TOWNSHIP OF CLINTON
REGULAR COUNCIL MEETING
April 16, 2014

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TOWNSHIP OF CLINTON
REGULAR COUNCIL MEETING
April 16, 2014

CALL TO ORDER:

Council President Marra called the meeting to order at 7:00 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	Absent
Council President Marra	Present
Mayor Cimei	Present (arr. 7:20)
Kristina P. Hadinger, Esq.	Present
Marvin Joss, Administrator	Present

EXECUTIVE SESSION:
Resolution #43-14

Council President Marra introduced the matter. MOTION was made by Councilman Mullay to go into executive session. 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, 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 April 16, 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 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.

APPROVAL OF MINUTES:

Executive Session	March 12, 2014
Regular Session	March 12, 2014

Mayor Cimei introduced the matter.

MOTIN was made by Councilman Mullay to approve the above referenced minutes. 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

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 #44-14 – 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
$15.76	16/18	70 Old Mountain Rd	Margaret Andrin	Escrow

Consent # 2

Resolution #45-14 –Tax premium refund – Block 79, Lot 2

WHEREAS, liens on properties located in the Township of Clinton have been redeemed; and

WHEREAS, Tax Collector, Patricia Centofanti requests Mayor and Council approve the premium refunds required.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Township of Clinton as follows:

1. Checks shall be issued for the properties listed below, such checks representing premium refunds on tax liens.

Block	Lot	Certificate	Vendor	Premium
79.01	2.2702	2013-009	US BANK CUST FOR PRO CAP III LLC	800.00
			50 S 16TH ST, SUITE 1950	
			PHILADELPHIA, PA 19102	
			TOTAL	800.00

Consent Item #3

Resolution #46-14 – Tax Premium Refund – Block 80, Lot 7 and 82.04, Lot 8\

WHEREAS, liens on properties located in the Township of Clinton have been redeemed; and

WHEREAS, Tax Collector, Patricia Centofanti requests Mayor and Council approve the premium refunds required.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Township of Clinton as follows:

1. Checks shall be issued for the properties listed below, such checks representing premium refunds on tax liens.

Block	Lot	Certificate	Vendor	Premium
80	7	10-23	DATA VENTURES I LLC	5000.00
			3 GROVE FARM ROAD	
			PITTSTOWN, NJ 08867	

82.04	8	2012-089	TAD J DABROWSKI	300.00
			329 DURHAM AVE	
			S. PLAINFIELD, NJ 07080	
			TOTAL	5300.00

PUBLIC COMMENTS:

No public comments.

OLD BUSINESS:
1. No old business

NEW BUSINESS:
1. Potential affordable housing property acquisition

Mayor Cimei introduced the matter and explained two key initiatives the Council is attending to; namely, the affordable housing plan and obligation and the Highlands. The Mayor described a potential property acquisition for affordable housing purposes; that is, property at the corner of Valley Crest Road and Route 31.

Ms. Hadinger discussed the property, indicating it is Block 29, lot 4, a 40 acre parcel at the corner of Route 31 and Valley Crest Road. The Township would use about 28 acres, subdividing the property, and this would accommodate a range of units and designs. Ms. Hadinger explained the property has proximity to utilities and services and road access. The proposed purchase price is approximately $1,054,000 and the option costs up to $81,000. The expectation would be to acquire an option to purchase it, and then the Township would pursue the due diligence investigation into utilities, etc. She indicated there are several steps to take before buying the property.

The Mayor indicated the Council would need tointroduce an ordinance to fund the purchase. Ms. Hadinger requested direction to begin that process and to prepare a contract. The Mayor asked to have an ordinance ready for introduction at the April 23 Council meeting. Consensus of Council was to authorize Ms. Hadinger and Mr. Joss to arrange for preparation of a bond ordinance for the next meeting.

REPORTS:

Councilwoman Switlyk:
Councilwoman Switlyk stated the Clinton Township Board of Education will have a public hearing on April 28, on their budget. The Township Finance Committee will meeting on April 23 with department heads.

Councilwoman Switlyk also indicated she attended the Board of Health meeting, and there was some discussion regarding a property on Concord Drive. Mr. Joss indicated the County Board of Health is involved.

Mayor Cimei discussed the house in question, and indicated the house is not in foreclosure, they are current in their taxes, and legally the Township does not have authority to force the owner to maintain the property. Mr. Joss stated the Construction Official has determined that the home is not an unsafe structure.

Mr. Joss indicated the County Board of Health does not get involved in the interior of homes. Mayor Cimei stated the Township is looking at any ordinance violations, but there is not a lot the Township can do.

Councilman Mullay:
Councilman Mullay stated the Planning Board meeting has been cancelled, but at the last meeting the Board heard an application for the former Shop Rite property. They are only looking for a Waiver of site plan at this point. Councilman Mullay also said the Historic Preservation Commission met and they are looking at promoting the Hamden historic district.

