

TOWNSHIP OF CLINTON
REGULAR COUNCIL MEETING
July 10, 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
Councilman Lazarus	Present
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:

Regular Meeting Minutes May 22, 2013

Mayor Cimei introduced the matter. MOTION was made by Councilman Imbriaco 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 Imbriaco 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 Imbriaco	Yes
	Mayor Cimei	Yes

Consent Item #1

Resolution #71-13 – Premium Refund

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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
82.13	57.1104	2012--090	TAD J DABROWSKI	300.00
			32 DURHAM AVE	
			S. PLAINFIELD, NJ 07080	
			TOTAL	300.00

PUBLIC COMMENTS:
 No public comments.

OLD BUSINESS:
 None

NEW BUSINESS:
1. REPORTS:

Councilman Vos:
 Councilman Vos reported the Community Garden is full, with sixty families participating. He also indicated the Committee is looking into whether the well can be reopened, and treatment and testing of the well is being researched by the Committee.

Councilman Imbriaco:
 No report.

Councilman Lazarus:
 No report.

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Mayor Cimei:

Mayor Cimei indicated the Transco project is basically done and the contractors will be out of the township by early to mid-August.

Council President Marra:

No report

Administrator:

No report.

Director Manney:

Director Manney indicated a new school is moving into the Township on Spencer Lane, and a meeting was held to discuss safety issues.

ACTION:

Action Item #1

Resolution #72-13 –Amendment to the Open Space Tax referendum

Mayor Cimei introduced the matter and Councilman Imbriaco discussed the changes made to the referendum. Ms. Hadinger further clarified the resolution and explained the change requested by the Open Space Committee. A short discussion of the land already acquired and the need to maintain those parcels was held. Mr. Imbriaco stated the public should be aware this does not change the tax at all.

MOTION to rescind the previous resolution, No. 61-13 was made by Councilman Imbriaco. 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 was made by Councilman Imbriaco to adopt the resolution. 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

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WHEREAS, following an affirmative vote at a public referendum, in 1996 the Township of Clinton established an Open Space Trust Fund, Open Space Committee and Open Space Tax which is dedicated to funding the Township's Open Space Trust Fund;

WHEREAS, the currently authorized annual Open Space Tax levy is two cents (\$0.02) per one hundred dollars (\$100.00) of assessed value of real property;

WHEREAS, referenda approved by the voters of Clinton Township have authorized the use of the annual Open Space Tax levy to acquire land, easements, development rights or other interests in real estate for the purpose of preserving open space for conservation and recreation;

WHEREAS, over the course of several years the Township has successfully acquired and preserved various unique and valuable parcels of land for conservation and recreation purposes; but good stewardship of those lands also requires their maintenance;

WHEREAS, *N.J.S.A.* 40:12-15.7d (hereinafter "state statute") permits the Mayor and Council to submit a proposition to the voters of Clinton Township adding purposes authorized by said state statute for which the annual Open Space Tax levy may be expended;

WHEREAS, the Clinton Township Council has determined that it is in the Township's interests to use the Open Space Tax levy not only for the acquisition of land, easements and development rights in real estate for the purpose of preserving open space for conservation and recreation, but also to use the levy for the (a) maintenance of lands acquired for passive recreation and conservation purposes, (b) the acquisition of farmland for farmland preservation purposes, and (c) the payment of debt service on indebtedness issued or incurred by the Township for any of the authorized purposes of the Open Space Tax levy; and

WHEREAS, the Clinton Township Council determines it prudent to limit the amount of the levy that could be set aside for maintenance of lands acquired for passive recreation and conservation purposes in a year to an amount not to exceed 12.5% of the Open Space Tax levy in that year.

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

1. Pursuant to *N.J.S.A.* 40:12-15.7d, the following question shall be submitted to referendum at the next general election on November 5, 2013:

In addition to the acquisition of land, easements, development rights or other interests in real estate for preserving open space for conservation and recreation, and without changing the amount of the Clinton Township Open Space Tax levy, shall Clinton Township be authorized to use the Clinton Township Open Space Tax levy, which is deposited in the Township's dedicated Open Space Trust Fund, for the following purposes:

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- Payment for 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 levy may be set aside annually for these maintenance purposes,
- Payment for the acquisition of farmland for farmland preservation purposes, and
- Payment of debt service on indebtedness issued or incurred by the Township for any authorized Open Space Tax purpose?

