

TOWNSHIP OF CLINTON
REGULAR COUNCIL MEETING
May 14, 2014

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CALL TO ORDER:

Mayor Cimei called the meeting to order at 7:00 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	Absent
Council President Marra	Present (arr. 7:45)
Mayor Cimei	Present
Kristina P. Hadinger, Esq.	Present
Marvin Joss, Administrator	Present
Donna J. Burham, Township Clerk	Present

EXECUTIVE SESSION:

Motion was made by Mayor Cimei 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
	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 May 14, 2014
2. The general nature of the subject matter to be discussed is:
 - Matters relative to Affordable Housing
 - DPW Contract Negotiations
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.

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- 4. This resolution shall take effect immediately.
- 5. Action may be taken in open session.

RETURN FROM EXECUTIVE SESSION:

Motion was made by Mayor Cimei to return to open session. 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

PROCLAMATION:

Mayor Cimei read a proclamation to be presented to the Hunterdon Learning Center the following evening, May 15, 2014, by Councilwoman Switlyk on the Council's behalf.

WHEREAS, The Hunterdon Learning Center opened its new, state-of-the-art school in Annandale, NJ on September 13, 2013; and

WHEREAS, for more than thirty-five years, the Hunterdon Learning Center has provided innovative academic and counseling programs to enable adolescent students to become productive and independent citizens; and

WHEREAS, the new facility will improve programs and services for the students.

NOW, THEREFORE BE IT RESOLVED, that the Mayor and Council of the Township of Clinton, County of Hunterdon, State of New Jersey, welcome the Hunterdon Learning Center to their new facility and express the Township's best wishes for their continued success.

In witness thereof, I have hereunto set my hand and caused the Seal of the Township of Clinton to be affixed.

APPROVAL OF MINUTES:

Executive Session	March 26, 2014
Regular Session	March 26, 2014
Regular Session	April 16, 2014
Regular Session	April 23, 2014

Mayor Cimei tabled the executive minutes of March 26, 2014.

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MOTION was made by Council President Marra to approve the regular minutes of March 26, 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
	Mayor Cimei	Abstain

MOTION was made by Councilman Mullay to approve the regular minutes of April 16, 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
	Mayor Cimei	Yes

MOTION was made by Council President Marra to approve the regular minutes of April 23, 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
	Mayor Cimei	Yes

CONSENT:

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

MOTION was made by Council President Marra to approve the consent agenda. 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

Consent Item #1

Resolution #51-14 Disabled Veteran Tax refund – Block 12, Lot 18.03

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

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WHEREAS, Thomas J. Mallon, a veteran determined to have suffered a 100% service related disability; and

WHEREAS, the determination of the said disability, is retroactive to April 13, 2013; and

WHEREAS, real estate taxes on this property known as Block 12 Lot 18.03 had been billed and paid for 2013 and first quarter 2014, 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, Thomas J. Mallon is entitled to a refund of 2013 real estate taxes from April 13, 2013 through December 31, 2013, in the amount of \$7973.91 and first quarter 2014 in the amount of \$2777.05;

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
Mallon, Thomas J & Antoinette	12	18.03	5 Colonial Court	13/2-4	\$ 7973.91
5 Colonial Court				14/1	\$ 2777.05
Lebanon, NJ 08833					
TOTAL REFUND					\$ 10,750.96

Consent Item #2

Resolution #52-14 – Fireworks approval for Immaculate Conception Church Festival

WHEREAS, the Immaculate Conception Church will hold a Festival in June of 2014; and

WHEREAS, the Church wishes to present a fireworks display; and the specific dates of such display are June 18, and June 21, with a potential rain date of June 22, 2014 ;and

WHEREAS, Fire Chief Dave Lunger of the Annandale Hose Company No. 1 has assured there will be coverage at the event as required by law.

BE IT RESOLVED, that approval is given by the Mayor and Council of the Township of Clinton for the display of fireworks during the Immaculate Conception Festival of 2014.

