

TOWNSHIP OF CLINTON
REGULAR COUNCIL MEETING
February 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: Council President Marra 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 Lazarus	Present
Councilman Imbriaco	Present
Council President Marra	Present
Mayor Cimei	Present
Kristina P. Hadinger, Esq.	Present
Marvin Joss, Administrator	Present
Robert Manney, Police Director	Present
Donna J. Burham, Township Clerk	Present

APPROVAL OF MINUTES:

January 2, 2013	Reorganization Meeting
January 2, 2013	Executive Session

Mayor Cimei introduced the matter.

MOTION was made by Council President Marra to approve the January 2, 2013 reorganization and executive session minutes. Seconded by Councilman Lazarus. There being no further discussion the roll was called.

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

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

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

Consent Item #1

Resolution #33-13 – Tax redemption 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 \$1248.84; and

WHEREAS, the attached listing 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.

VENDOR	BLOCK	LOT	LOCATION	Quarter	AMOUNT
Foundation Title	79.02	8.1002	116 Westchester Terr	2013/1	1248.84
30 West Mt Pleasant Ave					
Livingston, NJ 07039					
TOTAL REFUND					\$1248.84

Consent Item #2

Resolution #34-13 – Release of escrow

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
\$1,852.00	B-30 L-35	316 Old Allerton Rd	Immaculate Conception Church	Perf. Bond

Consent #3

Resolution #35-13 – Release of performance bond – Immaculate Conception Church

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WHEREAS, a request has been received from Immaculate Conception Church, for the release of a performance bond, and

WHEREAS, Township Engineer, Cathleen Marcelli certifies that the status of the project has been reviewed, and that the existing performance bond in the amount of \$16,848 plus cash in the amount of \$1,852.00 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 #4

Resolution #36-13 – Accepting a developer’s agreement – 9 Main Street, LLC

BE IT RESOLVED, by the Mayor and Council of the Township of Clinton, County of Hunterdon, State of New Jersey, that the Township is authorized to enter into a developer's agreement with Meuer Development, LLC/9 Main Street, LLC, regarding the proposed development on property located at Main and East Streets, and designated as Block 49, Lot 25 (Clinton Township Tax Map 2003) in the Township of Clinton, County of Hunterdon, State of New Jersey; and

FURTHER, BE IT RESOLVED, that the Mayor and Clerk are authorized and directed to execute the same once all conditions precedent to execution are satisfied.

PUBLIC COMMENTS:

Mark Peck, Attorney for Woodmont Partners, LLC, requested a reduction of Woodmont’s performance bond, indicating the only outstanding items to be built are a fence and a gate, and he does not believe there will be a need to build those items. He asked Council to waive the standard holding per the MLUL guidelines of 30% of the performance bond amount.

Mayor Cimei asked if Woodmont appeared before the Zoning Board to amend the plans to remove the fence and gate. After an extensive discussion, Council indicated it would not reduce the bond without a recommendation from the Board of Adjustment to do so.

Bob Stephenson, Highland Circle, reiterated his recent complaints regarding Comcast’s service and fee schedule. Ms. Hadinger explained that other carriers can come into the Township if they wish. Mr. Joss searched on the Comcast website and gave Mr. Stephenson another number to call.

OLD BUSINESS:

1. Potential grass cutting ordinance

Mayor Cimei introduced the matter and explained the proposed ordinance. He further asked Ms. Hadinger to bring forward the draft previously prepared and indicated it would be discussed further at an upcoming meeting.

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NEW BUSINESS:

1. Appointments – Environmental Commission

Mayor Cimei introduced the matter and appointed Steve Krommenhoek.

2. Police Promotion Process

Mayor Cimei introduced the matter and stated Director Manney will be leaving at the end of 2013. In anticipation, the Mayor indicated Council would like to begin the promotion process for the position of a police lieutenant. Mr. Joss discussed the steps needed to complete the process.

MOTION was made by Council President Marra to direct the administrator and Police Director to initiate the promotion process for a police lieutenant. Seconded by Councilman Imbriaco. There being no further discussion, a roll call was taken. Motion carried.

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

REPORTS:

Councilman Imbriaco:

Councilman Imbriaco indicated the Environmental Commission met, will have a table at Community Day and the County's Earth Day, and will be giving out tree saplings and information with respect to environmental matters. The Commission will also sponsor a public presentation on homeowner detention basins as it did last year.

Councilman Imbriaco stated the Open Space Committee met and discussed maintenance of the Township's open space. Mr. Imbriaco discussed the lack of funds available to maintain the parcels the Township has already purchased. Councilman Imbriaco explained the open space tax question passed many years ago did not allow open space funds to be used for maintenance, therefore, the question needs to be placed on the ballot for referendum to allocate some funds for this purpose.

Ms. Hadinger explained there would need to be an ordinance and resolution to proceed with the referendum process.

Councilman Lazarus:

Councilman Lazarus reported the Historic Preservation Commission met and discussed the list of endangered sites in the Township. The Commission also discussed a structural review process for historic purposes, and discussed the old municipal building in Annandale extensively.

Councilman Lazarus discussed the budget process and talked about the first round of cuts and the usage of the Township's surplus.

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Mr. Lazarus also discussed the upcoming electronics recycling day to be held March 16, 2013. He further indicated dumpsters for recycling electronics will be placed at DPW and residents will be able to take their recycling to DPW on the 2nd and 4th Saturdays, when the yard is normally open for brush collection.

Council President Marra:

Council President Marra stated the Planning Board granted a waiver for a cell tower.

Administrator:

Mr. Joss indicated solar RFP is out and four companies have picked up specifications and the bids are due March 1, 2013.

