

**TOWNSHIP OF CLINTON**  
**REORGANIZATION MEETING**  
JANUARY 7, 2015  
7:30 P.M.

**MINUTES**

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**CALL TO ORDER/CALL OF THE ROLL:**

The Acting Township Clerk conducted the flag salute and gave the statement of adequate notice.

**OATH OF OFFICE TO NEWLY ELECTED OFFICIALS:**

Mayor Higgins was sworn in by Township Attorney Kris Hadinger.

**MAYOR'S MESSAGE:**

Mayor Higgins made the following comments:

Mayor Higgins thanked the voters and also thanked outgoing Mayor Cimei for passing the baton and leaving the town in good shape financially and otherwise. In the coming year Mayor Higgins would like to try to maintain a steady tax levy as best as the Township can. The Township has opted into the Highlands and is making progress there. By midyear the Township hopes to have the Highlands process completed. COAH will be a large task in the coming year.

**NOMINATIONS FOR COUNCIL PRESIDENT – MOTION**

Mayor Higgins made a motion to nominate Brian Mullay as Council President. Seconded by Councilwoman Switlyk. There being no further discussion the roll was called. Motion carried.

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

Council President Mullay thanked Councilman Marra for the job he has done for the last four years as Council President.

**Minutes:**

MOTION was made by Council President Mullay to adopt the November 12, 2014 regular minutes. Seconded by Councilman Marra. There being no further discussion the roll was called. Motion carried.

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

**RESOLUTION 02-15**

**APPOINTING THE TOWNSHIP PROFESSIONALS FOR THE YEAR 2015**

Mayor Higgins introduced the matter.

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

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

**WHEREAS**, the Mayor and Council of the Township of Clinton desire to engage certain professionals for the year 2015; and

**WHEREAS**, those professionals consist of the following:

Township Attorney	Kristina P. Hadinger, Esq. and Trishka Waterbury, Esq., Mason, Griffin & Pierson, PC
Township Engineer	Cathleen Marcelli, CME, PE Hatch, Mott MacDonald
Township Auditor	Robert Swisher, Suplee Clooney
Township Planners	Michael Sullivan, Clarke Caton Hintz Joe Burgis, Burgis Associates
Special Tax Counsel	Fred Semrau, Esq., Dorsey & Semrau
Bond Counsel	Anthony Pannella, Wilentz Goldman & Spitzer
Labor Counsel	Steve Trimboli, Trimboli & Prusinowski, LLC

**WHEREAS**, the Mayor and Council have reviewed the qualifications of the above mentioned professionals and find them to be qualified to act on behalf of the Township;

and

**WHEREAS**, all fees are delineated in the contract documents, and the Township Administrator has determined and certified in writing that the value of each of the acquisitions may exceed \$17,500; and

**WHEREAS**, the anticipated term of these contracts is one year; and

**WHEREAS**, the above mentioned professionals have completed and submitted a Campaign Contributions Affidavit as required by N.J.S.A.19A:44A-20.2 *et seq.* verifying they have not made any reportable contributions to a candidate or municipal committee representing the elected officials in the Township of Clinton in the previous one year, and that the contract will prohibit the aforementioned from making any reportable contributions through the term of the contract; and

**WHEREAS**, all of the aforementioned Professional Services Agreements are contingent upon Township Attorney Review; and

**WHEREAS**, the Business Disclosure Entity Certification and the Determination of Value shall be filed with this resolution of award;

**WHEREAS**, the Local Public Contracts Law, N.J.S.A. 40A:11-1 *et seq.* authorizes the award of the aforesaid contracts without public bidding as the professional services contracts; and

**WHEREAS**, the Chief Financial Officer has certified that sufficient funds are available for these purposes.

**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor and Council of the Township of Clinton, County of Hunterdon, State of New Jersey authorizes the execution of contracts as described herein:

1. The Mayor and Township Clerk are hereby authorized to execute the above referenced contracts.
2. A copy of this Resolution, the Certifications of Contract Value, the Campaign Contributions Affidavits, and the executed Agreements shall be placed on file in the office of the Municipal Clerk.
3. Notice of the award of these contracts shall be published in the official Township newspaper as required by law.

