

TOWNSHIP OF CLINTON
REGULAR COUNCIL MEETING
March 12, 2014

TABLE OF CONTENTS

CALL TO ORDER: Flag Salute: Open Public Meetings Act Statement.....	2
ROLL CALL:	2
APPROVAL OF MINUTES:	2
CONSENT:	2
PUBLIC COMMENTS:	2
NEW BUSINESS:	2
OLD BUSINESS:	2
REPORTS:	2
➤ Directors/Liaisons	
ORDINANCE ADOPTION:	3
RESOLUTIONS:	5
VOUCHERS:	8
PUBLIC COMMENT:	8
EXECUTIVE SESSION:	8
RETURN FROM EXECUTIVE SESSION:	9
ADJOURN:	10

TOWNSHIP OF CLINTON
REGULAR COUNCIL MEETING
March 12, 2014

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.

The Mayor deputized Carla Conner to serve as Township Clerk for this meeting.

ROLL CALL:

Councilwoman Switlyk	Present
Councilman Mullay	Present
Councilman Imbriaco	arrived 8:15
Council President Marra	Present
Mayor Cimei	Present
Kristina P. Hadinger, Esq.	Present
Marvin Joss, Administrator	Present
Carla Conner for Township Clerk	Present

CONSENT:

Mayor Cimei introduced the matter and read the items on the consent agenda.

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

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

Consent Item #1

Resolution #34-14 – 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
\$1,738.00		Red Schoolhouse Rd/Lilac Dr.	Williams-Transco	Perf.Guarantee

TOWNSHIP OF CLINTON
REGULAR COUNCIL MEETING
March 12, 2014

Consent # 2

Resolution #35-14 – 100% disabled veteran refund

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, Richard P. Howard, a veteran determined to have suffered a 100% service related disability; and

WHEREAS, the determination of the said disability, is retroactive to February 28, 2013; and

WHEREAS, real estate taxes on this property known as Block 3 Lot 4.03 had been billed and paid for 2013, 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, Richard P. Howard is entitled to a refund of 2013 real estate taxes from February 28, 2013 through December 31, 2013, in the amount of \$11,042.59;

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
Howard, Richard P & Virginia K	3	4.03	4 Burlinghoff Lane	13/1-4	\$ 11,042.59
4 Burlinghoff Lane					
Lebanon, NJ 08833					
TOTAL REFUND					\$ 11,042.59

Consent #3

Resolution #36-14 – 100% disabled veteran refund

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, Charles Della Peruta, a veteran determined to have suffered a 100% service related disability; and

WHEREAS, the determination of the said disability, is now retroactive to November 16, 2010; and

TOWNSHIP OF CLINTON
REGULAR COUNCIL MEETING
March 12, 2014

WHEREAS, real estate taxes on this property known as Block 46 Lot 27.01 had been billed and paid for 2010 and 2011, and the prior disability date granted by the Department of Veteran Affairs had been February 2, 2011 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, Charles Della Peruta is entitled to a refund of 2010 real estate taxes from November 16th, 2010 through December 31, 2010, in the amount of \$1,861.64 and a refund of 2011 taxes from January 1, 2011 through February 2, 2011, in the amount of \$1,198.81;

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 below listing.

VENDOR	BLOCK	LOT	LOCATION	YR/QTR	AMOUNT
DELLA PERUTA, CHARLES S & JOYCE M	46	27.01	15 POSSUM HOLLOW RUN	10/4	\$ 1,861.64
15 POSSUM HOLLOW RUN					
ANNANDALE, NJ 08801				11/1	\$ 1,198.81
TOTAL REFUND					\$ 3,060.45

PUBLIC COMMENTS:

There were no public comments.

OLD BUSINESS:

1. Community Garden well

Mayor Cimei introduced the matter.

Mr. Joss reminded Council about Mr. Vos's request to test the well. It failed the first time, it was treated and then passed. Mr. Vos had asked, after the successful well test, if the Garden Committee could look at a permanent electrical source in order to use a pump for the well at the garden. The cost would be about \$2500.

Mr. Joss indicated this would be accomplished with garden committee trust funds; and this would need Council approval, since it is a permanent addition to Township owned land. The Mayor indicated his concern that children would be able to drink from this well. Mayor Cimei asked who owned the improvements. Ms. Hadinger indicated the Township would own them. The Mayor also asked for a sign stating the water is not for drinking.

Ms. Hadinger reminded Council may want to pay attention to the DEP requirements. The Mayor indicated any testing expenses or signage cost must come from the garden trust as well. Mr. Joss indicated there would be a separate electric meter and the fees would come from the trust as well.

TOWNSHIP OF CLINTON
REGULAR COUNCIL MEETING
March 12, 2014

Mr. Joss explained this would be a portable pump. A representative from the garden committee, Nancy Slota, explained the pump is portable but is left at the site. Mr. Joss asked if signage would be possible and Nancy indicated that would be fine.

NEW BUSINESS:

No new business.

REPORTS:

Councilwoman Switlyk:

Councilwoman Switlyk indicated the Board of Health is scheduled to meet on March 18, however, with no agenda items, the meeting may be cancelled. Ms. Switlyk also reported she attended the Monday, March 10, 2014, Clinton Township School Board meeting, where a preliminary budget presentation was given, available on the Board's website.

Councilwoman Switlyk stated a discussion was held regarding closing Pat McGaheran school as enrollment is dropping. A five year plan would be required and she noted there are stringent regulations regarding mothballing and potentially reopening a school.

Ms. Switlyk indicated Pat McGaheran school needs repairs to the wastewater treatment plant, and the School Choice Program will have 99 students across all grades. The Affordable Care Act was also discussed, with concern expressed about employees working more than 30 hours per week.

