

TOWNSHIP OF CLINTON
REGULAR COUNCIL MEETING
October 9, 2013

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CALL TO ORDER:

Mayor Cimei called the meeting to order at 7:30 PM.

OPEN PUBLIC MEETINGS ACT STATEMENT: Mayor Cimei 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:

Councilman Vos	Absent
Councilman Imbriaco	Present
Councilman Lazarus	Present (arr. 7:34)
Council President Marra	Present
Mayor Cimei	Present
Kristina P. Hadinger, Esq.	Present
Marvin Joss, Administrator	Present
Robert Manney, Police Director	Present
Donna Burham, Township Clerk	Present

APPROVAL OF MINUTES:

MOTION was made by Council President Marra to approve the regular meeting minutes of August 28, 2013, and the executive session minutes for August 28, 2013. Seconded by Councilman Lazarus. There being no further discussion the roll was called. Motion carried.

Roll Call:

Councilman Imbriaco	Yes
Councilman Lazarus	Yes
Council President Marra	Yes
Mayor Cimei	Yes

MOTION was made by Councilman Imbriaco to approve the regular meeting minutes of September 11, 2013. Seconded by Councilman Lazarus. There being no further discussion the roll was called. Motion carried.

Roll Call:

Councilman Imbriaco	Yes
Councilman Lazarus	Yes
Council President Marra	Abstain
Mayor Cimei	Yes

CONSENT:

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

MOTION was offered by Council President Marra to approve the consent agenda. Seconded by Councilman Lazarus. There being no further discussion the roll was called. Motion carried.

Roll Call:

Councilman Imbriaco	Yes
Councilman Lazarus	Yes
Council President Marra	Yes
Mayor Cimei	Yes

Consent Item #1

Resolution #91-13 – Tax overpayment refunds

WHEREAS, on properties located within the Township of Clinton, an overpayment of real estate taxes has been made due to duplicate payments; and

WHEREAS, applications have been made to the Tax Collector for refunds of said overpayments, totaling \$5201.62; and

WHEREAS, the listing below is a detail of the requested refunds.

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

<u>Vendor</u>	<u>Block</u>	<u>Lot</u>	<u>Location</u>	<u>Yr/Qtr</u>	<u>Amount</u>
Dovenmuehle Mortgage	21	8.15	15 Old Clinton Rd	2013/3	\$ 2385.65
Attn: Tax Department					
1216 St Charles St					
Elgin, IL 60120					
Scott & Jo Ann Jarvis	82.01	5	10 Bennington Rd	2012/4	\$ 2815.97
10 Bennington Road					
Annandale, NJ 08801					
			Total:		5201.62

PUBLIC COMMENTS:

There were no public comments.

NEW BUSINESS:

There was no new business.

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**OLD BUSINESS:
REPORTS:**

Councilman Imbriaco:
No report

Councilman Lazarus:
No Report

Council President Marra:
No Report.

Mayor Cimei:

Administrator:

Mr. Joss reported that drainage work has been ongoing and has been an issue throughout the summer. DPW is working to allieviate flooding issues in various neighborhoods.

Mr. Joss also discussed the leaf cleanup program. Council President Marra indicated the township encourages residents not to put their leaves in the street. He further stated homeowners can mulch their own leaves.

Councilman Imbriaco indicated the Environmental Commission will address the issues of education relative to grass clippings and leaves in the street, and with stormwater regulations this is no longer permitted.

Director Manney:

Mr. Manney stated The County held a pistol shoot for officers in the county and one of our officers, John Tiger, came in first place.

ACTION:

Ordinance #1052-13 Bond Ordinance

Bond Ordinance providing for various Capital Improvements by the Township of Clinton, New Jersey, appropriating the aggregate amount of \$1,384,000 therefor and authorizing the issuance of \$1,384,000 therefor and authorizing the issuance of \$1,314,000 Bonds or Notes of the Township to finance part of the cost thereof, and setting the public hearing for November 13, 2013.

Mayor Cimei introduced the matter. Mr. Joss discussed the Township's debt ratio and explained the bond ordinance and the need for the new equipment.

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MOTION was made by Councilman Imbriaco to introduce the ordinance on first reading. Seconded by Councilman Lazarus. There being no further discussion the roll was called. Motion carried.

Roll Call:	Councilman Imbriaco	Yes
	Councilman Lazarus	Yes
	Council President Marra	Yes
	Mayor Cimei	Yes

BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF CLINTON, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section 1. The several improvements described in Section 3 of this bond ordinance are hereby respectively authorized to be undertaken by the Township of Clinton, New Jersey (the "Township") as general improvements. For the several improvements or purposes described in Section 3, there are hereby appropriated the respective sums of money therein stated as the appropriation made for each improvement or purpose, such sums amounting in the aggregate to \$1,384,000, including the aggregate sum of \$70,000 as the several down payments for the improvements or purposes required by the Local Bond Law. The down payments have been made available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the cost of the several improvements or purposes, negotiable bonds are hereby authorized to be issued in the principal amount of \$1,314,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to, and within the limitations prescribed by, the Local Bond Law.