BE IT FURTHER RESOLVED, that approval is subject to all required permits and insurance.

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Consent Item #3

Resolution #53-14 – 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
\$2,000.00	16/18	70 Old Mountain Rd	Margaret Andrin	Perf.Guarantee
\$2,000.00	13/24.05	10 Chalfonte Drive	The Keslowe Co	Perf.Guarantee
\$56,450.70	49/25	Po Box 48	9 Main Street	Perf.Guarantee

Consent Item #4

Resolution #54-14 – Reduction in Performance Bond – Village Green of Annandale

WHEREAS, a request has been received from the developer for the above project, for the reduction 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 from \$980,551.80 to \$416,044.80.

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.

PUBLIC COMMENTS:

Walter Wilson, Attorney for Village Green, gave the Clerk the replacement bond for Village Green, following the approval of their bond reduction.

Bill Caldwell, Attorney for Bob LeCompte, asked when comments would be taken regarding the proposed bond ordinance.

Kira Lawrence, 9 West Street, expressed concerns about the safety of the Old Municipal Building and its deterioration, as well as the impact on property values in the Village of Annandale.

Dennis Healy, Annandale, asked what will happen to the building and when. Councilman Mullay stated he had some ideas regarding the building and they would be best discussed during the discussion of the ordinance to purchase property.

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Mr. Caldwell discussed the proposed bond ordinance and stated he felt there were some discrepancies. He expressed that the public should be advised of terms and conditions before the Council proceeds to vote to bond for money.

Mr. Caldwell questioned the language in the ordinance. Ms. Hadinger stated the ordinance has been fully vetted and prepared by Bond Counsel. Mayor Cimei stated the Council has full confidence in the ordinance as prepared.

Mr. Joss indicated the ordinance was fully vetted and he has every confidence it is correct.

Mayor Cimei stated he is concerned about all neighborhoods that have issues. He explained the Old Municipal Building cannot be torn down, as dictated by the State Historic Preservation Office.

The Mayor explained the efforts to have the building converted to senior or handicapped housing, and the Council was not able to find a developer willing to do it. The building has always been part of the Township's affordable housing plan.

Council President Marra stated there were two RFPs sent to developers and neither attempt was successful in getting a developer to take on the project. Council President Marra indicated the Township has spent money to try to demolish the building.

Councilman Mullay expressed his concerns that something must be done with the building and said neglect is no longer an acceptable solution.

Council President Marra also said one State agency told us we couldn't tear the building down, and another encouraged the Township to build housing on the site.

NEW BUSINESS:

No new business.

REPORTS:

Councilwoman Switlyk:

Councilwoman Switlyk reported the School Board will meet a week early due to the Holiday.

Councilman Mullay:

Councilman Mullay reported the Planning Board met May 5, 2014, and discussed a number of repair requests from the Clinton Township School Board. He also reported the Sewer Authority came with a plan to upgrade the pump station at the corner of Center and Grayrock Road. Country Griddle also came before the Board, to discuss the issue of the parking spaces. The Planning Board referred to the applicant to the Council.

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Councilman Mullay stated the Solid Waste Advisory Council met and discussed a hauler in Clinton Township who is not providing tonnage reports. It was the consensus that the County encourage them to do so.

Council President Marra:

No report.

Mayor Cimei:

Administrator:

Mr. Joss indicated the road from the Police Department to Valley Crest Road is complete, done with DPW work. He also stated the generator is scheduled to be installed at the Route 1225 municipal building.

Mr. Joss reported the new Animal Control company is working out well; it is paid for with the dog trust fund, with no budget impact.

ACTION:

INTRODUCTIONS:

Introduction of the 2014 Budget, and scheduling the public hearing for June 11, 2014

Mayor Cimei introduced the matter and Mr. Joss gave an explanation of this year's budget, stating this is the fourth consecutive year of a declining budget, and in fact, it is lower than the 2008 budget.

