

Mayor Kovach called the meeting to order at 7:30 p.m.

Flag Salute.

Roll Call: Present: Duffy, Insel, Pendergast, Shea, Smith, Valenta, Mayor Kovach

STATEMENT OF ADEQUATE NOTICE:

Mayor Kovach read the following statement: “Adequate notice of this meeting has been provided, indicating the time and place of the meeting and the proposed agenda, which notice was posted, made available to newspapers, and filed with the Clerk of the Town of Clinton in accordance with Section 3(d) of Chapter 231 of the Public Laws of 1975.”

APPROVAL OF MINUTES

A motion was made by Mr. Smith seconded by Mr. Duffy to approve the minutes of the Regular Council Meeting held February 14, 2012 as submitted.

Vote all ayes
1 Abstention (Insel)
Motion carried

PROCLAMATION

Congratulations to the Clinton Public School, Lady Bulldogs, for an undefeated season winning the North Hunterdon/Voorhees Elementary District Basketball Tournament. The “ladies” attended this evenings meeting along with family and friends and packed the Council room. Mayor Kovach read the proclamation, presented each player with a copy and, along with Coach Joe Harris, took great photos! Councilwoman Insel thanked Coach Harris for the years of dedication to the students!

CERTIFICATE OF APPRECIATION

The Town of Clinton welcomed Anthony “Tony the Vet” LoBue and Mayor Kovach introduced him to Council and the audience. Tony the Vet stopped in Clinton today as part of his 100-mile walk to New York City for “Support Our Veterans” campaign. The 69 year old disabled veteran advocate began his journey in San Diego to New York in honor of the 10th Anniversary of the September 11 terrorist attack to draw attention to the plight of veterans. Mayor Kovach presented Mr. LoBue with a Certification of Appreciation citing Tony’s 3 Rs – recognition, rewards and respect for all veterans, their families and veterans organizations. Photos were taken with Mayor Kovach and Council, followed by a round of applause and well wishes to Tony’s continued success.

PUBLIC COMMENT

Whitney Wetherill, 36 West Main Street, addressed Council in frustration to ask, once again, about the status of the Hunterdon Art Museum. Attorney Cushing explained the number of issues being addressed and said a form of statement agreement is being prepared, hoping a balance can be met. It appears that the matter is close to being settled.

Vince Cardarelli, Senior Coordinator for the Town, approached Council to consider setting aside a line item in the Town budget to subsidize the activities of our senior groups. Coordinators in other municipalities use this money to help defray the cost of bus rentals, trips, dinners, etc. Mr. Cardarelli is requesting that council consider setting aside a sum which would be dedicated to making Senior club trips more attractive and affordable. Council thanked Mr. Cardarelli and will consider his request.

SPECIAL EVENT APPLICATION – FISHING DERBY

A motion was made by Mr. Shea, seconded by Mr. Pendergast, to approve the special event request to hold the Pete Pender Memorial Fishing Derby on Saturday, April 21, 2012, rain or shine, 8 am to noon. Todd Pender, organizer of the event along with the Clinton Sunrise Rotary, received a grant from the Rotary District 7510 in the amount of \$1,100! Great news for derby organizers, this will cover the cost of stocking the pond.

Vote all ayes
Motion carried

CLINTON PUBLIC SCHOOL – WAIVER REQUEST

A motion was made by Mr. Shea, seconded by Mr. Pendergast, to approve the fee waiver for the Clinton Public School in the amount of \$121.00 to relocate the school's fire alarm panel.

ROLL CALL: Ayes: Duffy, Insel, Pendergast, Shea, Smith, Valenta, Mayor Kovach

Vote all ayes
Motion carried

BANNER REQUEST – IMMACULATE CONCEPTION FESTIVAL

A motion was made by Mrs. Insel, seconded by Mr. Pendergast, to approve the banner request for the Immaculate Conception Parish Festival to be displayed June 18 through the 24th, 2012.

Vote all ayes
Motion carried

OVERPAYMENT OF TAXES

A motion was made by Mr. Smith, seconded by Mrs. Valenta, to adopt Resolution #61-12 as submitted, authorizing the Chief Financial Officer to refund the overpayment on Block 3, Lot 1 in the amount of \$93,764.10 as submitted.

RESOLUTION # 61-12

WHEREAS, the Tax Collector of the Town of Clinton has received an overpayment for following block and lot due to Tax Court Judgment,

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Town of Clinton that the Chief Financial Officer be authorized to refund the overpayment to the following account and made payable as per Judgment to 111 W Main Street Holdings, LLC c/o Law Offices of Glen-David Schwarzschild, LLC, 1050 North Kings Highway, Suite 102, Cherry Hill, NJ, 08034:

| <u>BLOCK</u> | <u>LOT</u> | <u>OWNER</u> | <u>AMOUNT</u> |
|---------------------|-------------------|---------------------|----------------------|
| 3 | 1 | SNG Properties, LLC | \$93,764.10 |

BE IT FURTHER RESOLVED that the Tax Collector remove the overpayment on the above block and lot for the 3rd & 4th quarters of 2011.

