

TOWNSHIP OF CLINTON
REGULAR COUNCIL MEETING
October 22, 2014

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CALL TO ORDER:

Mayor Cimei called the meeting to order at 7:30 PM.

OPEN PUBLIC MEETINGS ACT STATEMENT: Mayor Cimei gave the statement of adequate notice. The annual meeting notice is on file in the Office of the Municipal Clerk for public inspection.

ROLL CALL:

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

APPROVAL OF MINUTES:

Regular Session September 24, 2014

Mayor Cimei introduced the matter.

MOTION was made by Council President Marra to approve the above referenced minutes. Seconded by Councilman Mullay. There being no further discussion the roll was called. Motion carried.

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

CONSENT:

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

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

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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

Consent #1

Resolution #98-14 – 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	90/2.11	18 Appletree	Giovan Realty	Performance Guar.
\$15,663.24	75/2	178 Center Street	Klara Properties	Performance Guar.

Consent #2

Resolution #99-14 – Tax Premium Refund, Block 7 Lot 9

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

WHEREAS, applications have been made to the Tax Collector for refunds of said overpayments, totaling \$1596.98; 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
PNC MORTGAGE/ ATTN: RACHEL EVANS	7	9	8 DEER PATH RD	2014/2	1596.98
PO BOX 1804 B6-YM13-01-7					
DAYTON, OHIO 45401					
TOTAL REFUND					\$1596.98

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PUBLIC COMMENTS:

There was no public comment

OLD BUSINESS:

1. COAH Update

Administrator Joss has hired an appraiser to appraise sections of the Marookian Farm.

2. Beaver Ave/Lower West Street Intersection

Lt. Higgins stated that he has carefully looked at that intersection, and reviewed eight years of accident history. He said there has not been one accident at that intersection that was a direct result of any site obstruction due to legal or illegal parking on the south side of Beaver Avenue just west of Lower West Street. As a result of his investigation, the Council decided not to ask the County for parking restrictions in that area.

REPORTS:

Councilwoman Switlyk:

The Board of Health met October 21 and approved two waivers for septic. There were four reports of dog bites. The School Board will meet on Monday, October 27 to present the demographic study and conduct interviews for the vacated Board seat of Marc Freda.

Councilman Mullay:

Planning Board met Monday, October 20 and heard an application from Verizon regarding a few small antennas for internal communication purposes on the Exxon property.

Councilman Imbriaco:

Councilman Imbriaco stated he would like to correct something he said at the last Council meeting regarding his Open Space report. The supports for the poles at Hackett's Preserve are being required for safety by The Township Engineer and not the Township Construction Officer as previously stated. Councilman Imbriaco also thanked John Sladicka for all his hard work on Hackett's Preserve and all of his volunteered time towards our Open Space Committee.

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Council President Marra:

No report

Marvin Joss:

Administrator Joss stated he interviewed three good candidates for the CFO position, and hopes to present a candidate to Council for approval at the November 12 meeting

ORDINANCE INTRODUCTION:

Ordinance #1059-14-AN ORDINANCE AMENDING ORDINANCE 1057-14 CONCERNING THE SALARY FOR POLICE LIEUTENANTS

Mayor Cimei introduced the matter.

MOTION was made by Councilman Imbriaco to introduce the ordinance on first reading and schedule the public hearing for December 10, 2014. Seconded by Councilman Mullyay. There being no further discussion the roll was called. Motion carried.

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

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. Amendment to Ordinance 1057-14. Ordinance 1057-14, establishing the salaries, wages and compensation ranges for non-contractual officials and employees, is hereby amended to set the base salary for police lieutenants at a rate that is \$7,000 above the base salary for police sergeants, as established by the currently effective police sergeants' collective negotiations agreement. The "base salary for police sergeants" shall not be deemed to include overtime, longevity, or any other emoluments or stipends sergeants may receive. This change to the lieutenants' salary shall have prospective effect only as of the effective date of this ordinance, shall

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not be retroactively applied to any period prior to the effective date of this ordinance, and shall remain in effect until amended by a future ordinance.

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

Section 3. Severability. If any section, paragraph, subsection, clause or provision of this ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provision so adjudged and the remainder of this ordinance shall be valid and enforceable.

Section 4. Effective Date. This ordinance shall take effect upon passage, publication and as provided by law.

Ordinance #1060-14 - AN ORDINANCE AMENDING CHAPTER 29 OF THE CODE OF THE TOWNSHIP OF CLINTON, COUNTY OF HUNTERDON REGARDING THE TOWNSHIP'S PERSONNEL POLICIES

Mayor Cimei introduced the matter.