MOTION was made by Councilman Mullay to introduce the budget. 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

Ordinance #1056-14 Bond Ordinance Providing for the Acquisition of an initial option to acquire and subsequently (subject to certain preconditions) deed title to, an approximate 28- acre tract of land for use in connection with a future affordable housing project, in partial satisfaction of COAH requirements, in and by the Township of Clinton, in the County of Hunterdon, New Jersey, appropriating \$1,210,000 Therefore and Authorizing the Issuance or \$1,151,500 Bonds of Notes of the Township to finance part of the cost thereof, and setting the public hearing for June 11, 2014

Mayor Cimei introduced the matter, and an explanation was given regarding the ordinance. The Mayor stated this opportunity was discussed at a previous meeting. He further stated there is a 2010 plan on file with COAH. Most of the units would be at Windy Acres, with a small amount at the Old Municipal Building. Work has been done to get a developer for these projects but efforts have

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not been successful. Infrastructure has always been known to be expensive i.e, on site sewer treatment.

Mayor Cimei stated the Township became aware of an opportunity for land on Route 31, 28 acres, that a church owns. This parcel may prove to be less expensive if we can make it part of our plan, the township may be able to develop it quicker and in a less costly way to meet our COAH requirements.

The Mayor indicated the sooner a project gets going, the sooner we could work on the Old Municipal Building. He explained that COAH has been under the threat of dissolution by the Governor, but there are changes coming in the COAH requirements. Mayor Cimei asked Township Planner, Joe Burgis, to explain the new rules.

Mr. Burgis stated the new rules will not be adopted until November; however, the Township will still have an obligation. Mr. Burgis stated the revised methodology gives the Township a reduction to 195 units; therefore the Township's numbers have gone down. Mr. Burgis stated there is greater emphasis on site viability; with a greater responsibility for towns to prove sites are immediately developable. A critical issue is that the inclusionary requirement of 20% has been reduced to 10%; therefore Clinton Township could see up to 2,000 units built to meet that requirement.

Mr. Burgis stated a 100% affordable project would have significantly less impact on the Township. Councilman Mullay asked if we would have to conform to the Highlands to keep the 195 number. Mr. Burgis answered yes. Mr. Burgis also mentioned the newspapers states the towns have a 10 year period to build. In reality, the towns only have a window of six months to have plans in place. If this is not done, the towns are susceptible to builders' remedy suits.

The Mayor indicated within six months we must have a plan and the standards are now different. He further stated the town already has other sites, mentioning a small section on the other side of Windy Acres, and a small section of the Marookian property.

The Mayor discussed the proposed land acquisition and the bond ordinance, saying this is a purchase option, which will give the township time to perform due diligence on the site's infrastructure. The property is in the ROM zone. This property could accommodate approximately 150 units, and is adjacent to the sewer service area. \$2.3 million dollars all in, Windy would be about 3.1 million dollars.

Mayor Cimei stated we are working to bring forth a unique and timely opportunity. This timing is in accord with the new COAH rules.

Councilman Mullay indicated he has been asked about limestone on the property. Mr. Higgins discussed due diligence already performed by the Church, including a Phase I environmental assessment, perc tests and geologic studies, which showed the land is solid. Mr. Mullay also discussed the appraisal price, indicating the price is higher as the property is in the ROM Zone.

Councilwoman Switlyk stated that the fiscally conservative choice is to purchase this land as its development will cost less than Windy Acres.

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Councilman Mullay stated he did not have confidence that Windy Acres would move quickly due to the sewer availability. In addition, the Windy Acres site may not be within the new COAH site requirements.

Councilman Mullay stated the township does not have to make a decision today to decide to buy the property. Important to keep WA in the plan for 10 years, so a split would be beneficial; reduced density may reduce the cost.

Councilman Mullay discussed the Old Municipal Building and the fact that the project has not proceeded in a timely way. He felt this building should be removed from the plan. We cannot wait any longer on the old municipal building.

