

TOWNSHIP OF CLINTON
REORGANIZATION MEETING
JANUARY 2, 2013
7:30 P.M.

MINUTES

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Ordinance Introduction: Ordinance #- 1043-13 Establishing an application fee for the services of the Public Defender and setting the public hearing for January 23, 2013

Ordinance Introduction: Ordinance #1044-13 – Headley Farms ROW vacation, and setting the public hearing for January 23, 2013

Ordinance Introduction: Ordinance #1045-13 - An Ordinance Approving The Cessation Of The Regular Municipal Court Case Functions Of The North Hunterdon Municipal Court And Approving The Shared Services Agreement To Provide For The Storage, Security And Administration Of The Municipal Court Of North Hunterdon’s Case Files And Records And The Continuation Of Business As Required After Cessation Of Regular Municipal Court Case Functions, and setting the public hearing for January 23, 2013

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CALL TO ORDER/CALL OF THE ROLL:

The Mayor conducted flag salute and gave the statement of adequate notice.

SALUTE TO THE FLAG:

OATH OF OFFICE TO NEWLY ELECTED OFFICIALS:

Councilman James Imbriaco and Councilman Peter Marra were sworn in by the Township Clerk.

MAYOR'S MESSAGE:

Mayor Cimei stated he wished to acknowledge the passing of Patric McGaharen, the first Superintendent of Clinton Township Schools and a 55-year member of the Clinton Fire Department, and requested a moment of silence.

The Mayor made the following comments:

As we start the New Year, it's always nice to look back on last year and the challenges and accomplishments we faced before looking ahead to the ones in the coming year. As I think back on 2012 I am grateful for our volunteers and our township employees, particularly during superstorm Sandy. We should be proud and thankful for the tireless efforts of all who helped through that challenging period – our police, fire, EMS, Department of Public works, CERT, OEM, County and state Government, our regional and township schools, our many businesswre who helped residents, the neighbors helping neighbors, even the utilities and out of state workers who came her to help our township. I heard and saw many instances of selfless behavior during this trying period. We should be thankful that we were spared worse devastation and help and pray for those who lost so much more.

At the same time, we did learn some things that we and others could to to improve if we ever have future events of this type. Clearly better communication and support by the utilities in getting rural NJ attention sooner is one. Another is to review our communications and backup processes. As we move past Superstorm Sandy, we are making a special effort to collect brush as well as our annual fall leaf pickup. Please be patient as we have a lot of work to do but no more time. We have implemented some overtime and added shifts to get this done, but we will likely take longer than last year in getting all leaves and brush collected.

In 2013 the Council continued to provide the services our resident want and expect, while keeping the tax levy well under cap. The Council is very focused on keeping taxes down and has been so for years. We also are financially sound in all respects. Importantly we added two more towns to our Court, Clinton and High Bridge. This is a real validation of the pat decision and model we built, one based on private sector concepts like short term fixed cost contracts, mutually beneficial incentives, simplified governance (i.e, not everyone votes on everything). I am pleased with the success of our court and the recognition we can save other towns significant costs by joining our

court, while being a net positive to our taxpayers. In fact we are the state approved custodian for the all the old NY Court cases and files.

We continue to improve our township roads. In 2012 we began the rebuild of Lilac Drive from Twin Oaks to the township line at Readington. This should be completed soon weather permitting. Next year we will continue with our road plans.

Looking ahead to 2013 we continue to face a challenging economy and the need to watch our taxes and spending. We also will be looking to make more progress on our Affordable Housing plans and possibly the Highlands. We are working on improvements to our township website to make it easier to interact electronically with the township and its departments.

NOMINATIONS FOR COUNCIL PRESIDENT – MOTION

Councilman Imbriaco made a motion to nominate Peter Marra as Council President. 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 |
| | Mayor Cimei | Yes |

OATH OF OFFICE TO COUNCIL PRESIDENT:

Council President Marra was sworn in by the Township Clerk.

Minutes:

MOTION was made by Council President Marra to adopt the November 14, 2012 and November 28, 2012 minutes. 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 |

RESOLUTION 01-13

APPOINTING THE TOWNSHIP PROFESSIONALS FOR THE YEAR 2013

Mayor Cimei introduced the matter.

MOTION was offered by Council President Marra to adopt the above 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 |

WHEREAS, the Mayor and Council of the Township of Clinton desire to engage certain professionals for the year 2013; and

WHEREAS, those professionals consist of the following:

| | |
|---------------------|--|
| Township Attorney | Kristina P. Hadinger, Esq. and Trishka Waterbury, Esq., Mason, Griffin & Pierson, PC |
| Township Engineer | Cathleen Marcelli, CME, PE Hatch, Mott MacDonald |
| Township Auditor | Robert Swisher, Suplee Clooney |
| Township Planner | Michael Sullivan, Clarke Caton Hintz |
| Special Tax Counsel | Fred Semrau, Esq., Dorsey & Semrau |

WHEREAS, the Mayor and Council have reviewed the qualifications of the above mentioned professionals and find them to be qualified to act on behalf of the Township; and

WHEREAS, all fees are delineated in the contract documents, and the Township Administrator has determined and certified in writing that the value of each of the acquisitions may exceed \$17,500; and

WHEREAS, the anticipated term of these contracts is one year; and

WHEREAS, the above mentioned professionals have completed and submitted a Campaign Contributions Affidavit as required by N.J.S.A.19A:44A-20.2 *et seq.* verifying they have not made any reportable contributions to a candidate or municipal committee representing the elected officials in the Township of Clinton in the previous one year, and that the contract will prohibit the aforementioned from making any reportable contributions through the term of the contract; and

WHEREAS, all of the aforementioned Professional Services Agreements are contingent upon Township Attorney Review; and

WHEREAS, the Business Disclosure Entity Certification and the Determination of Value shall be filed with this resolution of award;

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40A:11-1 *et seq.* authorizes the award of the aforesaid contracts without public bidding as the professional services contracts; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available for these purposes.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Township of Clinton, County of Hunterdon, State of New Jersey authorizes the execution of contracts as described herein:

1. The Mayor and Township Clerk are hereby authorized to execute the above referenced contracts.
2. A copy of this Resolution, the Certifications of Contract Value, the Campaign Contributions Affidavits, and the executed Agreements shall be placed on file in the office of the Municipal Clerk.
3. Notice of the award of these contracts shall be published in the official Township newspaper as required by law.