Section 3. The several improvements hereby authorized and the several purposes for which the bonds are to be issued, the estimated cost of each improvement and the appropriation therefor, the estimated maximum amount of bonds or notes to be issued for each improvement and the period of usefulness of each improvement are as follows:

(a) Providing for the purchase of a loader/backhoe, mowers, pick-up trucks, dump trucks for the Department of Public Works.

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<u>APPROPRIATION</u>	<u>BOND AUTHORIZATION</u>	<u>PERIOD OF USEFULNESS</u>
\$ 465,000	\$ 442,000	5 years

(b) Providing for construction and installation of a wash bay for the Department of Public Works, including all work and materials necessary therefor or incidental thereto.

<u>APPROPRIATION</u>	<u>BOND AUTHORIZATION</u>	<u>PERIOD OF USEFULNESS</u>
\$ 130,000	\$ 123,000	10 years

(c) Providing for the purchase of fencing for athletic fields, including all work and materials necessary therefor or incidental thereto.

<u>APPROPRIATION</u>	<u>BOND AUTHORIZATION</u>	<u>PERIOD OF USEFULNESS</u>
\$ 50,000	\$ 47,500	15 years

(d) Providing for the purchase of a command vehicle for the Fire Department.

<u>APPROPRIATION</u>	<u>BOND AUTHORIZATION</u>	<u>PERIOD OF USEFULNESS</u>
\$ 55,000	\$ 52,000	5 years

(e) Providing for the purchase of a Fire Pumper for the Fire Department.

<u>APPROPRIATION</u>	<u>BOND AUTHORIZATION</u>	<u>PERIOD OF USEFULNESS</u>
\$ 400,000	\$ 380,500	10 years

(f) Providing for the purchase of turn-out gear dryer machine, self-contained breathing apparatus, turn-out gear for the Fire Department.

<u>APPROPRIATION</u>	<u>BOND AUTHORIZATION</u>	<u>PERIOD OF USEFULNESS</u>
\$ 234,000	\$ 222,000	5 years

(g) Providing for the installation of a vented exhaust system for the Fire Department, including all work and materials necessary therefor or incidental thereto.

<u>APPROPRIATION</u>	<u>BOND AUTHORIZATION</u>	<u>PERIOD OF USEFULNESS</u>
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Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The purposes described in Section 3 of this bond ordinance are not current expenses. They are all improvements that the Township may lawfully undertake as general improvements, and no part of the costs thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness, computed on the basis of the respective amounts of obligations authorized for each purpose and the reasonable life thereof within the limitations of the Local Bond Law, is 7.36 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$1,314,000, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$70,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated costs indicated herein for the purposes or improvements.

Section 7. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy ad valorem taxes upon all the taxable real property within the Township for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 8. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

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ORDINANCE ADOPTION:

Ordinance #1051-13 An Ordinance of the Township of Clinton, in Hunterdon County, New Jersey, Amending Chapter 7, entitled, "Traffic", of the Code of the Township of Clinton to Prohibit Parking on a Portion of the West Side of East Street in Annandale

Mayor Cimei introduced the matter and opened the public hearing. There being no public comment, the public hearing was closed.

MOTION was made by Council President Marra to adopt the ordinance on final reading. Seconded by Councilman Imbriaco. There being no further discussion the roll was called. Motion carried.

Roll Call:	Councilman Imbriaco	Yes
	Councilman Lazarus	No
	Council President Marra	Yes
	Mayor Cimei	Yes

AN ORDINANCE OF THE TOWNSHIP OF CLINTON IN HUNTERDON COUNTY, NEW JERSEY AMENDING CHAPTER 7, ENTITLED "TRAFFIC," OF THE CODE OF THE TOWNSHIP OF CLINTON TO PROHIBIT PARKING ON A PORTION OF THE WEST SIDE OF EAST STREET IN ANNANDALE

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

Section 1. Section 7-13 Amended. Section 7-13 "Parking prohibited at all times on certain streets" of Chapter 7, "TRAFFIC," of the Code of the Township Clinton, 2003, which prohibits parking at all times on certain streets, is hereby amended by adding thereto the following street or portion thereof:

Name of Street	Sides	Location
East Street	West Side	From 500 feet north of the curb line of Beaver Avenue to the Annandale Train Station parking lot.

Section 2. 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 3. Repealer. All ordinances and resolutions or parts thereof inconsistent with this

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ordinance are repealed.

Section 4. Effective Date. This ordinance shall take effect upon final adoption and publication in accordance with law.

RESOLUTIONS:

Action Item #1

Resolution #92-13 – Hiring a Administrative Secretary/Receptionist – Police Department

Mayor Cimei introduced the matter.

MOTION was made by Councilman Lazarus adopt the resolution. Seconded by Mayor Cimei. There being no further discussion the roll was called. Motion carried.