MOTION was made by Councilman Imbriaco to introduce the ordinance on first reading and schedule the public hearing for December 10, 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
	Council President Marra	Yes
	Mayor Cimei	Yes

WHEREAS, Chapter 29 of the Code of the Township of Clinton ("Code") contains some of the Township's personnel policies and some of the benefits provided to Township employees, and was intended to be consistent with the provisions of the Personnel Policies of the Township of Clinton (hereinafter "Personnel Manual"); and

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WHEREAS, it has come to the attention of the Mayor and Council that some of the provisions set forth in Chapter 29 may not reflect the Township's most current personnel policies and procedures; and

WHEREAS, the Mayor and Council now wish to update Chapter 29 of the Code in order to make it current with the Township's personnel policies and procedures, and avoid any inconsistencies with the Personnel Manual.

NOW, THEREFORE, 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. Subparagraph 29-1.A "Administration of personnel policies – Applicability" of Code Amended. Subparagraph 29-1.A of the Code regarding the applicability of the personnel policies set forth Article I is amended to read as follows (additions to text are underlined; deletions are [bracketed]):

§ 29-1. Administration of personnel policies.

- A. Applicability. The provisions below are essential in the administration of this chapter and are [for] applicable to all employees of the Township, except [those who are represented by an organization organized under the provisions of Chapter 303, P.L. 1958] in the case of employees who are covered by a collective negotiations agreement, if such agreement provides otherwise.

Section 2. Subparagraph 29-2.G "Part-time employees" of the Code Amended. Subparagraph 29-2.G of the Code regarding part-time employees is amended to read as follows (additions to text are underlined; deletions are [bracketed]):

§29-2.G Part-time employees. Part-time employees are either salaried or hourly employees who work on a regular basis, but work less than 35 hours a week. Part-time employees [arc] are not

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entitled to employee benefits; however, if a part-time employee is scheduled to work during a week that includes a holiday, the employee will be entitled to compensation for that day.

Section 3. Section 29-3 “Salaries, wages and other compensation” of Code Amended. Section 29-3 of the Code regarding salaries, wages and other compensation is amended to read as follows (additions to text are underlined; deletions are [bracketed], and *** indicate breaks in the Code where no changes are being made):

§ 29-3. Salaries, wages and other compensation.

[A. Job categories; salary ranges. Job categories, salary and wage ranges for officials and employees are as follows:

Grade or Category	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	Administrator	\$86,200	\$124,500
	Administrator/Clerk		
Grade 16	Police Chief	\$97,700	\$119,700
Grade 15	Police Director	\$90,000	\$111,200
Grade 14	ConstructionCode/Subcode Official	\$60,000	\$83,000
	Public Works Manager		
	Director of Finance (CFO)		
	Information Technology Manager		
Grade 12	Comptroller	\$50,000	\$75,000
	Court Administrator		
	Tax Assessor		
	Recreation Director		
	Assistant Construction Code/ Subcode Official		
Grade 11	Municipal Clerk	\$45,000	\$66,900
	Building Subcode Official		
	Plumbing Subcode Official		
	Electrical Subcode Official		
	Fire Subcode Official		
Grade 10	Tax Collector	\$40,000	\$61,800
	Planning Board/BOA Administrator		
	UCC Code Inspector		
	Recreation Supervisor		

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Grade 9	Zoning Officer/Field Inspector	\$15,000	\$50,400
Grade 8	Deputy Municipal Clerk	\$35,800	\$49,400
	Deputy Court Administrator		
	Police Administration Secretary		
Grade 7	Administrative Assistant/ Secretary	\$30,000	\$45,300
	Records and Data Administrator		
	Field Inspector/technical support		
Grade 6	Tax Assistant	\$28,000	\$42,600
	Finance Clerk		
	Recreation Coordinator		
	Board of Health Secretary/		
	Administrative Assistant		
Grade 5	Police Receptionist/Secretary	\$26,800	\$34,100
	Administrative Receptionist/		
	Secretary		
	Recreation Secretary/Bookkeeper		
Hourly part-time	Clerical, secretarial, subcode	\$7.25	\$50
	officials, Fire Safety Inspectors,	\$15,000	\$40,000
	UCC Code Inspectors, police		
	officers, special police officers,		
	building maintenance, janitorial,		
	grounds maintenance, truck drivers,		
	general laborer, Dog Canvasser,		
	recreation, Tax Assessment Field		
	Inspector, Recording		
	Secretary/Stenographer		
Salaried part-time	Municipal Court Judge	\$15,000	\$40,000
	Prosecutor	\$15,000	\$40,000
	Public Defender	\$2,000	\$15,000
	Animal Control Officer	\$1,500	\$3,500
	Deputy Animal Control Officer	\$1,000	\$2,000
Seasonal	Summer Recreation Director	\$5,000	\$7,000
	Teachers/Coordinator	\$1,000	\$2,000
	Nurse	\$1,500	\$2,000
	Senior Counselors	\$500	\$1,500
	Counselors	\$500	\$1,000
	Substitute Counselors	\$500	\$1,000]