## APPOINTMENTS:

	<u>2014 Member</u>	<u>2015 Member</u>	<u>Appointed to</u>	<u>Term</u>	<u>Expiration</u>
<b><u>APPOINTMENTS BY MAYOR</u></b>					
Board of Adjustment					
Seat 1	Sharon Stevens	Sharon Stevens	4-year term		12/31/2018
Seat 2	John Lefkus	John Lefkus	4-year term		12/31/2018
Alt 1	Ed House	Tom Yager	2-year term		12/31/2016
Alt 2	Vacant	Arnie Olson	2-year term		12/31/2015
Environmental Commission					
Seat 1	Jennifer Horsey	Jennifer Horsey	3-year term		12/31/2017
Seat 2	John Higgins	Kevin Cimei	3-year term		12/31/2017
<b>Corrections:</b>					
Seat 6	Carol Nemetz	Carol Nemetz	3-year term		12/31/2016
Seat 7	Victor Berg	Victor Berg	3-year term		12/31/2016
Board of Health					
Seat 3	Paul Lorcheim	Paul Lorcheim	unexp 4-year term		12/31/2018 12/31/2015
Alt. 1	Tom Ulincy	Steve Lyte	1-year term		
Historic Preservation Commission					
Seat 3	Richard Scheik	Richard Scheik	4-year term		12/31/2018
Seat 5	Ted Bozzi	Bill Buriak	4-year term		12/31/2018
Alt. 1	Bill Buriak	Ted Bozzi	2-year term		12/31/2015
Alt. 2	Frank White	Frank White	2-year term		12/31/2016
Planning Board					
Seat 1 – Class I	Kevin Cimei	John Higgins	3-year term		12/31/2017
Seat 4 – Class IV	Sam Mardini	Sam Mardini	4-year term		12/31/2018
Alt. #1	John Kilduff	John Kilduff	2-year term		12/31/2016

**APPOINTMENTS BY TOWN COUNCIL**

Sewer Authority

Seat 3	Alan Fillebrown	Steve Krommenhoeck	5-year term	01/31/2020
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**Corrections:**

Seat 2	John Lazarus	John Lazarus	5-year term	02/01/2019
Seat 4	Peter Geiger	Peter Geiger	5-year term	01/31/2016
Seat 5	Katrine Sethna	Katrine Sethna	5-year term	01/31/2017

Planning Board

Seat 3 – TC –	Brian Mullay	Brian Mullay	1-year term	12/31/2015
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MOTION was made by Councilman Marra to approve the appointment of Brian Mullay to the Planning Board. Seconded by Councilwoman Switlyk. There being no further discussion the roll was called. Motion carried.

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

MOTION was made by Councilman Marra to approve the appointment of Steve Krommenhoeck to the Sewer Authority. Seconded by Councilman Mullay. There being no further discussion the roll was called. Motion carried.

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

**APPOINTMENTS OF MAYOR WITH ADVICE AND CONSENT OF THE TOWNSHIP COUNCIL:**

Open Space Advisory Committee

(Citizen)	OPEN	Lance Nebling	2-year term	12/31/2016
(Environ.)	Ron Zak	Ron Zak	1-year term	12/31/2015
(BOH)	Paul Lorcheim	Paul Lorcheim	1-year term	12/31/2015
(Historic)	Mike Hathaway	Mike Hathaway	1-year term	12/31/2015
Alt. 1	Les Geise	Les Geise	1-year term	12/31/2015
Alt. 2	Charlie Howard	Charlie Howard	1-year term	12/31/2015

Recreation Committee

Seat 4	Donna Hogrebe	Donna Hogrebe	3-year term	12/31/2017
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MOTION was made by Mayor Higgins to approve the above appointments of Open Space Advisory Committee and Recreation Committee. Seconded by Councilman Marra. There being no further discussion the roll was called. Motion carried.

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

**Personnel**

**Appointments**

Zoning Officer	Glenn Carter	Joe Rossi	6 month term	6/1/2015
Health Benefits Coordinator	Kim Kientz	Marie Pardo	1-year term	12/31/2015
Recycling Coordinators		Tom Silvia	1-year term	12/31/2015
	Jay Meixsell	Jay Meixsell		
Public Agency Compliance Officer	Marvin Joss	Marvin Joss	1-year term	12/31/2015

**Board/Commission**

**Liaisons**

Board of Education	Amy Switlyk	Amy Switlyk	1-year term	12/31/2015
North	Jim Imbriaco	Jim Imbriaco	1-year term	12/31/2015
Hunterdon/Voorhees Environmental Commission	Jim Imbriaco	Jim Imbriaco	1-year term	12/31/2015
Historic Preservation Commission	Brian Mullay	Brian Mullay	1-year term	12/31/2015
Open Space Advisory Committee	Jim Imbriaco	John Higgins	1-year term	12/31/2015
Recreation Committee	Peter Marra	Peter Marra	1-year term	12/31/2015
Board of Health	Amy Switlyk	Jim Imbriaco	1-year term	12/31/2015
Sewer Authority	Jim Imbriaco	Brian Mullay	1-year term	12/31/2015
Solid Waste Advisory	Brian Mullay	Peter Marra	1-year term	12/31/2015

MOTION was made by Councilman Marra to approve the above appointments. Seconded by Councilwoman Switlyk. There being no further discussion the roll was called. Motion carried.

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

**RESOLUTION #03-15 – MEETING SCHEDULE FOR 2015**

Mayor Higgins introduced the matter.