APPOINTMENTS:

The following appointments were made:

| | <u>2012 Member</u> | <u>2013 Member</u> | <u>Appointed to</u> | <u>Term Expiration</u> |
|------------------------------|------------------------|--------------------|-----------------------|------------------------|
| APPOINTMENTS BY MAYOR | | | | |
| Board of Adjustment | | | | |
| Seat 5 | John Matsen | John Matsen | 4-year term | 12/31/2016 |
| Alt 1 | Amy Swytlyk | Amy Swytlyk | 2-year term | 12/31/2014 |
| Environmental Commission | | | | |
| Seat 1 | Jennifer Hursey | Jennifer Hursey | 3-year term | 12/31/2015 |
| Seat 2 | Laurie Gneiding | Laurie Gneiding | 3-year term | 12/31/2015 |
| Chair | Laurie Gneiding | Laurie Gneiding | 1-year term | 12/31/2014 |
| Seat 3 | Ron Zak | Ron Zak | 3-year term | 12/31/2015 |
| Seat 4 | Danielle Kearsley | Danielle Kearsley | 3-year term | 12/31/2015 |
| Seat 6 | Kate Milsap (resigned) | OPEN | Unexpired 3-year term | 12/31/2014 |

| | | | | |
|--------|------------------------------|--------------------|-------------|------------|
| Seat 7 | Victor Berg | Victor Berg | 3-year term | 12/31/2015 |
| Alt 1 | vacant | OPEN | 2-year term | 12/31/2014 |
| Alt 2 | Vacant | OPEN | 2-year term | 12/31/2014 |
| | Charlie Howard (resigned) | Richard Scheick | | |

Board of Health

| | | | | |
|--------|-----------------|--------------------|-------------|------------|
| Seat 1 | John Williamson | John Williamson | 4-year term | 12/31/2016 |
| Alt 1 | Thomas Ulincy | Thomas Ulincy | 1-year term | 12/31/2013 |
| Alt 2 | Ellen Lennick | Ellen Lennick | 1-year term | 12/31/2013 |

Historic Preservation Commission

| | | | | |
|-------------|------------------|---------------------|-------------|------------|
| Seat 1 | Steve Bayly | Steve Bayly | 4-year term | 12/31/2016 |
| Seat 2 | Michael Hathaway | Michael Hathaway | 4-year term | 12/31/2016 |
| Seat 5 | Ted Bozzi | Ted Bozzi | 4-year term | 12/31/2016 |
| Alternate 1 | Bill Buriak | Bill Buriak | 2-year term | 12/31/2014 |
| Alternate 2 | Frank White | Frank White | 2-year term | 12/31/2014 |

Planning Board

| | | | | |
|--------------------------|-----------------------------|---------------------|-------------|------------|
| Seat 7 – Class IV | Phil Sumner | OPEN | 4-year term | 12/31/2016 |
| Seat 8 – Class IV | Chris D’Alleinne | Chris D’Alleinne | 4-year term | 12/31/2016 |
| Seat 2 – Class II | John Sladicka - resigned | Brian Mullay | 1-year term | 12/31/2013 |
| Seat 5- Class IV - EC | Charles Howard | Richard Scheick | 3-year term | 12/31/2015 |
| Alt #1 | Richard Scheick | OPEN | 2-year term | 12/13/2014 |
| Alt#2 | Brian Mullay | OPEN | | |
| Council Seat | John Lazarus | Peter Marra | 1-year term | 12/31/13 |

MOTION was made by Mayor Cimei to nominate Peter Marra to the Planning Board Council Seat. 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 |

APPOINTMENTS BY TOWN COUNCIL

Sewer The Mayor indicated these appointments would be addressed at a future meeting.

Authority

APPOINTMENTS OF MAYOR WITH ADVICE AND CONSENT OF THE TOWNSHIP COUNCIL:

| | | | | |
|--------------------|--------------|-------------|-------------|------------|
| Seat 3 – TC – 1 yr | John Lazarus | Peter Marra | 1-year term | 12/31/2013 |
|--------------------|--------------|-------------|-------------|------------|

Open Space Advisory Committee

| | | | | |
|-------------------|----------------|----------------|-------------|------------|
| (Council) | Peter Marra | Jim Imbriaco | 1-year term | 12/31/2013 |
| (Environmental) | Ron Zak | Ron Zak | 1-year term | 12/31/2011 |
| Seat 4- PB | Charles Howard | TBD | 2-year term | 12/31/2013 |
| (Recreation) | Amy Swytlyk | Amy Swytlyk | 1-year term | 12/31/2013 |
| (Board of Health) | Paul Lorcheim | Paul Lorcheim | 1-year term | 12/31/2013 |
| (Historic) | Mike Hathaway | Mike Hathaway | 1-year term | 12/31/2013 |
| Alt 1 | Les Geise | Les Geise | 1-year term | 12/31/2013 |
| Alt 2 | Kathy Allen | Charlie Howard | 1-year term | 12/31/2013 |

Recreation Advisory Committee

| | | | | |
|------------------|-----------------|-----------------|-------------|------------|
| Chairman- Seat 1 | John Kilduff | John Kilduff | 1-year term | 12/31/2013 |
| Seat 2 | Amy Switlyk | Amanda Parker | 3-year term | 12/31/2015 |
| Seat 3 | J. P. Marinelli | J. P. Marinelli | 3-year term | 12/31/2015 |
| Council Rep | Peter Marra | Peter Marra | 1 year term | 12/31/2011 |
| Alt 1 | Karen Hall | Amy Swytlyk | 3-year term | 12/31/2015 |
| Alt 2 | Amanda Parker | Carol Vallay | 3-year term | 12/31/2015 |

Councilman Imbriaco moved to accept the appointments for the Open Space Advisory Committee and the Recreation Advisory Committee. Seconded by Councilman Vos. There being no further comments the roll was called. Motion carried.

Roll Call: Councilman Vos Yes

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

Personnel Appointments:

| | | | | | |
|----|---|-------------------------|-------------------------|-------------|------------|
| 1. | Zoning Officer – Annual – by ordinance | Glen Carter | Glen Carter | 1-year term | 12/31/2013 |
| 2. | Health Benefits Coordinator | Chief Finance Officer | Chief Finance Officer | 1-year term | 12/31/2013 |
| 3. | Recycling Coordinator – annual by ordinance | Public Works Supervisor | Public Works Supervisor | 1-year term | 12/31/2013 |
| 4. | Public Agency Compliance Officer – (affirmative action officer on contracts) annual and to be reported to state by 1/10 each year | Marvin Joss | Marvin Joss | 1-year term | 12/31/2013 |
| 5. | OIC | Lt Doug Higgins | Lt Doug Higgins | 1-year term | 12/31/2013 |

Committee Assignments:

| | | | | | |
|----|---------------------|-----------------------------|-----------------------------|--|--------------------------|
| 1. | Finance Committee | John Lazarus Kevin Cimei | John Lazarus Kevin Cimei | | 12/31/2013 12/31/2013 |
| 2. | Personnel Committee | Kevin Cimei Marvin Joss | Kevin Cimei Marvin Joss | | 12/31/2013 12/31/2013 |