Except for employees whose salaries and wages are governed by a collective negotiations agreement, or other employment contract approved by the Mayor and Council, salaries and wages shall be established annually by the Mayor and Council through the adoption of a salary and wage ordinance.

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B. Longevity. ***

C. Extra Compensation. ***

D. Mileage. All officials and employees using a personal vehicle in the pursuit of Township business shall be compensated at the rate of [\$0.27] \$0.33 per mile and with authorization of the Township Administrator.

E. Township vehicles. ***

F. Uniform Allowance. Police lieutenants shall receive a yearly uniform allowance equal to that which is provided to police sergeants, as established in the sergeants' collective negotiations agreement.

Section 4. Subparagraph 29-4.B(6) of the Code Repealed. Subparagraph 29-4.B(6) of the Code regarding advancement of vacation pay is repealed in its entirety.

Section 5. Section 29-5 "Medical Coverage" of Code Amended. Section 29-3 of the Code concerning medical coverage is repealed and replaced with the following language:

§ 29-5. Medical Coverage. The Township shall provide medical coverage to employees and their eligible dependents in accordance with State and federal law. Employees who elect medical coverage through the Township shall be required to contribute toward the costs of such coverage in accordance with the provisions of P.L. 2011, c. 78.

Section 6. Section 29-5.2 "All other benefits" of the Code Added. Chapter 29 of the Code is amended by the addition of Section 29-5.2 to read as follows:

§ 29-5.2 All other benefits. Noncontractual employees shall be provided all other benefits in accordance with the current Personnel Policies of the Township of Clinton. For those employees covered by a collective negotiations agreement, they shall be provided benefits in accordance with

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such agreement or the current Personnel Policies of the Township of Clinton, whichever is controlling.

Section 7. Article II of Chapter 29 “Police Department Personnel” of Code Repealed.

Article II of Chapter 29 of Code concerning police department personnel is repealed in its entirety.

Section 8. Repealer. All ordinances and resolutions or parts thereof inconsistent with this ordinance are repealed.

Section 9. 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 10. Effective Date. This ordinance shall take effect upon passage, publication and as provided by law.

RESOLUTIONS:

Action Item #1

Resolution #100-14 – Authorizing Settlement on Personnel Grievance

Mayor Cimei introduced the matter.

MOTION was offered by Councilman Imbriaco to approve 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
	Mayor Cimei	Yes

WHEREAS, on June 20, 2014, Lt. Ryan Melsky (“Employee”) of the Clinton Township Police Department filed a written grievance concerning Township Ordinances §29-8 “Longevity” and §29-9 “Uniform Allowance” of the Clinton Township Code; and

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WHEREAS, in accordance with the procedure set forth in the Township's Personnel Manual, the grievance was denied by the Township Administrator on July 18, 2014, and Employee requested a review of the decision by the Mayor and Council; and

WHEREAS, on August 13, 2014, the Mayor and Council conducted a review of the grievance and the July 18, 2014 written decision of the Township Administrator, and by Resolution adopted August 25, 2014, denied Employee's grievance and affirmed the decision of the Township Administrator; and

WHEREAS, notwithstanding the Township's denial of the grievance, the issues raised in the grievance filed by Employee prompted a review and reevaluation of certain ordinances concerning employees within the Department; and

WHEREAS, during the pendency of the appeal period following the Mayor and Council's August 25, 2014 denial of Employee's grievance, the Township had an opportunity to work with Employee to address the salary and uniform allowance for Lieutenants and resolve Employee's grievance without further appeal or action; and

WHEREAS, the Parties now wish to enter into a Settlement Agreement resolving the pending grievance.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council, this 22nd day of October, 2014, as follows:

1. The preamble to this Resolution is hereby incorporated as if more fully set forth herein.
2. The Mayor and Township Clerk are hereby authorized and directed to sign on behalf of the Township the above-referenced Settlement Agreement, a copy of which is on file in the Township Clerk's Office, or such other substantially similar agreement, the terms and form of which shall have been reviewed and approved by the Township Attorney in consultation with the Township Administrator.
3. The Mayor, Township Administrator, Township Clerk, Township Attorney, and other appropriate officers, employees and professionals, are hereby authorized and directed to prepare and execute any and all documents and undertake any and all acts necessary to effectuate the above-referenced settlement.
4. This Resolution shall take effect immediately.

