

TOWNSHIP OF CLINTON
REGULAR COUNCIL MEETING
February 12, 2014

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CALL TO ORDER:

Council President Marra 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:

Councilwoman Switlyk	Present
Councilman Mully	Present
Councilman Imbriaco	Absent
Council President Marra	Present
Mayor Cimei	Absent
Kristina P. Hadinger, Esq.	Present
Marvin Joss, Administrator	Present
Rebecca D'Alleinne	Present

Ms. Hadinger asked for a motion to authorize Planning Board Administrator, Rebecca D'Alleinne to act in the absence of the Township Clerk.

MOTION was made by Councilwoman Switlyk and seconded by Councilman Mully. There being no further discussion the roll was called. Motion carried.

Roll Call:	Councilwoman Switlyk	Yes
	Councilman Mully	Yes
	Council President Marra	Yes

APPROVAL OF MINUTES:

Minutes were tabled since the Clerk was absent and it was not known if certain changes had been made to the minutes of January 22, 2014.

PUBLIC COMMENTS:

There were no public comments.

OLD BUSINESS:

No old business.

NEW BUSINESS:

No new business.

REPORTS:

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Councilwoman Switlyk:

Councilwoman Switlyk discussed the School Board meeting held on Monday, February 10, 2014. She noted the board worked on goals which will run until June 2014, and then will establish new goals from July 2014, to July 2015. Glen Thornton from the NJ School Board Association guided the board through the goal setting process along with a review of the code of ethics, chain of command and basic responsibilities of school board membership.

Councilwoman Switlyk also met with Dan Tiernan, board liaison to the Council from the School Board. Mr. Tiernan will attend the next Council meeting.

Councilman Mullay:

Councilman Mullay reported on the Planning Board reorganization, stating the same officers and most professionals were retained. He further discussed the Historic Preservation Commission meeting and activities, including a walking tour of Annandale on April 19, in conjunction with the Tricentennial Committee.

Council President Marra:

No report.

Administrator:

Mr. Joss indicated Public Works is ready for the storm this evening. Mr. Joss discussed the monthly police report, and indicated one sergeant has announced his retirement. Mr. Joss also said labor negotiations with the Sergeants has begun. Labor Council, Steve Trimboli, will attend the next council executive session to report on those negotiations.

ACTION:

ORDINANCE INTRODUCTION:

Ordinance #1054-14 An Ordinance Amending the Code of the Township of Clinton, in Hunterdon County, New Jersey, to Implement the Results of the November 5, 2013 Public Referendum Regarding the Clinton Township Open Space Trust Fund” and the Purposes for which the Fund May Be Utilized, and setting the public hearing for March 12, 2014

Councilman Marra introduced the matter.

MOTION was made by Councilman Mullay to introduce the ordinance on first reading and schedule the public hearing for March 12, 2014. Seconded by Councilwoman Switlyk. There being no further discussion the roll was called. Motion carried.

Roll Call:	Councilwoman Switlyk	Yes
	Councilman Mullay	Yes
	Council President Marra	Yes

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AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF CLINTON, IN HUNTERDON COUNTY, NEW JERSEY TO IMPLEMENT THE RESULTS OF THE NOVEMBER 5, 2013 PUBLIC REFERENDUM REGARDING THE CLINTON TOWNSHIP "OPEN SPACE TRUST FUND" AND THE PURPOSES FOR WHICH THE FUND MAY BE UTILIZED

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

Section 1. Findings and Purpose. In 1996, following an affirmative vote at a public referendum, the Township of Clinton established an Open Space Trust Fund to be funded through a dedicated Open Space tax. The referendum approved by Township voters in 1996 authorized the use of the Open Space Fund to acquire land, easements, development rights or other interests in real estate for the purpose of preserving open space for conservation and recreation. On November 5, 2013, the Township voters approved a referendum allowing the Open Space Trust Fund to be used for additional purposes, including the acquisition of farmland for farmland preservation purposes, the payment of debt service on indebtedness issued or incurred by the Township in connection with its acquisition of lands, and, in part, the maintenance of lands acquired for passive recreation and conservation purposes. The purpose of this ordinance is to modify the Township Code to implement the results of the November 5, 2013 referendum.

Section 2. Subsection 4-71 I of Code Amended. Subsection 4-71 I of the Code of the Township of Clinton is amended to read as follows (additions to text are indicated by underlining and deletions from text by [brackets]):

I. Funding for open space acquisition and maintenance.

(1) There is hereby established a reserve in the general capital fund which shall be known and designated as the "Open Space Trust Fund." A special bank account shall be opened and maintained for this purpose. Funds from the Open Space Trust Fund may, as directed by the Mayor and Township Council, be utilized for the following purposes:

(a) the acquisition of lands for recreation and conservation purposes;

(b) the acquisition of farmland for farmland preservation purposes;

(c) payment of debt service on indebtedness issued or incurred by the

Township for any of the purposes set forth in subparagraphs (a) and (b) above; and

(d) the maintenance of lands acquired with monies from the Open Space Trust Fund for passive recreation and conservation purposes and/or lands that are subject to passive recreation and conservation easements or deed restrictions, provided that not more than 12.5 % of the annual open space tax levy, as set forth in subsection I(2) below, may be set aside annually for said maintenance purposes.