Council President Marra asked what has been done to study on-site wastewater treatment at WA. Mr. Higgins indicated it was marginally feasible, according to Stuart Koenig, former COAH attorney for the Township. He indicated the current Engineer, Cathleen Marcelli, remains concerned about the feasibility and the cost to construct and operate an on-site treatment plant. A short discussion of the cost of sewer on each site was held.

Councilman Mullay said the decision tonight is only to introduce the ordinance, and it gives us more options.

A lengthy discussion about the development and the cost of the various sites.

Mayor Cimei indicated his suggestion was to introduce the ordinance and to continue to get input from the public and to proceed.

MOTION was made by Mayor Cimei to introduce the ordinance. 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	No
	Mayor Cimei	Yes

**TOWNSHIP OF CLINTON
HUNTERDON COUNTY, NEW JERSEY**

BOND ORDINANCE NUMBER #1056-14

**BOND ORDINANCE PROVIDING FOR THE ACQUISITION OF AN
INITIAL OPTION TO ACQUIRE, AND SUBSEQUENTLY (SUBJECT
TO CERTAIN PRECONDITIONS) DEED TITLE TO, AN
APPROXIMATE 28-ACRE TRACT OF LAND FOR USE IN**

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**CONNECTION WITH A FUTURE AFFORDABLE HOUSING
PROJECT, IN PARTIAL SATISFACTION OF COAH
REQUIREMENTS, IN AND BY THE TOWNSHIP OF CLINTON, IN
THE COUNTY OF HUNTERDON, NEW JERSEY, APPROPRIATING
\$1,210,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF
\$1,151,500 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE
PART OF THE COST THEREOF**

**BE IT ORDAINED AND ENACTED BY THE TOWNSHIP COUNCIL OF THE
TOWNSHIP OF CLINTON, IN THE COUNTY OF HUNTERDON, STATE OF NEW JERSEY**
(not less than two-thirds of all members thereof affirmatively concurring) **AS FOLLOWS:**

SECTION 1. The improvement or purpose described in Section 3 of this bond ordinance is hereby authorized as a general improvement or purpose to be undertaken by the Township of Clinton, in the County of Hunterdon, State of New Jersey (the "Township"). For the said improvement or purpose stated in Section 3, there is hereby appropriated the sum of \$1,210,000, which sum includes \$58,500 as the amount of cash down payment for said improvement or purpose required by the Local Bond Law, N.J.S.A. 40A:2-1 et seq. (the "Local Bond Law"). Said cash down payment is now available by virtue of a provision or provisions in a previously adopted budget or budgets of the Township for down payment or for capital improvement purposes, and as and if applicable, by permitted emergency appropriation.

SECTION 2. For the financing of said improvement or purpose described in Section 3 hereof and to meet the part of said \$1,210,000 appropriation not provided for by application hereunder of said down payment, negotiable bonds of the Township are hereby authorized to be issued in the principal amount of \$1,151,500 pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvement or purpose, negotiable notes of the Township in a principal amount not exceeding \$1,151,500 are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

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SECTION 3. (a) The improvement hereby authorized and purpose for the financing of which said bonds or notes are to be issued is the acquisition of an initial option to acquire, and subsequently (subject to certain preconditions) deed title to, an approximate 28-acre tract of land located at 1320 Route 31 (representing a to-be-subdivided 28-acre acre portion of a 40-acre tract of land currently designated as Block 29, Lot 4 on the Official Clinton Township Tax Map), for use in connection with a future affordable housing project, in partial satisfaction of COAH requirements, including, certain site, related off-site and other work, materials, equipment, furnishings, labor and appurtenances, and other municipal purposes and actions, necessary therefor or incidental thereto, and certain property acquisition due diligence-related expenses.

(b) The estimated maximum amount of bonds or notes to be issued for said improvement or purpose is \$1,151,500.

(c) The estimated cost of said improvement or purpose is \$1,210,000, the excess thereof over the said estimated maximum amount of bonds or notes to be issued therefor is the cash down payment for said improvement or purpose in the amount of \$58,500.

