TOWNSHIP OF CLINTON
REGULAR COUNCIL MEETING
June 8, 2016

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TOWNSHIP OF CLINTON
REGULAR COUNCIL MEETING
June 8, 2016

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 March 23, 2016

Mayor Higgins introduced the matter.

MOTION was made by Councilman McTiernan to approve the above referenced minutes. Seconded by Councilman D'Alleinne. 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
Mayor Higgins	Yes

BOARD OF HEALTH:

Mayor Higgins convened the Council as the Board of Health, meeting to approve the following application.

- Block 4.01 Lot 3 – 27 Deer Hill Road – John Kearney of J. H. Kearney Consulting Engineers explained the waiver request: the proposed disposal bed will be located outside of the building envelope. Councilman D'Alleinne stated the County Engineer has reviewed the waiver and approves the findings.

MOTION was offered by Council President Mullay to approve the waiver. 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
Council President Mullay	Yes
Mayor Higgins	Yes

Mayor Higgins adjourned as the Board of Health and reconvened as the Mayor & Council.

CONSENT:

Mayor Higgins 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 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
Council President Mullay	Yes
Mayor Higgins	Yes

Consent #1

Resolution #56-16 – Approval for fireworks – Immaculate Conception Festival -2016

WHEREAS, the Immaculate Conception Church will hold a Festival in June of 2016; and

WHEREAS, the Church wishes to present a fireworks display; and the specific dates of such display are June 15, and June 18, with a potential rain date of June 19, 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 during the Immaculate Conception Festival of 2016.

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

Consent #2

Resolution #57-16 – Tax premium refund for Block 79.01 Lot 12.0605 & Block 46 Lot 18

WHEREAS, liens on properties located in the Township of Clinton have been redeemed; and

WHEREAS, Tax Collector, Patricia Centofanti requests Mayor and Council approve the premium refunds required.

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

1. Checks shall be issued for the properties listed below, such checks representing premium refunds on tax liens.

Block	Lot	Certificate	Vendor	Premium
79.01	12.0605	2014-015	US BANK CUST FOR PC4 FIRST TRUST BANK	**1,000.00**
			50 SOUTH 16TH ST SUITE 2050	
			PHILADELPHIA, PA 19102	
46	18	2015-006	US BANK CUST FOR PC5 STERLING NATNL	700.00
			50 SOUTH 16TH ST SUITE 2050	
			PHILADELPHIA, PA 19102	
			TOTAL	**1700.00**

Consent #3

Resolution #58-16 – Authorizing signatures for Municipal Courts bank account

WHEREAS, the Township of Clinton, through interlocal agreements, serves as the Municipal Court for the Borough of High Bridge, Township of Union, Town of Clinton and the former North Hunterdon Municipal Court, and

WHEREAS, pursuant to the Agreements, the court staff at the Township of Clinton also serve as the court staff for the other municipalities listed as:

- Township of Clinton MC AND BAIL ACCOUNT Tax ID 22-6001731
- Town of Clinton MC AND BAIL ACCOUNT Tax ID 22-6001731
- Borough of High Bridge MC AND BAIL ACCOUNT Tax ID 22-6001731
- Township of Union MC AND BAIL ACCOUNT Tax ID 22-6002353
- North Hunterdon MC AND BAIL ACCOUNT Tax ID 22-1722607

NOW THEREFORE, BE IT RESOLVED, by the Governing Body of the Township of Clinton, County of Hunterdon, State of New Jersey that the following employees of the Township of Clinton are authorized signees for the Township of Union, Borough of High Bridge, Town of Clinton, Township of Clinton and the former North Hunterdon Municipal Court and Bail Accounts:

- Lynn Lorenz Court Administrator
- Jennifer Budrewicz Deputy Court Administrator
- Kathy McLaren Violations Clerk

NEW BUSINESS: Presentation of Economic Development in Hunterdon County by the Hunterdon County Freeholders

Freeholder Matt Holt stated that in 2011 the Hunterdon County Freeholders applied through the NJTPA for a HUD grant in the amount of five million dollars for regional planning and were denied the grant. They reapplied in 2012 and were awarded the grant. Freeholder Holt stated they did a study for two years and their study was adopted by HUD which sets the County up with funding sources.