[to acquire by gift, purchase, or by eminent domain proceedings pursuant to N.J.S.A. 20:3-1 et seq., easements, vacant land, as well as land which has improvements upon it at the time of acquisition, where the principal purpose of the acquisition is to preserve open space. In the event that the Township Council shall find it appropriate to apportion the cost of acquisition between open space and improvements, it may do so and charge the reserve for open space acquisition for the approximate value that it deems appropriate relative to open space and the

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Township's capital account for the value that it determines shall be attributed to improvements;]

(2) The Open Space Trust Fund shall be funded through the dedication to the fund of an amount of [\$0.05 per \$100 of the assessed value of real property located within the Township of each annual tax levy until December 31, 2007, when the same shall become] \$0.02 per \$100 of the assessed value of real property located within the Township. The Trust Fund shall also be permitted to accept donations and testamentary bequests. [The funds accumulated within the Trust Fund may be utilized at the discretion of the Township Council for the following purposes: acquisition of land or development or easement rights in land; as a down payment for the issuance of bonds for the same purpose; the management of open space parcels previously acquired.] Any and all interest accruing on the Fund shall be placed back into the Open Space Trust Fund.

Section 3. Repealer. All ordinances and resolutions or parts thereof inconsistent with this ordinance are repealed.

Section 4. 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 5. Effective Date. This ordinance shall take effect upon passage, publication and in accordance N.J.S.A. 40:69A-181.

RESOLUTIONS:

Action Item #1

Resolution #26-14 – Purchase of a Command Vehicle – Annandale Hose Co., No. 1

Council President Marra introduced the matter.

MOTION was made by Councilman Mullay to adopt the resolution. Seconded by Councilwoman Switlyk. There being no further discussion the roll was called. Motion carried.

Roll Call:	Councilwoman Switlyk	Yes
	Councilman Mullay	Yes
	Council President Marra	Yes

WHEREAS, there is a need to purchase a command vehicle for the Department of Fire the Township of Clinton, in the County of Hunterdon, State of New Jersey; and

WHEREAS, the funds are available as evidenced by the Chief Finance Officer's Certification;

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WHEREAS, public bids are not required when the purchase is made through a purchasing cooperative in accordance with N.J.S.A. 40A:11-12.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Clinton in the County of Hunterdon that the Administrator is hereby authorized and directed to approve and forward the required Purchase Order for the following vehicle:

Vendor	Department	Quantity	Item	Price	Total
Mall Chevrolet	Fire	1	2014 Chevy Tahoe	\$54,727.00	\$54,727.00

Action Item #2

Resolution #27-14 – Professional Services Agreement – Burgis Associates, Inc.

Council President Marra introduced the matter, and Mr. Joss indicated two planners were interviewed and the selection was Burgis Associates, due to their experiences with COAH issues.

MOTION was made by Councilman Mully to adopt the above resolution. Seconded by Councilwoman Switlyk. There being no further discussion the roll was called. Motion carried.

Roll Call:	Councilwoman Switlyk	Yes
	Councilman Mully	Yes
	Council President Marra	Yes

WHEREAS, the Mayor and Council of the Township of Clinton desire to engage a housing plan professional for the year 2014; and

WHEREAS, that professional is named below:

Township Housing Element and Fair Share Plan Professional

Bergis Associates, Inc.
25 Westwood Avenue
Westwood, NJ 07675

;and.

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

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WHEREAS, the anticipated term of this contract 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 contract.
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.

Action Item #3

Resolution #28-14 – Transfer of Funds

Council President Marra introduced the matter.

MOTION was made by Councilwoman Switlyk to adopt the above resolution. Seconded by Councilman Mullay. There being no further discussion the roll was called. Motion carried.

Roll Call:	Councilwoman Switlyk	Yes
	Councilman Mullay	Yes
	Council President Marra	Yes

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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 2013 appropriations that require transfers to meet the charges and obligations incurred within 2013.

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

To:	Amount
Fleet Maintenance O & E	1,550

Total	1,550
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From:	Amount
Engineering O & E	1,550
Total	1,550

VOUCHERS:

Council President Marra introduced the matter.

MOTION was offered by Councilwoman Switlyk to approve the check control registers dated February 12, 2014 totaling \$8,272,306.38. Seconded by Councilman Mulla. There being no further discussion the roll was called. Motion carried.

Roll Call:

Councilwoman Switlyk	Yes
Councilman Mulla	Yes
Council President Marra	Yes

PUBLIC COMMENT:

John Anderson, of JCP&L, introduced himself to the new Council members and discussed the recent storms and new processes to deal with power outage events in an improved manner. An extensive discussion of new databases and progress since Hurricane Sandy was held.

EXECUTIVE SESSION:

Resolution #29-14

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

Roll Call:

Councilwoman Switlyk	Yes
Councilman Mullay	Yes
Council President Marra	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 February 12, 2014
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.

RETURN FROM EXECUTIVE SESSION:

MOTION was made by Councilwoman Switlyk to return from executive session. Seconded by Councilman Mullay. There being no further discussion a voice vote was called. All ayes. Motion carried.

MOTION TO ADJOURN:

MOTION was offered by Councilwoman Switlyk to adjourn at 8:00 p.m. Seconded by Councilman Mullay. 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: February 26, 2014