ROLL CALL: AYES: Duffy, Insel, Pendergast, Shea, Smith, Valenta, Mayor Kovach

Vote all ayes
Motion carried

RESOLUTION #62-12 – CHANGE ORDER NO. 1

A motion was made by Mr. Pendergast, seconded by Mr. Shea, to adopt Resolution #62-12 as presented:

**RESOLUTION # 62-12
CHANGE ORDER NO. 1**

WHEREAS Samuel Stothoff Company, Inc. is the contractor performing improvements of Production Well House #12R; and

WHEREAS work included in Change Order #1 represents a total increase of \$18,300, and

WHEREAS the Change Order #1 is for work addressing the drainage improvements to the exterior of the well house and alterations to the well house structure; and

WHEREAS the changes are as follows:

| <u>Item</u> | <u>Cost</u> |
|--|-------------|
| Increase of time to develop the well during drilling | \$13,500.00 |
| Reduced piping sizes and adjustment for drainage | 4,800.00 |

WHEREAS Water Engineer, Andrew S. Holt, PE, of Suburban Consulting has reviewed the payment request and considers it to be in compliance with the performance of the contract and to make the final Payment No 5 in the amount of \$25,971.34;

NOW THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Town of Clinton that Change Order 1 for the Well House #12 be approved.

ROLL CALL: Ayes: Duffy, Insel, Pendergast, Shea, Smith, Valenta, Mayor Kovach

Vote all ayes
Motion carried

PUBLIC HEARING OF ORDINANCE #12-1 – CLOTHING BINS

Following the introduction of a the law, N.J.S.A. 40:48-2.6, which provides that a permit is required for clothing bins, a motion was made by Mr. Smith, seconded by Mr. Pendergast, to open the public hearing on Ordinance #12-1;

**ORDINANCE #12-1
PERMIT REQUIRED FOR THE PLACEMENT OR USE OF CLOTHING BINS**

Vote all ayes
Motion carried

There being no public comment or questions, a motion was made by Mrs. Insel, seconded by Mr. Pendergast, to close the public portion of the meeting.

Vote all ayes
Motion carried

A motion was made by Mr. Smith, seconded by Mr. Pendergast, to adopt Ordinance #12-1 on second reading.

ROLL CALL: Ayes: Duffy, Insel, Pendergast, Shea, Smith, Valenta, Mayor Kovach

Vote all ayes
Motion carried

PUBLIC HEARING OF ORDINANCE #12-2 – AMENDING FEE SCHEDULE

A motion was made by Mr. Pendergast, seconded by Mrs. Insel, to open the public hearing of ordinance #12-2 as presented:

ORDINANCE #12-2
AN ORDINANCE AMENDING SUBSECTION 73, FEE SCHEDULE
SUBSECTION : UNIFORM CONSTRUCTION CODE FEES
TO INCLUDE ANNUAL BACKFLOW CERTIFICATE OF COMPLIANCE FEES

Vote all ayes
Motion carried

There being no public comment, a motion was made by Mr. Pendergast, seconded by Mrs. Insel, to close the public hearing.

Vote all ayes
Motion carried

A motion was made by Mr. Pendergast, seconded by Mr. Duffy, to adopt Ordinance #12-2 on second reading.

ROLL CALL: Ayes: Duffy, Insel, Pendergast, Shea, Smith, Valenta, Mayor Kovach

Vote all ayes
Motion carried

CORRESPONDENCE

1. Statewide Insurance Fund has forwarded a check in the amount of \$1,750 for the Town's participation in the Ethics training sponsored by Statewide.
2. Correspondence from the Township of Readington to the Hunterdon County Freeholders, asking County municipalities to support them in asking the Freeholders to reconsider doing away with the County Planning Department.

REPORTS FROM COUNCIL & TOWN OFFICIALS

Police Chief Matheis

1. The downtown improvement project is moving along without complications.

Councilman Smith

1. The Water Committee met with Exxon for preliminary discussions about changing service to the existing water tank.
2. Bids received for the Potterstown Well #4. The attorney and Finance Officer are verifying the proposals.
3. The emergency repair to the leak in the Water Street lot came in at \$18,000.

Councilman Shea

1. Roads project, contractor Z Brothers, moving along nicely. Penn Bower to begin the water main replacement soon.
2. Shade Tree Commission discussing Arbor Day plans to plant a tree on the corner lot of Old 22 and Leigh Street.

Councilwoman Insel

1. A pole that was struck by a car on Center Street was being repaired and cracked a sidewalk slate. It needs to be replaced.

Councilman Pendergast

1. Sewer Committee discussed the Filter Replacement and gearing towards a construction date set in July, 2012.
2. The Board of Recreation sponsored a night time movie and had approximately 50 children!

