

TOWNSHIP OF CLINTON
REGULAR COUNCIL MEETING
October 8, 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	Absent (arrived at 7:32)
Council President Marra	Present
Mayor Cimei	Present
Kristina P. Hadinger, Esq.	Present
Marvin Joss, Administrator	Present
Carla Conner, Acting Township Clerk	Present

PROCLAMATION:

Mayor Cimei read a Proclamation that was presented to Officer McCluskey on the Council's behalf.

WHEREAS, during the afternoon hours on July 18, 2014, one male was laying on the ground hitch hiking on Route 31; and

WHEREAS, the gentleman informed Patrolman Andrew McCluskey that he was homeless for the last 20 years and had hitchhiked from California; and

WHEREAS, the gentleman indicated he was extremely hungry and thirsty, having not eaten in days; and

WHEREAS, Patrolman McCluskey took it upon himself to buy him a meal and provide a hotel room with his own money; and

WHEREAS, Patrolman McCluskey showed the highest levels of professionalism and unselfish compassion for his fellow man.

NOW, THEREFORE BE IT RESOLVED, I, A. Kevin Cimei, Mayor of the Township of Clinton, hereby express the appreciation and admiration of the Township Council, Police Department and residents of the Township of Clinton, to Patrolman Andrew McCluskey for his dedication to duty in providing for his fellow citizen and gave of his own resources to help another in need, showing an example for all to follow.

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APPROVAL OF MINUTES:

Executive Session September 10, 2014

Mayor Cimei introduced the matter.

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

APPROVAL OF MINUTES:

Regular Session September 10, 2014

Mayor Cimei introduced the matter.

MOTION was made by Council President Marra to approve the above referenced minutes. Seconded by Councilman Mulla. 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	Abstain

CONSENT:

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

MOTION was offered by Councilman Mulla to approve the consent agenda. Seconded by Council President Marra. There being no further discussion the roll was called. Motion carried.

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

Consent #1

Resolution #94-14 – Release of Performance Guarantees and 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
\$3,005.42	77/4.01	1511 Rt 31	McDonalds USA	Escrow
\$2,000.00	29/26	46 Allerton Rd	Peter Forenza	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 #2

Amended Affordable Housing Agreement (SJN Properties)

THIS AMENDED AFFORDABLE HOUSING AGREEMENT, dated the day of _____ 2014 is made between SJN Properties, LLC, a New Jersey limited liability company, having a business address of PO Box 660, Pittstown, NJ 08867 ("Affordable Housing Developer"), and the Township of Clinton in Hunterdon County, a municipal corporation of the State of New Jersey, having its offices at 1225 Route 31 South, Lebanon, New Jersey 08833 ("Township").

FACTUAL RECITALS

A. The Affordable Housing Developer entered into an Affordable Housing

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Agreement with the Township dated December 31, 2012, recorded in Book 2301, Page 417 in the Hunterdon County Clerk's Office on January 7, 2013 ("original Agreement").

B. The Affordable Housing Developer obtained final major subdivision approval for Phase II of the development known as "Payne Farms" ("Development") from the Clinton Township Planning Board ("Planning Board"). Said approvals were memorialized by resolution of the Planning Board (Resolution #2013-23) memorialized on January 27, 2014, ("Resolution").

C. This Amended Affordable Housing Agreement is intended to amend and supplement the original Agreement.

NOW, THEREFORE, in consideration of the foregoing and the mutual covenants, agreements, conditions, understandings and undertakings hereinafter contained and set forth, the Township and Affordable Housing Developer agree as follows:

1. All terms and conditions of the original Agreement dated December 31, 2012, shall remain in full force and effect subject to any modifications contained herein.
2. Developer shall fulfill its obligations under conditions 7.a. and 7.b. of Resolution #2013- 23, the terms and conditions of which are incorporated herein by reference.

IN WITNESS WHEREOF, the parties have caused this Amended Affordable Housing Agreement to be duly executed the day and year first written above.

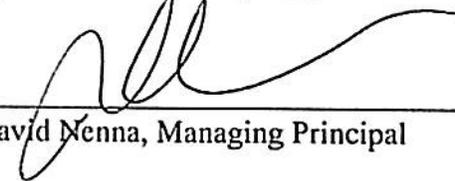
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ATTEST:



GEORGE M. DILTS, ESQ.

