

TOWNSHIP OF CLINTON
REGULAR COUNCIL MEETING
September 10, 2014

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CALL TO ORDER:

Councilman Imbriaco 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 (arrived at 7:44)
Mayor Cimei	Absent
Trishka Waterbury, Esq.	Present
Marvin Joss, Administrator	Present
Carla Conner, Acting Township Clerk	Present

APPROVAL OF MINUTES:

Executive Session	August 13, 2014
Regular Session	July 16, 2014

Councilman Imbriaco introduced the matter.

MOTION was made by Councilman Mullay to approve the executive minutes of August 13, 2014. 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

MOTION was made by Councilman Mullay to approve the regular minutes of July 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
	Councilman Imbriaco	Yes

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CONSENT:

Councilman Imbriaco introduced the matter and read the items on the consent agenda.

MOTION was offered by Councilman Mullyay 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 Mullyay	Yes
	Councilman Imbriaco	Yes

Consent #1

Resolution #89-14 – Tax Over Payment Refund, Block 4 Lot 21

WHEREAS, on properties located within the Township of Clinton, an overpayment of real estate taxes has been made due to reduced assessment; and

WHEREAS, applications have been made to the Tax Collector for refunds of said overpayments, totaling \$3,904.06; and

WHEREAS, the attached listing is a detail of the requested refunds.

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 listing below.

VENDOR	BLOCK	LOT	LOCATION	Quarter	AMOUNT
AMERICAN BAPTIST CHURCHES OF NJ	4	21/Q0398	78 BLOSSOM HILL ROAD	2013/4	3,904.06
3752 NOTTINGHAM WAY					
TRENTON, NJ 08690					
TOTAL REFUND					\$3,904.06

Consent #2

Resolution #90-14 – Performance & Escrow Release

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
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\$3,005.42	77/4.01	1511 Rt 31	McDonalds USA	Escrow
\$2,000.00	29/26	46 Allerton Rd	Peter Foreza	Performance Guar.
\$6,899.86	13/9,10,11,11.01	111 Cokesbury Rd	Woodmont Industrial	Escrow
\$95,732.18	89/8&8.02	56 Payne Rd	Bull&Bear Enterprises	Performanc Guar.

Consent #3 – Amended Affordable Housing Agreement (SJN Properties)

Council agreed to table this consent until next meeting.

Public Comment:

There were no public comments.

NEW BUSINESS:

Pursuant to his authority, the Mayor has made the following appointment:

1. Carol Nemetz is appointed to the Environmental Commission

OLD BUSINESS:

1. COAH Update:

Councilman Imbriaco introduced the matter. Administrator Joss explained that preliminary work was done at the Marookian site to see what area of the site might work for a diversion. There might be some opportunity for some land at the southern end. The Township’s special affordable housing planning consultant, Joe Burgis, of Burgis Associates will attend the next meeting to discuss the updates.

REPORTS:

Councilwoman Switlyk:

Councilwoman Switlyk stated that Board of Health met on August 19 to review three waivers for septic work and there were four animal bites. Board of Education met August 25. Melissa Goad, the HIB Coordinator gave a demonstration on the schools self assessment. Facilities and financing are looking into a bond refinance. The BOE was going to do a demographic study which was going to be presented in October but the BOE moved it up to September 22.

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Councilman Mullay:

Councilman Mullay stated that DPW went to the Old Municipal Building and took the gutter off overhang and did some yard work. Administrator Joss will be putting a bid package together to get the overhang removed. Councilman Mullay will be meeting with Joe Burgis to see what steps the Township needs to take to make the progress of getting the Old Municipal Building developed under Affordable Housing. The Planning Board held a hearing on Hunterdon Radiology for approval for an addition to their building. Historic Commission is still working on getting a historic district in Hamden. October 11 will be the historic walking tour in Annandale at 10am starting at the Annandale Reformed Church.

Councilman Imbriaco:

No report.

Council President Marra:

Council President Marra stated that the Recreation Department held the Annual Junior Olympics event on September 6 with 125 township residents attending. The 10th Annual Golf Outing will be held on September 22 at Stanton Ridge Country Club. Preliminary discussion regarding next year's Community Day is ongoing. The date for Community Day will be April 25, 2015. The Halloween event is October 25 at the Field of Dreams.

Administrator:

Mr. Joss stated that the Township had some roads repaved through the Co-op. Cratetown Road out to bid. The Township's five year road plan will be discussed at the September 24 meeting.

ACTION:

ORDINANCE ADOPTION:

ORDINANCE #1058-14 - AN ORDINANCE TO AMEND AND SUPPLEMENT THE CODE OF THE TOWNSHIP OF CLINTON TO ESTABLISH A NEW CHAPTER, 208, ENTITLED "PROTECTIVE CUSTODY OF INTOXICATED DRIVERS."

Councilman Imbriaco introduced the matter.

MOTION was made by Council President Marra 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

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BE IT ORDAINED by the Mayor and Council of the Township of Clinton, County of Hunterdon, and State of New Jersey, as follows:

Section 1. Chapter 208, “Protective Custody of Intoxicated Drivers,” Established.