Council President Mullay made a motion to move resolution #03-15. Seconded by Councilman Marra. There being no further discussion the roll was called. Motion carried.

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

**BE IT RESOLVED** by the Township Council of the Township of Clinton that the following is established as a schedule of regular public and work meetings of the Township Council to be held during 2015:

**BE IT FURTHER RESOLVED** the meetings shall commence at 7:30 P.M. and the location shall be the Public Safety Building, 1370 Route 31 North, Annandale, NJ 08801 except as otherwise noted.

In accordance with the dictate of the Open Public Meetings Act, a copy of this resolution shall immediately:

- Be posted on the bulletin Board at the Municipal Building and shall remain posted for the year 2015.
- The following newspapers will be noticed: The Hunterdon County Democrat, the Courier News, the Newark Star Ledger, the Express Times, the Hunterdon Review and the Hunterdon County News.
- Filed with the Township Clerk.
- Mailed to those persons who have requested and paid the charges for copies of the schedule and revisions thereto and shall be promptly mailed to those persons who hereinafter make such request and prepay such charge.

**JANUARY**

7 Reorganization  
21 Regular

**MARCH**

11 Regular  
25 Regular

**MAY**

13 Regular  
27 Regular

**JULY**

15 Regular

**FEBRUARY**

11 Regular  
25 Regular

**APRIL**

8 Regular  
22 Regular

**JUNE**

10 Regular  
24 Regular

**AUGUST**

12 Regular

**SEPTEMBER**

9 Regular  
23 Regular

**OCTOBER**

14 Regular  
28 Regular

**NOVEMBER**

12 Regular (Thursday)

**DECEMBER**

9 Regular

The Reorganization Meeting for 2016 will take place Wednesday, January 6, at 7:30 p.m., in the Council Chambers located on the 3<sup>rd</sup> Floor of the Public Safety Building, 1370 Route 31 North, Annandale, NJ 08801.

**RESOLUTION #04-15 – SETTING THE REORGANIZATION MEETING FOR 2016, FEES FOR MEETING NOTICES AND DESIGNATING THE OFFICIAL NEWSPAPERS**

Mayor Higgins introduced the matter.

Councilman Marra made a motion to move resolution #04-15. Seconded by Councilwoman Switlyk. There being no further discussion the roll was called. Motion carried.

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

**BE IT RESOLVED** that the Reorganization meeting of the Township of Clinton for the year 2016 shall be held at the Clinton Township Municipal Building, 1370 Route 31 North, Annandale, NJ, 08801 on January 6, 2016 at 7:30 p.m.; and

**BE IT RESOLVED**, Sec. 14 of the Open Public Meetings Act, Chapter 231 P.L. 1975 permits the public body to fix a reasonable sum to be charged to persons who request that notice of meeting as required under the Act be mailed to them individually; and said sum is to cover the costs of providing such notices and said section further permits the public body to provide such notices free of charge to news media who so request.

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

Each person requesting an individual notice be mailed to him shall pay according to State Statute for copies of such notices, as required under the act.

1. Requests for such individual notice made by news media shall be granted without cost.
2. The sum herein designated is subject to change upon the adoption of superseding resolution by this public body;

And

**BE IT RESOLVED**, Sec. 3d of the Open Public Meetings Act requires that said notice of meetings be submitted to two (2) newspapers, one (1) of which shall be the official newspaper; and, the Township Council of the Township of Clinton has determined that the Hunterdon Review, Courier News, the Newark Star Ledger, the Express Times, and the Hunterdon County Democrat have the greatest likelihood of informing the public within the jurisdictional boundaries of Clinton Township of such meetings:

**BE IT FURTHER RESOLVED** that notices will be sent to all five (5) newspapers:

**BE IT FURTHER RESOLVED** by the Township Council of the Township of Clinton that the Hunterdon County Democrat is hereby designated as the official weekly newspaper of this body during 2014, as required by Sec. 13 and 3d(2) of the Open Public Meetings Act.

**RESOLUTION #05-15- AUTHORIZING THE CHIEF FINANCE OFFICER TO MAKE INVESTMENTS**

Mayor Higgins introduced the matter.

Councilman Marra made a motion to move resolution #05-15. Seconded by Councilwoman Switlyk. There being no further discussion the roll was called. Motion carried.

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

**BE IT RESOLVED** by the Township Council of the Township of Clinton that the Chief Financial Officer is hereby authorized to negotiate the purchase and sale of U.S. Government obligations, invest in time open accounts, certificates of deposit, or other investments as defined by the Township's cash management plan, whichever is the most favorable to achieve the best program for the investment of surplus municipal funds

**BE IT FURTHER RESOLVED** that the Chief Financial Officer shall report all such transactions at the following regular meeting of the Township Council as provided by Statute.

**RESOLUTION #06-15 – SETTING THE DELINQUENT TAX INTEREST RATE AND  
CANCELING TAXES UNDER \$10.00**

Mayor Higgins introduced the matter.

