

TOWNSHIP OF CLINTON
REGULAR COUNCIL MEETING
February 26, 2014

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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:

Councilwoman Switlyk	Present
Councilman Mullay	Present
Councilman Imbriaco	Present
Council President Marra	Present
Mayor Cimei	Present
Kristina P. Hadinger, Esq.	Present
Marvin Joss, Administrator	Present
Donna Burham, Township Clerk	Present

APPROVAL OF MINUTES:

Mayor Cimei introduced the matter.

MOTION was made by Councilman Mullay to approve the Reorganization Minutes of January 7, 2014. Seconded by Council President Marra. 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
	Mayor Cimei	Yes

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 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

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Nick Corcodilos, Old Mountain Road, asked Mayor and Council questions regarding the Township's COAH Plan, Wastewater Management Plan and COAH sites.

Mr. Corcodilos indicated his concerns that no COAH housing has been built in the Township thus far. He discussed COAH's recent motion asking the courts for an extension of time to promulgate new affordable housing rules.

An extensive discussion ensued between Mr. Corcodilos and the Council regarding the Township's plan to build affordable housing.

OLD BUSINESS:

Appointments: Open Space Advisory Committee

Mayor Cimei reappointed Cathy Sipe and John Sladicka to two-years terms.

MOTION was made by Councilman Mullay to approve the above appointments. 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
	Mayor Cimei	Yes

NEW BUSINESS:

No new business.

REPORTS:

Councilwoman Switlyk:

Councilwoman Switlyk reported the February Board of Health meeting was cancelled due to a lack of agenda items.

Councilwoman Switlyk further indicated she attended the Clinton Township Board of Education on February 24, 2014; a group of students gave a presentation, and the Middle School completed a cancer fundraiser on February 21, 2014. Additionally, Dr. Clark and Mrs. Spitzer gave the first of several budget presentations, this presentation is available on the Board's website.

Councilman Mullay:

Councilman Mullay indicated he also attended the budget meeting with Mr. Joss.

Councilman Imbriaco:

Councilman Imbriaco indicated the Environmental Commission is working on a grant application for funds to make the parking area at Windy Acres more accessible to the public.

Council President Marra:

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Council President Marra reported that Recreation is preparing for the Annual Community Day, April 26, 2014.

Administrator:

Mr. Joss stated the Zoning Officer, Glenn Carter has resigned and he will be seeking a replacement.

Mr. Joss also indicated Public Works was able to keep up with the recent snow storms and the Township has received a new salt delivery. Mayor Cimei commended Public Works for a good job during the storms.

A short discussion of the winter's impact on the budget was held.

Mr. Joss gave a short synopsis of the budget, indicating it will be slightly smaller than last year, and this is less in real spending.

Fire:

Fire Chief, Dave Lunger, provided the annual report for 2013.

ACTION:

ORDINANCE ADOPTION:

Ordinance #1053-14 An Ordinance amending §165-15 Of The Code of the Township of Clinton to Reduce the Number of Planning Board Members from 9 to 7

Mayor Cimei introduced the matter and opened the public hearing.

The Township Clerk read into the record a report from the Planning Board, stating the ordinance was not inconsistent with the Master Plan. The Planning Board requested the language in the ordinance be changed to be gender neutral. Ms. Hadinger indicated this would not be a substantive change and an amendment to the ordinance could be adopted before the final adoption.

Ms. Hadinger asked the Mayor to open the public hearing on the above mentioned amendment to the ordinance.

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

MOTION was made by Council President Marra to amend the ordinance. 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
	Mayor Cimei	Yes

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Mayor Cimei opened the public hearing on the amended ordinance. 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
	Councilman Imbriaco	Yes
	Council President Marra	Yes
	Mayor Cimei	Yes

**AN ORDINANCE AMENDING §165-15 OF THE CODE OF THE TOWNSHIP OF
CLINTON TO REDUCE THE NUMBER OF
PLANNING BOARD MEMBERS FROM 9 TO 7**

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

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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].

(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

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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 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 #31-14 – Municipal Alliance Grant

Mayor Cimei introduced the matter.

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

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

Please note this resolution is only available in PDF form and is therefore attached to the back of these minutes.

Action Item #2

Resolution #32-14 – Transfer of 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.

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	Councilman Mullay	Yes
	Councilman Imbriaco	Yes
	Council President Marra	Yes
	Mayor Cimei	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

To:	Amount
Health Department O & E	1,200
Total	1,200
From:	Amount
Engineering O & E	1,200
Total	1,200

VOUCHERS:

Mayor Cimei introduced the matter.

MOTION was offered by Council President Marra to approve the check control registers dated February 26, 2014 totaling \$2,484,640.99. 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
	Mayor Cimei	Yes

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PUBLIC COMMENT:

Walter Wilson asked if there is any plan in the Township to utilize solar power. Mayor Cimei and Mr. Joss explained the steps the Township took to attempt to use solar power and why it did not work out.

EXECUTIVE SESSION:

Resolution #33-14

Mayor Cimei introduced the matter. MOTION was made by Councilwoman Switlyk to go into executive session. 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
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 February 26, 2014
2. The general nature of the subject matter to be discussed is:
 - Matters relative to Police Department negotiations
 - 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:

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MOTION was offered by Councilwoman Switlyk to adjourn at 10:20 p.m. Seconded by Councilman Mullaney. There being no further discussion a voice vote was called. All ayes. Motion carried.

ATTEST:

Donna J. Burham, Township Clerk
Adopted: March 26, 2014

A. Kevin Cimei, Mayor