SJN PROPERTIES, LLC

By: 

David Menna, Managing Principal

ATTEST:



Donna Burham, Township Clerk-
Carla Conner, Acting
Township Clerk

TOWNSHIP OF CLINTON

By: 

A. Kevin Cimei, Mayor

PUBLIC COMMENTS:

Michael Carr of Regional Road, said he is a long life resident of Hunterdon County. He read a statement stating a strong opposition to any housing development plans on the former Marookian Farm preserve.

Diane Nordstrom-Eriksson of Allerton Road asked for an update regarding Mr. LeCompte of Valley Crest Farm having weddings on his property. Councilman Mullay recued himself from the meeting. Administrator Joss explained that the Township's Attorney has requested the County to schedule a CADB hearing where the Township will make their argument that the weddings on Mr. LeCompte's farm is a violation of zoning. To date, the CADB has not scheduled a hearing. Councilman Mullay returned to the Council room after the discussion.

OLD BUSINESS:

1. COAH Update

Mayor Cimei introduced the matter and stated that the Township did show some proposals for areas on the Marookian property that could be developed. The Township is trying to find a solution to its COAH obligation. The Township is in the process of getting portions of the land on the Marookian farm appraised.

REPORTS:

Councilwoman Switlyk:

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the Prosecutor's office that outlines safety procedures. The AdHoc Committee for the website consists of Mr. Patuto and Ms. McLaughlin. They will be drafting a letter to staff and parents to invite them to participate. The Strategic plan will be reviewed and updated. They will have three meetings. Exxon Mobile provided CTMS with a \$4,000 grant for a robotics program and the A&P donated \$2,000 for school supplies for needy kids in the school district. A demographic study will be presented Monday, October 27. The School Board will be conducting interviews for Marc Freda's vacated seat.

Councilman Mullay:

Solid Waste Advisory will have an electronics recycling collection this Saturday, October 11. A paper shredding day will be held on November 1 and household hazardous waste cleanup will be held November 8 from 9am-11am at the Hunterdon County Complex on Route 12. Administrator Joss will be getting estimates for the front overhang at the Old Municipal Building. The Historic Commission met and expressed a desire to move forward with the proposal to create a historic district for Hamden. The Historic Commission will have a walking tour of the Village of Annandale on October 11.

Councilman Imbriaco:

The Open Space committee met last week. The Hackett's Preserve has an outbreak of the autumn olive invasive species. The fields will be mowed in the fall and in the spring have the autumn olives sprayed. Kyle Boyd, an Eagle Scout completed his Eagle Scout project at Hackett's Preserve. Kyle has built a structure to identify the Hackett's Preserve. Kyle also placed two benches and a pole by a mailbox on Sunrise Circle. There is a State-wide ballot question for the next general election regarding funding of open space. The Environmental Commission met and discussed the preserved portion of Windy Acres. The Environment Commission would like to discuss with the Open Space Committee ways to develop hiking trails through Windy Acres. The Environmental Commission questioned whether pedestrians could use the bridge on Windy Acres if some of the wood planks were replaced. Administrator Joss stated that the Township's engineering firm had studied the bridge in detail, after Hurricanes Irene and Sandy, and determined the bridge to be unstable and not safe even for pedestrians

Council President Marra:

The Recreation Department had its 10th annual golf outing on September 22. It was their 2nd highest outing raising \$5,500. The Recreation Department has raised a total of over \$55,000 in those 10 years. Saturday, October 25 is the Halloween event.

Marvin Joss:

Administrator Joss and John Higgins from the Planning Board attended a meeting in the Town of Clinton regarding its new proposed water ordinance. That ordinance will set and amend guidelines regarding obtaining will serve letters from the Town of Clinton.

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One resident has complained about a site distance problem when driving at the corner of Lower West Street and Beaver Avenue, due to Coss's garage parking their cars along the side of the road. The resident would like parking prohibited on that side of the road at that intersection. The Police Department will look over its records to see how many accidents occurred at that intersection. The Police Department will also monitor the road and recommend any changes. The County would have the final authority to make the necessary changes due to Beaver Avenue being a County road. The ad for a CFO will be readvertised on the League's website.

Lt. Higgins:

Lt. Higgins gave an update on the hiring process for two new officers. The Police Department is currently in the 4th stage of the hiring process which is a background investigation. After the background investigation the resolutions will be presented to Council.

RESOLUTIONS:

Action Item #1

Resolution #95-14 – Approving the purchase of a fire truck

Mayor Cimei introduced the matter. Fire Chief Lunger explained the Resolution.

