

TOWNSHIP OF CLINTON  
REGULAR COUNCIL MEETING  
January 22, 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 Mullay	Present
Councilman Imbriaco	Present
Council President Marra	Present
Mayor Cimei	Absent
Kristina P. Hadinger, Esq.	Present
Marvin Joss, Administrator	Present
Donna Burham, Township Clerk	Present

**APPROVAL OF MINUTES:**

MOTION was made by Councilman Imbriaco to approve the executive meeting minutes of January 7, 2014. Seconded by Councilman Mullay. There being no further discussion the roll was called. Motion carried.

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

**CONSENT:**

Council President Marra introduced the matter and read the items on the consent agenda.

MOTION was offered by Councilman Mullay to approve the consent agenda. Seconded by Councilwoman Switlyk. There being no further discussion the roll was called. Motion carried.

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

Consent Item #1

Resolution #20-14 – Reduction of Performance Bond – Hidden Meadows

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**WHEREAS**, a request has been received from Dr. David Nenna, developer for the above project, for the release of a performance bond, and

**WHEREAS**, Township Engineer, Cathleen Marcelli certifies that the status of the project has been reviewed, and that the existing performance bond may be reduced by \$101,620.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Township of Clinton, County of Hunterdon, State of New Jersey, that the recommendation of Township Engineer, Cathleen Marcelli, be and hereby is accepted and approved and the above mentioned performance bond is reduced.

Consent Item #2

Resolution #21-14 – Grant application approval – Drive Sober or Get Pulled Over

**WHEREAS**, grant funds are available for the year 2013, for the “Drive Sober or Get Pulled Over” program, which was held between December 7, 2013 and January 2, 2014; and

**WHEREAS**, the Officer Harry Bugal has prepared the required documents to apply for these funds.

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

1. Officer Bugal is hereby granted authorization to apply for these funds on behalf of the Clinton Township Police Department.

Consent #3

Resolution #22-14 – Tax refund

**WHEREAS**, on properties located within the Township of Clinton, an overpayment of real estate taxes has been made due to reduced assessment; and

**WHEREAS**, applications have been made to the Tax Collector for refunds of said overpayments, totaling \$2104.01; and

**WHEREAS**, the attached listing is a detail of the requested refunds.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Township of Clinton that the Tax Collector is hereby authorized to refund such taxes to the parties in the amounts specified on the listing below.

VENDOR	BLOCK	LOT	LOCATION	Quarter	AMOUNT
Melick Cokesbury, LLC	34	1	405 Cokesbury Rd	2014/1	2104.01

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PO Box 73					
Oldwick, NJ 08858					
<b>TOTAL REFUND</b>					<b>\$2104.01</b>

**PUBLIC COMMENTS:**

There were no public comments.

**OLD BUSINESS:**

The Township Clerk read into the record the following changes in appointments:

1. John Higgins has resigned from the Clinton Township Sewerage Authority; this also means he will not be the Class II member on the Planning Board.
2. Richard Scheik has resigned from the Environmental commission; this means he cannot serve as the Environmental Commission member on the Planning Board.

Pursuant to his authority, the Mayor has made the following appointments:

1. John Higgins is appointed to the Environmental Commission to fill the unexpired term of Richard Scheik. Mr. Higgins will also serve as the Environmental commissions member on the Planning Board, a Class IV position.
2. Richard Scheik is appointed to fill the unexpired term of Brian Mullay on the Historic Commission. Mr. Scheik will also serve as the Class II member of the Planning Board.

The Mayor also recommended John Lazarus for appointment to the Sewerage Authority.

MOTION was made by Councilman Imbriaco to appoint John Lazarus to the Sewerage Authority. Seconded by Councilman Mullay. There being no further discussion the roll was called. Motion carried.

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

**NEW BUSINESS:**

1. Appointment of COAH Planner

Council President Marra introduced the matter. Councilman Imbriaco reported the subcommittee met with two candidates for this position and recommends the Council appoint the Burgis firm as COAH Planner. A formal resolution will be adopted at the next meeting for technical reasons.

MOTION was made by Councilman Imbriaco to adopt a resolution at the next meeting to hire Burgis as the COAH Planner. Seconded by Councilman Switlyk.