Board / Commission Liaisons:

| | | | | | |
|----|--|------------|------------|--|------------|
| 1. | Board of Education Clinton Township | Harmen Vos | Harmen Vos | | 12/31/2013 |
|----|--|------------|------------|--|------------|

| | | | | |
|----|-------------------------------|--------------|--------------|------------|
| | North Hunterdon/Voorhees | Jim Imbriaco | Jim Imbriaco | 12/31/2013 |
| 2. | Environmental Commission | Jim Imbriaco | Jim Imbriaco | 12/31/2013 |
| 3. | Historical Commission | John Lazarus | John Lazarus | 12/31/2013 |
| 4. | Open Space Committee | Peter Marra | Jim Imbriaco | 12/31/2013 |
| 5. | Recreation Advisory Committee | Peter Marra | Peter Marra | 12/31/2013 |
| 6. | Board of Health | Harmen Vos | Harmen Vos | 12/31/2013 |
| 7. | Sewerage Authority | Jim Imbriaco | Jim Imbriaco | 12/31/2013 |
| 9. | SWAC | John Lazarus | John Lazarus | 12/31/2013 |

The Mayor discussed resolutions and Township Counsel indicated several could be voted on together.

Council President Marra made a motion to move resolutions, #02-13 and #03-13. Seconded by Councilman Lazarus. There being no further discussion the roll was called. Motion carried.

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

RESOLUTION #02-13 – MEETING SCHEDULE FOR 2013

BE IT RESOLVED by the Township Council of the Township of Clinton that the following is established as a schedule of regular public and work meetings of the Township Council to be held during 2013;

BE IT FURTHER RESOLVED the meetings shall commence at 7:30 P.M. and the location shall be the Public Safety Building, 1370 Route 31 North, Annandale, NJ 08801 except as otherwise noted.

In accordance with the dictate of the Open Public Meetings Act, a copy of this resolution shall immediately:

- Be posted on the bulletin Board at the Municipal Building and shall remain posted for the year 2013.
- The following newspapers will be noticed: The Hunterdon County Democrat, the Courier News, the Newark Star Ledger, the Express Times, the Hunterdon Review and the Hunterdon County News.
- Filed with the Township Clerk.
- Mailed to those persons who have requested and paid the charges for copies of the schedule and revisions thereto and shall be promptly mailed to those persons who hereinafter make such request and prepay such charge.

JANUARY

2 Reorganization
23 Regular

MARCH

13 Regular
27 Regular

MAY

8 Regular
22 Regular

JULY

10 Regular

SEPTEMBER

11 Regular
25 Regular

NOVEMBER

13 Regular

FEBRUARY

13 Regular
27 Regular

APRIL

10 Regular
24 Regular

JUNE

12 Regular
26 Regular

AUGUST

14 Regular

OCTOBER

9 Regular
23 Regular

DECEMBER

11 Regular

The Reorganization Meeting for 2014 will take place Tuesday, January 7, 2014, at 7:30 p.m., in the Council Chambers located on the 3rd Floor of the Public Safety Building, 1370 Route 31 North, Annandale, NJ 08801.

RESOLUTION #03-13 – SETTING THE REORGANIZATION MEETING FOR 2014, FEES FOR MEETING NOTICES AND DESIGNATING THE OFFICIAL NEWSPAPERS

BE IT RESOLVED that the Reorganization meeting of the Township of Clinton for the year 2014 shall be held at the Clinton Township Municipal Building, 1370 Route 31 North, Annandale, NJ, 08801 on January 7, 2014, at 7:30 p.m.; and

BE IT RESOLVED, Sec. 14 of the Open Public Meetings Act, Chapter 231 P.L. 1975 permits the public body to fix a reasonable sum to be charged to persons who request that notice of meeting as required under the Act be mailed to them individually; and said sum is to cover the costs

of providing such notices and said section further permits the public body to provide such notices free of charge to news media who so request.

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

Each person requesting an individual notice be mailed to him shall pay according to State Statute for copies of such notices, as required under the act.

1. Requests for such individual notice made by news media shall be granted without cost.
2. The sum herein designated is subject to change upon the adoption of superseding resolution by this public body;

And

BE IT RESOLVED, Sec. 3d of the Open Public Meetings Act requires that said notice of meetings be submitted to two (2) newspapers, one (1) of which shall be the official newspaper; and, the Township Council of the Township of Clinton has determined that the Hunterdon Review, Courier News, the Newark Star Ledger, the Express Times, and the Hunterdon County Democrat have the greatest likelihood of informing the public within the jurisdictional boundaries of Clinton Township of such meetings:

BE IT FURTHER RESOLVED that notices will be sent to all five (5) newspapers:

BE IT FURTHER RESOLVED by the Township Council of the Township of Clinton that the Hunterdon County Democrat is hereby designated as the official weekly newspaper of this body during 2011, as required by Sec. 13 and 3d(2) of the Open Public Meetings Act.

MOTION was made by Council President Marra to move the following Resolutions: #04-13, #05-13, #06-13, #07-13, #08-13. Seconded by Councilman Imbraico. There being no further discussion the roll was called. Motion carried.

| | | |
|------------|-------------------------|-----|
| Roll Call: | Councilman Imbraico | Yes |
| | Councilman Lazarus | Yes |
| | Council President Marra | Yes |
| | Mayor Cimei | Yes |

RESOLUTION #04-13– AUTHORIZING THE CHIEF FINANCE OFFICER TO MAKE INVESTMENTS

BE IT RESOLVED by the Township Council of the Township of Clinton that the Chief Financial Officer is hereby authorized to negotiate the purchase and sale of U.S. Government obligations, invest in time open accounts, certificates of deposit, or other investments as defined by

the Township's cash management plan, whichever is the most favorable to achieve the best program for the investment of surplus municipal funds

BE IT FURTHER RESOLVED that the Chief Financial Officer shall report all such transactions at the following regular meeting of the Township Council as provided by Statute.

RESOLUTION #05-13 – SETTING THE DELINQUENT TAX INTEREST RATE AND CANCELING TAXES UNDER \$10.00

WHEREAS, N.J. Revised Statutes 54:4-67 implies that affirmative action is required on the part of the governing body in fixing the rate of interest on delinquent taxes.

THEREFORE, BE IT RESOLVED by the Township Council of the Township of Clinton, that the interest rate on delinquent taxes shall be 8% per annum of the first \$1,500 and 18% per annum on any amount in excess of \$1,500 for the year 2013 and no interest shall be charged if payment of any installment is made within the 10th calendar day following the day upon which same became payable.