Mr. Joss discussed brush pickup and leaf collection and the time required to perform the work. He also discussed the very high prices charged by a contractor on State Contract. Mayor Cimei asked Mr. Joss to write something for the website indicating the brush pickup is over. Council President Marra asked if residents could be reminded that leaf pickup should be used as a last resort and leaves should be recycled on their own property if at all possible.

ACTION:

ORDINANCE INTRODUCTION:

Ordinance #1047-13 – An Ordinance Amending Subparagraph C of §4-55 Of the Code of the Township of Clinton Pertaining to the Constitution and By-laws of the Division of Fire, and scheduling the public hearing for March 13, 2013

MOTION was made by Council President Marra to adopt the above ordinance on first reading. 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

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]:

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- 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.

ORDINANCE ADOPTIONS:

Ordinance #1044-13 – Headley Farms ROW vacation

Mayor Cimei introduced the matter. Ms. Hadinger explained there is an issue with the advertising and asked Council to adjourn the public hearing to the meeting of March 13, 2013. 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

Action Item #1

Resolution #37-13 – One Seat Ride – New Jersey Transit

Mayor Cimei introduced the matter and Councilman Lazarus explained the resolution.

MOTION was made by Council President Marra 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

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Mayor Cimei

Yes

WHEREAS, all Raritan Valley Line trains currently terminate at Newark Penn Station and riders destined for midtown Manhattan and Penn Station New York must transfer trains; and

WHEREAS, the Raritan Valley Line is one of NJ TRANSIT's major rail lines, carrying almost 12,000 riders per weekday; and

WHEREAS, the Raritan Valley Rail Coalition has advocated for one seat ride service to midtown Manhattan on NJ TRANSIT's Raritan Valley Line since 1998; and

WHEREAS, NJ TRANSIT is acquiring 36 dual powered (diesel and electric) locomotives and is currently testing them in a variety of settings prior to permanent deployment; and

WHEREAS, these dual-powered locomotives would offer the Raritan Valley and other currently diesel lines a one seat ride option through the Hudson River passenger rail tunnels into Penn Station in midtown Manhattan; and

WHEREAS, NJ TRANSIT has not indicated what process it will follow in determining the permanent deployment of these dual powered locomotives;

WHEREAS, New York City is connected to the global economy in unique ways, continues to experience substantial job growth and its jobs pay higher median wages than those in New Jersey; and

WHEREAS, Hudson River Crossings have increased significantly in recent decades, and fast and efficient commuter service to New York City is a critical factor in making an attractive place for Manhattan workers to locate; and

WHEREAS, studies across the United States have demonstrated that proximity to high quality transit is associated with increased property values; and

WHEREAS, a recent study by the Regional Plan Association estimated that one seat ride service would lead to a 15% (35.1 minutes) reduction in commuting times on the Raritan Valley Line by eliminating the need for a transfer at Newark Penn Station; and

WHEREAS, the same study by the Regional Plan Association estimated that every minute saved on the morning commute to Manhattan increases nearby home values by \$3,000; and

WHEREAS, reduced train travel times to midtown Manhattan will increase the reliability of Raritan Valley Line, increase the attractiveness of train travel on the line, and boost home values in proximity to the line; and

NOW, THEREFORE, BE IT RESOLVED, that the governing body of Clinton, Township, County of Hunterdon calls upon NJ TRANSIT to undertake a transparent process for permanent deployment of the dual powered locomotives,

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AND, BE IT FURTHER RESOLVED THAT NJ TRANSIT, with all deliberate speed, permanently deploy dual-powered locomotives to the Raritan Valley Line to allow for one seat service for: all trains operating during weekday off-peak hours; all trains operating on weekends, and an equitable allocation of peak period trains (morning and evening).

VOUCHERS:

Council President Marra introduced the matter.

MOTION was offered by Councilman Lazarus to approve the check control registers dated February 13, 2013 totaling \$8,194,376.56. Seconded by Councilman Lazarus. There being no further discussion a voice vote was called. Motion carried.

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

PUBLIC COMMENT:

Bob Stephenson, discussed a program through the Prosecutors' Office and asked Council to consider hiring a Police Chief.

EXECUTIVE SESSION:

Resolution #38-13

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 February 13, 2013
2. The general nature of the subject matter to be discussed is:
 - ✓ Advice of counsel regarding CRC Headley Farms – Terms and conditions of Agreement regarding affordable housing
 - ✓ Advice of counsel regarding pending Hionis Greenhouses proceedings
 - ✓ Advice of counsel regarding Williams Transco condemnation
3. It is anticipated at this time that the above stated subject matters will be made public as soon thereafter as it is

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deemed to be in the public interest to do so. Matters concerning litigation may be announced at the conclusion of any trial or settlement of the litigation. No agreements shall be authorized except by action of the Council in a public meeting.

4. This resolution shall take effect immediately.
5. Action may be taken in open session.

MOTION was made to go into executive session at 8:30 p.m by Council President Marra, Seconded by Councilman Imbriaco. There being no further discussion a voice vote was called. All ayes.

RETURN FROM EXECUTIVE SESSION:

MOTION was made by Councilman Vos to return to open 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

MOTION authorizing the Mayor and Clerk to execute a supplemental right of way agreement and settlement of the condemnation litigation relative to the Williams Transco Pipeline project.

MOTION made by Councilman Imbriaco to authorize the above-mentioned agreements. Seconded by Council President Marra. There being no further discussion the roll was called.

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

MOTION TO ADJOURN:

MOTION was offered by Councilman Imbriaco 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

Peter Marra, Council President

Adopted: March 27, 2013