

TOWNSHIP OF CLINTON
REGULAR COUNCIL MEETING
March 13, 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.

Mayor Cimei asked the Boy Scout Troop attending the meeting to lead the flag salute.

ROLL CALL:

Councilman Vos	Present
Councilman Lazarus	Present
Councilman Imbriaco	Absent
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

CONSENT:

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 Vos. There being no further discussion the roll was called. Motion carried.

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

Consent Item #1

Resolution #40-13 – Release of escrows

BE IT RESOLVED that certain performance guarantees and escrows have been recommended by the Planning Board and Township Engineer to be reduced,

NOW, THEREFORE BE IT RESOLVED that the following refunds be issued:

Amount	Block / Lot	Street Address	Applicant	Type of Permit
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\$2,668.47	B-33 L-9.11	7 Douglas Terrace	Senza LLC	Perf. Bond
\$2,668.47	B-33 L-9.04	4 Douglas Terreace	Senza LLC	Perf. Bond
\$1,572.50	B-33 L-9.04	4 Douglas Terreace	Senza LLC	Escrow
\$1,710.00	B-33 L-9.11	7 Douglas Terrace	Senza LLC	Escrow

Consent Item #2

Resolution #41-13 – Accepting a donation for OEM in the amount of \$670.00

WHEREAS, the Clinton Township CERT Team received a donation of \$670.00 from the Reach the Beach Relay Event for their volunteer work.

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

1. The Township will hereby accept the donation as delineated above.

Mayor Cimei introduced Ken Mandoli, County Emergency Response Team, and team members recognized Officer Matt Wilson for his actions in saving two dogs from drowning in an icy pond and presented him with a commendation.

PUBLIC COMMENTS:

Spencer Peck, Woods Road, thanked the town for its efforts in providing hurricane cleanup, but indicated the brush cleanup is more important than leaf pickup. Mayor Cimei explained the cleanup process.

Coleen D’Antonio, Wayside Lane, expressed dissatisfaction with the brush cleanup performed on Wayside Lane. Mr. Joss explained that if damage has been done to lawns, it will certainly be repaired by DPW.

OLD BUSINESS:

1. Budget Update

Mayor Cimei introduced the matter. Mr. Joss gave a budget update, discussing cuts and expenses beyond the Township’s control. Mr. Joss also explained the interest revenue is down and more surplus must be used to supplement the budget.

Mayor Cimei discussed the FEMA funds the Township should receive to assist in the Hurricane Sandy cleanup. Mr. Joss explained the savings achieved by having the Sandy cleanup performed by the Township’s DPW.

NEW BUSINESS:

1. Appointments – Sewer Authority

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Mayor Cimei introduced the matter. He reappointed Ed Schneider to a five-year term and appointed Katrine Sethna to a five-year term.

MOTION was made by Council President Marra to approve the above appointments. Seconded by Councilman Lazarus. There being no further discussion, the roll was called. Motion carried.

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

REPORTS:

Councilman Vos:

No report.

Councilman Lazarus:

Councilman Lazarus mentioned there is an electronics recycling day on March 16, 2013 at Bundt Park.

Council President Marra:

Council President Marra encouraged all to attend Community Day April 27, 2013.

Mayor Cimei:

No report.

Administrator:

Mr. Joss reported the Township will be getting funds from the County Open Space Fund in the amount of \$455,000. This grant was applied for after purchasing the Marookian site.

Police Director:

Director Manney discussed the statistics in the monthly reports.

ACTION:

ORDINANCE INTRODUCTION:

Ordinance #1049-13 – Refunding Bond Ordinance and setting the public hearing
for April 10, 2013

Mayor Cimei introduced the matter and Mr. Joss explained the ordinance.

MOTION was offered by Council President Marra to introduce the ordinance on first reading. Seconded by Councilman Vos. There being no further discussion the roll was called. Motion carried.

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

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

Section 1. The Township of Clinton, New Jersey is hereby authorized to refund its outstanding General Improvement Bonds, Series 2003 dated April 15, 2003.

Section 2. In order to finance the cost of the purpose described in Section 1 hereof, there is hereby appropriated \$2,400,000, and negotiable refunding bonds are hereby authorized to be issued in the aggregate principal amount not to exceed \$2,400,000 pursuant to the Local Bond Law of the State of New Jersey.