Freeholder Holt presented a slideshow on the population growth from 1970 to present in Clinton Township. Freeholder Holt discussed adapting to changing demographics such as declining population, corporate campus vacancy, and emerging trends.

Freeholder Director Suzanne Lagay discussed economic development goals. Director Lagay discussed the steps for change that they are looking at such as business retention, infrastructure, transportation, municipal outreach, healthy living, workforce development, visitor bureau, tourism, and marketing to interest millennials. Director Lagay discussed the expansion of LINK bus service to meet demand for affordable transportation.

Economic Development Director Marc Saluk discussed his background.

PUBLIC COMMENTS:

There were no public comments

OLD BUSINESS: Blossom Hill Traffic Study

Mayor Higgins stated the Township Engineer just finished the report. Mayor Higgins stated the Township Engineer will send the report to Administrator Joss.

REPORTS:

Councilman D'Alleinne:

Councilman D'Alleinne reported that he and Attorney Hadinger discussed the ability to locate walking paths and/or gravel walking paths on the easements at Windy Acres. Councilman D'Alleinne reported there is no indication that the Township cannot put walking paths at Windy Acres.

Councilman McTiernan:

Councilman McTiernan reported the Planning Board had a lengthy meeting regarding the preliminary plans for the Beaver Brook Homestead property.

Councilman Switlyk:

Councilwoman Switlyk questioned if Administrator Joss can put an email blast on the Township website for the Planning Board and Board of Adjustment agendas. Councilwoman Switlyk stated she would like to chair the committee for the new Township seal.

Mayor Higgins

Mayor Higgins reported the Planning Board's ordinance committee met. The ordinance committee will be updating a few ordinances in the future. Mayor Higgins reported the County Transfer Station's lease is up at the end of the year and thatthe Township receives $71,000 from Hunterdon County because the Transfer Station operates in Clinton Township.

Council President Mullay:

Council President Mullay reported that the RFP for the old Municipal building will be posted by June 23.

Administrator Joss

Administrator Joss reported he had a meeting with Mayor Higgins and the Township Engineer, Cathy Marcelli, with regards to improvements at the Public Works yard.

RESOLUTIONS:

Action Item #1
Resolution #59-16 – Appointing Patrick Renaldi as Fire Official

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

WHEREAS, for many years, the State of New Jersey has been the local enforcing authority for the New Jersey Uniform Fire Safety Act, enforcing both Life Hazard and Non Life Hazard uses within the Township of Clinton, and

WHEREAS, the Township of Clinton now desires to perform these inspections itself and become the local enforcing authority of the NJ Uniform Fire Safety Act, and

WHEREAS, the Township has employed the services of Patrick Renaldi, a licensed New Jersey Fire Official, with the intent that Mr. Renaldi will take on the local enforcing responsibility.

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Township of Clinton, County of Hunterdon, State of New Jersey, that effective July 1, 2016, the Township does hereby notify the State of New Jersey, Division of Fire Safety, that the Township of Clinton does appoint Patrick Renaldi as its Fire Official for the purpose of being the local enforcing authority of the NJ Uniform Fire Safety Act within Clinton Township for both Life Hazard and Non Life Hazard uses.

Action Item #2

Resolution #60-16 – Authorizing certain statutory payments of claims and other claims regular in nature

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

MOTION was offered by Mayor Higgins 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
Mayor Higgins	Yes

WHEREAS, all claims of payment by the Township of Clinton, are required to be first submitted to the Township Council for consideration before payment, and

WHEREAS, due to the nature of certain claims and timing of the particular meeting involved, certain claims should be paid when presented to the Township, which are statutory or regular in nature, rather than held for the next council meeting.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Township of Clinton, County of Hunterdon, State of New Jersey, that the Chief Financial Officer and Treasurer have the following authority:

1) The Township Council does hereby approve the payment between meetings of the following encumbered claims for payment, when the same are presented to the Township for payment:
   - **a.** Payroll obligations
   - **b.** Banks for investment purposes, internal transfers, and debt service obligations
   - **c.** Utility payments, including gas and oil needed for continued operations
   - **d.** Postage
   - **e.** Insurance premium payments
   - **f.** State of New Jersey – Application Fees, Permit Fees, Marriage License Fees, State Surcharges, DEP Fees and License Fees
   - **g.** Reissue of lost or mutilated checks after stop payment has been enforced.