SECTION 4. In the event the United States of America, the State of New Jersey, and/or the County of Hunterdon make a contribution or grant in aid to the Township, or the Township shall determine to use any of its available Affordable Housing Trust Fund Moneys, for the improvement and purpose authorized hereby and the same shall be received or determined by the Township prior to the issuance of the bonds or notes authorized in Section 2 hereof, then the amount of such bonds or notes to be issued shall be reduced by the amount so received from the United States of America, the State of New Jersey and/or the County of Hunterdon or contributed by the Township. In the event, however, that any amount so contributed or granted by the United States of America, the State of New Jersey and/or the County of Hunterdon, or contributed by the Township, shall be received or determined by the

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Township after the issuance of the bonds or notes authorized in Section 2 hereof, then such funds shall be applied to the payment of the bonds or notes so issued and shall be used for no other purpose. This Section 4 shall not apply, however, with respect to any contribution or grant in aid received by the Township as a result of using funds from this bond ordinance as "matching local funds" to receive any such contribution or grant in aid.

SECTION 5. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer of the Township, provided that no note shall mature later than one (1) year from its date or otherwise authorized by the Local Bond Law. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with the notes issued pursuant to this bond ordinance, and the signature of the Chief Financial Officer upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time in accordance with the provisions of the Local Bond Law. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchaser thereof upon receipt of payment of the purchase price and accrued interest thereon from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the principal amount, the description, the interest rate, and the maturity schedule of the notes so sold, the price obtained and the name of the purchaser.

SECTION 6. The Capital Budget of the Township is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. In the event of any such inconsistency, a resolution in the form promulgated by the Local Finance Board showing full detail of

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the amended Capital Budget and capital programs as approved by the Director of the Division of Local Government Services, New Jersey Department of Community Affairs will be on file in the office of the Clerk and will be available for public inspection.

SECTION 7. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvement or purpose described in Section 3 of this bond ordinance is not a current expense and is an improvement which the Township may lawfully undertake as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of said improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is 30 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the Office of the Clerk of the Township and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services, New Jersey Department of Community Affairs, and such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds or notes provided for in this bond ordinance by \$1,151,500 and the said bonds or notes authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) An aggregate amount not exceeding \$75,000 for items of expense listed in and permitted under section 20 of the Local Bond Law is included in the estimated cost indicated herein for the purpose or improvement hereinbefore described.

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SECTION 8. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the interest on the bonds or notes authorized by this bond ordinance. The bonds or notes shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy *ad valorem* taxes upon all the taxable real property within the Township for the payment of the bonds or notes and the interest thereon without limitation as to rate or amount.

SECTION 9. The Township reasonably expects to reimburse any expenditures toward the costs of the improvement or purpose described in Section 3 of this bond ordinance and paid prior to the issuance of any bonds or notes authorized by this bond ordinance with the proceeds of such bonds or notes. No funds from sources other than the bonds or notes authorized herein have been or are reasonably expected to be reserved, allocated on a long-term basis or otherwise set aside by the Township, or any member of the same "Controlled Group" as the Township, within the meaning of Treasury Regulation Section 1.150-1(e), pursuant to its budget or financial policies with respect to any expenditures to be reimbursed. This Section 10 is intended to be and hereby is a declaration of the Township's official intent to reimburse any expenditures toward the costs of the improvement or purpose described in Section 3 hereof to be incurred and paid prior to the issuance of bonds or notes authorized herein in accordance with Treasury Regulation Section 1.150-2, and no further action (or inaction) will be an abusive arbitrage device in accordance with Treasury Regulation Section 1.148-10 to avoid the arbitrage yield restrictions or arbitrage rebate requirements under section 148 of the Internal Revenue Code of 1986, as amended (the "Code"). The proceeds of any bonds or notes authorized herein used to reimburse the Township for any expenditures toward the costs of the improvement or purpose described in Section 3 hereof will not be used directly or indirectly (i) to "refund" an issue of governmental obligations within the meaning of Treasury Regulation Section 1.150-1(d), (ii) to create, within one year, following the reimbursement of any expenditures of bond proceeds "replacement