Section 3. An amount not exceeding \$70,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-51(b) has been included in the amount appropriated by this ordinance.

Section 4. The purpose of the refunding is to realize an interest cost savings for the Township.

Section 5. A certified copy of this refunding bond ordinance as adopted on first reading shall be filed with the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey prior to final adoption.

Section 6. The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Township 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, while the gross debt of the Township as defined in the Local Bond Law is increased by \$2,400,000, the net debt is increased by \$120,000, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

Section 7. This refunding bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

ORDINANCE ADOPTION:

Ordinance #1044-13 –CRC Headley Farms ROW Vacation

Mayor Cimei introduced the matter and opened the public hearing. Ms. Hadinger explained the ordinance. There being no public comments the Mayor closed the public hearing. Guliet Hirsch, Attorney for CRC Headley reviewed the map and discussed the right of way. A CRC Headley

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representative discussed construction traffic and hunting, indicating CRC's construction vehicles have been instructed not to use the right of way.

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

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

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

Section 1. Findings - Portion of Lot 33 in Block 46. The Mayor and Council hereby determine that an unnamed right-of-way appearing as a portion of Lot 33 in Block 46 on the Clinton Township Tax Map (rev. ed. 2005) which may have been dedicated to public use by virtue of the approval and filing in the Hunterdon County Clerk's Office on August 1, 1973 in Book 771, page 308, a deed perfecting a subdivision under a plan entitled "Subdivision of Land of Russell J. Headley in Clinton Township, Hunterdon County, New Jersey" prepared by Bohren & Bohren Engineering Associates, Inc. dated March 1973 depicting said unnamed right-of-way has not been accepted or opened by the Township, and further that the public interests would be served by releasing and vacating public rights, if any, with respect to said right-of-way.

Section 2. Vacation of Unnamed Right-of-Way in Portion of Lot 33, Block 46. The unnamed right-of-way appearing on the Clinton Township Tax Map (rev. ed. 2005) as a portion of Lot 33 in Block 46 as more fully described in the metes and bounds description attached hereto and made part hereof as Exhibit A is hereby abandoned and vacated, and any all public rights and easements therein are hereby released, extinguished, and discharged and closed to the public.

Section 3. Reservation of Any Existing Rights and Privileges of Public Utilities and Cable Television Companies. Pursuant to *P.L.* 1985, c. 421, any rights and privileges presently possessed by public utilities and/or cable television companies to maintain, repair and replace existing facilities in, adjacent to, over or under the right-of-way herein vacated are expressly reserved to said utilities or companies, and excepted from vacation.

Section 4. Effective Date. This ordinance shall take effect upon passage and publication as provided for by applicable law.

Ordinance #1047-13 – Fire Company By-laws

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

MOTION was made by Council President Marra to adopt the ordinance in final form. Seconded by Councilman Lazarus.

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

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

Section 1. §4-55.C of Code Amended. Subparagraph C of §4-55 of the Code of the Township of Clinton pertaining to the Constitution and By-Laws for the Division of Fire is amended to read [additions to text are indicated by underlining]:

- C. Constitution and by-laws. The operation of the Division of Fire shall be governed by a constitution and the by-laws and amendments thereto which shall be adopted by the membership of the Division of Fire upon approval of the governing body, except that non-substantive amendments to the by-laws shall not require the governing body's approval.

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 only apply to the section, paragraph, subsection, clause, or provision so adjudged and the remainder of the ordinance shall be deemed valid and enforceable.

Section 4. Effective Date. The ordinance shall take effect upon final passage and publication as provided for by law.

Action Item #1

Resolution #42-13 – Opposing amendments to the Open Public Meetings Act

Mayor Cimei introduced the matter.

