

TOWNSHIP OF CLINTON  
REGULAR COUNCIL MEETING  
December 11, 2013

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**CALL TO ORDER:**

Mayor Cimei called the meeting to order at 7:30 PM.

**OPEN PUBLIC MEETINGS ACT STATEMENT:** Mayor Cimei gave the statement of adequate notice. The annual meeting notice is on file in the Office of the Municipal Clerk for public inspection.

**ROLL CALL:**

Councilman Vos	Absent
Councilman Imbriaco	Present (arr. 7:32)
Councilman Lazarus	Present
Council President Marra	Present
Mayor Cimei	Present
Kristina P. Hadinger, Esq.	Present
Marvin Joss, Administrator	Present
Robert Manney, Police Director	Present
OIC, Lt. Douglas Higgins	Present
Donna Burham, Township Clerk	Present

**APPROVAL OF MINUTES:**

MOTION was made by Councilman Lazarus to approve the regular and executive meeting minutes of November 13, 2013. Seconded by Mayor Cimei. There being no further discussion the roll was called. Motion carried.

Roll Call:

Councilman Lazarus	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 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

Consent Item #1

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Resolution #105-13 – 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
\$2,000.00	34.02/1	13 Pine Place	Theodore Kurdes	Perf.Guarantee

Consent Item #2

Resolution #106-13 – Canceling unspent ordinance balances

**WHEREAS**, on April 10, 2013, the Municipal Council of the Township of Clinton, in the County of Hunterdon, New Jersey finally adopted a refunding bond ordinance, namely ordinance No. 1048-13 entitled “REFUNDING BOND ORDINANCE OF THE TOWNSHIP OF CLINTON, IN THE COUNTY OF HUNTERDON, NEW JERSEY, PROVIDING FOR THE REFUNDING OF ITS OUTSTANDING GENERAL IMPROVEMENT BONDS SERIES 2003 DATED APRIL 15, 2003, APPROPRIATING \$2,400,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$2,400,000 REFUNDING BONDS OF THE TOWNSHIP FOR FINANCING THE COST THEREOF; AND

**WHEREAS**, on July 10, 2013 the Township has issued under the Refunding Ordinance its \$2,245,000 General Obligation Refunding Bonds Series 2013; and

**WHEREAS**, following the issuance of the Refunding Bonds there remains excess refunding bond authorizations under the Refunding Ordinance, which the Township now desires to cancel;

**NOW, THEREFORE, BE IT HEREBY RESOLVED**, by the Municipal Council of the Township of Clinton, in the County of Hunterdon, New Jersey, that the following excess refunding bond authorization is hereby cancelled:

<u>Ordinance Number</u>	<u>Amount Authorized</u>	<u>Amount Issued</u>	<u>Amount to be Cancelled</u>
1048-13	\$2,400,000	\$2,245,000	\$155,000

Consent #3

Resolution #107-13 – Tax refund – veteran’s disability

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**WHEREAS**, pursuant to N.J.S.A. 54:5-3.30, the dwelling of a disabled veteran shall be exempt from real property taxes; and

**WHEREAS**, Joanne R. Loya, a surviving spouse of a veteran determined to have suffered a 100% service related disability; and

**WHEREAS**, the determination of the said disability, is retroactive to July 8, 2013; and

**WHEREAS**, real estate taxes on this property known as Block 79.01 Lot 2.0106 Qualifier C0106 had been billed for 2013, and the full year had been paid in the amount of \$7,156.52 and

**WHEREAS**, pursuant to N.J.S.A. 54:4-32, the governing body of a municipality may by resolution cancel taxes due on a property which would have been exempt had the claim been made at the time they were due; and

**WHEREAS**, Joanne R. Loya is entitled to a refund of 2013 second half real estate taxes from July 8 through December 31, 2013, in the amount of \$3,419.23

**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 attached listing.

VENDOR	BLOCK	LOT	LOCATION	YR/QTR	AMOUNT
LOYA, JOANNE 6 INVERRARY PLACE ANNANDALE, NJ 08801	79.01	2.0106	6 INVERRARY PLACE	13/3 +4	\$ 2,844.36
FLAGSTAR BANK 5151 CORPORATE DRIVE ATTN: CASHIERING MAIL STOP 2B-125 TROY, MI 48098	79.01	2.0106	6 INVERRARY PL	13/3	\$ 574.87
<b>TOTAL REFUND</b>					\$ <b>3,419.23</b>

Consent 4

Resolution #108-13 – SAGE Grant Application – Stanton-Mountain Road

**NOW, THEREFORE, BE IT RESOLVED** that Council of the Township of Clinton formally approves the grant application for the above stated project.