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proceeds”, within the meaning of Treasury Regulation Section 1.148-1 of the bonds, or any other bond issue, or (iii) to reimburse the Township for any expenditure or payment that was originally paid with the proceeds of any obligation of the Township (other than borrowing by the Township from one of its own funds or the funds of a member of the same “Controlled Group” within the meaning of Treasury Regulation Section 1.150-1(e)). The bonds or notes authorized herein to reimburse the Township for any expenditures toward the costs of the improvement or purpose described in Section 3 hereof will be issued in an amount not to exceed \$1,151,500. The costs to be reimbursed with the proceeds of the bonds or notes authorized herein will be “capital expenditures” in accordance with the meaning of section 150 of the Code and Treasury Regulation Section 1.150-1. This provision will take effect immediately, but will be of no effect with regard to expenditures for costs paid outside the permitted reimbursement period set forth in Treasury Regulation Section 1.150-2(d)(2).

SECTION 10. The Township covenants to maintain the exclusion from gross income under section 103(a) of the Code of the interest on all bonds and notes issued under this ordinance.

SECTION 11. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption as provided by the Local Bond Law.

Ordinance #1057-14 – Salary Ordinance, and setting the public hearing for June 11, 2014

Mayor Cimei introduced the matter. Mr. Joss gave an explanation of the ordinance.

MOTION was made by Councilwoman Switlyk to introduce the ordinance. 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

AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED “AN ORDINANCE TO ESTABLISH SALARIES, WAGES AND COMPENSATION RANGES FOR NON-

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**CONTRACTUAL OFFICIALS AND EMPLOYEES OF THE TOWNSHIP OF CLINTON,
 COUNTY OF HUNTERDON, STATE OF NEW JERSEY”**

BE IT ORDAINED, BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF CLINTON IN THE COUNTY OF HUNTERDON, STATE OF NEW JERSEY AS FOLLOWS:

- 1) THAT SECTIONS 4 AND 5 OF THE ORDINANCE, THE TITLE OF WHICH IS RECITED IN THE TITLE OF THIS ORDINANCE, BE AND THE SAME IS HEREBY AMENDED TO READ AS FOLLOWS:

	POSITION	MINIMUM	MAXIMUM
	Mayor	\$ 3,200	\$ 6,700
	Council Members	\$ 2,700	\$ 6,000

* except that any member of Council may waive in writing, in whole or in part, any compensation not yet processed for payment.

Grade 17:		\$ 86,200	\$ 126,926
	Administrator Administrator / Clerk		
Grade 16:		\$ 97,700	\$ 119,700
	Police Chief		
Grade 15:	Police Lieutenant	\$ 90,000	\$ 111,559
	Officer in Charge stipend	\$ 500	\$2,000
	Police Director		
Grade 14:		\$ 60,000	\$ 96,900
	Construction Code / Subcode Official Public Works Manager Director of Finance (CFO)		
Grade 12:		\$ 50,000	\$ 75,860
	Court Administrator Tax Assessor Recreation Director Municipal Clerk		

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Grade 11:	Acting Municipal Clerk Tax Collector	\$ 45,000	\$ 66,900
	POSITION	MINIMUM	MAXIMUM
Grade 10:	Planning Board / BOA Administrator UCC Code Inspector	\$ 40,000	\$ 61,800
Grade 9:	Zoning Officer	\$ 15,000	\$ 50,400
Grade 8:	Deputy Municipal Clerk Deputy Court Administrator Senior Finance Clerk Technical Assistant	\$ 35,800	\$ 53,741
Grade 7:	Administrative Assistant / Secretary Records and Data Administrator Field Inspector/Technical Support Technical Assistant Construction Office	\$ 30,000	\$ 45,300
Grade 6:	Tax Assistant Finance Clerk Violations Clerk-Court Recreation Coordinator Board of Health Secretary/Admin. Asst.	\$ 28,000	\$ 43,388
Grade 5:	Administrative Receptionist / Secretary	\$ 26,800	\$ 34,100