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

Roll Call:	Councilman Vos	Yes
	Councilman Lazarus	Yes
	Council President Marra	Yes

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Mayor Cimei

Yes

WHEREAS, legislation has been introduced to reform and modernize the Open Public Meetings Act (S-2511); and

WHEREAS, the governing body of the Township of Clinton agrees with and supports the statement that “the right of the public to be present at all meetings of public bodies, and to witness in full detail all phases of the deliberation, policy formulation, and decision making of public bodies, is vital to the enhancement and proper functioning of the democratic process”; and

WHEREAS, the changes, however, proposed in S-2511 will not only be a cost driver for local and State government but make government less effective; and

WHEREAS, S-2511 includes a number of proposed requirements which involve costly unfunded mandates, impractical requirements and impediments to the democratic process; and

WHEREAS, S-2511 creates a new definition of subcommittees that expands subcommittees to be overly inclusive; and

WHEREAS, subcommittees would be required to provide public notice of subcommittee meetings, if the governing body determines them to be open; and

WHEREAS, subcommittees would be required to submit at least one report to the governing body detailing the number of meetings, names of members of the committee and a concise statement of the matters discussed. The governing body would be required to establish a schedule of when the subcommittee reports shall be filed; and

WHEREAS, subcommittees do not commit the governing body to action or expend public funds; and

WHEREAS, the requirements for subcommittees meetings would, among other things, necessitate additional administrative support for all subcommittees as well as increased legal advertising cost; and

WHEREAS, the new requirement that agendas provide a description of all agenda items, including the names of parties to and approximate dollar amounts of any contracts to be acted upon, will delay the award of contracts and could lead to the loss of grant monies; and

WHEREAS, the new requirement that the governing body may act upon an item brought up by a citizen at a public meeting if it was not published as an agenda item only if: (1) there is a vote of 2/3 of the members present to proceed, (2) the municipality demonstrates that it is in the public’s best interest and includes the reasons why it is in the public best interest in the minutes; is impractical, ineffective and unnecessarily inhibits the operations of municipal government and runs contrary to the time honored tradition of holding a public meeting for the very purpose of soliciting such input and acting upon it; and

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WHEREAS, the new requirement that electronic communications, such as e-mails and text messages, concerning public business among an effective majority of the members that occurred prior to a meeting become part of the minutes and renders the recordings a permanent municipal record, is unworkable and unmanageable as the technology does not always exist to make “hard copies” or digital copies of text messages and the records custodian does not always have access to them, and which is an unprecedented expansion of the meeting concept; and

WHEREAS, the new requirement that comprehensive minutes must include each member’s stated reason for their actions or vote, the identity of each member of the public who spoke, and summary of what was said, be made available to the public as soon as possible but no later than 60 days after the meeting will not only be costly but the historical value of minutes will be lost in order to meet an arbitrary deadline; and

WHEREAS, the new requirement that the public be allowed to speak for a minimum of three minutes, at the start of the public meeting, without the ability of the public body to limit the length of the public comment could disrupt public meetings, lead to filibustering and prevent the governing body from conducting business; and

WHEREAS, the provisions of S-2511 place financial, time, manpower and other burdens on municipalities at a time when municipalities are forced to layoff municipal employees, impose furloughs and reduce departmental budgets so that municipalities can meet the strict CAP requirements with decreased revenues and increasing operating expense; and

WHEREAS, the totality of the new requirements of S-2511 will be a significant cost driver for local and State government with no known appropriation contemplated or any alternate means to offset these costs, such a reasonable increase in fees; and

WHEREAS, the provisions of S-2511 continue to exempt the Legislature from the requirements placed on municipalities; and

WHEREAS, while we appreciate Senator Weinberg’s efforts to address our concerns, we must continue to oppose the amendments to the Open Public Meeting Act as the changes proposed in S-2511 will not only be a cost driver for local and State government but make government less effective;

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE Township of Clinton for reasons stated above, does hereby oppose S-2511, as currently drafted, and strongly urges the State Senate and Assembly to oppose these bills, and that the governing body of the does hereby strongly urge the Legislature, in the interest of transparency and openness, to remove the various exceptions in the Open Public Meetings Law that apply to the Legislature. The rules that the legislation makes applicable to other governmental bodies should apply equally to all governmental levels and officials; and

BE IT FURTHER RESOLVED that a copy of this duly adopted resolution be forwarded to Senate President Stephen Sweeney, Senator Loretta Weinberg, Assembly Speaker Shelia Oliver,

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Assemblyman Gordon Johnson, the legislators of the Town of Clinton’s State Legislative Districts, Governor Chris Christie, the New Jersey State League of Municipalities and the Municipal Clerks’ Association of New Jersey.