The Code of the Township of Clinton is hereby amended and supplemented by the addition thereto of a new chapter, 208, entitled “Protective Custody of Intoxicated Drivers,” to read as follows:

208 PROTECTIVE CUSTODY OF INTOXICATED DRIVERS

§208-1 Findings.

Pursuant to N.J.S.A. 39:4-50.22, commonly known as “John’s Law,” a law enforcement agency that has arrested a person for a violation of N.J.S.A. 39:4-50, “Driving While Intoxicated,” may impound an arrestee’s vehicle and release the arrestee into the care of an individual summoned to transport or accompany the arrestee from the premises of the law enforcement agency in order to ensure that the arrestee does not again operate a motor vehicle while under the influence. When an arrestee is unable to summon an individual to transport or accompany the arrestee from the premises of the law enforcement agency, the arrestee may present a danger to himself or others if provisions are not made to hold the arrestee in protective custody. Pursuant to N.J.S.A. 40:48-1(34) and 40:48-1.3, a municipality is authorized to enact an ordinance providing that a person who has been arrested for “Driving While Intoxicated” in violation of N.J.S.A. 39:4-50 may be held in protective custody at an appropriate police or other facility for up to eight (8) hours. The Hunterdon County Jail is an appropriate facility in which to maintain an arrestee until the arrestee is no longer a danger to himself or others. The Mayor and Council find and declare that the implementation of this chapter furthers the protection of the public health, safety and welfare.

§208-2 Protective Custody Required; Release.

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Any person arrested for a violation of the provisions of N.J.S.A. 39:4-50 shall be held in protective custody at an appropriate police or other facility, including but not limited to the Hunterdon County Jail, where the person's condition may be monitored until the person is no longer a danger to himself or others, at which time the person shall be released from protective custody. A person is no longer considered a danger to himself or others when the person's blood alcohol concentration is less than 0.05% and the person is no longer under the influence of any intoxicating liquor or narcotic or hallucinogenic or habit-forming drug to the extent that the person's faculties are impaired. In no event shall a person be held in protective custody for a period of longer than eight (8) hours without being provided an appropriate hearing.

§208-3 Exceptions; Liability.

Notwithstanding the provisions of this chapter, provided that it is not a detriment to public safety, the Police Department may, because of the age, health, or safety of the arrestee, release the arrestee pursuant to the provisions of N.J.S.A. 39:4-50.22, or provide an alternative to protective custody. The Township shall not be subject to liability if a person is released from protective custody pursuant to the provisions of this chapter.

§208-4 Use of State Police Facilities.

Nothing in this chapter shall be construed as requiring the use of New Jersey State Police facilities by the Township for the purposes of this chapter.

§208-5 Incorporation of Statute.

The provisions of N.J.S.A. 39:4-50.22, as may be amended from time to time, are hereby incorporated into, and are deemed to be a part hereof.

Section 2. Repealer. All ordinances and resolutions or parts thereof inconsistent with this ordinance are repealed.

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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 as provided by law.

RESOLUTIONS:

Action Item #1

Resolution #91-14 – Authorizing the hiring of Kathryn McLaren as full-time violations clerk

Councilman Imbriaco introduced the matter, and Administrator Joss explained the manner.

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
	Councilman Imbriaco	Yes
	Council President Marra	Yes

WHEREAS, due to the resignation of a full time Violations Clerk in our Court, there exists a need to hire a replacement full-time violations clerk for the municipal court; and

WHEREAS, Kathryn McLaren is currently employed by our court as a part time temporary employee, and Court Administrator Lynn Lorenz is of the view that Ms. McLaren has been doing an excellent job; and

WHEREAS, Court Administrator Lynn Lorenz, and Township Administrator Marvin Joss recommend that the Governing Body appoint Kathryn McLaren as the full time Violations Clerk, effective Thursday September 11, 2014.

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

1. Ms. Kathryn McLaren shall be hired as a full-time violations clerk, beginning September 11, 2014, at an annual salary of \$33,000.
2. Benefits shall be granted as outlined in the township’s policies and ordinances.

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VOUCHERS:

Councilman Imbriaco introduced the matter.

MOTION was offered by Councilwoman Switlyk to approve the check control registers dated September 10, 2014 totaling \$725,603.10. 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

PUBLIC COMMENT:

There were no public comments.

EXECUTIVE SESSION:

Resolution #92-14

MOTION was made by Council President Marra to go into executive session. Seconded by Councilwoman Switlyk. There being no further discussion the roll was called. Councilman Mullay recused himself from Executive Session and left the meeting. Motion carried.

Roll Call:

Councilwoman Switlyk	Yes
Councilman Mullay	Abstain
Councilman Imbriaco	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 September 10, 2014
2. The general nature of the subject matter to be discussed is:
 - Valley Crest Farm.

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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.

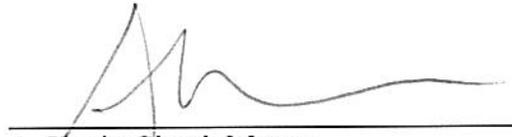
MOTION TO ADJOURN:

MOTION was offered by Councilwoman Switlyk to adjourn at 8:30 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: October 8, 2014