BE IT FURTHER RESOLVED in accordance with N.J.S.A. 54:4-67 the governing body may also fix a penalty to be charged to a taxpayer with a delinquency in excess of \$10,000.00 who fails to pay that delinquency prior to the end of the calendar year and that such penalty shall not exceed 6% of the amount of the delinquency.

BE IT FURTHER RESOLVED in any case where the taxes are not paid during the respective extended periods, the full interest rate from the due date shall apply; and

BE IT RESOLVED, P.L. 1979, Chapter 82, as amended by PL 1996, Chapter 113 (C.40A:9-154.1) allows the governing body of a municipality to authorize the Township Tax Collector to process the refund and/or cancel property taxes less than \$10.00 without further action of the governing body.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Township of Clinton, County of Hunterdon, State of New Jersey, that the Township of Clinton Tax Collector is hereby authorized to process refunds and delinquencies as permitted by P.L. 1979, Chapter 82, as amended by PL 1996, Chapter 113 (C.40A:9-154.1)

RESOLUTION #06-13 – DESIGNATE OFFICIAL DEPOSITORIES

WHEREAS, N.J.S.A. 40A:55-14 mandates that the governing body of a municipal Corporation shall, by resolution passed by a majority vote of the full membership thereof, designate as a depository of its monies a bank or trust company having its place of business in the state and organized under the laws of the United States or this state;

NOW, THEREFORE, BE IT RESOLVED on the 2nd day of January 2013, by the Township Council of the Township of Clinton, County of Hunterdon, State of New Jersey, that;

| | |
|---------------------------------|----------------|
| New Jersey Cash Management Fund | PNC Bank |
| Bank of America | Unity Bank |
| Peapack-Gladstone Bank | MBIA Class |
| Investors Savings Bank | New Jersey ARM |
| Yardville National Bank | TD Bank |
| Valley National Bank | Team Capital |

As Federally secured Banks in the State of New Jersey be and are hereby designated as depositories for the Township of Clinton for the year 2013.

Prior to the deposit of any municipal funds in the above-mentioned depositories, said bank shall file with the Chief Financial Officer a statement indicating that the bank is covered under the Government Units Deposit Protection Act 9 R.S. (17:9-41).

BE IT FURTHER RESOLVED by the Township Council of the Township of Clinton that the various municipal accounts will be deposited in the Banks listed above and the persons responsible shall be as follows:

| <u>Account</u> | <u>Custodian</u> |
|--|------------------|
| Current Account | Finance Officer |
| Escrow Account | Finance Officer |
| Capital Account | Finance Officer |
| Unemployment Compensation Account | Finance Officer |
| Animal Control Account | Finance Officer |
| Recreation Advisory Committee Trust Account | Finance Officer |
| Neighborhood Preservation Balanced Housing Program | Finance Officer |
| Payroll Account | Finance Officer |
| Payroll Agency Account | Finance Officer |
| Performance Guarantee Account | Finance Officer |
| Open Space Account | Finance Officer |
| Assessment Trust Account | Finance Officer |
| Credit Card Clearing Account | Finance Officer |
| COAH Account | Finance Officer |
| Trust Account | Finance Officer |
| Investment Accounts | Finance Officer |
| Grant Account | Finance Officer |

Tax Redemption Account
Court General Account
Court Bail Account

Tax Collector
Court Administrator
Court Administrator

RESOLUTION #07-13 – AUTHORIZING HEALTH BENEFITS COORDINATOR TO PAY HEALTH BENEFITS BILLS AND AUTHORIZING THE PAYMASTER TO PAY EMPLOYEES

BE IT RESOLVED that the Health Benefits Coordinator be authorized to pay the Township employees health benefits bills when the payments become due, whenever payment periods fall between regular Township Council Meetings; and

BE IT RESOLVED that the Paymaster be authorized to pay the Township employees when the payroll becomes due, whenever pay periods fall between regular Township Council Meetings

RESOLUTION #08-13 – AUTHORIZING SIGNATURES ON TOWNSHIP CHECKS

WHEREAS, all disbursements shall be by bank check signed by the Mayor and counter signed by the Treasurer.

NOW, THEREFORE, BE IT RESOLVED that in the absence of the Mayor, the Administrator is authorized to sign checks and in the absence of the Chief Financial Officer/Treasurer, the Municipal Clerk is authorized to sign checks on all accounts listed below:

Current Account, Escrow Account, Capital Account, Unemployment Compensation Account, Recreation Commission Trust Account, Neighborhood Preservation Balanced Housing Program, Payroll Account, Payroll Agency Account, Performance Guarantee Account, Open Space Account, Assessment Trust Account, COAH Account, Animal Control, P-G Investment Account, North Fork Investment Account, Credit Card Clearing Account, Twp Trust Account and Grant Account.

BE IT FURTHER RESOLVED that signatures noted below are required for the accounts designated:

Tax Redemption Account

Tax Collector
Township Clerk

Clinton Twp Municipal Court
General Acct.
Bail Acct.

Court Administrator
Treasurer

MOTION was made by Council President Marra to adopt the Temporary Budget, Resolution #09-13. Seconded by Councilman Imbriaco. There being no further discussion the roll was called. Motion carried.

| | | |
|------------|-------------------------|-----|
| Roll Call: | Councilman Imbraico | Yes |
| | Councilman Lazarus | Yes |
| | Council President Marra | Yes |
| | Mayor Cimei | Yes |

RESOLUTION #09-13 – ADOPTING THE TEMPORARY BUDGET

WHEREAS, N.J.S.A. 40A:4-19 allows for a municipality to adopt a temporary budget within the first 30 days of its budget year when contracts, commitments or payments need to be made prior to the adoption of the regular budget, and;

WHEREAS, the total appropriations of the temporary budget shall not exceed 26.25% of the total of the appropriations made for all purposes in the budget for the preceding year, excluding appropriations for interest and debt redemption charges, capital improvements and public assistance, if any.