APPROVAL OF STANDBY AND OVERTIME

A motion was made by Mr. Pendergast seconded by Mr. Shea to approve the standby and overtime pay attached to these minutes February 3, 2012 through February 16, 2012.

ROLL CALL: Ayes: Duffy, Insel, Pendergast, Shea, Smith, Valenta, Mayor Kovach

Vote all ayes
Motion carried

PAYMENT OF BILLS

A motion was made by Mr. Smith seconded by Mrs. Valenta to approve the voucher list attached to these minutes.

ROLL CALL: Ayes: Duffy, Insel, Pendergast, Shea, Smith, Valenta, Mayor Kovach

Vote all ayes
Motion carried

RESOLUTION #- 63--12 – EXECUTIVE SESSION –Potential Litigation/Contract Negotiations

A motion was made by Mr. Shea seconded by Mr. Smith to enter into Executive Session at 8:15 p.m. to discuss matters of Potential Litigation and Contract Negotiations.

**RESOLUTION # 63-12
RESOLUTION AUTHORIZING EXECUTIVE SESSION**

WHEREAS, the Open Public Meetings Act; *N.J.S.A. 10:4-6 et seq.*, declares it to be the public policy of the State to insure the right of citizens to have adequate advance notice of and the right to attend meetings of public bodies at which business affecting the public is discussed or acted upon; and

WHEREAS, the Open Public Meetings Act also recognizes exceptions to the right of the public to attend portions of such meetings; and

WHEREAS, the Mayor and Council find it necessary to conduct an executive session closed to the public as permitted by the *N.J.S.A. 40:4-12*; and

WHEREAS, the Mayor and Council will reconvene in public session at the conclusion of the executive session;

NOW, **THEREFORE**, BE IT **RESOLVED** by the Mayor and Council of the Town of Clinton, County of Hunterdon, State of New Jersey that they will conduct an executive session to discuss the following topic(s) as permitted by *N.J.S.A. 40:4-12*:

A matter which Federal Law, State Statute or Rule of Court requires be kept confidential or excluded from discussion in public (Provision relied upon: _____);

_____A matter where the release of information would impair a right to receive funds from the federal government;

_____A matter whose disclosure would constitute an unwarranted invasion of individual privacy;

_____A collective bargaining agreement, or the terms and conditions thereof (Specify contract: _____)

_____A matter involving the purpose, lease or acquisition of real property with public funds, the setting of bank rates or investment of public funds where it could adversely affect the public interest if discussion of such matters were disclosed;

_____Tactics and techniques utilized in protecting the safety and property of the public provided that their disclosure could impair such protection;

_____Investigations of violations or possible violations of the law;

X_____Pending or anticipated litigation or contract negotiation in which the public body is or may become a party; (the general nature of the litigation or contract negotiations is: _____the public disclosure of such information at this time would have a potentially negative impact on the municipality's position in the litigation or negotiation; therefore this information will be withheld until such time as the matter is concluded or the potential for negative impact no longer exists.)

_____Matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his or her ethical duties as a lawyer; (The general nature of the matter is: _____)

OR _____ the public disclosure of such information at this time would have a potentially negative impact on the municipality's position with respect to the matter being discussed; therefore this information will be withheld until such time as the matter is concluded or the potential for negative impact no longer exists);

_____Matters involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance, promotion or disciplining of any specific prospective or current public officer or employee of the public body, where all individual employees or appointees whose rights could be adversely

affected have not requested in writing that the matter(s) be discussed at a public meeting;
(The employee(s) and/or general nature of discussion is

OR _____ the public disclosure of such information at this time would violate the
employee(s) privacy rights; therefore this information will be withheld until such time as
the matter is concluded or the threat to privacy rights no longer exists.;

_____ Deliberation occurring after a public hearing that may result in the imposition of
a specific civil penalty or loss of a license or permit;

BE IT FURTHER RESOLVED that the Mayor and Council hereby declare that their
discussion of the subject(s) identified above may be made public at a time when the
Town Attorney advises them that the disclosure of the discussion will not
detrimentally affect any right, interest or duty of the Town or any other entity with
respect to said discussion. That time is currently estimated to be:20 minutes
(estimated length of time) OR upon the occurrence of

BE IT FURTHER RESOLVED that the Mayor and Council, for the reasons set forth
above, hereby declare that the public is excluded from the portion of the meeting during
which the above discussion shall take place. Vote all ayes
Motion carried

A motion was made by Mr. Pendergast, seconded by Mrs. Valenta, to return to the Regular
Council meeting at 8:50 p.m.

Vote all ayes
Motion carried

ADJOURNMENT: There being no further business, a motion was made by Mr. Pendergast
seconded by Mr. Shea to adjourn the meeting at 8:55 p.m..

Vote all ayes
Motion carried

Cecilia Covino, RMC/CMC
Town Clerk

Janice Kovach, Mayor