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, during discussion in 2013, Council determined there to be a need for a new pumper truck for the Division of Fire, and

WHEREAS, as a result of that discussion, Council passed Capital Ordinance 1052-13, that among other items, authorized funding for the purchase of a new pumper truck, and

WHEREAS, the Fire Chief has obtained various prices for said pumper truck, and has reviewed said prices with the Township Administrator, and they find that the best price for the pumper truck to be through the State of New Jersey State Purchasing Co-op, and

WHEREAS, State Contract G8035 awarded Kovatch Mobile Equipment Corp (KME) the contract for a Predator Custom Pumper, including associated equipment for a total price of \$399,989.32 including delivery.

NOW THEREFORE, BE IT RESOLVED, that the Governing Body of Clinton Township, County of Hunterdon, State of New Jersey, does hereby approve of the purchase of the Predator

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Custom Pumper from KME Corp for a total price of \$399,989.32 pursuant to the above cited State Contract.

Action Item #2

Resolution #96-14 – Approving a contract to Glen – Hale, Inc. for road construction of Cratetown Road

Mayor Cimei introduced the matter.

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

WHEREAS, the Township of Clinton has determined that it is necessary to make improvements to Cratetown Road, and to advertise for bids for the performance of the work; and

WHEREAS, after legally proper notice and publication, four (4) bids were received on September 24, 2014; and

WHEREAS, the apparent low bid was submitted by JTG Construction, Inc. in the total lump sum amount of \$421,645.00; and

WHEREAS, subsequent to the bid opening, JTG Construction, Inc. submitted a written request to the Township asking that it be permitted to withdraw its bid based on a material error in calculating bid item #12 and also, based on a concern that it may not have sufficient manpower to complete the contract according to its time requirements; and

WHEREAS, the Township Engineer and Township Attorney have reviewed JTG Construction, Inc.'s request and recommend that JTG Construction, Inc. be permitted to withdraw its bid; and

WHEREAS, JTG Construction, Inc.'s request supports that its calculation error was of such great consequence that the enforcement of the contract would be unconscionable; the error goes to a material feature of the contract; the error was made notwithstanding the exercise of reasonable care; and there is no serious prejudice to the Township aside from the loss of the bargain; and

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WHEREAS, if JTG Construction, Inc. is authorized to withdraw its bid, then the lowest bidder for this contract would be Glen G. Hale, Inc., with a bid for the total lump sum amount of \$451,933.00; and

WHEREAS, the Township Engineer has reviewed the qualifications of Glen G. Hale, Inc. and has recommended that the contract be awarded to Glen G. Hale, Inc. as the lowest responsive and responsible bidder; and

WHEREAS, the Township Attorney has reviewed Glen G. Hale, Inc.'s bid documents and has determined that they are in order; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available in the capital improvement fund for this purpose; and

WHEREAS, the Mayor is authorized to execute the contract, upon advice of counsel, subsequent to bidder's timely compliance with all post award requirements, and the Township's receipt of the approval of this contract award by the New Jersey DOT in accordance with grant conditions or any amendments thereto;

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

1. The above preamble is incorporated herein as if set forth at length.
2. The Mayor and Clerk are hereby authorized and directed to execute an agreement with **Glen G. Hale, Inc. d/b/a Hale Built, 3511 Glover Road, Easton, PA 18040** for the **Cratetown Road Improvements**, in the total lump sum amount of \$451,933.00.
3. A copy of this Resolution, and the executed Agreement shall be placed on file in the office of the Township Clerk.

VOUCHERS:

Mayor Cimei introduced the matter.

MOTION was offered by Councilwoman Switlyk to approve the check control registers dated October 8, 2014 totaling \$475,457.40. 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

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PUBLIC COMMENT:

No public comment

EXECUTIVE SESSION:

Resolution #97-14

MOTION was made by Councilman Mully to go into executive session. Seconded by Council President Marra. 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

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 8, 2014
2. The general nature of the subject matter to be discussed is as follows:
 - Advice of Counsel with respect of potential litigation concerning an employee grievance.
 - Contract negotiations with Union Township concerning shared court.
 - Potential acquisition of new lands for affordable housing purposes with public funds.
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 Councilman Mully. There being no further discussion a voice vote was called. All ayes. Motion carried.

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MOTION TO ADJOURN:

MOTION was offered by Councilwoman Switlyk to adjourn at 9:04 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: November 12, 2014