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BE IT FURTHER RESOLVED that the Mayor and Council and Clerk are hereby authorized to submit an electronic grant application identified as MA-2013 Clinton Township – 00501 to the New Jersey Department of Transportation on behalf of the Township of Clinton.

BE IT FURTHER RESOLVED, that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Township of Clinton and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

Consent #5

Resolution #109-13 – SAGE Grant Application – Molasses Hill Road

NOW, THEREFORE, BE IT RESOLVED that Council of the Township of Clinton formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Council and Clerk are hereby authorized to submit an electronic grant application identified as MA-2013 Clinton Township – 00446 to the New Jersey Department of Transportation on behalf of the Township of Clinton.

BE IT FURTHER RESOLVED, that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Township of Clinton and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

Consent #6

Resolution #110-13 – SAGE Grant Application – Annandale Sidewalks

NOW, THEREFORE, BE IT RESOLVED that Council of the Township of Clinton formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Council and Clerk are hereby authorized to submit an electronic grant application identified as MA-2013 Clinton Township – 0000062 to the New Jersey Department of Transportation on behalf of the Township of Clinton.

BE IT FURTHER RESOLVED, that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Township of Clinton and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

**PUBLIC COMMENTS:**

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There were no public comments.

**OLD BUSINESS:**

None

**NEW BUSINESS:**

**1. Appointment of Bond Counsel**

Mayor Cimei introduced the matter. Mr. Joss explained proposals were sought and the firm selected presented the lowest fees.

MOTION was made by Council President Marra to approve the resolution to appoint Bond Counsel. 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

**WHEREAS**, the Mayor and Council of the Township of Clinton expect to need to services of a Bond Counsel over the next twelve months; and

**WHEREAS**, the CFO and the Administrator have solicited proposals from qualified Bond Counsels in the State of New Jersey, and have received five proposals from qualified firms; and

**WHEREAS**, the Administrator and the CFO have reviewed the the proposals and find and the proposal submitted by Wilentz, Goldman & Spitzer to be the best considering both price and qualification.

**NOW THEREFOR, BE IT RESOLVED** by the Governing Body of the Township of Clinton, County of Hunterdon, State of New Jersey that Wilentz, Goldman & Spitzer are hereby appointed as Bond Counsel for a term to expire December 31, 2014; 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 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

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**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.

## 2. Planning Board Composition

Mayor Cimei introduced the matter and invited the Planning Board Chair, John Higgins, to comment. Mr. Higgins explained the Board is currently a nine member board and reviewed the upcoming vacancies. Mr. Higgins discussed reducing the number of members to seven, as the Board of Adjustment is already a seven member board and functions quite well.

Consensus of Council was to introduce an ordinance at the second meeting in January, 2014 to reduce the membership of the Planning Board to seven members.

## REPORTS:

### Councilman Imbriaco:

Councilman Imbriaco indicated the Open Space Committee reviewed the Open Public Meetings Law and at the last meeting . They were excited to have the open space question passed on the November ballot. They expressed their wish that the funds NOT be used for any type of bridge at Windy Acres.

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Councilman Imbriaco also noted that apparently during Hurricane Sandy some extraordinarily prolific and invasive vines have cross pollinated and have taken over some open space and there was a discussion on how to handle that.

Councilman Lazarus:

Councilman Lazarus asked Brian Mullay to report on the Historic Preservation Commission. On October 12, 2014 there will be an historic walking tour in Annandale. The Commission also intends to work on the expansion of the Annandale Historic District.

Council President Marra:

None.

Mayor Cimei:

Administrator:

Mr. Joss reported the annual leaf pickup program is going well and all streets in the Township have been completed. DPW will be making the second round through the Township, and will be open on January 11 and 18<sup>th</sup> for Christmas Tree drop-off.

Police Director Manney:

Director Manney discussed the monthly report, stating accidents are up, especially car vs. deer incidents. He further reported the transition to Lt. Higgins is going well.

Mayor Cimei read the following proclamation for Director Manney.

**WHEREAS**, Mr. Robert Manney joined the Township of Clinton in January of 2007 as Police Director; and

**WHEREAS**, Mr. Manney has encouraged and supported the Township's Police Officers in completing their college educations, and also sought out various training programs such as the West Point Command Academy and many others to improve the skills and opportunities for our officers; and

**WHEREAS**, Mr. Manney has brought a new level of professionalism and dignity to the department.

**WHEREAS**, Mr. Manney initiated and negotiated a contract with the Federal Drug Enforcement Agency to utilize a Township officer on the Drug Task Force; and

**WHEREAS**, this arrangement has secured more than \$400,000 dollars in funding for the Township; and

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**WHEREAS**, Mr. Manney directed the Department through an exhaustive accreditation process, resulting in the Township of Clinton being the only police department in Hunterdon County to achieve this certification; and

**NOW, THEREFORE BE IT RESOLVED**, that the Mayor and Council of the Township of Clinton, County of Hunterdon, State of New Jersey, express their gratitude and appreciation to Mr. Robert Manney for his years of service to the Clinton Township Police Department.