Council President Mullay made a motion to move resolution #06-15. Seconded by Councilman Marra. There being no further discussion the roll was called. Motion carried.

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

**WHEREAS**, N.J. Revised Statutes 54:4-67 implies that affirmative action is required on the part of the governing body in fixing the rate of interest on delinquent taxes.

**THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Clinton, that the interest rate on delinquent taxes shall be 8% per annum of the first \$1,500 and 18% per annum on any amount in excess of \$1,500 for the year 2015 and no interest shall be charged if payment of any installment is made within the 10th calendar day following the day upon which same became payable.

**BE IT FURTHER RESOLVED** in accordance with N.J.S.A. 54:4-67 the governing body may also fix a penalty to be charged to a taxpayer with a delinquency in excess of \$10,000.00 who fails to pay that delinquency prior to the end of the calendar year and that such penalty shall not exceed 6% of the amount of the delinquency.

**BE IT FURTHER RESOLVED** in any case where the taxes are not paid during the respective extended periods, the full interest rate from the due date shall apply; and

**BE IT RESOLVED**, P.L. 1979, Chapter 82, as amended by PL 1996, Chapter 113 (C.40A:9-154.1) allows the governing body of a municipality to authorize the Township Tax Collector to process the refund and/or cancel property taxes less than \$10.00 without further action of the governing body.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Township of Clinton, County of Hunterdon, State of New Jersey, that the Township of Clinton Tax Collector is hereby authorized to process refunds and delinquencies as permitted by P.L. 1979, Chapter 82, as amended by PL 1996, Chapter 113 (C.40A:9-154.1)

**RESOLUTION #07-15 – DESIGNATE OFFICIAL DEPOSITORIES**

Mayor Higgins introduced the matter.

Council President Mullay made a motion to move resolution #07-15. Seconded by Councilman Marra. There being no further discussion the roll was called. Motion carried.

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

**WHEREAS**, N.J.S.A. 40A:55-14 mandates that the governing body of a municipal Corporation shall, by resolution passed by a majority vote of the full membership thereof, designate as a depository of its monies a bank or trust company having its place of business in the state and organized under the laws of the United States or this state;

**NOW, THEREFORE, BE IT RESOLVED** on the 7<sup>th</sup> day of January 2015, by the Township Council of the Township of Clinton, County of Hunterdon, State of New Jersey, that;

New Jersey Cash Management Fund	PNC Bank
Bank of America	Unity Bank
Peapack-Gladstone Bank	MBIA Class
Investors Savings Bank	New Jersey ARM
Yardville National Bank	TD Bank
Valley National Bank	Team Capital
Provident Bank	

All Federally secured Banks in the State of New Jersey be and are hereby designated as depositories for the Township of Clinton for the year 2015.

Prior to the deposit of any municipal funds in the above-mentioned depositories, said bank shall file with the Chief Financial Officer a statement indicating that the bank is covered under the Government Units Deposit Protection Act 9 R.S. (17:9-41).

**BE IT FURTHER RESOLVED** by the Township Council of the Township of Clinton that the various municipal accounts will be deposited in the Banks listed above and the persons responsible shall be as follows:

<u>Account</u>	<u>Custodian</u>
Current Account	Finance Officer
Escrow Account	Finance Officer
Capital Account	Finance Officer
Unemployment Compensation Account	Finance Officer

Animal Control Account	Finance Officer
Recreation Commission Trust Account	Finance Officer
Neighborhood Preservation Balanced Housing Program	Finance Officer
Payroll Account	Finance Officer
Payroll Agency Account	Finance Officer
Performance Guarantee Account	Finance Officer
Open Space Account	Finance Officer
Assessment Trust Account	Finance Officer
Credit Card Clearing Account	Finance Officer
COAH Account	Finance Officer
Trust Account	Finance Officer
Investment Account P-G	Finance Officer
Grant Account	Finance Officer
Tax Redemption Account	Tax Collector
Court General Account	Court Administrator
Court Bail Account	Court Administrator

**RESOLUTION #08-15 –AUTHORIZING HEALTH BENEFITS COORDINATOR TO PAY HEALTH BENEFITS BILLS AND AUTHORIZING THE PAYMASTER TO PAY EMPLOYEES**

Mayor Higgins introduced the matter.

Councilman Marra made a motion to move resolution #08-15. Seconded by Council President Mullay. There being no further discussion the roll was called. Motion carried.

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

**BE IT RESOLVED** that the Health Benefits Coordinator be authorized to pay the Township employees health benefits bills when the payments become due, whenever payment periods fall between regular Township Council Meetings; and

**BE IT RESOLVED** that the Paymaster be authorized to pay the Township employees when the payroll becomes due, whenever pay periods fall between regular Township Council Meetings

**RESOLUTION #09-15– AUTHORIZING SIGNATURES ON TOWNSHIP CHECKS**

Mayor Higgins introduced the matter.

