

TOWNSHIP OF CLINTON
REGULAR COUNCIL MEETING
August 28, 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	Present
Councilman Imbriaco	Present (Arr. 7:41)
Councilman Lazarus	Present
Council President Marra	Present (Arr. 7:41)
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:

Regular Meeting Minutes June 26, 2013

Mayor Cimei introduced the matter. MOTION was made by Councilman Lazarus to approve the above listed minutes. Seconded by Councilman Vos. There being no discussion the roll was called. Motion carried:

Roll Call:	Councilman Vos	Yes
	Councilman Lazarus	Yes
	Mayor Cimei	Yes

Regular Meeting Minutes July 10, 2013

Mayor Cimei introduced the matter. MOTION was made by Councilman Lazarus to approve the above listed minutes. Seconded by Councilman Vos. There being no discussion the roll was called. Motion carried:

Roll Call:	Councilman Vos	Yes
	Councilman Lazarus	Yes
	Mayor Cimei	Yes

Executive Meeting Minutes June 26, 2013

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Mayor Cimei introduced the matter. MOTION was made by Councilman Lazarus to approve the above listed minutes. Seconded by Councilman Vos. There being no discussion the roll was called. Motion carried:

Roll Call:	Councilman Vos	Yes
	Councilman Lazarus	Yes
	Mayor Cimei	Yes

Executive Meeting Minutes July 20, 2013

Mayor Cimei introduced the matter. MOTION was made by Councilman Lazarus to approve the above listed minutes. Seconded by Councilman Vos. There being no discussion the roll was called. Motion carried:

Roll Call:	Councilman Vos	Yes
	Councilman Imbriaco	Yes
	Mayor Cimei	Yes

CONSENT:

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

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

Roll Call:	Councilman Vos	Yes
	Councilman Lazarus	Yes
	Mayor Cimei	Yes

Consent Item #1

Resolution #77-13 – Greenbrook Racing – Event at Round Valley

WHEREAS, Green Brook Racing is seeking to hold a sprint and olympic distance triathlon on Sunday, September 15, 2013; and

WHEREAS, Green Brook Racing has pledged to work with the Clinton Township Police Department, Park Rangers and County Officials as necessary; and

WHEREAS, Green Brook racing has also provided the necessary proof of liability insurance.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council for the Township of Clinton, County of Hunterdon, State of New Jersey as follows:

1. The Township Clerk is instructed to send this resolution of approval to Green Brook Racing.

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Consent Item #2

Resolution #78-13 – Refund of Taxes

WHEREAS, an overpayment has been created on Block 24 Lot 15 due to a successful 2012 Tax Appeal, and

WHEREAS, the taxes have already been paid in full for the year 2012, and the assessment has since been lowered due to State Tax Appeal;

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

VENDOR	LOCATION	YR/QTR	AMOUNT
Winne, Banta, Hetherington, Basralian & Kahn PC	1200 Route 31	12/4	\$ 1,284.38
Court Plaza South			
21 Main Street, Suite 101			
PO Box 647			
Hackensack, NJ 07602			
TOTAL REFUND			\$ 1,284.38

Consent Item #3

Resolution #79-13 – Tax Premium refund

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 \$9,918.02; 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.

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<u>Vendor</u>	<u>Block</u>	<u>Lot</u>	<u>Location</u>	<u>Yr/Qtr</u>	<u>Amount</u>
Middleton, John & Michelle	82.19	18	30 Southgate Drive	2011/4	\$ 3,445.29
30 Southgate Drive					
Annandale, NJ 08801					
Anders, Robert & Cindy	82.19	15	24 Southgate Drive	2012/4	\$ 4,173.82
24 Southgate Drive					
Annandale, NJ 08801					
Teitelbaum, Steven & Margaret	79.04	1.1101 /c1101	1 Westgate Drive	2011/4	\$ 2,298.91
1 Westgate Drive					
Annandale, NJ 08801					
			Total:		\$ 9,918.02

Consent Item #4

Resolution #80-13 – Release of maintenance bond – Kingdom Crown Veterinary

WHEREAS, a request has been received from Kingdom Crown, LLC., for the release of a performance Bond relative to Block 3.03, Lot 7; and

WHEREAS, Township Engineer, Cathleen Marcelli, certifies that the status of the project has been reviewed, and that the existing bond in the amount of \$31,237.65, may be released.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Clinton, County of Hunterdon, State of New Jersey, that the recommendation of Township Engineer, Cathleen Marcelli, be and hereby is accepted and approved and the above mentioned Performance Bonds shall be released as listed above.

Consent Item #5

Resolution #81-13 – Chapter 159, Alcohol Education, Rehabilitation and Enforcement

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.

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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 budget of the year 2013 in the sum of \$1,741.56.

BE IT FURTHER RESOLVED, that the like sum of \$1,741.56 is hereby appropriated under the caption, "Alcohol Education, Rehab. & Enforcement Grant".

Consent Item #6

Resolution #82-13 – chapter 159-13 – Clean Communities

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 budget of the year 2013 in the sum of \$32,210.03.

