

TOWNSHIP OF CLINTON
REGULAR COUNCIL MEETING
July 16, 2014

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CALL TO ORDER:

Mayor Cimei called the meeting to order at 7:31 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
Carla Conner, Acting Township Clerk	Present

APPROVAL OF MINUTES:

Executive Session	May 14, 2014
Regular Session	May 28, 2014

Mayor Cimei introduced the matter.

Executive Session for May 28, 2014 was tabled until the August 13, 2014 council meeting.

MOTION 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
	Councilman Imbriaco	Abstain
	Council President Marra	Yes
	Mayor Cimei	Yes

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CONSENT:

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

MOTION was offered by Councilman Imbriaco 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 Mulla	Yes
	Councilman Imbriaco	Yes
	Council President Marra	Yes
	Mayor Cimei	Yes

Consent #1

Resolution #74-14 – Accepting the 2013 Annual Audit

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions; and

WHEREAS, the Annual Report of Audit for the year 2013 has been filed by a Registered Municipal Accountant with the Municipal Clerk as per the requirements of N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body; and

WHEREAS, the Local Finance Board has promulgated a regulation requiring that the Governing Body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled: General Comments, Recommendations; and

WHEREAS, the members of the governing body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled: General Comments, Recommendations as evidenced by the group affidavit form of the Governing Body; and,

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, as per the regulations of the Local Finance Board; and

WHEREAS, all members of the Governing Body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the promulgations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52 – to wit:

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R.S. 52:27BB-52 – “A local officer or member of a local governing body, who after a date fixed for compliance, fails or refuses to obey an order of the Director of Local Government Services, under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000) or imprisoned for not more than one year, or both, in addition shall forfeit his office.”

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Township of Clinton hereby states that it has complied with the promulgation of the Local Finance Board of the State of New Jersey dated July 30, 1968 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

Consent #2

Resolution #75-14 – Accepting the 2013 Corrective Action Plan

WHEREAS, the 2013 audit of the municipal operations of the Township of Clinton performed by Suplee, Clooney & Company has been received, and

WHEREAS, pursuant to the Local Finance Board a corrective action plan must be prepared to remedy Findings and Recommendations for the year ending December 31, 2013 as listed in the 2013 report of Audit,

NOW, THEREFORE, BE IT RESOLVED, that the governing body hereby approves the Corrective Action Plan for the 2013 Report of Audit, which is listed below.

Item #1 That the Township approves and submits a corrective action plan for all audit findings.

After this corrective action plan is approved a copy of the resolution will be submitted to the Division of Local Government Services.

Kimberly Kientz, CFO
July 11, 2014

Consent #3

Resolution 76-14 – Chapter 159 Alcohol Education

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and

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WHEREAS, the Director may also approve the insertion of an item of appropriation for equal amount.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Township of Clinton, County of Hunterdon, State of New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2014 in the sum of \$1,713.32 which is now available from the St of NJ Municipal Court Admin. Reimbursement Fund.

BE IT FURTHER RESOLVED, that the like sum of \$1,713.32 is hereby appropriated under the caption, "Municipal Court Alcohol Education, Rehab. & Enforcement Grant".

Consent #4

Resolution 77-14 – 2013 Tonnage Grant Application

WHEREAS, The Mandatory Source Separation and Recycling Act, P.L1987, c.102, has established a recycling fund from which tonnage grants may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, It is the intent and the spirit of the Mandatory Source Separation and Recycling Account to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and

WHEREAS, the New Jersey Department of Environmental Protection has promulgated recycling regulations to Implement the Mandatory Source Separation and Recycling Act; and

WHEREAS, The recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

WHEREAS, a resolution authorizing this municipality to apply for such tonnage grants for the calendar year 2013 will memorialize the commitment of this municipality to recycling and to indicate the assent of the Township of Clinton to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

WHEREAS, Such a resolution should designate the individual authorized to ensure the application is properly completed and timely filed.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Township of Clinton, County of Hunterdon, State of New Jersey that Clinton Township hereby endorses the submission of the recycling tonnage grant application to the New Jersey Department of Environmental Protection and designates Claude Meixsell, DPW Director, to ensure that the application is properly filed; and

BE IT FURTHER RESOLVED that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.

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Public Comment:

There were no public comments.

NEW BUSINESS:

1. Police Department Staffing

Mayor Cimei explained the matter. The Mayor asked Lt. Higgins to join the discussion. Lt. Higgins handed out the organizational chart for the Police Department to show the manpower as of this date. Lt. Higgins explained there are seven vacant openings in the Police Department and is requesting the approval to hire two new police officers. He said overtime is up dramatically from last year, as a result of the reduced manpower. Council approved Lt. Higgins to start the process of hiring two police officers by late fall. Lt. Higgins will attend the next meeting to give a report on the Department's overtime spending.