Councilman Marra made a motion to move resolution #09-15. Seconded by Councilwoman Switlyk. There being no further discussion the roll was called. Motion carried.

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

**WHEREAS**, all disbursements shall be by bank check signed by the Mayor and counter signed by the Treasurer.

**NOW, THEREFORE, BE IT RESOLVED** that in the absence of the Mayor, the Administrator is authorized to sign checks and in the absence of the Chief Financial Officer/Treasurer, the Municipal Clerk is authorized to sign checks on all accounts listed below:

Current Account, Escrow Account, Capital Account, Unemployment Compensation Account, Recreation Commission Trust Account, Neighborhood Preservation Balanced Housing Program, Payroll Account, Payroll Agency Account, Performance Guarantee Account, Open Space Account, Assessment Trust Account, COAH Account, Animal Control, P-G Investment Account, Credit Card Clearing Account, Twp. Trust Account and Grant Account.

**BE IT FURTHER RESOLVED** that signatures noted below are required for the accounts designated:

Tax Redemption Account

Tax Collector  
Township Clerk

Clinton Twp. Municipal Court  
General Acct.  
Bail Acct.

Court Administrator  
Treasurer

**RESOLUTION #10-15 – ADOPTING THE TEMPORARY BUDGET**

Mayor Higgins introduced the matter.

Councilman Marra made a motion to move resolution #10-15. Seconded by Councilwoman Switlyk. There being no further discussion the roll was called. Motion carried.

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

**WHEREAS**, N.J.S.A. 40A:4-19 allows for a municipality to adopt a temporary budget within the first 30 days of its budget year when contracts, commitments or payments need to be made prior to the adoption of the regular budget, and;

**WHEREAS**, the total appropriations of the temporary budget shall not exceed 26.25% of the total of the appropriations made for all purposes in the budget for the preceding year, excluding appropriations for interest and debt redemption charges, capital improvements and public assistance, if any.

**NOW, THEREFORE, BE IT RESOLVED**, by the Governing Body of the Township of Clinton, in the County of Hunterdon, State of New Jersey, that the temporary 2015 Budget, totaling \$3,780,042.80 is hereby adopted, as follows:

<b><u>Account</u></b>	<b><u>Amount</u></b>
Mayor & Council S & W	3,829.15
Mayor & Council O & E	13,125.00
Municipal Clerk O & E	43,344.58
Municipal Clerk S & W	8,793.75
Financial Admin S & W	33,000.00
Financial Admin O & E	4,500.00
Audit Services	7,120.31
Data Processing O & E	12,117.00
Collection of Taxes S & W	27,948.56
Collection of Taxes O & E	3,500.00
Assessment of Taxes S & W	23,100.00
Assessment of Taxes O & E	6,037.50
Legal Services O & E	32,946.64
Engineering O & E	16,406.25
Open Space Committee O & E	262.50
Environmental Committee O & E	262.50

Historic Commission O & E	262.50
Planning Board S & W	14,585.16
Planning Board O & E	4,725.00
Zoning S & W	3,700.10
Zoning O & E	262.50
Board of Adjustment O & E	1,575.00
Uniform Construction Code S & W	52,000.00
Uniform Construction Code O & E	11,812.50
Other Insurance(Jif)	152,684.00
Group Insurance Plan	224,205.40
Unemployment Comp	1,312.50
Police S & W	607,301.79
Police O & E	33,500.00
Emergency Management O & E	525.00
Division of Fire O & E	21,000.00
Hydrant Rental	28,477.05
Prosecutor's Office	11,245.50
Road Repair & Maint S & W	170,483.75
Road Repair & Maint O & E	80,000.00
Bldg & Grounds O & E	30,000.00
Fleet Maint O & E	24,000.00
Health Dept S & W	2,945.25
Health Dept O & E	1,050.00
Recreation Dept S & W	33,930.12
Recreation Dept O & E	5,486.25
Util Exp & Bulk-Electricity	18,375.00
Util Exp & Bulk-Street Lighting	4,987.50
Util Exp & Bulk-Telephone	20,055.00
Util Exp & Bulk-Water	625.00
Util Exp & Bulk-Natural Gas	8,000.00
Util Exp & Bulk-Sewer	1,155.00
Util Exp & Bulk-Gasoline	48,247.50
Stat Exp- Social Security	94,500.00
Municipal Court S & W	56,680.94
Municipal Court O & E	5,250.00
Public Defender S & W	2,703.75
Debt Service	1,785,000.00
Total	3,780,042.80

**RESOLUTION #11-15 – TO ESTABLISH A CHANGE FUND FOR THE TOWNSHIP CLERK, TAXCOLLECTOR, CONSTRUCTION AND COURT**

Mayor Higgins introduced the matter.

