Mr. LeCompte is requesting to put a new septic system on the property on the field across from Valley Crest Road to accommodate a new farm stand. Councilman McTiernan reported the Planning Board advised Mr. LeCompte to see the Board of Adjustment for any application for a farm stand. Councilman McTiernan reported Exxon is requesting an expansion in their business operation on their site. Councilman McTiernan reported the Township received good news from the Appellate Division with respect to affordable housing litigation in regards to the gap years. Attorney Hadinger explained the ruling and how that should result in a lower number for us once the courts decide the entire issue.

Councilman Switlyk:

Councilwoman Switlyk reported Clinton Township School Board meeting will be July 25th. Councilwoman Switlyk reported petitions are due for the three open seats on the School Board by July 25th at 4pm. Councilwoman Switlyk reported NHHS/VHS school district has four seats open on the School Board. Councilwoman Switlyk reported the NHHS/VHS school district will have a referendum question on the ballot for the General Election.

Council President Mullay:

Council President Mullay reported that Fire Chief Emery of Annandale Hose Company informed him of a fire hose shortage for its tender truck. Council President Mullay thanked Washington Township Fire Company in Warren County for lending Annandale Hose Company 600 feet of spare supply hose it receives its new hose.

Administrator Joss:

Administrator Joss reported that the RFP for the old municipal building has been posted on the Township's website. Administrator Joss reported the new employee for the Recreation Committee started working. Administrator Joss reported the Township will have a bond ordinance to introduce at a future Council meeting.

Lt. Higgins:

Lt. Higgins reported he will be meeting with the Superintendents of North Hunterdon High School and the Clinton Township School district. Lt. Higgins reported he forward statistics regarding Country Club Drive accidents to Assemblyman Peterson's office.

ACTION:

INTRODUCTION OF ORDINANCES:

1089-16 - AN ORDINANCE AMENDING §4-52 DIVISION OF POLICE OF THE CODE OF THE TOWNSHIP OF CLINTON IN HUNTERDON COUNTY, NEW JERSEY TO MODIFY PROVISIONS CONCERNING THE PROMOTIONAL PROCESS FOR THE POSITIONS OF SERGEANT, LIEUTENANT AND CAPTAIN AND CLARIFY TERMINOLOGY IN §4-52

Council President Mullay introduced the ordinance.

MOTION was made by Councilman McTiernan to introduce the ordinance. 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

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

Section 1. Subsection 4-52.A. of Code Amended. Subsection 4-52.A. of the Code of the Township of Clinton (hereinafter "**Code**") is amended by the addition of a new subparagraph (3) to read as follows:

> (3) In the event the position of Police Director is vacant and the appropriate authority has designated the Officer-in-Charge as provided for by the Rules and Regulations, as used in this section, Police Director shall mean the Officer-in-Charge.

Section 2. Subsection 4-52.G.(4)(h) of Code Amended. Subsection 4-52.G.(4)(h) of the Code is amended to read as follows [additions to text are indicated by underlining and deletions from text by ~~strikeouts~~]:

(h) Appointment. ~~Prior to the~~ The Police Director and Township Administrator~~'s submission of~~ shall submit the name of the candidate attaining the highest final overall score to the Township Council for appointment~~, said candidate shall undergo physical and psychological examinations at the Township's expense by the Township's physician(s) to inform the Township that the candidate is or is not fit for duty~~. Provided an appointment is to be made by the Council, said candidate shall by appointed by the Mayor, with the advice and consent of the Council. ~~Any appointment shall be conditioned upon a successful background check by the Hunterdon County Prosecutor's office and confirmation that the candidate is not, at the time of promotion, subject to a pending disciplinary investigation. If the candidate is under investigation at the time of the proposed promotion, said promotion may, at the discretion of the Township Council, be stayed for a period not to exceed 180 days until such time as disciplinary process has been concluded without a finding of wrongdoing on the candidate's part. If the investigation has not been concluded within 180 days or it is concluded with a finding of wrongdoing, the promotional process may be deemed null and void by the Township Council, or, in their sole discretion, the Mayor with the advice and consent of the Council, may appoint the second-ranked candidate.~~

Section 3. Subsection 4-52.G.(5)(g) of Code Amended. Subsection 4-52.G.(5)(g) of the Code is amended to read as follows [additions to text are indicated by underlining and deletions from text by ~~strikeouts~~]:

(g) Appointment. ~~Prior to the~~ The Police Director and Township Administrator~~'s submission of~~ shall submit the name of the candidate attaining the highest final overall score to the Township Council for appointment~~, said candidate shall undergo physical and psychological examinations at the Township's expense by the Township's physician(s) to inform the Township that the candidate is or is not fit for duty~~. Provided an appointment is to be made by the Council, said candidate shall by appointed by the Mayor, with the advice and consent of the Council. ~~Any appointment shall be conditioned upon a successful background check by the Hunterdon County Prosecutor's office and confirmation that the candidate is not, at the time of promotion, subject to a pending disciplinary investigation. If the candidate is under investigation at the time of the proposed promotion, said promotion may, at the discretion of the Township Council, be stayed for a period not to exceed 180 days until such time as disciplinary process has been concluded without a finding of wrongdoing on the candidate's part. If the investigation has not been concluded within 180 days or it is concluded with a finding of wrongdoing, the promotional process may be deemed null and void by the Township Council, or, in their sole discretion, the Mayor with the advice and consent of the Council, may appoint the second-ranked candidate.~~

Section 4. Repealer. All ordinances and resolutions or parts thereof inconsistent with this ordinance are repealed.

Section 5. 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 5. Effective Date. This ordinance shall take effect upon its passage, publication, and in accordance with N.J.S.A. 40:69A-181.

1090-16 – AN ORDINANCE AMENDING § 4-71 OPEN SPACE COMMITTEE AND OPEN SPACE TRUST FUND OF THE CODE OF THE TOWNSHIP OF CLINTON, IN HUNTERDON COUNTY, NEW JERSEY TO, AMONG OTHER THINGS, MODIFY THE COMPOSITION OF THE OPEN SPACE COMMITTEE, ITS MEMBERS TERMS & APPOINTMENT OF ITS OFFICERS, TO CLARIFY ITS ADVISORY FUNCTIONS, AND TO ADDRESS PROVISIONS REGARDING THE SALE OF PROPERTY

Council President Mullay introduced the ordinance.

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.

Roll Call:

Councilwoman Switlyk	Yes
Councilman McTiernan	Yes
Councilman D'Alleinne	Yes
Councilman President Mullay	Yes

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

Section 1. § 4-71 of Code Amended. §4-1 of the Code of the Township of Clinton is amended in its entirety to read as follows (additions to text are indicated by underlining and deletions from text by ~~strikeouts~~):

§ 4-71. Open Space Advisory Committee and Open Space Trust Fund.

A. Findings. The voters of the Township of Clinton approved a referendum which recommended the creation of an Open Space Trust Fund for the acquisition and preservation of open space within the Township; and an Open Space Advisory Committee would be of substantial help to the Township to carry out the intents and purposes of an Open Space Trust Fund.

B. Establishment. There is hereby established an Open Space Advisory Committee which shall consist of ~~nine~~ six regular members and two alternate members whose terms and ~~powers~~ duties are hereinafter set forth.

C. Membership.

(1) The Open Space Advisory Committee shall be appointed by the Mayor with approval of the rest of the Township Council and shall be comprised of the following persons:

(a) One member of the Township Council of the Township of Clinton;
(b) One Class II or Class IV member of the Planning Board of the Township of Clinton;
(c) One member of the Environmental Commission of the Township of Clinton; and
(d) ~~One member of the Board of Health of the Township of Clinton;~~
~~(e) One member of the Recreation Advisory Committee of the Township of Clinton;~~
~~(f) One member of the Historic Commission of the Township of Clinton; and~~
Three citizens of the Township of Clinton.

(2) Alternate members. Two citizens of the Township of Clinton to be identified as Alternate No. 1 and Alternate No. 2 shall also be appointed by the Mayor with approval from the rest of the Council. Alternate members may participate in discussions but may not vote except in the absence or disqualification of a member.

D. Terms of office; remuneration.

(1) The term for ~~all~~ the Township Council, Planning Board and Environmental Commission ~~Committee Members~~ members of the Committee ~~under the categories in Subsection C(1), (3), (4), (5) and (6)~~ shall be ~~for~~ one year;

(2) The term for ~~all~~ the three citizen members of the Committee ~~Members under the categories in Subsection C(2) and (7)~~ shall be ~~for~~ two years, and their terms shall be staggered such that two citizen members are appointed in one year, and the following year one citizen member is appointed;

(3) The term ~~of Alternate No. 1~~ for alternate members shall be ~~for one year; the term of Alternate No. 2 members shall be for~~ two years, and their terms shall be staggered;

(4) A vacancy occurring other than by expiration of the term shall be filled for the unexpired term only;

(5) Members shall serve without remuneration.

E. Duties ~~Powers and functions~~ of the Open Space Advisory Committee.

(1) The ~~Open Space Advisory~~ Committee shall ~~prepare an initial~~ compile and maintain a list of eligible open space properties in the Township.

(2) The ~~Open Space Advisory~~ Committee shall submit to the ~~Mayor and~~ Township Council annually or on a more frequent basis, a prioritized list of properties which it recommends that the Township acquire and/or properties for which it recommends that permanent easements or development rights be acquired. The ~~Mayor and~~ Township Council shall review the list ~~as submitted~~ and make a determination as to which property acquisitions, easements or development rights should be funded, and appropriate the necessary funds accordingly.