In witness thereof, I have hereunto set my hand and caused the Seal of the Township of Clinton to be affixed.

Mr. Manney stated he is most proud of the seven officers that were hired under his leadership. There is a new hiring process that worked well, and all seven officers work very hard and are an asset to the Township.

**ACTION:**

**RESOLUTIONS:**

Action Item #1

Resolution #111-13 – Banking Open Space Trust Funds

Mayor Cimei introduced the matter.

MOTION was made by Councilman Imbriaco adopt the resolution. Seconded by Mayor Cimei. 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

**WHEREAS**, the County Open Space Trust has allocated funds to the Township for the year 2013; and

**WHEREAS**, the funds can either be expended by the end of the year on an acquisition of property, to be followed by reimbursement by the County, or merely “banked” for use in the following year.

**NOW, THEREFORE, BE IT RESOLVED**, that the Township of Clinton hereby requests of the County of Hunterdon that the aforementioned amount for 2013 be banked for use for a suitable project in 2014.

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Action Item #2

Resolution #112-13 – Transferring Funds

Mayor Cimei introduced the matter.

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
	Mayor Cimei	Yes

**WHEREAS** NJSA 40A:4-58 permits transfers between current year budget appropriations during the last two months of the municipal fiscal year, and;

**WHEREAS;** there are certain budget year 2013 appropriations that require transfers to meet the charges and obligations that will be incurred by the end of the fiscal year.

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

**TO:**

Recreation S &W	400
Court S & W	7,500
General Insurance O & E	19,275
Social Security O& E	12,000
Unclassified: Telephone	6,000
Police S&W	83,225
Engineering O & E	8,000
Debt Service- Interest on Bonds	1
Construction Code S & W	3,000
Total	139,401

**From:**

Legal O & E	50,000
Group Health O &E	24,500
Condo Act O &E	5,600
Construction Code O & E	10,000
Police O & E	14,000
Election O & E	7,800

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Prior Year O & E	1,000
Finance S & W	500
Finance O & E	2,500
Tax Collector O & E	1,000
Planning Board O & E	3,500
Board of Adj O & E	2,000
Assessment of Taxes S & W	3,000
Assessment of Taxes O & E	5,000
First Aid Squad O & E	2,500
Court O & E	2,000
Info Tech S&W	2,000
Division of Fire O &E	1,000
Debt Service-WWT Trust Loan	
II	1
Bldgs & Grounds O & E	1,500
Total	139,401

**VOUCHERS:**

Mayor Cimei introduced the matter.

MOTION was offered by Council President Marra to approve the check control registers dated December 11, 2013 totaling \$777,713.95. 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

**PUBLIC COMMENT:**

Nick Corcodilos, Old Mountain Road, commented on Mr. Manney's accomplishments and thanked him for his service.

Mayor Cimei thanked Councilman Vos and Councilman Lazarus for their service. The Mayor indicated Harmen has a lot of passion, makes his points known and did a good job establishing the Community Garden.

Mayor Cimei also thanked Councilman Lazarus for his service stating John is an excellent researcher and fulfilled many commitments.

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**EXECUTIVE SESSION:**

#Resolution #113-13

MOTION was offered by Council President Marra to move into executive 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

**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 Township Council will now convene in closed session which will be limited to items from which the public may be excluded pursuant to Section 7B of the Open Public Meetings Act.
2. The general nature of the subject matter to be discussed is:  
✓ Matters relative to Affordable Housing
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.

**MOTION TO RETURN FROM EXECUTIVE SESSION:**

MOTION was offered by Council President Marra to return to open session. Seconded by Councilman Lazarus. There being no further a voice vote was called. All ayes. Motion carried.

**MOTION TO ADJOURN:**

MOTION was offered by Councilman Imbriaco to adjourn at 9:15 p.m. Seconded by Councilman Lazarus. There being no further discussion a voice vote was called. All ayes. Motion carried.

ATTEST:

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\_\_\_\_\_  
Donna J. Burham, Township Clerk

\_\_\_\_\_  
A. Kevin Cimei, Mayor

Adopted: January 7, 2013