BE IT FURTHER RESOLVED, that the like sum of \$32,210.03 is hereby appropriated under the caption, Clean Communities.

PUBLIC COMMENTS:

The Mayor introduced John Anderson, of JCP&L, liaison to the Township. Mr. Anderson gave an update on JCP&L's work after the last major storm, and explained changes to the website which will allow residents to determine an estimated time of service restoral.

Mr. Anderson also explained the protocol for openings roads after storms, and gave information on work done with the County and the Township's OEM personnel.

Mayor Cimei thanked Mr. Anderson and indicated he felt JCP&L is making a good effort to improve practices and infrastructure.

Michael Kucab, Payne Road, complimented JCP&L for their responsiveness during a recent issue.

Mr. Kucab spoke about a neighbor's fence in a drainage easement and reiterated the facts he brought forth at previous Council meetings. He asked if Council has done anything to get his neighbor to put in landscaping to screen the fence.

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Councilman Imbriaco asked if the Township has the authority to require a resident to put in landscaping. Mr. Kucab said the Township has the ability to revoke the license.

Mr. Kucab discussed potential drainage issues and stated the neighbor has also put chicken wire at the bottom of the fence and it is not very attractive.

Mayor Cimei explained no current members of Council were involved in the issue, which dates back to 2002. Mr. Kucab said he is only looking for some bushes to be placed in front of it. Mayor Cimei asked who should be putting the bushes in, the resident or the Township. Mayor Cimei indicated the Township would not put shrubs on the private property of a resident.

Mayor Cimei stated he feels this is a neighbor issue. Councilman Imbriaco asked what support Mr. Kucab has to prove this fence diminishes the values of his home. Mr. Imbriaco asked if Mr. Kucab has had an objective third party look at the fence to see if this is so. Mr. Kucab indicated he has not.

Councilman Vos stated he feels the value of the home would be further diminished by a stockade fence.

Councilman Vos asked if the resident is the original owner, and perhaps they bought the house because they had the right to have the fence.

Council President Marra asked how many bushes Mr. Kucab wants, and how much would they cost. He asked Mr. Kucab to approach the neighbors first. Mr. Kucab indicated he does not speak to the neighbors, but agreed to attempt to reach out to them.

After a lengthy discussion, Mr. Kucab indicated the Council is not taking care of his interests, and the Council caused the problem.

OLD BUSINESS:

None

NEW BUSINESS:

1. DEA Agreement

Mayor Cimei introduced the matter and asked OIC Lt. Higgins to describe the program. Lt. Higgins indicated the program brings income into the Township, and has been very successful.

MOTION to renew the agreement was made by Council President Marra. Seconded by Councilman Imbriaco. There being no further discussion the roll was called. Motion carried.

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

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2. Capital Discussion – DPW equipment and road repairs

Mayor Cimei introduced the matter, and explained Mr. Joss circulated a list of items needed for the Department of Public Works. DPW Supervisor, Jay Meixsell, discussed needed items such as mowers and indicated some dump trucks are no longer drivable, and some pick-up trucks are more than 15 years old.

Mayor Cimei discussed the need for a “wash-bay” as trucks cannot be washed outside any longer due to 2009 DEP regulations. Mr. Joss discussed the debt service these purchases would incur.

Mayor Cimei indicated the total of the items is not quite \$600,000. A short discussion of auctioning the vehicles was held. Councilman Vos stated the Township should not wait long periods of time to replace equipment as it becomes more costly and a potential safety issue later.

Mayor Cimei asked Mr. Joss to put together a capital ordinance for Council review. Mr. Joss discussed replacing the fencing and backstops at Foran Field and indicated the cost is about \$60,000.

Mayor Cimei discussed road repair and stated the co-op did a good job providing quick service to take care of three roads quickly; Kiceniuk, Petticoat and Studer. The Mayor asked if Council thought should include in the capital ordinance about \$200,000 to take care of these smaller roads.

Mr. Meixsell indicated if this is done some of these roads would not need a total reconstruction.

Consensus of Council was to include this in the proposed ordinance.

3. Part-time inspector – Building Department

Mayor Cimei introduced the matter, and explained the need for this hire, stating the Building Department has been much busier this year. Mr. Joss indicated this position would be only ten to twelve hours per week, with no benefits.

MOTION was made by Council President Marra to approve the hiring process. Seconded by Council President Imbriaco. There being no further discussion the roll was called. Motion carried.

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

REPORTS:

Councilman Vos:

Councilman Vos indicated the Garden Committee has treated the well at the Community Garden and the well has passed inspection. Mr. Joss explained the Garden Committee would like Council

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consent to use the well, and to install the electric for the pump. This expense would be covered by the Community Garden funds.

MOTION was made by Council President Marra to approve using the well and installing the electric at no cost to the Township. Seconded by Councilman Imbriaco. There being no further discussion the roll was called. Motion carried.

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

Councilman Imbriaco:
No report.

Councilman Lazarus:
No report.

Council President Marra:
Council President Marra reported the Recreation Annual Golf outing will be held at Stanton Ridge, on September 23rd.

Mayor Cimei:
No report.