(3) The ~~Open Space Advisory~~ Committee shall periodically review ~~its initial~~ the list of potential open space properties, adding or deleting properties as ~~necessary~~ appropriate.

(4) The ~~Open Space Advisory~~ Committee ~~shall have the authority to~~ may receive inquiries from landowners seeking information about ~~the Open Space Trust Fund~~ open space and farmland preservation programs in the Township and ~~shall also have authority to~~ may solicit information from owners of properties that might be potential candidates for acquisition or other easements under the Open Space Trust Fund.

(5) When requested by the Township Council, ~~The~~ the ~~Open Space Advisory~~ Committee shall ~~have the responsibility of drafting~~ draft a property management plan providing for the development and maintenance ~~for~~ of ~~can~~ open space parcels ~~under its jurisdiction~~, and if approved by the Township Council, ~~to see that it is implemented~~ assist in the implementation of the approved property management plan. The Committee shall also submit ~~An~~ an annual status report for each parcel ~~will be provided~~ subject to a property management plan to the Township Council as well as a summary of the year's activities regarding open space acquisition.

F. ~~Public meetings. The Open Space Committee shall hold public meetings, which public meetings shall be held in accordance with the Open Public Meetings Act, and the Committee shall give appropriate notification of these meetings.~~ ~~G.~~ Officers. The Mayor, with approval of the rest of the Council, ~~Open Space Committee~~ shall appoint ~~select~~ from among ~~it's the~~ the members a ~~Chairman~~ Chairperson to preside over the Committee's meetings, and the Committee shall select a ~~Vice Chairman~~ Vice Chairperson from its members to serve as the presiding officer in the absence of the ~~Chairman~~ Chairperson. The Committee shall also select a Secretary whose function shall be to maintain minutes of the Committee's meetings and records of the proceedings of the Committee.

G. ~~H. Initial organization meeting. The Open Space Committee shall hold its initial meeting shortly after this section takes effect. I.~~ Funding for open space acquisition and maintenance.

(1) There is hereby established a reserve in the general capital fund which shall be known and designated as the "Open Space Trust Fund." A special bank account shall be opened and maintained for this purpose. Funds from the Open Space Trust Fund may, as directed by the ~~Mayor and~~ Township Council, be utilized for the following purposes:

(a) The acquisition of lands for recreation and conservation purposes;
(b) The acquisition of farmland for farmland preservation purposes;
(c) Payment of debt service on indebtedness issued or incurred by the Township for any of the purposes set forth in Subsection ~~I~~G(1)(a) and (b) above; and
(d) The maintenance of lands acquired with monies from the Open Space Trust Fund for passive recreation and conservation purposes and/or lands that are subject to passive recreation and conservation easements or deed restrictions, provided that not more than 12.5% of the annual open space tax levy, as set forth in Subsection ~~I~~G(2) below, may be set aside annually for said maintenance purposes.

(2) The Open Space Trust Fund shall be funded through the dedication to the fund of an amount of $0.02 per $100 of the assessed value of real property located within the Township. The Trust Fund shall also be permitted to accept donations and testamentary bequests. Any and all interest accruing on the Fund shall be placed back into the Open Space Trust Fund.

H.~~J.~~ Sale of property.

(1) No property acquired with ~~the~~ funds from the Open Space Trust Fund shall be leased or sold, unless such action has been prescribed by law. ~~The deed of any property acquired with funds from the Trust Fund shall contain the specific notation reflecting that the property was acquired with funds from the Open Space Trust Fund and is subject to this section.~~

(2) The Township Council, after at least one public hearing thereon and a finding that the purposes of this section might otherwise be better served or that any land acquired by the Township pursuant to this section is required for another public use, may convey, by ordinance, through sale, exchange, transfer or other disposition, title to or a lesser interest in that land, provided that the Township shall replace any land conveyed under this section by land of at least equal fair market value and of reasonably equivalent usefulness, size, quality and location to the land conveyed. Any money derived from the conveyance shall be deposited in the Open Space Trust Fund.

(3) Any conveyance made pursuant to this subsection shall be in accordance with the Local Lands and Buildings Law (N.J.S.A. 40A:12-1 et seq.). In the event of conveyance by exchange, the land or improvements thereon to be transferred to the trust shall be at least equal in fair market value and of reasonably equivalent usefulness, size, quality and location to the land or improvements transferred.

~~K. Review. IN the event that no property, easement or development rights are acquired under this section for a period of five consecutive years, then the Mayor and Township Council shall review the activities of the Open Space Advisory Committee and issue a report with recommendations and conclusions concerning the Open Space Trust Fund.~~

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 its passage, publication, and in accordance with N.J.S.A. 40:69A-181.