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Township of Clinton, in the County of Hunterdon, State of New Jersey, that a temporary budget, totaling \$2,417,824 is hereby adopted, as follows:

| <u>Account</u> | <u>2012</u> | <u>2013</u> |
|-------------------------|-------------|-------------|
| Mayor & Council S&W | 14,298 | 5,000 |
| Mayor & Council OE | 100,100 | 26,527 |
| Municipal Clerk S&W | 191,991 | 65,000 |
| Municipal Clerk OE | 33,500 | 8,000 |
| Election Expense | 8,000 | 1,500 |
| Condo Act | 29,315 | 5,000 |
| Financial Admin S&W | 122,704 | 40,000 |
| Financial Admin OE | 8,600 | 2,800 |
| Audit Services | 26,575 | 6,500 |
| Data Processing S&W | 49,054 | 13,500 |
| Data Processing OE | 19,700 | 6,000 |
| Collection of Taxes S&W | 104,285 | 35,000 |
| Collection of Taxes OE | | |

| | | |
|----------------------------------|-----------|---------|
| | 13,000 | 3,000 |
| Assessment of Taxes S&W | 105,520 | 33,000 |
| Assessment of Taxes OE | 25,500 | 5,500 |
| Legal Services | 205,000 | 54,325 |
| Engineering | 75,000 | 21,000 |
| Open Space Committee OE | 2,500 | 600 |
| Environmental Committee OE | 1,200 | 300 |
| Historic Commission OE | 2,000 | 500 |
| Planning Board S&W | 54,375 | 17,000 |
| Planning Board OE | 22,050 | 5,000 |
| Zoning S&W | 15,300 | 5,000 |
| Zoning OE | 1,000 | 250 |
| Board of Adjustment OE | 8,900 | 2,000 |
| Uniform Construction Code S&W | 180,438 | 52,000 |
| Uniform Construction Code OE | 52,100 | 12,000 |
| Other Insurance (JIF) | 275,139 | 80,000 |
| Group Insurance Plan (health) | 908,227 | 265,000 |
| Medical Waiver Expense | 11,000 | 0 |
| Unemployment Comp | 5,000 | 0 |
| Police S&W | 2,381,585 | 680,000 |
| Police OE | 140,000 | 35,000 |
| Purchase of Police Vehicles | 10,000 | 2,650 |
| Emergency Management OE | 2,000 | 500 |
| Aid to Volunteer Fire | | |

| | | |
|---------------------------|---------|---------|
| Companies | 25,000 | 0 |
| First Aid Squads | 105,000 | 0 |
| Division of Fire OE | 85,000 | 22,525 |
| Hydrant Rental | 103,500 | 29,000 |
| Prosecutor's Office | 31,000 | 11,000 |
| Road repair & Maint. S&W | 648,886 | 185,000 |
| Road repair & Maint. OE | 176,775 | 80,000 |
| Bldg & Grounds OE | 103,700 | 45,000 |
| Fleet Maintenance OE | 82,400 | 32,000 |
| Health Dept, S&W | 11,000 | 4,000 |
| Health Dept, OE | 7,500 | 1,500 |
| Recreation S&W | 117,884 | 35,000 |
| Recreation OE | 20,900 | 5,500 |
| Prior years expenses | 1,000 | 265 |
| Utilities-Street lighting | 22,000 | 5,000 |
| Utilities-electricity | 85,000 | 22,525 |
| Utilities-Telephone | 85,000 | 22,525 |
| Utilities-Water | 2,500 | 700 |
| Utilities-Natural Gas | 30,000 | 10,000 |
| Utilities-Heating Oil | 100 | 0 |
| Utilities-Sewer | 4,000 | 1,200 |
| Utilities-Gasoline | 175,000 | 45,000 |
| Contingency | 100 | 0 |
| PERS | | |

| | | | |
|-------------------------------|-----------|-----------|--------|
| | 244,627 | 66,000 | |
| Social Security | 340,000 | 93,000 | |
| DCRP | 500 | 133 | |
| PFRS | 424,662 | 115,000 | |
| Grants | 151,267 | 30,000 | |
| Grants Match | 5,000 | 0 | |
| Municipal Court S&W | 184,952 | 57,000 | |
| Municipal Court OE | 18,875 | 6,500 | |
| Public Defender S&W | 9,000 | 3,000 | |
| Accumulated Absences | 14,100 | 0 | |
| Reserve for Uncollected Taxes | 950,000 | 0 | |
| | _____ | _____ | |
| | 9,471,184 | 2,417,824 | 25.53% |

MOTION was made by Council President Marra to adopt Resolutions #10-13, #11-13 Seconded by Councilman Imbriaco. There being no further discussion the roll was called. Motions carried.

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

RESOLUTION #10-13– TO ESTABLISH A CHANGE FUND FOR THE TOWNSHIP CLERK, TAX COLLECTOR, CONSTRUCTION AND COURT

BE IT RESOLVED, that a change fund is hereby established in the amount of \$50.00 to be used and maintained in the Municipal Clerk’s Office to make change for residents purchasing copies, dog licenses, etc.; and

BE IT RESOLVED, that a change fund is hereby established in the amount of \$100.00 to be used and maintained in the individual offices of the Tax Collector, Construction Official and the Court, to make change for residents paying their taxes, purchasing copies, etc.

MOTION was made by Council President Marra to adopt Resolutions #10-13, #11-13. Seconded by Councilman Imbriaco. There being no further discussion the roll was called. Motions carried.

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

RESOLUTION #11-13– PETTY CASH – FINANCE, AND POLICE DEPARTMENT

BE IT RESOLVED, that a petty cash fund shall be established and maintained in the Finance Department in the amount of \$250.00. Such petty cash shall be used for purchases not to exceed \$25.00; and

BE IT RESOLVED, that a petty cash fund shall be established and maintained in the Police Department in the amount of \$100.00. Such petty cash shall be used for purchases not to exceed \$25.00.

MOTION was made by Council President Marra to adopt Resolutions #12-13. Seconded by Councilman Imbriaco. There being no further discussion the roll was called. Motions carried.

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

RESOLUTION #12-13– TO AUTHORIZE THE TAX COLLECTOR TO HOLD A TAX SALE

BE IT RESOLVED, by the Mayor and Council of the Township of Clinton that the Tax Collector is authorized to conduct a tax sale for all prior years' delinquent taxes pursuant to New Jersey Law Chapter 99.

MOTION was made by Council President Marra to adopt Resolutions #14-13. Seconded by Councilman Imbriaco. There being no further discussion the roll was called. Motions carried.

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

RESOLUTION #14-13
APPOINTING A PUBLIC DEFENDER

WHEREAS, the Township of Clinton Shared Court requires the services of a Public Defender; and

WHEREAS, Scott C. Mitzner, Esq. has served in this position since our Court's inception, has done an excellent job, and is hereby recommended by the Township Administrator, to continue in this position.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Township of Clinton, County of Hunterdon, State of New Jersey that Mr. Scott C. Mitzner, Esq. be appointed as Public Defender for a one-year term at a salary of \$637.50 per court session, not to exceed \$14,000 for the year 2013 without prior approval.

MOTION was made by Council President Marra to adopt Resolutions #15-13 Seconded by Councilman Imbriaco. There being no further discussion the roll was called. Motions carried.

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

RESOLUTION #15-13 – TOWNSHIP TAX COUNSEL TO FILE TAX APPEALS

WHEREAS, the Hunterdon County Board of Taxation has been advised by the Attorney General's Office that the Municipal or Tax Attorney should file tax appeals in behalf of the municipality; and

WHEREAS, the Hunterdon County Board of Taxation will no longer accept tax appeals from Municipal Tax Assessors as was permitted in the past provided a resolution was adopted.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council that the Township Tax Counsel is authorized to file tax appeals, and settlement stipulations on behalf of the Township of Clinton pursuant to this resolution.