Councilman Marra made a motion to move resolution #11-15. Seconded by Council President Mullay. There being no further discussion the roll was called. Motion carried.

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

**BE IT RESOLVED**, that a change fund is hereby established in the amount of \$50.00 to be used and maintained in the Municipal Clerk’s Office to make change for residents purchasing copies, dog licenses, etc.; and

**BE IT RESOLVED**, that a change fund is hereby established in the amount of \$100.00 to be used and maintained in the individual offices of the Tax Collector, Construction Official and the Court, to make change for residents paying their taxes, purchasing copies, etc.

**RESOLUTION #12-15 – PETTY CASH – FINANCE, AND POLICE DEPARTMENT**

Mayor Higgins introduced the matter.

MOTION was made by Councilman Marra to adopt resolution #12-15. Seconded by Councilwoman Switlyk. There being no further discussion the roll was called. Motions carried.

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

**BE IT RESOLVED**, that a petty cash fund shall be established and maintained in the Finance Department in the amount of \$250.00. Such petty cash shall be used for purchases not to exceed \$25.00; and

**BE IT RESOLVED**, that a petty cash fund shall be established and maintained in the Police Department in the amount of \$100.00. Such petty cash shall be used for purchases not to exceed \$25.00.

**RESOLUTION #13-15– TO AUTHORIZE THE TAX COLLECTOR TO HOLD A TAX SALE**

Mayor Higgins introduced the matter.

MOTION was made by Councilman Marra to adopt resolution #13-15. Seconded by Council President Mullay. There being no further discussion the roll was called. Motions carried.

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

**BE IT RESOLVED**, by the Mayor and Council of the Township of Clinton that the Tax Collector is authorized to conduct a tax sale for all prior years' delinquent taxes pursuant to New Jersey Law Chapter 99.

**RESOLUTION #14-15 - APPOINTING A PUBLIC DEFENDER**

Mayor Higgins introduced the matter.

MOTION was made by Councilman Marra to adopt resolution #14-15. Seconded by Council President Mullay. There being no further discussion the roll was called. Motions carried.

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

**WHEREAS**, the Township of Clinton Shared Court requires the services of a Public Defender; and

**WHEREAS**, Scott C. Mitzner, Esq. has served in this position since our Court's inception, has done an excellent job, and is hereby recommended by the Township Administrator, to continue in this position.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Township of Clinton, County of Hunterdon, State of New Jersey that Mr. Scott C. Mitzner, Esq. be appointed as Public Defender for a one-year term at a salary of \$637.50 per court session, not to exceed \$14,000 for the year 2015 without prior approval

**RESOLUTION #15-15 - TOWNSHIP COUNSEL TO FILE TAX APPEALS**

Mayor Higgins introduced the matter.

MOTION was made by Council President Mullay to adopt resolution #15-15. Seconded by Councilman Marra. There being no further discussion the roll was called. Motions carried.

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

**WHEREAS**, the Hunterdon County Board of Taxation has been advised by the Attorney General's Office that the Municipal or Tax Attorney should file tax appeals in behalf of the municipality; and

**WHEREAS**, the Hunterdon County Board of Taxation will no longer accept tax appeals from Municipal Tax Assessors as was permitted in the past provided a resolution was adopted.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council that the Township Tax Counsel is authorized to file tax appeals and settlement stipulations on behalf of the Township of Clinton pursuant to this resolution.

**BE IT FURTHER RESOLVED**, that a certified copy of this resolution be forwarded to the Hunterdon County Board of Taxation with advice copies to the Township Attorney and the Tax Assessor.

**RESOLUTION #16-15 - APPOINTING A MUNICIPAL PROSECUTOR**

Mayor Higgins introduced the matter.

MOTION was made by Councilman Marra to adopt Resolutions #16-15 appointing a Municipal Prosecutor. Seconded by Council President Mullay. There being no further discussion the roll was called. Motions carried.

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

**WHEREAS**, the Township of Clinton Shared Court requires the services of a Municipal Prosecutor; and

**WHEREAS**, Township Administrator, Marvin Joss, has interviewed candidates and recommends the appointment of Robert Ballard, Esq. for this position.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Township of Clinton, County of Hunterdon, State of New Jersey that Mr. Robert Ballard Esq. be appointed as Municipal Prosecutor for a one-year term at a salary of \$42,000.

**RESOLUTION #17-15 – AUTHORIZING THE TAX ASSESSOR TO FILE CORRECTIVE APPEALS**

Mayor Higgins introduced the matter.

MOTION was made by Councilman Marra to adopt resolution #17-15. Seconded by Councilwoman Switlyk. There being no further discussion the roll was called. Motions carried.

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

**WHEREAS**, Mr. Jeff Ward serves as Tax Assessor for the Township of Clinton; and

**WHEREAS**, Mr. Ward is authorized to process corrective appeals, sign stipulations to assessment appeals and process farmland rollback petitions on behalf of the Township of Clinton.