RESOLUTIONS:

Action Item #1
Resolution #75-16 – Amending Maureen McIvor Job Responsibilities and Salary

Council President Mullay 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:

Councilwoman Switlyk	Yes
Councilman McTiernan	Yes
Councilman D'Alleinne	Yes
Councilman President Mullay	Yes

WHEREAS, Maureen McIvor is currently employed by the Township on a part time basis within the Construction Official's office, and;

WHEREAS, effective July 1, 2016 the Township has become the Local Enforcing Authority for administering the Uniform Fire Code of the State of New Jersey, and;

WHEREAS, after discussions with the Township Fire Marshal, it was determined by the Township Administrator that there will be a need for part time Fire Prevention administrative assistance, and;

WHEREAS, Ms. McIvor has proven herself to be a hardworking, valuable employee within the Construction Office, and is desirous of a full time position with the Township, and;

WHEREAS, the Administrator believes the best course of action is to increase the hours of Ms. McIvor to full time status, comprising of 35 hours a week, Monday through Friday, 8:30 am to 4:30 pm, and have her designate approximately 8 to 10 hours throughout the course of the week to Fire Prevention duties, while still performing all of her Construction Office responsibilities.

NOW THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Township of Clinton, County of Hunterdon, State of New Jersey, that effective Monday, July 18, 2016, Maureen McIvor shall be granted full time permanent status with the Township, at an annual salary of $35,000 which shall include health benefits and all other benefits afforded full time employees within the Township, and;

BE IT FURTHER RESOLVED, that the additional cost to the Township shall be paid for through the Fire Prevention Trust Fund established by the Chief Financial Officer, which is funded through the various fees collected from Uniform Fire Code enforcement activities.

Action Item #2

Resolution #76-16 – Resolution Increasing the Deferred School Tax

Council President Mullay 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:

Councilwoman Switlyk	Yes
Councilman McTiernan	Yes
Councilman D'Alleinne	Yes
Councilman President Mullay	Yes

WHEREAS, the Township Council of the Township of Clinton, County of Hunterdon, State of New Jersey wish to increase the amount of the Township's deferred school tax as promulgated by the Division of Local Government Services.

WHEREAS, the State of New Jersey allows the municipalities to defer up to 50% of the school tax levy.

NOW THEREFORE, BE IT RESOLVED by the Township Council of the Township of Clinton, County of Hunterdon, State of New Jersey to increase the Township's deferred school tax, stated as of December 31, 2015, and bringing the percentage to 49.86 %, as follows:

FROM	TO	INCREASE/DECREASE	
Local District School	12,000,000	12,400,000	400,000
Regional High School	7,200,000	7,032,000	(160,000)

BE IT FUTHER RESOLVED that the Township Clerk of the Township of Clinton be directed to file three certified copies of this resolution with the Division of Local Government Services.

Action Item #3

Resolution #77-16 – Approving Participation in the Municipal Alliance – 2016-2017

Council President Mullay 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:

Councilwoman Switlyk	Yes
Councilman McTiernan	Yes
Councilman D'Alleinne	Yes
Councilman President Mullay	Yes

WHEREAS, The Township Council of the Township of Clinton, County of Hunterdon, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and,

WHEREAS, the Township Council of the Township of Clinton, further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and,

WHEREAS, the Township Council of the Township of Clinton supports the application of funding from Governor's Council on Alcoholism and Drug Abuse through the County of Hunterdon;

NOW, THEREFORE, BE IT RESOLVED by the Township of Clinton, County of Hunterdon, State of New Jersey hereby recognizes the following:

1. The Township Committee does hereby support the submission of an application for the North Hunterdon Municipal Alliance grant for calendar year 2017 in the amount of $27,511.00.

2. As Lead Municipality for the North Hunterdon Alliance, the Township Committee acknowledges the terms and conditions for administering the Municipal Alliance grant, including the reporting of programs within its cluster area.

VOUCHERS:

Council President Mullay introduced the matter.

MOTION was offered by Councilman McTiernan to approve the check control registers dated July 13, 2016 totaling $296,699.99. 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

PUBLIC COMMENT:

Bill Glaser from Annandale questioned if the Township will have a referendum question regarding school elections on the ballot in November. Council President Mullay stated the Council will discuss the referendum question at the Council's August 10th meeting. Mr. Glaser questioned what the process would be for a referendum for the NHHS/VHS sending district. Council President Mullay recused himself from the discussion. Attorney Hadinger stated the Council would have to check since there are a lot of sending districts involved.

Council President Mullay returned to the meeting.

MOTION TO ADJOURN:

MOTION was offered by Councilman D'Alleinne to adjourn at 7:47p.m. Seconded by Council President Mullay. There being no further discussion a voice vote was called. All ayes. Motion carried.

ATTEST:

Carla Conner, Township Clerk

John Higgins, Mayor

Adopted: September 14, 2016