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Hunterdon County Board of Taxation with advice copies to the Township Attorney and the Tax Assessor.

WHEREAS, the Hunterdon County Board of Taxation has been advised by the Attorney General's Office that the Municipal or Tax Attorney should file tax appeals in behalf of the municipality; and

MOTION was made by Council President Marra to adopt Resolutions #16-13 AND #17-13. Seconded by Councilman Imbriaco. There being no further discussion the roll was called. Motions carried.

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

RESOLUTION #16-13 – 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 |
|----------|-------------|------------------|-----------|---------------------|
| \$368.38 | B-71 L-12 | 53 River Bend Rd | Schiavino | Road Opening Escrow |

MOTION was made by Councilman Imbriaco to adopt Resolution #17-12. Seconded by Councilman Lazarus. There being no further discussion the roll was called. Motion carried.

| | | |
|------------|-------------------------|-----|
| Roll Call: | Councilman Imbraico | Yes |
| | Councilman Lazarus | Yes |
| | Council President Marra | Yes |
| | Mayor Cimei | Yes |

RESOLUTION #17-12 – TRANSFER OF FUNDS

WHEREAS NJSA 40A:4-59 permits transfers between prior year budget appropriations during the first 3 months of any succeeding year when it is deemed necessary to fulfill prior year obligations, and;

WHEREAS; there are certain budget year 2012 appropriations that require transfers to meet the charges and obligations incurred within 2012.

NOW, THEREFORE, BE IT RESOLVED that the transfer below is hereby authorized by a 2/3 vote of the full Governing Body

| | |
|------------|---------------|
| To: | Amount |
|------------|---------------|

| | |
|------------------|-----------|
| Construction S&W | \$5,000 |
| Police S&W | \$150,000 |
| Social Security | \$5,000 |
| Court S&W | \$3,500 |
| Recreation S&W | \$1,000 |
| Zoning S&W | \$1,000 |

Total \$165,500

From: Amount

| | |
|--------------------|----------|
| Mayor & Council OE | \$50,000 |
| Legal OE | \$60,000 |
| Construction OE | \$10,000 |
| Roads OE | \$45,500 |

Total \$165,500

MOTION was made by Councilman Imbriaco to adopt Resolution #18-13. Seconded by Councilman Lazarus. There being no further discussion the roll was called. Motion carried.

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

RESOLUTION #18-13 – HIRING A CHIEF FINANCE OFFICER

WHEREAS, The Township of Clinton has a vacancy in the position of Chief Financial Officer (CFO) due to the retirement of our previous CFO, and;

WHEREAS, pursuant to N.J.S.A 40A:9-140.10, every municipality is required to have a Chief Financial Officer, and;

WHEREAS, pursuant to N.J.S.A. 40A:9-140.13 anyone appointed to the position of Chief Financial Officer must be duly licensed by the State of New Jersey and hold a Municipal Finance Officer Certificate, and;

WHEREAS, the Township Administrator has advertised for the position of CFO, and has interviewed candidates for the position and does hereby recommend that the Governing Body appoint Kim Kientz to the position of CFO, and;

WHEREAS, pursuant to N.J.S.A. 40A:9-140.10 the appointment shall be for a term of 4 years, which shall commence from January 1 of the year in which the appointment is made, so in this case the term shall commence January 1, 2013, and;

WHEREAS, the salary for this position shall be set via salary ordinance at \$95,000 a year, and will be granted 15 days per year of vacation time.

NOW THEREFORE, BE IT RESOLVED, by the Governing Body of the Township of Clinton, in the County of Hunterdon, State of New Jersey, that Kim Kientz is hereby appointed to the position of Chief Financial Officer effective January 1, 2013 at the terms described herein, and is afforded all other benefits that are afforded other full time regular non-contractual Township employees.

MOTION was made by Councilman Imbraico to adopt Resolution #19-13, #20-13, #21-13, #22-13,. Seconded by Councilman Lazarus. There being no further discussion the roll was called. Motion carried.

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

RESOLUTION #19-13 – SETTING THE SALARY FOR JUDGE PERKINS

WHEREAS, the Clinton Township Municipal Court since its inception has been recognized locally and by the State Administrative Office of the Courts as an exceptionally well run court, and;

WHEREAS, Eric Perkins, as Judge, has been an integral part of the court since its inception, and has oversaw the successful Union Township shared services agreement, and;

WHEREAS, effective January 1, 2013, both the Town of Clinton and the Borough of High Bridge will be sharing our court, and effective March 1, 2013, we will be taking on the responsibility of running the North Hunterdon Municipal Court, and;

WHEREAS, due to these new agreements, Eric Perkins will have significantly greater responsibilities, and the court will have an increased volume of as much as 40%.

NOW THEREFORE, BE IT RESOLVED, by the Governing Body of the Township of Clinton, in the County of Hunterdon, State of New Jersey that the 2013 salary of Eric Perkins is hereby increased \$5,000 to a total of \$36,000 effective January 1, 2013 as compensation for these additional responsibilities.

RESOLUTION #20-13 – SETTING THE SALARY FOR COURT ADMINISTRATOR, LYNN LORENZ

WHEREAS, the Clinton Township Municipal Court since its inception has been recognized locally and by the State Administrative Office of the Courts as an exceptionally well run court, and;

WHEREAS, due in part to the exceptional management of the court by Lynn Lorenz, its Administrator, Clinton Township was able to successfully negotiate a shared service agreement with Union Township to share our court, thereby increasing revenue through an inter-local agreement with Union Township, and;

WHEREAS, effective January 1, 2013, both the Town of Clinton and the Borough of High Bridge will be sharing our court, ,thereby further increasing revenue through new inter-local agreements, and effective March 1, 2013, we will be taking on the responsibility of running the North Hunterdon Municipal Court, and;

WHEREAS, due to these new agreements, Lynn Lorenz will have significantly greater responsibilities, and an increased court volume of as much as 40%.

NOW THEREFORE, BE IT RESOLVED, by the Governing Body of the Township of Clinton, in the County of Hunterdon, State of New Jersey, that the 2013 salary of Lynn Lorenz is hereby increased \$5,000 to a total of \$72,082 effective January 1, 2013 as compensation for these additional responsibilities, and the Administrator is hereby authorized to prepare a draft salary ordinance for 2013 that will reflect this revised amount.