YES

NO

INTERPRETIVE STATEMENT

If approved, this proposition does not change the Open Space Tax rate. Clinton Township's Open Space Trust Fund is presently used to acquire land, easements, development rights or other interests in real estate for the purpose of preserving open space for conservation and recreation. Voting "YES" on this question would also permit the Township to use the Open Space Trust Fund for certain, limited additional purposes without increasing or decreasing the Open Space Tax rate. The additional purposes are: the maintenance of lands acquired monies from the Open Space Trust Fund for passive recreation and conservation purposes and/or lands that subject to passive recreation and conservation easements or deed restrictions, the acquisition of farmland for farmland preservation purposes, and the payment of debt service on indebtedness issued or incurred by the Township for the purposes for which the Open Space Trust Fund may be used. If approved, the amount of the Open Space Tax levy that could be set aside for maintenance purposes in a year would be limited to an amount not exceeding 12.5% of the levy.

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2. It is requested that the Hunterdon County Clerk include the above question and interpretive statement on the official ballot for the next general election to be held on November 5, 2013; and

3. The Township Clerk shall submit a certified, true copy of this resolution to the Hunterdon County Clerk.

Action Item #2

Resolution #73-13 – Approving liquor license renewal – Lamington Pub

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, the Clinton Township Police Department has conducted a thorough investigation of each retail licensee to insure that criminally disqualified and other unfit persons do not acquire or hold direct interests in the retail alcoholic beverage industry; and,

WHEREAS, Township Clerk, Donna Burham, has certified that each license holder has submitted the appropriate and complete renewal application, and each has been granted a New Jersey State Tax Clearance Certificate as required by law; and

WHEREAS, as a result of the aforementioned investigations, a report has been submitted confirming that the applicants are not subject to any of the disabilities set forth in Title 33 New Jersey Statutes.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Clinton that Plenary Retail Consumption Licenses are hereby renewed to the following license holders for the year 2013-2014, effective July 20, 2013:

Name	License Number
Lamington Pub, Inc. 1051 Highway 22 East, Clinton Twp. 147 Liberty Corner Road Far Hills, NJ 07931	#1006-33-003-003

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Action Item #3

Resolution #74-13 – Hiring part-time temporary clerical – Police Department – Tricia Houck

Mayor Cimei introduced the matter and explained the resolution.

MOTION was made by Council President Marra 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, due to the departure of the only full time civilian clerical employee in the Police Department, there exists a need to hire a temporary part-time clerical employee to cover the existing workload; and

WHEREAS, Police Director, Robert Manney, has requested the Mayor and Council hire Ms. Tricia Houck for no more than 16 hours per week at \$15.00 per hour for the time period the said clerical position remains vacant, but in no case later than August 30, 2013 without prior Council action.

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

1. Ms. Houck shall be hired on a part-time temporary basis as delineated above, with no health, vacation, sick time or any other township benefits.

Action Item #4

Resolution #75-13 – Hiring Tilcon to perform road repair on certain Township roads

Mayor Cimei introduced the matter and explained the resolution.

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	Abstain
	Mayor Cimei	Yes

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WHEREAS, due to continued deterioration of certain roads that is beyond the ability of our Public Works Department to repair, there exists a need to engage an outside contractor, and

WHEREAS, after consulting with the Township Engineer and the Public Works Director, it has been determined that the most cost effective way to accomplish these repairs is through the use of the Morris County Pricing Cooperative, and,

WHEREAS, Tilcon New York, Inc was awarded the paving and milling contract with the Morris Co-op for 2013, and

WHEREAS, the estimate provided by Tilcon for these repairs is approximately \$150,000, and the funds for these repairs area available and have been set aside in a previous capital ordinance.

NOW THEREFORE, BE IT RESOLVED, that the Township Administrator is hereby authorized to contract with Tilcon New York, Inc, through their contract with the Morris County Co-op, to repair Kiceniuk Rd, Studer Rd and part of Petticoat Lane

VOUCHERS:

Mayor Cimei introduced the matter.

MOTION was offered by Councilman Lazarus to approve the check control registers dated July 10, 2013 totaling \$1,522,168.74. Seconded by Councilman Imbriaco. There being no further discussion the roll was called. Motion carried.

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

PUBLIC COMMENT:

None

EXECUTIVE SESSION:

Resolution #76-13

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
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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,

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 July 10, 2013
2. The general nature of the subject matter to be discussed is:
 - ✓ Matters pertaining to affordable housing, COAH requirements and advice of Council relative thereto.
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 Councilman Imbriaco and seconded by Councilman Lazarus to return to open session. A voice vote was called. All ayes. Motion carried.

MOTION TO ADJOURN:

MOTION was offered by Councilman Vos to adjourn at 7:50 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: August 28, 2013