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Hourly:	\$ 7.25	\$ 50.00
Part Time:	\$ 15,000	\$ 40,000

Clerical, Secretarial, Sub Code Officials,
Fire Safety Inspectors, UCC Code Inspector,
Police Officers, Special Police Officers,
Building Maintenance, Janitorial, Grounds
Maintenance, Truck Drivers, General Laborer,
Dog Canvasser, Recreation Department staff, Tax Assessment
Field Inspector, Recording Secretary/
Stenographer

Salaried:

Part Time: Municipal Court Judge	\$ 15,000	\$ 40,000
Prosecutor	15,000	42,840
Public Defender	2,000	15,000

Seasonal:

Summer Recreation Director	\$ 5,000	\$ 7,000
Teachers/Coordinators	\$ 1,000	\$ 2,000
Nurse	\$ 1,500	\$ 2,000
Senior Counselors	\$ 500	\$ 1,500
Counselors	\$ 500	\$ 1,000
Substitute Counselors	\$ 500	\$ 1,000

- 2) THE WITHIN ORDINANCE SHALL TAKE EFFECT UPON ADOPTION AND PUBLICATION IN ACCORDANCE WITH NEW JERSEY LAW.

ORDINANCE ADOPTION/PUBLIC HEARING:

Ordinance #1055-14 Cap Index Ordinance

Mayor Cimei introduced the matter and opened the public hearing. There being no public comments, the public hearing was closed.

MOTION was made by Councilman Mullay to adopt the ordinance in final form. Seconded by Council President Marra. There being no further discussion the roll was called. Motion carried.

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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

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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 #55-14 – Approving Township Towing Operators

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

MOTION was made by Council President Marra to adopt the 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
	Mayor Cimei	Yes

WHEREAS, the Township of Clinton introduced on February 2, 2011, and finally adopted on February 23, 2011, Ordinance 1015-11, entitled, “Towing”; and

WHEREAS, this ordinance requires operators performing services to the Township to file an application and agreement to be kept on file in the office of the Township Clerk.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Township of Clinton, County of Hunterdon, State of New Jersey, that the following operators shall have their contracts renewed for a three year period as follows:

- | | | |
|--------------------------|------------------------|------------------------------|
| 1. East Side Service | 70 Washington Avenue | High Bridge, NJ 08829 |
| 2. Superior Towing | P.O. Box 43 | Whitehouse Station, NJ 08889 |
| 3. J&D Auto Body | 259 Route 31 | Washington, NJ 07882 |
| 4. Somerset Hills Towing | 10 W. Chimney Rock Rd. | Bound Brook, NJ 08805 |
| 5. Stew’s Towing | 276 W. Washington Ave. | Washington, NJ 08882 |

Action Item #2

Resolution #56-14 – Appointing Carla Conner to a one-year appointment as Acting Clerk

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

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

WHEREAS, the Township's Municipal Clerk is retiring as of May 31, 2014, thereby creating a vacancy in the office of Municipal Clerk, and;

WHEREAS, Statute 40A:9-133 allows for a municipality to appoint an Acting Clerk who does not hold a Clerk's license for a period of one year, with the opportunity for two additional years if approval of the Director of Local Government Services is obtained, and;

WHEREAS, Carla Conner has worked in the office of the Municipal Clerk since 2009, and has also served as the Township's Registrar since 2009 and;

WHEREAS, Carla Conner has also satisfactorily completed all the courses required by the State of New Jersey to sit for the Clerk's exam, and;

WHEREAS, Ms. Conner understands that she is expected to now sit for the exam and receive a passing grade prior to ever being appointed as permanent Municipal Clerk.