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

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

**REPORTS:**

Councilwoman Switlyk:

Councilwoman Switlyk indicated the Board of Health is meeting this evening and they will advise her of the outcome of their reorganization meeting.

Councilwoman Switlyk also reported she has been in contact with the Clinton Township Board of Education. She also stated the first budget meeting has been held between the Administrator and the Finance Committee.

Councilwoman Switlyk stated she and Councilman Mullay attended the orientation program for new public officials held by the League of Municipalities.

Councilman Mullay:

Councilman Mullay indicated the Planning Board will meet on Tuesday, January 28, and the Historic Commission met this evening.

Councilman Imbriaco:

No report.

Council President Marra:

No report.

Administrator:

Mr. Joss reported there were no complaints during the recent storm. He further indicated he has met with OIC Higgins on several occasions and there are no issues in the Police Department.

Mr. Joss also indicated a pilot program wherein the Recreation supervisor, Tom Silvia is acting as an interface with DPW is working well.

**ACTION:**

**ORDINANCE INTRODUCTION:**

Ordinance #1053-14 - An Ordinance Amending Chapter 165-155 of the Code of the Township of Clinton, to Reduce the Number of Planning Board Members from 9 to 7, and setting the public hearing for February 26, 2014.

Councilman Marra introduced the matter.

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MOTION was made by Councilman Imbriaco to introduce the ordinance on first reading and schedule the public hearing for February 26, 2014. Seconded by Councilman Mullyay. There being no further discussion the roll was called. Motion carried.

Roll Call:	Councilwoman Switlyk	Yes
	Councilman Mullyay	Yes
	Councilman Imbriaco	Yes
	Council President Marra	Yes

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

**Section 1. §165-15 of Code Amended.** §165-15 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 [brackets]):

§165-15. Establishment; composition; terms; voting eligibility.

A. Membership.

(1) Regular members. Pursuant to P.L. 1975, c. 291 (N.J.S.A. 40:55D-1 et seq.), there is hereby established a Planning Board of [nine] seven members. The Planning Board heretofore established shall continue. The Planning Board shall consist of four classes of members as follows:

(a) Class I: the Mayor or the Mayor's designee in the absence of the Mayor.

(b) Class II: one of the officials of the Township, other than a member of the governing body, to be appointed by the Mayor [provided that the member of the Environmental Commission who is also a member of the Planning Board, as required by Section 1 of Chapter 245 of the Laws of 1968 (N.J.S.A. 40:56A-1), shall be deemed to be the Class II Planning Board member for purposes of this chapter in the event that there are, among the Class IV or alternate members of the Planning Board both a member of the Zoning Board of Adjustment and a member of the Board of Education].

(c) Class III: a member of the governing body to be appointed by it.

(d) Class IV: [six] four citizens of the municipality to be appointed by the Mayor. The members of Class IV shall hold no other municipal office [,except that one such member may be a member of the Zoning Board of Adjustment and one member may be a member of the Board of Education. The member of an Environmental Commission who is also a member of the Planning Board, as required by Section 1 of Chapter 245 of the Laws of 1968 (N.J.S.A. 40:56A-1), shall be a Class IV Planning Board member, unless there are among the Class IV or alternate members of the Planning Board both a member of the Zoning Board of Adjustment and a member of the Board of Education, in which case the member common to the Planning Board and the Environmental Commission shall be deemed a Class II member of the Planning Board].

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(2) Alternate Members.