Action Item #2

Resolution #101-14 – Authorizing the hiring of a Police Offer

Mayor Cimei introduced the matter. Lt. Higgins explained the matter.

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MOTION was offered by Council President Marra to approve 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, there exists a vacancy in the position of Police Officer in the Police Department; and

WHEREAS, the Officer in Charge (OIC) and Township Administrator have conducted a detailed examination process and interviewing of top candidates; and

WHEREAS, the OIC and Administrator recommend that Mr. Brian Dickson be hired as Police Officer with the Clinton Township Police Department, with a start date on or about November 15, 2014; and

WHEREAS, Mr. Dickson, shall start at the Probationary step, which pursuant to the latest union contract, has a starting salary of \$42,000.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Township of Clinton, County of Hunterdon, State of New Jersey, that Mr. Brian Dickson is hereby hired pursuant to the terms of this resolution and the appropriate labor contract, and

BE IT FURTHER RESOLVED, that for seniority purposes, his date of hire (anniversary date) shall be his actual start date, which as stated above is estimated to be on or about November 15, 2014

Action Item #3

Resolution #102-14 – Authorizing the hiring of a Police Offer

Mayor Cimei introduced the matter. Lt. Higgins explained the matter.

MOTION was offered by Councilman Mullay to approve 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

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WHEREAS, there exists a vacancy in the position of Police Officer in the Police Department; and

WHEREAS, the Officer in Charge (OIC) and Township Administrator have conducted a detailed examination process and interviewing of top candidates; and

WHEREAS, the OIC and Administrator recommend that Ms. Vastola-Tozzi be hired as Police Officer with the Clinton Township Police Department, with a start date on or about December 15, 2014; and

WHEREAS, based on Ms. Vastola-Tozzi's previous experience and training as a police officer in New Jersey, she shall start as a 9th Class officer at a starting salary of \$48,000 annually.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Township of Clinton, County of Hunterdon, State of New Jersey, that Ms. Vastola-Tozzi is hereby hired pursuant to the terms of this resolution and the appropriate labor contract, and

BE IT FURTHER RESOLVED, that for seniority purposes, her date of hire (anniversary date) shall be her actual start date, which as stated above is estimated to be on or about December 15, 2014

VOUCHERS:

Mayor Cimei introduced the matter.

MOTION was offered by Councilman Imbriaco to approve the check control registers dated October 22, 2014 totaling \$485,111.34. Seconded by Councilman Mully. There being no further discussion the roll was called. Motion carried.

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

PUBLIC COMMENT:

EXECUTIVE SESSION:

Resolution #103-14

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. Motion carried.

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Roll Call:

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

WHEREAS, Section 8 of the Open Public Meetings Act (NJSA 10:4-12 (b) (1-9) permits the exclusion of the public from a meeting in certain circumstances; and,

WHEREAS, the Township Council is of the opinion that circumstances exist, and

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Clinton, County of Hunterdon, and State of New Jersey as follows:

1. The public shall be excluded from discussion of and action on a closed session on October 22, 2014
2. The general nature of the subject matter to be discussed is as follows:
 - Advice of Counsel with respect to affordable housing for COAH matters in two specific respects:
 - Possible acquisition of lands with public funds for affordable housing purposes.
 - Discussion regarding COAH's recent actions concerning adoption of this rule.
3. It is unknown precisely when, if ever, the matters discussed in this session may be disclosed to the public.
4. The Acquisition of lands shall only be authorized in a public session, and matters concerning litigation may be announced upon the conclusion of any settlement or trial of the litigation.

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:

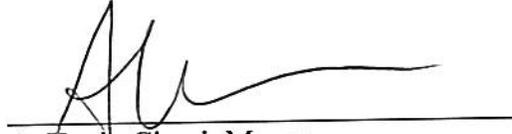
MOTION was offered by Councilwoman Switlyk to adjourn at 8:16 p.m. Seconded by Council President Marra. There being no further discussion a voice vote was called. All ayes. Motion carried.

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ATTEST:



Carla Conner, Acting Township Clerk



A. Kevin Cimei, Mayor

Adopted: November 12, 2014