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

1. Mr. Ward is authorized to perform the tasks outlined above.
2. A copy of this resolution shall be sent to the Hunterdon County Board of Taxation.

**RESOLUTION #18-15 – DESIGNATING COMMISSIONER AND ALTERNATE COMMISSIONER FOR SOMERSET COUNTY JOINT INSURANCE FUND FOR 2015**

Mayor Higgins introduced the matter.

MOTION was made by Council President Mulla to adopt Resolution #18-15. Seconded by Councilman Marra. There being no further discussion the roll was called. Motion carried.

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

**WHEREAS**, as a condition of membership in the Somerset County Joint Insurance Fund, it is necessary to designate a Township Official to serve as a Commissioner and Alternate Commissioner, to represent the Township of Clinton.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Township of Clinton, in the County of Hunterdon, State of New Jersey, that for the year 2015, Marie Pardo be designated as the Commissioner for the Township of Clinton with Marvin Joss designated as Alternate Commissioner.

**RESOLUTION #19-15 – TRANSFER OF FUNDS**

Mayor Higgins introduced the matter.

MOTION was made by Councilman Marra to adopt Resolution #19-15. Seconded by Councilwoman Switlyk. There being no further discussion the roll was called. Motion carried.

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

**WHEREAS**, N.J.S.A. 40A:4-59 permits transfer of funds between prior year budget appropriations during the first three months of any succeeding year when it is deemed necessary to fulfill prior year obligations, and;

**WHEREAS;** there are certain budget year 2014 appropriations that require transfer of funds to meet the charges and obligations incurred within 2014;

**NOW, THEREFORE, BE IT RESOLVED**, by the Governing Body of the Township of Clinton, in the County of Hunterdon, State of New Jersey, that the transfer below is hereby authorized by a 2/3 vote of the full Governing Body;

TO:

Council	OE	\$ 9,000.00
Buildings and Grounds	OE	\$ 5,000.00
Department of Public Works	OE	\$30,000.00
Legal	OE	\$ 5,000.00
Engineering	OE	\$ 9,000.00

FROM:

Construction Official	SW	\$ 8,000.00
Group Health Insurance	OE	\$10,000.00
Police Department	OE	\$15,000.00
Department of Public Works	SW	\$10,000.00
Gasoline	OE	\$ 6,000.00
Electricity	OE	\$ 9,000.00

TOTALS		\$58,000.00	\$58,000.00
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**RESOLUTION #20-15 – RELEASE OF ESCROWS**

Mayor Higgins introduced the matter.

MOTION was made by Councilman Marra to adopt Resolution #20-15. Seconded by Councilwoman Switlyk. There being no further discussion the roll was called. Motion carried.

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

**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
\$501.10	68/8	1831 Rt 31	Riley&Jakes	Escrow

**RESOLUTION #21-15 – RESOLUTION AUTHORIZING LEGAL AND PLANNING ACTIONS WITH RESPECT TO MT. LAUREL COMPLIANCE**

Mayor Higgins introduced the matter.

MOTION was made by Councilwoman Switlyk to adopt Resolution #21-15. Seconded by Councilman Marra. There being no further discussion the roll was called. Motion carried.

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

**WHEREAS**, on September 26, 2013, the New Jersey Supreme Court decided In re Adoption of N.J.A.C. 5:96 & 5:97, 215 N.J. 578 (2013), which invalidated COAH’s 2008 Third Round Rules on the basis that the “growth share” methodology incorporated into the 2008 Third Round Rules were beyond the purview of the rulemaking authority delegated to COAH because they conflicted with the Fair Housing Act (the “FHA”), N.J.S.A. 52:27D-302 et seq. Id. at 586, 620;

**WHEREAS**, the Supreme Court “endorsed the remedy imposed by the Appellate Division,” Id. at 620, which was that COAH was required to adopt the 2013 Third Round Rules within five (5) months, In re N.J.A.C. 5:96 & 5:97, 416 N.J. Super. 462, 511 (App. Div. 2010), so the effect of the Supreme Court’s decision was that COAH was required to adopt new Third Round Rules (the “2013 Third Round Rules”) by February 26, 2014 (as the Supreme Court’s decision was issued on September 26, 2013);

**WHEREAS**, COAH failed to adopt the 2013 Third Round Rules by February 26, 2014 and, after Fair Share Housing Center (“FSHC”) filed a motion in the Appellate Division to enforce litigants rights and COAH filed a motion in the Supreme Court appealing from the Appellate Division decision of the FSHC motion and for an extension of the February 26, 2014 deadline, the Supreme Court issued an Order on March 14, 2014 (the “**March 14, 2014 Order**”) that required COAH to adopt the 2013 Third Round Rules on or before October 22, 2014 and transmit the 2013 Third Round Rules to the Office of Administrative Law (the “OAL”) to permit publication of the

adoption notice in the November 17, 2014 edition of the New Jersey Register:

**WHEREAS**, the March 14, 2014 Order further provides that in the event that COAH does not adopt the 2013 Third Round Rules by November 17, 2014, then the Supreme Court will entertain applications for relief in the form of a motion in aid of litigant's rights, including but not limited to a request to lift the protection provided to municipalities through the Fair Housing Act of 1985 ("FHA"), specifically, N.J.S.A. 52:27D-313 and, if such request is granted, actions may be commenced on a case-by-case basis before the Law Division or in the form of "builder's remedy" challenges;

**WHEREAS**, on April 30, 2014, COAH completed the preparation of and formally approved the 2013 Third Round Rules and thereafter promptly forwarded them to the OAL so that the 2013 Third Round Rules were published in the June 2, 2014 edition of the New Jersey Register;

**WHEREAS**, COAH met on October 20, 2014 for the purpose of adopting the 2013 Third Round Rules but a motion to adopt the 2013 Third Round Rules failed on a 3-3 tie vote of COAH members, the 2013 Third Round Rules have not been forwarded to the OAL, and no notice of adoption will be published in the November 17, 2014 edition of the New Jersey Register;

**WHEREAS**, on October 31, 2014, FSHC filed a motion in aid of litigants rights with the Supreme Court seeking to excise from the FHA the provisions that allow municipalities to petition COAH for substantive certification specifically set forth in N.J.S.A. 52:27D-313, which would have the effect of stripping the protections provided to municipalities in the FHA from builder's remedies lawsuits through N.J.S.A. 52:27D-316 (which requires anyone who institutes exclusionary zoning litigation to first exhaust COAH's review and mediation process established in the FHA) and N.J.S.A. 52:27D-317, which provides that a municipality which has obtained substantive certification from COAH shall have a presumption of validity attaching to its housing plan element and ordinances implementing the housing plan element and, in order to rebut the presumption of validity, the plaintiff in any lawsuit must demonstrate by "clear and convincing evidence that the housing element and ordinances implementing the housing element do not provide a realistic opportunity for the provision of the municipality's fair share of low and moderate income housing . . .";

**WHEREAS**, FSHC's motion further seeks an order from the Supreme Court allowing Mt. Laurel builder's remedy lawsuits to proceed against municipalities in the Law Division of the Superior Court as they did prior to the enactment of the FHA in 1985;

**WHEREAS**, the Supreme Court entertained oral argument on FSHC's motion on January 6, 2015;

**WHEREAS**, Burgis Associates, Inc, the Township's affordable housing planner, is authorized by the Township of Clinton to update the Housing Plan Element of the Clinton Township Master Plan and Fair Share Plan for Third Round Mt. Laurel Compliance;

**WHEREAS**, in the event that the Supreme Court grants FSHC's motion and allows Mt. Laurel builder's remedy lawsuits to proceed against municipalities in the Law Division of the

Superior Court, the Mayor and Council want to be in a position to file a Declaratory Judgment action in the Law Division seeking a judgment of compliance with its Third Round affordable housing obligation and, to that end, desires to retain and authorize Jonathan E. Drill, Esq. to prepare and file a Declaratory Judgment action in the Law Division on behalf of the Township seeking a judgment of compliance with the Township's Third Round affordable housing obligation and also seeking an order of immunity from Mt. Laurel builder remedy lawsuits during the process of adopting the Housing Plan Element and Fair Share Plan as well as all implementing ordinances;

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

1. Jonathan E. Drill, Esq. is authorized to prepare and file a Declaratory Judgment action in the Superior Court on behalf of the Township seeking a judgment of compliance with the Township's Third Round affordable housing obligation and also seeking an order of immunity from Mt. Laurel builder remedy lawsuits during the process of adopting the Housing Plan Element and Fair Share Plan as well as all implementing ordinance.
2. The Township Attorney, Engineer, Administrator, Planner and Affordable Housing Planner are all authorized to take such as actions as may be appropriate to further both the preparation and implementation of the updated Housing Plan Element of the Clinton Township Master Plan and Fair Share Plan for Third Round Mt. Laurel Compliance.
3. This Resolution shall take effect immediately.

**VOUCHERS:**

MOTION was made by Council President Mullay to adopt the vouchers dated December 31, 2014, in the amount of \$832,803.00. Seconded by Councilman Marra. There being no further discussion the roll was called. Motion carried.

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

**PUBLIC COMMENT:**

There were no public comments.

**ADJOURNMENT:**

MOTION was made by Councilwoman Switlyk to adjourn the meeting at 7:53 p.m. Seconded by Council President Mullay. There being no further discussion a voice vote was called. All ayes. Motion carried.

ATTEST:

  
\_\_\_\_\_  
Carla Conner, Acting Township Clerk

  
\_\_\_\_\_  
John Higgins, Mayor

Adopted: February 11, 2015