Councilman Imbriaco indicated he was not certain the employment of this individual would be in the best interest of the Police Department and therefore the best interest of the community. He further stated since he was unable to attend the Executive Session meeting where this was discussed, he would abstain, as he did not feel he had enough information.

Roll Call:	Councilman Imbriaco	Astain
	Councilman Lazarus	Yes
	Council President Marra	Abstain
	Mayor Cimei	Yes

Ms. Hadinger stated there is case law which states abstentions are neutral votes and not no votes, so she felt comfortable stating the motion carried.

WHEREAS, there exists a need to hire a full-time administrative assistant/receptionist for the Police Department due to the existing vacancy; and

WHEREAS, Township Administrator, Marvin Joss, and Police Director, Robert Manney, have interviewed several candidates and indicate that Ms. Tricia McNally is the best candidate for this position.

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

1. Ms. Tricia McNally shall be hired as a full-time administrative assistant/receptionist, at an annual salary of \$31,000, effective October 15, 2013.
2. Benefits shall be granted as outlined in the township's policies and ordinances.

Action Item #2

Resolution #93-13 – Approving the purchase of rock salt through the Hunterdon County Co-op

Mayor Cimei introduced the matter.

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MOTION was made by Councilman Lazarus to adopt the above resolution. Seconded by Councilman Imbriaco. There being no further discussion the roll was called. Motion carried.

Roll Call:	Councilman Imbriaco	Yes
	Councilman Lazarus	Yes
	Council President Marra	Yes
	Mayor Cimei	Yes

WHEREAS, the Township of Clinton finds a need to purchase salt to be used by the Department of Public Works, and

WHEREAS, the Township belongs to the Hunterdon County Co-op and purchases salt through this program; and

WHEREAS, this contract shall have a not to exceed amount of \$100,000, with a per ton price of \$51.28; and

WHEREAS, the contract period shall commence on October 1, 2013 and expire on September 30, 2014.

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

1. The above listed purchase is approved as described.

Action Item #3

Resolution #94-13 – authorizing the purchase of two police vehicles

Mayor Cimei introduced the matter.

MOTION was made by Councilman Imbriaco to adopt the above resolution. Seconded by Councilman Lazarus. There being no further discussion the roll was called. Motion carried.

Roll Call:	Councilman Imbriaco	Yes
	Councilman Lazarus	Yes
	Council President Marra	Yes
	Mayor Cimei	Yes

WHEREAS, there is a need to purchase two police vehicles for the Township of Clinton, in the County of Hunterdon, State of New Jersey; and

WHEREAS, the funds are available as evidenced by the Chief Finance Officer's Certification;

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WHEREAS, public bids are not required when the purchase is made through a purchasing cooperative in accordance with N.J.S.A. 40A:11-12.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Clinton in the County of Hunterdon that the Administrator is hereby authorized and directed to approve and forward the required Purchase Order for the following vehicle:

Vendor	Department	Quantity	Item	Price	Total
Winner Ford	Police	2	2014 Sedans	\$25,689.00	\$51,503.00

VOUCHERS:

Mayor Cimei introduced the matter.

MOTION was offered by Councilman Lazarus to approve the check control registers dated October 9, 2013 totaling \$7,360,801.16. Seconded by Councilman Imbriaco. There being no further discussion the roll was called. Motion carried.

Roll Call:

Councilman Imbriaco	Yes
Councilman Lazarus	Yes
Council President Marra	Yes
Mayor Cimei	Yes

PUBLIC COMMENT:

There was no public comment.

EXECUTIVE SESSION:

#Resolution #94-13

MOTION was offered by Council President Marra to move into executive session. Seconded by Councilman Lazarus. There being no further discussion the roll was called. Motion carried.

Roll Call:

Councilman Imbriaco	Yes
Councilman Lazarus	Yes
Council President Marra	Yes
Mayor Cimei	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,

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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 to 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:
 - ✓ Matters relative to Police Department Labor Negotiations
3. It is anticipated at this time that the above stated subject matters will be made public as soon thereafter as it is deemed to be in the public interest to do so.
4. This resolution shall take effect immediately.
5. Action may be taken in open session.

MOTION TO RETURN FROM EXECUTIVE SESSION:

MOTION was offered by Council President Marra to return to open session. Seconded by Councilman Lazarus . There being no further a voice vote was called. All ayes. Motion carried.

At this point, there was a malfunction of the recording device; Council returned to open session to take action on the preparation of a police contract.

MOTION was made by Council President Marra and seconded by Councilman Imbriaco to authorize the Police Labor Negotiation Attorney, Steve Trimboli, to prepare a contract with the Police Department for ratification at an upcoming meeting in November.

MOTION TO ADJOURN:

MOTION was offered by Councilman Imbriaco to adjourn at 8:20 p.m. Seconded by Councilman Lazarus. There being no further discussion a voice vote was called. All ayes. Motion carried.

ATTEST:

Donna J. Burham, Township Clerk

A. Kevin Cimei, Mayor

Adopted: November 13, 2013