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Township of Clinton, County of Hunterdon, State of New Jersey, that effective June 1, 2014, Carla Conner is appointed to a one year term as Acting Clerk;

BE IT ALSO RESOLVED, that Ms. Conner will continue as a full time employee during her term as Acting Clerk, and will be paid pursuant to the Township's current salary ordinance, at a yearly rate of \$45,000. It is also understood, that this position is considered a management position, and as such no overtime pay can be earned.

Action Item #3

Resolution #57-14 – Appointing Erica Charters as Administrative Assistant/BOH/Alternate Registrar

MOTION was made by Councilwoman Switlyk to adopt the resolution. 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
	Mayor Cimei	Yes

WHEREAS, effective June 1, 2014, due to a retirement, there will be a vacancy in the office of Administrator/Clerk, and;

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WHEREAS, this is a vital position for the Township, that serves as the only Administrative Assistant for both the Administrator and the Clerk, while also serving as the Alternate Registrar and Board of Health Secretary, and;

WHEREAS, Erica Charters has proven herself an exceptional employee, having worked for the Township as a Technical Assistant with the Building Department on a permanent part time basis since 2012, and;

WHEREAS, Ms. Charters is very interested in moving into this full time position in the Administrator/Clerks office, and;

WHEREAS, the Administrator has talked with Ms. Charters, believes she would be an excellent addition to the Administrator and Clerks office, and does hereby recommend her for the position.

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Township of Clinton, County of Hunterdon, State of New Jersey, that effective June 1, 2014, Erica Charters is appointed as Administrative Assistant/Alternate Registrar/Board of Health Secretary in the Administrator/Clerks office, and;

BE IT FURTHER RESOLVED, that pursuant to the Township's salary ordinance, this would be a grade 6 position, with an annual salary of \$30,000, along with all other benefits afforded to regular full time employees pursuant to Township policy and State of New Jersey regulations.

VOUCHERS:

Mayor Cimei introduced the matter.

MOTION was offered by Council President Marra to approve the check control registers dated May 14, 2014 totaling \$3,282,076.24. 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:

William Caldwell asked for Bob LeCompte to address the Council. He stated he owns 150 acres adjacent to the Church property. He indicated he wants to buy the property himself and will be working to do so. He stated the property should be preserved, not developed.

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Councilwoman Switlyk said the Township has to do what is best for the whole town and all taxpayers.

Mayor Cimei indicated Presidential Place in Lebanon is the result of a builders' remedy lawsuit. He further stated that type of suit will change the character of the township much more than a small COAH development.

Steve Balzano, Old Mountain Road, thanked the Council for their work on this issue. He indicated the status quo is now untenable.

Cathy Sipe, Open Space Advisory Committee, indicated the Open Space Committee has had the church property since the beginning. Ms. Sipe asked what will need to happen to opt into the Highlands. Councilman Mullay said the Township has already indicated intent to opt in, and the Township would have to conform to the Highlands land use ordinances.

Nick Cocodilos, Old Mountain Road, indicated thanked Council for their research and stated he is convinced that considering a purchase of the site is a good idea.

Mary Ann Brosnan, Annandale Village, discussed her concerns about the Old Municipal Building and state some action must be taken to make the building safe. She also expressed disappointment that the building has been left abandoned and neglected for 22 years.

A discussion ensued. Mayor Cimei asked Councilman Mullay to work with Ms. Brosnan to make a list of things that need to be completed to make the building safe.

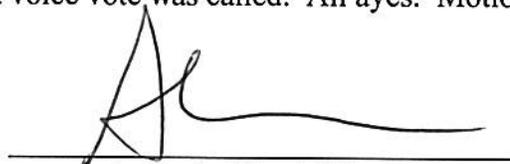
MOTION TO ADJOURN:

MOTION was offered by Councilwoman Switlyk to adjourn at 9:55 p.m. Seconded by Councilman Mullay. There being no further discussion a voice vote was called. All ayes. Motion carried.

ATTEST:



Carla Conner, Acting Township Clerk



A. Kevin Cimei, Mayor

Adopted: June 11, 2014