2) The Chief Financial Officer is hereby authorized and directed to prepare the proper vouchers for payment of the above recited accounts when same is properly presented to him/her for payment, and thereafter said claim shall be transcribed on the next scheduled Bill List to be approved by the Township Council.

A certified copy of this resolution shall be forward to the Chief Financial Officer.

Action Item #3

Resolution #61-16 – Supporting the Adoption of S2254/A3821 to Clarify Municipal Affordable Housing Obligations

Mayor Higgins introduced the matter. Attorney Hadinger explained the resolution.

MOTION was offered by Councilman D'Alleinne to approve the resolution. 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
Councilman President Mullay	Yes
Mayor Higgins	Yes

WHEREAS, pursuant to the March 2015 New Jersey Supreme Court order which transferred oversight of the Fair Housing Act (FHA) to the courts, many municipalities (including South Brunswick) filed declaratory judgment actions to voluntarily comply with their present and prospective affordable housing requirements as established in the FHA; and

WHEREAS, the FHA and existing case law are clear that "present and prospective fair share of the housing need in a given region … shall be computed for a 10-year period." (See N.J.S.A. 52:27D-307(c)); and

WHEREAS, in October 2015, the Middlesex County Superior Court issued a decision that included a distinct "gap period" obligation, retroactively imposing an additional municipal obligation over an additional 16 year period, separate and apart from the normal 10 year present and prospective need set forth in the FHA. Recently the Ocean County Superior Court did the same. The Ocean County decision is currently on appeal; and

WHEREAS, this "gap period" issue arises out of COAH's inability to promulgate third round regulations from 1999 to the present or make any final determination as to state and regional housing need. Despite this, the courts are not holding COAH accountable but rather are imposing additional obligations on municipalities. These retroactive obligations will have a significant and unfunded impact on municipalities, straining their already overburdened resources; and

WHEREAS, aside from other inequities and issues imposed by a so-called "gap" obligation, the households counted in the "gap period" may well be double counted when the present need is calculated. The prospect of double counting compounds this dilemma and will likely result in forcing municipalities and their property taxpayers to subsidize development or subject them to court orders allowing enormous numbers of new housing units as a result of "builder's remedy" lawsuits. Such a result will radically and irrevocably transform the character and quality of life for all New Jersey residents; and

WHEREAS, hundreds of New Jersey's municipalities have expended significant financial and other administrative resources in their attempts to voluntarily comply with their constitutional obligation for affordable housing as established by the Supreme Court and the FHA. As a direct result of the State's failure to advance viable regulations or enact overdue legislative reform, this will only continue to spiral out of control; and

WHEREAS, Senate Bill S2254 and Assembly Bill A3821 are important legislative remedies designed to clarify existing law and preclude these significant, unfair impacts. Swift and decisive adoption of both is a critical step toward a more rational statewide housing policy, including reasonable and achievable obligations for municipalities;

NOW THEREFORE BE IT RESOLVED on this 8th day of June, 2016, by the Township Council of the Township of Clinton, County of Hunterdon, State of New Jersey, that:

1. The Mayor and Township Council hereby support the adoption of Senate Bill S2254 and Assembly Bill A3821 to clarify that a municipality's present and prospective fair share of the housing need in a given region shall be computed for a 10-year period, and shall not include a retrospective obligation arising from any so called "gap period."

2. The Mayor and Township Council urge the members of the New Jersey Senate, General Assembly and the Governor to swiftly and decisively adopt both as a critical step toward a more rational statewide housing policy, including reasonable and achievable obligations for municipalities.

3. A certified copy of this resolution will be sent to Hon. Chris Christie, Governor; Hon. Steve Sweeney, President, NJ Senate; Hon. Vincent Prieto, Speaker, NJ General Assembly; Senate and General Assembly representatives and the New Jersey State League of Municipalities.

VOUCHERS:

Mayor Higgins introduced the matter.

MOTION was offered by Council President Mullay to approve the check control registers dated June 8, 2016 totaling $523,964.05. 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
Councilman President Mullay	Yes
Mayor Higgins	Yes

PUBLIC COMMENT:

There were no public comments.

MOTION TO ADJOURN:

MOTION was offered by Councilman D'Alleinne to adjourn at 8:55p.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: September 14, 2016