Action Item #2

Resolution #43-13 – Setting the fees for the Community Garden

Mayor Cimei introduced the matter.

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

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

WHEREAS, pursuant to § 198-26 of the Code of the Township of Clinton (hereinafter “Code”), the Township has established a community garden on a portion of Block 88, Lot 3.02, known as the “White Cloud Orchids Property;”

WHEREAS, the Garden Advisory Committee which was also established pursuant to § 198-26 of the Code, has recommended that in addition to a full garden plot, a smaller one-half sized garden plot be offered to accommodate more gardeners, and that the following annual registration fees be established for participation in the community garden:

Full plot	\$60.00
One-half plot	\$30.00;

WHEREAS, § 198-26 of the Code permits the Garden Advisory Committee to adjust the size of garden plots to accommodate additional registrants for the community garden and also permits the Mayor and Council to set the annual registration fees by resolution; and

WHEREAS, the Mayor and Council concur in the recommendations of the Garden Advisory Committee.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Clinton, in Hunterdon County, New Jersey that, pursuant to § 198-26 of the Code, the following annual registration fees be established for the community garden:

Full plot	\$60.00
One-half plot	\$30.00;

BE IT FURTHER RESOLVED, that the Township Clerk shall provide a true copy of this resolution to the Township Finance Department.

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Action Item #3

Resolution #44-13 – Approval for joining the Cranford Police purchasing co-oper

Mayor Cimei introduced the matter.

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 Lazarus	Yes
	Council President Marra	Yes
	Mayor Cimei	Yes

WHEREAS, N.J.S.A. 40A:11-11(5) authorizes contracting units to establish a Cooperative Pricing System and to enter into Cooperative Pricing Agreements for its administration; and

WHEREAS, the Cranford Police Cooperative Pricing System (ID # 47-CPCPS), hereinafter referred to as the "Lead Agency" has offered voluntary participation in a Cooperative Pricing System for the purchase of goods and services;

WHEREAS, on March 13, 2013 the governing body of the Township of Clinton, County of Hunterdon, State of New Jersey duly considered participation in a Cooperative Pricing System for the provision and performance of goods and services;

NOW, THEREFORE BE IT RESOLVED as follows:

This RESOLUTION shall be known and may be cited as the Cooperative Pricing Resolution of the Township of Clinton.

AUTHORITY

Pursuant to the provisions of *N. J.S.A. 40A:11-11(5)*, the Mayor or his designee is hereby authorized to enter into a Cooperative Pricing Agreement with the Lead Agency.

CONTRACTING UNIT

The Lead Agency shall be responsible for complying with the provisions of the *Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.)* and all other provisions of the revised statutes of the State of New Jersey.

EFFECTIVE DATE

This resolution shall take effect immediately upon passage.

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VOUCHERS:

Mayor Cimei introduced the matter.

MOTION was offered by Council President Marra to approve the check control registers dated March 13, 2013 totaling \$1,297,894.64. Seconded by Councilman Lazarus. There being no further discussion a voice vote was called. Motion carried.

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

PUBLIC COMMENT:

John Caseca, of the Boy Scouts, asked questions of the Mayor and Council about the Transco Pipeline Project. Mayor Cimei explained the federally approved project, discussed the inconvenience and lack of any advantages to the Township. The Mayor discussed compensation to be received by the Township of landowners for the easement rights.

Councilman Lazarus discussed the lack of necessity for the pipeline.

EXECUTIVE SESSION:

Resolution #45-13

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

Roll Call:	Councilman Vos	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 March 13, 2013

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2. The general nature of the subject matter to be discussed is:
 ✓ Advice of counsel with regard to FOP 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.

RETURN FROM EXECUTIVE SESSION:

MOTION was made by Council President Marra to return to open session. Seconded by Councilman Lazarus. A voice vote was called. All ayes. Motion carried.

MOTION TO ADJOURN:

MOTION was offered by Councilman Vos to adjourn at 9:00 p.m. Seconded by Council President Marra. 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: April 24, 2013