RESOLUTION #21-13 – APPOINTING AND SETTING SALAR FOR PROSECUTOR

WHEREAS, the Clinton Township Municipal Court since its inception has been recognized locally and by the State Administrative Office of the Courts as an exceptionally well run court, and;

WHEREAS, Robert Ballard, as Municipal Prosecutor has been an integral part of the court since its inception, and has oversaw the successful Union Township shared services agreement, and;

WHEREAS, effective January 1, 2013, both the Town of Clinton and the Borough of High Bridge will be sharing our court, and effective March 1, 2013, we will be taking on the responsibility of running the North Hunterdon Municipal Court, and;

WHEREAS, due to these new agreements, Robert Ballard will have significantly greater responsibilities, and the court will have an increased volume of as much as 40%.

NOW THEREFORE, BE IT RESOLVED, by the Governing Body of the Township of Clinton, in the County of Hunterdon, State of New Jersey that Robert Ballard is hereby reappointed as Municipal Prosecutor and the 2013 salary of Robert Ballard is hereby increased \$11,000 to a total of \$42,000 effective January 1, 2013 as compensation for these additional responsibilities, and the Township Administrator is authorized to prepare a draft salary ordinance for 2013 that will reflect this revised amount.

RESOLUTION #22-13 – SETTING SALARY FOR JENNIFER BUDRIWICZ

WHEREAS, the Clinton Township Municipal Court since its inception has been recognized locally and by the State Administrative Office of the Courts as an exceptionally well run court, and;

WHEREAS, Jennifer Budrewicz has been an integral part of the court, as its Deputy Administrator, and during her time with the court, Clinton Township was able to successfully negotiate a shared service agreement with Union Township to share our court, thereby increasing revenue through an inter-local agreement with Union Township, and;

WHEREAS, effective January 1, 2013, both the Town of Clinton and the Borough of High Bridge will be sharing our court, thereby further increasing revenue through new inter-local agreements, and effective March 1, 2013, we will be taking on the responsibility of running the North Hunterdon Municipal Court, and;

WHEREAS, due to these new agreements, Jennifer Budrewicz will have significantly greater responsibilities, and the court will have an increased volume of as much as 40%.

NOW THEREFORE, BE IT RESOLVED, by the Governing Body of the Township of Clinton, in the County of Hunterdon, State of New Jersey, that the 2013 salary of Jennifer Budrewicz is hereby increased \$5,000 to a total of \$52,687 effective January 1, 2013 as compensation for these additional responsibilities, and the Township Administrator is hereby authorized to prepare a draft salary ordinance for 2013 that will reflect this revised amount.

RESOLUTION #22-13 – SETTING SLARY FOR KIMBERLY MARINO

WHEREAS, the Clinton Township Municipal Court since its inception has been recognized locally and by the State Administrative Office of the Courts as an exceptionally well run court, and;

WHEREAS, Kimberly Marino as full time Violations Clerk is an integral part of the court, and;

WHEREAS, effective January 1, 2013, both the Town of Clinton and the Borough of High Bridge will be sharing our court, thereby further increasing revenue through new inter-local agreements, and effective March 1, 2013, we will be taking on the responsibility of running the North Hunterdon Municipal Court, and;

WHEREAS, due to these new agreements, Kimberly Marino will have significantly greater responsibilities, and the court will have an increased volume of as much as 40%.

NOW THEREFORE, BE IT RESOLVED, by the Governing Body of the Township of Clinton, in the County of Hunterdon, State of New Jersey, that the 2013 salary of Kimberly Marino is hereby increased \$2,000 to a total of \$32,000 effective January 1, 2013 as compensation for these additional responsibilities.

Ordinance Introduction - #1043-13 – Establishing an application fee for the service of the Public Defender and setting the public hearing for January 23, 2013

Mayor Cimei introduced the matter. MOTION was made by Councilman Lazarus to adopt the above ordinance and schedule the public hearing. Seconded by Council President Marra. Councilman Imbraico asked if the court has the discretion in waiving the proposed fee. Mr. Joss agreed to monitor the issue during 2013. There being no further discussion the roll was called. Motion carried.

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

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

Section 1. Subparagraph 4-58.C., "Public Defender," Amended. Subparagraph 4-58.C., "Public Defender," of the Code of the Township of Clinton is hereby amended and supplemented to read as follows (additions to text are underlined):

C. Public Defender. There shall be a Municipal Public Defender who shall represent those defendants assigned by the Municipal Court Judge. The Municipal Public Defender shall be an attorney-at-law admitted to practice and in good standing in the State of New Jersey. The Municipal Public Defender shall be appointed as provided by law for a term of one year commencing January 1 and ending December 31. The Municipal Public Defender shall be compensated as specified in the Municipal Salary Ordinance and Resolution, or as otherwise established according to law in the case of shared municipal court facilities and services.

(1) Application Fee. A person applying for representation by the Municipal Public Defender shall pay an application fee of \$200.00. The application fee may be waived by the Municipal Court, in whole or in part if the Court in its

discretion determines upon a clear and convincing showing by the applicant that the application fee represents an unreasonable burden on the applicant. The

Municipal Court may permit an applicant to pay the application fee over a specific period of time not to exceed four months.

(2) Investigation of Financial Status. The Municipal Court shall make an investigation of the financial status of each applicant and shall have the authority to require an applicant to deliver and execute written requests of authorizations required under the applicable law to provide the Court with access to records of public or private sources, otherwise confidential, as may be of aid in evaluating eligibility for the appointment of a Municipal Public Defender

(3) Fund Established. Pursuant to N.J.S.A. 2B:24-17, funds collected from the application fee shall be deposited in a dedicated fund administered by the Chief Financial Officer of the Township. The funds shall be used exclusively to meet the costs incurred by the Township in providing the services of the Municipal Public Defender including when required expert and investigation and testimony.

(4) Reimbursement to Township; Lien. Pursuant to N.J.S.A. 2B:24-12 and N.J.S.A. 2B:24-13, if a defendant has, or reasonably expects to have, means to meet some part, though not all, of the costs of the services rendered, the defendant shall be required to reimburse the Township and the Township shall have a lien on any property to which the defendant shall have or acquire an interest for an amount equal to the reasonable value of the services rendered to the defendant as

calculated at the same rate as the Office of the Public Defender bills clients at that time.

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

Section 4. Effective Date. This ordinance shall take effect upon final adoption, publication, and as otherwise provided by law.

Ordinance #1044-13 – Headley Farms ROW vacation, and setting the public hearing for January 23, 2013

Mayor Cimei introduced the matter. 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 Imbraico | 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 #1045-13 – An Ordinance Approving the Cessation of the Regular Municipal Court Case Functions for the North Hunterdon Municipal Court and Approving the Shared Services Agreement to provide for the storage, security and administration of the Municipal Court of North Hunterdon’s Case Files and Records and the Continuation of Business as required after Cessation of Regular Municipal Court Case Functions and setting the public hearing for January 23, 2013.