Councilwoman discussed the school board budget increase, which will be \$80,171, or approximately \$15 per household. She also reported she attended Webinar sponsored by the League of Municipalities on March 10, regarding social media and website security.

Mayor Cimei stated the Board would like to give a presentation on their budget at a Council meeting in April.

Councilman Mullay:

Councilman Mullay stated the Planning Board held a short meeting, approving a resolution regarding Bourbon Street. He also indicated the Historic Preservation commission met and the Annandale district expansion application has been submitted. A walking tour of Cokesbury will be held on April 19, at 9:30 a.m.

Council President Marra:

Council President Marra reminded everyone that April 26, 2014 is the Annual Community Day.

Administrator:

Mr. Joss indicated the Township now has a lot of salt, but not a lot of cold patch, pothole work has been done but there is more to do. He further stated our mechanic is on disability and will be out for some time. Mr. Joss indicated he has arranged for the vehicles to be serviced locally. Mr. Joss

TOWNSHIP OF CLINTON
REGULAR COUNCIL MEETING
March 12, 2014

thanked the Police for helping with this issue, stating they have been taking vehicles for quick servicing in between police calls.

Councilman Mullay led a short discussion on road repair and construction. Mr. Joss indicated Ms. Marcelli could take a new look at the road plan, Councilwoman Switlyk expressed concern with the cost of this work.

The Mayor asked Marvin to obtain a quote from Ms. Marcelli for an update on the road plan.

ACTION:

ORDINANCE ADOPTION:

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

Mayor Cimei introduced the matter and opened the public hearing. The Mayor explained the ordinance. He further clarified this action does not increase the open space tax, it only allows part of the current open space levy for maintenance of open space the Township already owns.

There being no public comment, the Mayor closed the public hearing.

MOTION was made by Councilman Mullay to adopt the ordinance on final reading. 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
	Mayor Cimei	Yes

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

TOWNSHIP OF CLINTON
REGULAR COUNCIL MEETING
March 12, 2014

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 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.

TOWNSHIP OF CLINTON
REGULAR COUNCIL MEETING
March 12, 2014

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 #37-14 – Temporary Budget

Mayor Cimei introduced the matter, and explained the resolution.

MOTION was made by Council President Marra 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
	Mayor Cimei	Yes

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 \$5,965,835 is hereby adopted, as follows:

<u>Account</u>	<u>Amount</u>
Mayor & Council S & W	5,958
Mayor & Council O & E	20,834
Municipal Clerk S & W	79,493
Municipal Clerk O & E	13,959

TOWNSHIP OF CLINTON
 REGULAR COUNCIL MEETING
 March 12, 2014

Election Expense	3,334
Financial Admin S & W	58,085
Financial Admin O & E	6,000
Audit Services	27,125
Data Processing O & E	26,200
Collection of Taxes S & W	43,453
Collection of Taxes O & E	6,000
Assessment of Taxes S & W	38,199
Assessment of Taxes O & E	9,583
Legal Services O & E	63,334
Engineering O & E	31,250
Open Space Committee O & E	417
Environmental Committee O & E	417
Historic Commission O & E	417
Planning Board S & W	22,657
Planning Board O & E	7,500
Zoning S & W	6,375
Zoning O & E	417
Board of Adjustment O & E	3,000
Uniform Construction Code S & W	78,274
Uniform Construction Code O & E	18,750
Other Insurance(Jif)	299,900
Group Insurance Plan	356,715
Unemployment Comp	1,250
Police S & W	1,102,000
Police O & E	55,000
Emergency Management O & E	834
Division of Fire O & E	34,167
Hydrant Rental	27,996
Prosecutor's Office	17,500
Road Repair & Maint S & W	307,141
Road Repair & Maint O & E	106,000
Bldg & Grounds O & E	51,850
Fleet Maint O & E	41,200
Health Dept S & W	4,696
Health Dept O & E	2,917
Recreation Dept S & W	49,170
Recreation Dept O & E	8,708
Util Exp & Bulk-Electricity	29,167
Util Exp & Bulk-Street Lighting	7,917
Util Exp & Bulk-Telephone	31,834
Util Exp & Bulk-Water	1,042

TOWNSHIP OF CLINTON
 REGULAR COUNCIL MEETING
 March 12, 2014

Util Exp & Bulk-Natural Gas	9,792
Util Exp & Bulk-Sewer	2,160
Util Exp & Bulk-Gasoline	91,900
Stat Exp- Social Security	155,313
Stat Exp- PFRS	476,862
Stat Exp- PERS	231,556
Municipal Court S & W	93,733
Municipal Court O & E	8,334
Public Defender S & W	5,150
Debt Service	1,783,000
 Total	 5,965,835

VOUCHERS:

Mayor Cimei introduced the matter.

MOTION was offered by Council President Marra to approve the check control registers dated March 12, 2014 totaling \$2,365,570.09. 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
Mayor Cimei	Yes

PUBLIC COMMENT:

EXECUTIVE SESSION:

Resolution #38-14

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

Roll Call:

Councilwoman Switlyk	Yes
Councilman Mullay	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,

TOWNSHIP OF CLINTON
REGULAR COUNCIL MEETING
March 12, 2014

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 March 12, 2014
2. The general nature of the subject matter to be discussed is:
 - Matters relative to the Clinton Township Sewerage Authority
 - 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.

Ms. Hadinger noted for the record that Councilman Imbriaco ws still delayed in traffic and would like to be added to the executive session via telephone.

RETURN FROM EXECUTIVE SESSION:

MOTION was made by Council President Marra to return from executive session. Seconded by Councilwoman Switlyk. 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 8:54 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

A. Kevin Cimei, Mayor

Adopted: April 9, 2014