Administrator:
Mr. Joss reported two meetings were held with Transco to review the punchlist for various repairs and road repairs.

OIC Lt. Higgins:
Lt. Higgins indicated the Cranford Co-op will not be able to disseminate next year's police car pricing until September, therefore the Police Department will be looking to purchase another car at the end of September or October.

Lt. Higgins also reported an Adult police academy will be held in October for six weeks on Wednesday evenings.

ACTION:

Action Item #1
Resolution #83-13 –Granting stipends to Summer Recreation Counselors

Mayor Cimei recused himself from this matter. Council President Marra introduced the matter.

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MOTION to approve the resolution was made by Councilman President Marra. Seconded by Councilman Vos. There being no further discussion the roll was called. Motion carried.

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

WHEREAS, the Recreation Advisory Committee wishes to pay a stipend to Counselors and Coordinators of the Summer Recreation Program for above average attendance; and

WHEREAS, the individuals named below qualify for the stated stipend.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Township of Clinton, County of Hunterdon, State of New Jersey, that the following individuals be remunerated in the amount of \$100, as they missed no days of work.

Last Name	First Name
Andreas	Madeleine
Arnold	Ally
Baranek	Thomas John
Bilotti	Kristin
Brooks	Erin
Cataldi	Alyssa
Cimei	Katherine
Ciszewski	Grace
Conner	Matthew
Craig	Amanda
Craig	Theresa
DiVito	Samantha
Filus	Emily
Finer	Michael
Fitzpatrick	Olivia
Fornaro	Emily

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Fuhrman	Erica
Fuhrman	Faith
Galasso	Nadine
Giovanucci	Thomas
Grzankowski	Randy
Hoefig	Brandon
Houghton	Eleanor
Howard	Megan
Jacob	Garrett
Jarvis	Ken
Klippstein	Nora Burke
Krommenhoek	Christian
Lifshitz	Brianna
Lundy	Alex
Lundy	Kaitlyn
Mahoney	James
Mantz	Alex
Mantz	Taylor
Meixsell	Brittany
Oldakowski	Connor
O'Reilly	Shannon
Parker	Jessica
Pecoraro	Devan
Pecoraro	Keira
Primiani	Brionna
Rackley II	Otis
Radican	Matthew
Rotolo	Elizabeth

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Rotolo	Matthew
Shapiro	Alyssa
Smith	Dylan
Smith	Jennifer
Smith	Ryan
Spaven	Brendan
Tansey	Christine
Teets	Ashley
Tersigni	Claire
Tracey	Elizabeth (Liz)
Tracey	Samantha
Trinity	Justin
Vitiello	John
Wallace	Kelley
Williams	Marianna
Yang	Tiffany

BE IT FURTHER RESOLVED, that the following individuals be remunerated in the amount of \$80, as they missed only one day of work.

Deutchman	Sam
Purri	Michael
Walton	John

BE IT FURTHER RESOLVED, that the following individuals be remunerated in the amount of \$60, as they missed only two days of work.

Corcodilos	Emma
Meyer	Laura

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Rooney

Sean

VOUCHERS:

Mayor Cimei introduced the matter.

MOTION was offered by Councilman Imbriaco to approve the check control registers dated August 28, 2013 totaling \$13,454,936.49. Seconded by Councilman Lazarus. There being no further discussion the roll was called. Motion carried.

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

PUBLIC COMMENT:

Jim Pauze, Cokesbury-Califon Road, discussed safety concerns on Cokesbury Road, indicating a large rock has rolled into the road. At this time, grass has grown around the rock and hidden it, creating the potential for an accident. Mr. Joss indicated DPW would look at the issue.

Mr. Pauze also discussed a signage issue, requesting speed signs be moved up the hill about 450 ft., and discussed the different signs on the Tewksbury side. Mayor Cimei asked Mr. Joss to contact the Tewksbury Administrator to coordinate moving the signs.

Lt. Higgins offered to have more police presence in the area.

EXECUTIVE SESSION:

Resolution #84-13

Mayor Cimei introduced the matter.

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

Roll Call:	Councilman Vos	Yes
	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 public shall be excluded from discussion of and action on a closed session on August 28, 2013
2. The general nature of the subject matter to be discussed is:
 - ✓ Terms and conditions of a possible agreement relative to property adjacent to Bundt Park
 - ✓ Negotiations of terms and conditions of agreement with Conifer relative to affordable housing
 - ✓ Acquisition of interests in land with public funds and potential litigation related thereto, Block 19, Lot 37 and 38
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.

RETURN FROM EXECUTIVE SESSION:

Motion was made by Council President Marra and seconded by Councilman Imbriaco to return to open session. A voice vote was called. All ayes. Motion carried.

MOTION was made by Councilman Imbriaco to notify the SABC and SADC of the township's intention subsequent steps will be taken to pursue the right of access for mowing purposes. Seconded by Council President Marra. There being no further discussion the roll was called. Motion carried.

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

MOTION TO ADJOURN:

MOTION was offered by Councilman Vos to adjourn at 9:30 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

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Adopted: September 25, 2013