Mayor Cimei introduced the matter. 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 Imbraico | Yes |
| | Councilman Lazarus | Yes |
| | Council President Marra | Yes |
| | Mayor Cimei | Yes |

AN ORDINANCE APPROVING THE CESSATION OF THE REGULAR MUNICIPAL COURT CASE FUNCTIONS OF THE NORTH HUNTERDON MUNICIPAL COURT AND APPROVING THE SHARED SERVICES AGREEMENT TO PROVIDE FOR THE STORAGE, SECURITY AND ADMINISTRATION OF THE MUNICIPAL COURT OF NORTH HUNTERDON’S CASE FILES AND RECORDS AND THE CONTINUATION OF BUSINESS AS REQUIRED AFTER CESSATION OF REGULAR MUNICIPAL COURT CASE FUNCTIONS

WHEREAS, the Municipal Court of North Hunterdon, 1322 Route 31 North, Suite 23, Annandale, New Jersey 08801, (hereinafter referred to as “MCNH”), will cease accepting new matters occurring after December 31, 2012 and will cease the active scheduling and trial of cases as of February 28, 2013; and,

WHEREAS, it is necessary to provide for the storage, security, servicing and administering of MCNH case files and records and for the continuation of MCNH business, as required, after the cessation of scheduling and adjudication of active cases; and,

WHEREAS, the Township of Clinton, (hereinafter referred to as “**Custodian Town**”), is in the position to store, service and administer the MCNH’s case files and records and to continue MCNH’s business, as required as of March 1, 2013 and as set forth in Appendix “A”, attached; and,

WHEREAS, the Town of Clinton, Townships of Franklin, Lebanon, Tewksbury and Union, and the Boroughs of Glen Gardner, High Bridge, Bloomsbury, Califon Hampton and Lebanon, desire to establish a Shared Services Agreement for the administrative and financial terms by which the Custodian Town will assume the obligations of the MCNH as of March 1, 2013; and,

WHEREAS, the Shared Services Agreement shall be governed by the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1 et seq.,

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED by the Mayor and Governing Body of **FILL IN NAME OF MUNICIPALITY**, County of Hunterdon, as follows:

1. The MCNH will cease accepting new matters occurring after December 31, 2012.
2. The MCNH will cease the scheduling and adjudication of all matters after February 28, 2013. Between January 1, 2013 and February 28, 2013, the MCNH will continue to process and adjudicate its existing caseload which was generated prior to January 1, 2013, at its current court facility located at 1322 Route 31 North, Suite 23, Annandale, New Jersey 08801.
3. The storage, security, servicing and administering of all MCNH case files and records and the continuation of all other MCHN business shall be addressed pursuant to a Shared Services Agreement with the Township of Clinton, Hunterdon County, New Jersey, assuming the responsibility for all MCHN case files, records and business.
4. Subject to the approval and by Order of the New Jersey Superior Court, Vicinage 13 Assignment Judge, as of March 1, 2013, the MCNH will be located at and administered by the Clinton Township Municipal Court.
5. The Shared Services Agreement provides for the storage, security and administration of the Municipal Court of North Hunterdon’s case files and records and the continuation of business, as required after cessation of actual municipal court functions is hereby approved.
6. The Mayor and Municipal Clerk are hereby authorized to execute the agreement on behalf of the (**Borough/Town/Township**) and to execute any further documents and to take any further action to accomplish the purpose of the Agreement.
7. The Municipal Clerk shall forward two executed copies of the Agreement and a certified true copy of this Ordinance to John R. Lanza, Esquire, 5 Main Street, P.O. Box 2520, Flemington, New Jersey 08822.
8. The Municipal Clerk shall maintain a true copy of the fully executed agreement with the records of her office, for inspection, during normal business hours.

9. The Ordinance shall be effective immediately to meet the MCNH's timetable for the orderly transfer of its files, records and business.

REPORTS:

Ms. Hadinger gave a short report on the Hionis Greenhouse issue and discussed the DEP violations on the property and the penalties associated with them. The Hionis' have not signed their administrative consent order with NJDEP and a local State Senator has been in touch with DEP to facilitate a meeting where the Hionis's could suggest changes to the Administrative Consent Order.

The Mayor questioned why a Senator would be involved in the issue, and discussed the violations. Councilman Imbriaco clarified the violations are at the State level, and not the local level.

Councilman Vos indicated the Hionis' attorney stated in a letter that the property would be restored, and that the Township should leave this farmer alone. Ms. Hadinger indicated the restoration of the property this has been promised for a while and has not occurred.

Councilman Vos stated it has to do with the Right to Farm act. Councilman Imbriaco stated the Senator is trying to influence the outcome of due process in taking care of the violations.

Mayor Cimei stated that Senator Bateman called the Township when the building violations were issued as well.

Councilman Imbriaco asked if the Township could send a letter to the Attorney General asking for an investigation into the issue.

Mayor Cimei stated the Township should send such a letter. Councilman Vos stated the Township is too hard on this farmer, and the Planning Board fees are unreasonable. Councilman Imbriaco stated every other applicant pays the fees, the Planning Board cut the fees in half and Hionis' would not even pay that.

Council President Marra restated the issues for clarification.

MOTION was made to prepare a letter to the Attorney General was made by Council President Marra. Seconded by Mayor Cimei. After an extensive discussion the roll was called. Motion carried .

| | | |
|-----------|-------------------------|-----|
| Roll Call | Councilman Vos | No |
| | Councilman Imbriaco | Yes |
| | Councilman Lazarus | Yes |
| | Council President Marra | Yes |
| | Mayor Cimei | Yes |

VOUCHERS:

MOTION was made by Council President Marra to adopt the vouchers dated January 2, 2013, in the amount of \$2,506,978.54. Seconded by Councilman Imbraico. There being no further discussion the roll was called. Motion carried.

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

PUBLIC COMMENT:

There were no public comments.

EXECUTIVE SESSION:

Resolution #23.1

MOTION was made by Council President Marra to go into executive session. Seconded by Councilman Imbraico. There being no further discussion the roll was called. Motion carried.

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|------------|-------------------------|-----|
| Roll Call: | Councilman Vos | Yes |
| | Councilman Imbraico | 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 January 2, 2013
2. The general nature of the subject matter to be discussed is:
 - Condemnation litigation by Transco, and terms of right of way agreement with Transco
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.

MOTION authorizing Mason Griffin Pierson to prepare an agreement with Transco, accepting \$85,000 for the right away, subject to appropriate terms and conditions, and with specific conditions with respect to road opening permits.

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 |

ADJOURNMENT:

MOTION was made by Councilman Vos to adjourn the meeting at 9:00 p.m. Seconded by Councilman Imbriaco. 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: February 13, 2013