Lt. Higgins requested approval to lease three new vehicles. Council requested a detailed report with regard to the benefits of leasing the three vehicles instead of buying the vehicles. The Council also requested a list of all the vehicles in the fleet with their value and mileage.

2. Country Griddle

Mayor Cimei explained the matter. Walter Wilson, attorney for Country Griddle requested the approval of five parking spots in front of the Country Griddle in the Township's right of way. The Council discussed vacating a portion of the right of way along the lines of the OH mark on the map that would get the building and three spaces outside of the right away. Mr. Wilson said he would recommend to his client that he accept that suggestion. If he does, Walter Wilson will draft a letter to Council advising that the business owner will cover all costs the Township will incur for vacating the right of way.

3. John's Law – Intoxicated Driver

Township Attorney Hadinger explained John's Law. The Law permits towns to adopt ordinances permitting the local Police Department to transport any intoxicated driver to the appropriate facilities, such as the county jail. The Township will introduce an Ordinance at the next meeting.

OLD BUSINESS:

1. COAH Update:

Mayor Cimei introduced the matter. The Mayor suggested that on the three properties the Township owns, to build 14 units at the old Municipal Building in Annandale, to utilize the five or six acre exception at the Marookian property, and perhaps use the diversion process to build on more acres at

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Marookian, substituting some of the land at Windy Acres as part of the diversion process. The Mayor believes all the information we have so far indicates it would take five years to get water and sewerage on the Windy Acres site

Council President Marra suggested hiring an engineer who has specific expertise with onsite waste water options since technology has changed. Mayor Cimei stated that Hatch Mott MacDonald has already researched building a waste water site on Windy Acres, and their firm is one of the biggest in the field in the State. Councilman Imbriaco agreed that the Council should look into hiring another engineer who has more expertise.

MOTION was made by Council President Marra to retain a special engineer with expertise with regards to on-site waste water treatment plants to advise the Council what are the Townships options on Windy Acres. Seconded by Councilman Imbriaco. There being no further discussion the roll was called.

Roll Call:	Councilwoman Switlyk	No
	Councilman Mullay	No
	Councilman Imbriaco	Yes
	Council President Marra	Yes
	Mayor Cimei	No

The motion to hire a wastewater engineer expert was not passed. After further Council discussion it was decided that we would have Hatch Mott submit their qualifications for such a project.

2. Highlands Discussion:

Mike Sullivan from Clark, Caton Hintz will attend the next meeting on August 13th, to discuss the benefits of opting into the Highlands.

REPORTS:

Councilwoman Switlyk:

The Board of Health met on June 17 and July 15. At the June meeting, the Board of Health approved three septic waivers and there was a report of five dog bites and one cat bite. At the July 15 meeting, the Board of Health approved 3 septic waivers and there was a report of three dog bites. The Board of Education met on Monday, June 23. There were two executive meeting. One was to discuss the new business administrator. Heather Spitzer is leaving and Anthony Juskiewicz will be replacing Heather at the same salary. The other executive session was to conduct a Superintendent evaluation and setting the goals for the Superintendent for the 2014-2015 school year.

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Councilman Mullay:

The Historic Commission meeting for July was cancelled. The Planning Board met last Monday, July 7. The main subject was rehabilitation for a sewer pump station at the Shammy Shine.

Councilman Imbriaco:

No Report

Council President Marra:

No Report

Administrator:

Mr. Joss discussed a flooding issue on Lilac Drive that may have been affected by a staging area Transco set up while working on the pipeline. Mr. Joss stated he and Township Engineer Cathy Marcelli had met with Transco, and they are working with the property owner to rectify the situation

ACTION:

RESOLUTIONS:

Action Item #1

Resolution #78-14 – Participation in Middlesex Regional Education Services Co-op Pricing System

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
	Councilman Imbriaco	Yes
	Council President Marra	Yes
	Mayor Cimei	Yes

WHEREAS, N.J.S.A. 40A:11-11(5) authorizes contracting units to establish a Cooperative Pricing System and to enter into Cooperative Pricing Agreements for its administration; and

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WHEREAS, the Middlesex Regional Educational Services Commission, hereinafter referred to as the "Lead Agency " has offered voluntary participation in a Cooperative Pricing System for the purchase of goods and services;

WHEREAS, on July 16, 2014 the governing body of the Township of Clinton, County of Hunterdon, State of New Jersey, duly considered participation in a Cooperative Pricing System for the provision and performance of goods and services;

NOW, THEREFORE BE IT RESOLVED as follows:

This RESOLUTION shall be known and may be cited as a Cooperative Pricing Resolution of the Township of Clinton,

Pursuant to the provisions of *N.J.S.A. 40A:11-11(5)*, the Township Administrator is hereby authorized to enter into a Cooperative Pricing Agreement with the Lead Agency.