Council President Marra:
Council President Marra reminded everyone the annual Community Day will be held on April 26, 2014.

Mayor Cimei:
Mayor Cimei announced the new website is nearly ready to go live. Mr. Joss said on-line bill paying will be available soon.

Administrator:
Mr. Joss indicated the hard winter delayed some projects; such as the driveway from the Police Department to Valley Crest Road. The project will now begin Monday, April 21, 2014. Council talked about new five year road plan, and Mr. Joss explained the Township has paved about 12-14 roads during the last two five year plans.

Discussion was held regarding potholes, and Mr. Joss indicated a bond ordinance will have to be adopted in order to continue with road repaving and reconstruction.

A short explanation of the five year road plan was given.

ACTION:

Ordinance #1055-14 Cap Index Ordinance, and setting the public hearing for May 14, 2014

Mayor Cimei introduced the matter and Mr. Joss explained the ordinance. There being no further discussion, the ordinance was introduced. MOTION was made by Council President Marra and seconded by Councilwoman Switlyk. The roll was called. Motion carried.

TOWNSHIP OF CLINTON
REGULAR COUNCIL MEETING
April 16, 2014

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

ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK

WHEREAS, the Local Government Cap Law, N.J.S.A. 40A:4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 0.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and

WHEREAS, N.J.S.A. 40A:4-45.15a provides that municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and

WHEREAS, the Mayor and Council of the Township of Clinton, in the County of Hunterdon, finds it advisable and necessary to increase its CY 2014 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and

WHEREAS, the Mayor and Council of the Township of Clinton hereby determines that a 3.0% increase in the budget for said year, amounting to $242,134.88 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and

WHEREAS, the Mayor and Council of the Township of Clinton, hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Council of the Township of Clinton in the County of Hunterdon, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2014 budget year, the final appropriations of the Township of Clinton shall, in accordance with this ordinance and N.J.S.A. 40A:4-45.14, be increased by 3.5%, amounting to $282,490.69 and that the CY 2014 Municipal budget for the Township of Clinton be approved and adopted in accordance with this ordinance; and

BE IT FURTHER ORDAINED, that any amount authorized hereinabove that is not appropriated as part of the final budget be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

RESOLUTIONS:

Action Item #1
Resolution #47-14 – Budget Self-examination

Mayor Cimei introduced the matter, and Mr. Joss explained the resolution.

MOTION was made by Councilman Mullay to adopt the resolution. 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, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination, and

WHEREAS, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997, and

WHEREAS, pursuant to N.J.A.C. 5:30-7.2 thru 7.5 the Township of Clinton has been declared eligible to participate in the program by the Division of Local Government Services, and the Chief Financial Officer has determined that the Township meets the necessary conditions to participate in the program for the 2014 budget year, so now therefore

BE IT RESOLVED, by the Mayor and Council of the Township of Clinton that in accordance with N.J.A.C. 5:30-7.6a & b and based upon the certifications of the Chief Financial Officer as set forth below. The governing body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:

    a. Payment of interest and debt redemption charges
    b. Deferred charges and statutory expenditures
    c. Cash deficit of preceding year
    d. Reserve for uncollected taxes

e. Other reserves and non-disbursement items
f. Any inclusions of amounts required for school purposes

2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at 40A:4-45.3 et seq. are fully met. (Complies with the "CAP" law.)

3. That the budget is in such form arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.

4. That pursuant to the Local Budget Law:

   a. All estimates of revenue are reasonable, accurate, and correctly stated
   b. Items of appropriation are properly set forth
   c. In itemization, form, arrangement, and content the budget will permit the exercise of the comptroller function within the municipality.

5. The budget and associated amendments have been introduced, publicly advertised, and adopted in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.

6. That all other applicable statutory requirements have been fulfilled.

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Director of the Division of Local Government Services.

VOUCHERS:

Mayor Cimei introduced the matter.

MOTION was offered by Councilwoman Switlyk to approve the check control registers dated April 16, 2014 totaling $303,466.82. 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
Mayor Cimei	Yes

PUBLIC COMMENT:

Steve Balzano, Old Mountain Road, asked the status of other affordable housing projects in light of the Council's proposal to buy another property. Mr. Balzano wanted a plan showing the location of affordable housing and he wondered what the finances are for providing affordable housing. He asked for clarification of the project before the introduction of any ordinance to purchase.

Arnie Olsen asked for the explanation of affordable housing. Ms. Hadinger provided an overview.

Nick Corcodilos, Old Mountain Road, expressed concern that information was not provided. There has been no discussion about how the site fits into our affordable housing plan.

Ms. Hadinger said this is in a location with reasonable access to utilities, transportation and can be completed and implemented relatively expeditiously. There could be any range of units that could be put there. She also indicated the Township wants to be proactive in meeting of the Township's housing obligations.

MOTION TO ADJOURN:

MOTION was offered by Councilwoman Switlyk to adjourn at 8:10 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: May 14, 2014