- (a) The Mayor may appoint not more than two alternate members of the Planning Board. Such alternate members shall meet the qualifications of Class IV members. Alternate members shall be designated at the time of appointment by the Mayor as "Alternate No. 1" and "Alternate No. 2." The terms of the alternate members shall be for two years, except that the term of not more than one alternate member shall expire in any one year; provided, however, that in no instance shall the terms of the alternate members first appointed exceed two years. A vacancy occurring otherwise than by expiration of term shall be filled by the Mayor for the unexpired term only.
  - (b) Alternate members may participate in discussions of the proceedings but may not vote except in the absence or disqualification of a regular member of any class. A vote shall not be delayed in order that a regular member may vote instead of an alternate member. In the event that a choice must be made as to which alternate member is to vote, Alternate No. 1 shall vote.
  - (c) No alternate member shall be permitted to act on any matter in which he has, either directly or indirectly, any personal or financial interest. An alternate member may, after public hearing if he requests one, be removed by the governing body for cause.
- B. The terms of the member composing Class I shall correspond to his official tenure. The terms of the members composing Class II and Class III shall be for one year or terminate at the completion of their respective terms of office, whichever occurs first [, except for a Class II member who is also a member of the Environmental Commission. The term of a Class II or Class IV member who is also a member of the Environmental Commission shall be for three years or terminate at the completion of his term of office as a member of the Environmental Commission, whichever occurs first. The term of a Class IV member who is also a member of the Board of Adjustment or Board of Education shall terminate whenever he is no longer a member of such other body or at the completion of his Class IV term, whichever occurs first]. The terms of all Class IV members first appointed under this chapter shall be so determined that, to the greatest practical extent, the expiration of such terms shall be distributed evenly over the first four years after their appointments, provided that the initial Class IV term of each such member shall not exceed four years. Thereafter, the Class IV term of each such member shall be four years. If a vacancy in any class shall occur otherwise than by expiration of the Planning Board term, it shall be filled by appointment as above provided for the unexpired term. No member of the Planning Board shall be permitted to act on any matter in which he has, either directly or indirectly, any personal or financial interest. Any member other than a Class I member, after a public hearing if he requests one, may be removed by the governing body for cause.
- C. A member of the Planning Board who was absent for one or more of the meetings at which a hearing was held shall be eligible to vote on the matter upon which the hearing was conducted, notwithstanding his absence from one or more of the meetings; provided, however, that such Board member has available to him the transcript or recording of all

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of the hearing from which he was absent and certifies in writing to the Board that he has read such transcript or listened to such recording.

**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 passage, publication and in accordance *N.J.S.A. 40:69A-181*.

**RESOLUTIONS:**

Action Item #1

Resolution #23-14 – Appointing Insurance Fund Commissioners

Council President Marra introduced the matter.

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

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

**WHEREAS**, as a condition of membership in the Somerset County Joint Insurance Fund, it is necessary to designate a Township Official to serve as a Commissioner and Alternate Commissioner, to represent the Township of Clinton.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Township of Clinton, in the County of Hunterdon, State of New Jersey, that for the year 2014, Kim Kientz be designated as the Commissioner for the Township of Clinton with Marvin Joss designated as Alternate Commissioner.

Action Item #2

Resolution #24-14 – Authorizing the Tax Assessor to File Corrective Appeals

Council President Marra introduced the matter.

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

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

**WHEREAS**, Mr. Jeff Ward serves as Tax Assessor for the Township of Clinton; and

**WHEREAS**, Mr. Ward is authorized to process corrective appeals, sign stipulations to assessment appeals and process farmland rollback petitions on behalf of the Township of Clinton.

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

1. Mr. Ward is authorized to perform the tasks outlined above.
2. A copy of this resolution shall be sent to the Hunterdon County Board of Taxation.

Action Item #3

Resolution #25-14 – Transfer of Funds

Council President Marra introduced the matter.

MOTION was made by Councilman Imbriaco 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
	Councilman Imbriaco	Yes
	Council President Marra	Yes

**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

<b>To:</b>	<b>Amount</b>
Road Repair & Maint O & E	1,900

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Police O & E	2,700
Division of Fire O & E	400
 Total	 5,000

<b>From:</b>	<b>Amount</b>
Legal OE	2,500
Construction OE	2,500
 Total	 5,000

**VOUCHERS:**

Council President Marra introduced the matter.

MOTION was offered by Councilman Imbriaco to approve the check control registers dated January 22, 2014 totaling \$1,328,170.04. Seconded by Councilwoman Switlyk. There being no further discussion the roll was called. Motion carried.

Roll Call:

Councilwoman Switlyk	Yes
Councilman Mullay	Yes
Councilman Imbriaco	Yes
Council President Marra	Yes

**PUBLIC COMMENT:**

None.

**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  
Adopted: February 12, 2014

\_\_\_\_\_  
Peter Marra, Council President