The Lead Agency shall be responsible for complying with the provisions of the *Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.)* and all other provisions of the revised statutes of the State of New Jersey.

EFFECTIVE DATE

This resolution shall take effect immediately upon passage.

CERTIFICATION

I Hereby, certify that the above resolution was adopted by the Mayor and Council of Clinton Township at a meeting of said governing body held on July 16, 2014

Action Item #2

Resolution #79-14 – OEM – Subgrant Award

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

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

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WHEREAS, the Township of Clinton, Office of Emergency Management has been awarded Emergency Management Agency Assistance Subgrant Program (“EMAA”) from the New Jersey State Police Office of Emergency Management Agency available for successful applicants funded through the FY2013 Emergency Management Performance Grant for the dates of July 1, 2013 through June 30, 2104; and

WHEREAS, the Subgrant, consisting of a total amount of \$10,000.00 (including \$5,000.00 Federal Award and \$5,000.00 Local Matching Funds) which the Township of Clinton Office of Emergency Management will satisfy with the Office of Emergency Management’s existing salaries and wages.

BE IT RESOLVED, by the Township Council, Township of Clinton, County of Hunterdon in the State of New Jersey that the Township of Clinton Administrator, the Township of Clinton Chief Financial Officer and the Township of Clinton Emergency Management Coordinator are hereby authorized to sign the required Grant Applications/Subgrant Award Documents with the New Jersey State Police, Office of Emergency Management.

BE IT FURTHER RESOLVED, that copies of this Resolution shall be forward to the New Jersey State Police Office of Emergency Management, the Hunterdon County Office of Emergency Management, the Director of the Division of Local Government Services, the Township of Clinton Office of Emergency Management, the Township of Clinton Administrator, and the Township of Clinton Chief Financial Officer.

Action Item #3

Resolution #80-14 – Hiring a part-time field inspector – Tax Assessor

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

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

WHEREAS, due to the resignation of the former field inspector in the Tax Assessor’s Office, there exists a need to hire a part-time employee to cover the existing workload; and

WHEREAS, Tax Assessor, Jeff Ward, has interviewed several candidates and finds that Mr. Eugene Destefano is the most qualified individual for this position, Mr. Ward and Administrator Marvin Joss request Council approval to hire Mr. Destefano for no more than twenty hours per week, at \$15.00 per hour.

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

1. Mr. Destefano shall be hired on a part-time basis as delineated above, with no health, vacation, sick time or any other township benefits.
2. Mr. Destefano shall be hired effective July 21, 2014.

VOUCHERS:

Mayor Cimei introduced the matter.

MOTION was offered by Councilman Imbriaco to approve the check control registers dated July 16, 2014 totaling \$435,509.68. 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

PUBLIC COMMENT:

Arnie Olson from Beaver Brook questioned what the likelihood of a builder's remedy solution to our COAH obligation would be. Township Attorney Hadinger explained the Township's obligations with COAH.

Walter Wilson, attorney for The Village Green is looking for a final agreement with regards to the COAH unit phasing schedule. Council asked Mr. Wilson to contact Kris Hadinger and work on a draft agreement between The Village Green and The Township.

MOTION was made by Council President Marra to approve a modified phasing schedule such that the applicant can obtain certificates of occupancy for all buildings except Building Four and no certificates of occupancy may be released on Building Four until all COAH units are provided certificates of occupancy: subject also to (1) the builder not requesting any relief on performance guarantees until all COAH units have been issued certificates of occupancy, (2) the Affordable Housing deed restrictions shall also be recorded prior to the agreement being approved, and (3) Joe Burgis should review and sign off as well. Seconded by Councilman Mullay. There being no further discussion the roll was called.

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

Dan McTiernan from River Bend Road is concerned about the time frame regarding the Township COAH plan. The Council should move forward and not have individuals blocking the building of COAH housing.

Mr. McTiernan would like the Council to consider hiring two police officers immediately to offset the overtime pay and not to fill the two sergeants' position to save money.

MOTION TO ADJOURN:

MOTION was offered by Councilwoman Switlyk to adjourn at 9:39 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: September 10, 2014