

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

Flag Salute.

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

**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. Pendergast seconded by Mr. Shea to approve the minutes of the Regular Council Meeting held February 14, 2012 as submitted.

Vote all ayes  
Motion carried

**APPROVAL OF MONTHLY REPORTS – FEBRUARY**

A motion was made by Mr. Smith seconded by Mr. Pendergast, to accept the monthly reports for February as submitted:

Assessor's Report, Building and Grounds Foreman's Report, Clerk's Account, Cat & Dog Licensing Accounts, Code Enforcement/Housing Officer Report, Construction Control/Inspection Report, Fire Official, Police Report, Road Foreman's Report, Sewer Collector's Report, Tax Collector's Report, Water Collector's Report, Treasurer's Report, Water Superintendent's Report, Zoning Officer Report.

Vote all ayes  
Motion carried

**PUBLIC COMMENTS`**

Todd Pender, 9 Lower Center Street, approached Council to ask if they would consider permitting a banner be displayed at DeMott Pond to announce the Pete Pender Fishing Derby to be held April 21, 2012. Mr. Pender attempted to have his banner displayed across East Main Street, but the demand to display banners has increased and the date is not available. Mr. Smith made a motion to display a temporary sign at DeMott Pond subject to the review of officials, the motion was seconded by Mrs. Insel. It was discussed that maybe the Police's digital sign may work, however, the Police sign is currently directing visitors to the open parking lots in town during the downtown construction project.

Vote all ayes  
Motion carried

**MAYOR'S COMMENTS**

1. Mayor Kovach announced that she was part of an exciting event this afternoon at the Clinton Shop Rite. Clinton Shop Rite, along with several others in New Jersey, were part of a fund raiser campaign and raised \$3,000 to benefit the Quakertown United Methodist Church. Two employees of Clinton Shop Rite will be featured on boxes of Cheerios!
2. Mayor Kovach met with Patty Wright, Division of Taxation in Trenton, to discuss the reassessment for the Town. Ms. Wright agreed to research and report back at a meeting with our town Tax Assessor, the Administrator and Mayor Kovach.

**100<sup>TH</sup> BIRTHDAY FOR THE GIRL SCOUTS OF AMERICA**

Mayor Kovach read the Proclamation to a packed room of girls scouts, brownies and their parents. Mayor Kovach is on the State Board of Girl Scouts and brought the proclamation to the event held last night, Monday, March 12<sup>th</sup>. All the scouts stood while Mayor Kovach read the proclamation, followed by photos being taken. Copies of the proclamation were distributed to all the girls.

**PROCLAMATION – RODNEY HENDRICKSEN**

Mayor Kovach welcomed Rodney Hendricksen, and his wife, Marge, to the council meeting and had Mr. Smith read a proclamation to Rodney thanking him for over 30 years of service to the Planning Board. The reason Mayor Kovach requested Mr. Smith to read it was because Mr. Hendricksen was first appointed to the Planning Board by Mr. Smith, who at the time was serving as Mayor in the 1970's. Planning Board chairman, Frank Gallagher, attended this evening and offered his thanks and appreciation to Mr. Hendricksen. Photos and a round of applause followed the proclamation!

**RESOLUTION #64-12 – AWARD OF CONTRACT TO VAN CLEEF ENGINEERING**

A motion was made by Mr. Shea, seconded by Mr. Smith, to adopt Resolution #64-12 as presented:

**RESOLUTION #64-12**

**RESOLUTION AUTHORIZING A PROFESSIONAL SERVICES CONTRACT WITH VAN CLEEF ENGINEERING ASSOCIATES FOR THE SAFE ROUTES TO SCHOOLS PROJECT**

WHEREAS, the Town Council of the Town of Clinton has a need to contract the services of a professional engineer; and

WHEREAS, the Town Council of the Town of Clinton is awarding this contract under a “fair and open process” that has included public solicitation of qualifications; and

WHEREAS, publicly advertised requests for qualifications were posted on the Town’s website [www.clintonnj.gov](http://www.clintonnj.gov); and

WHEREAS, on August 16, 2011 proposals for this professional service were publicly opened; and

WHEREAS, Van Cleef Engineering Associates has submitted a proposal dated August 16, 2011 indicating they will provide the above-referenced services at the rates listed in their fee schedule for the requested services; and

WHEREAS it has been determined that the cost associated with the above-referenced professional service contract may exceed \$17,500 (in aggregate) during the duration of the contract; and

WHEREAS, as this project is being funded through the New Jersey Department of Transportation’s (NJDOT) Safe Routes to Schools Program, the Chief Financial Officer will certify to the Town Clerk that funds are available when received from the NJDOT.

NOW THEREFORE, BE IT RESOLVED that the Town Council of the Town of Clinton to enter into a contract with Van Cleef Engineering Associates as described herein; and,

BE IT FURTHER RESOLVED that notice of this appointment will be published as required by law within ten days of the passage of this resolution; and

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded to the Chief Financial Officer and Van Cleef Engineering Associates.

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

Vote all ayes  
Motion carried

**RESOLUTION #65-12 – AWARD OF CONTRACT TO JOHN GARCIA  
CONSTRUCTION**

Mr. Smith explained that the Disinfection System is a State Mandate and the reason for this resolution. A motion was made by Mr. Shea, seconded by Mr. Smith, to adopt Resolution #65-12 as presented:

**RESOLUTION #65-12**

**WHEREAS**, on Tuesday, February 28, 2012 at 11:00 a.m., the Town of Clinton received bids from two (2) prospective bidders for the Potterstown Production Well No. 4, Phase One 4-Log Disinfection System Improvements; and

**WHEREAS**, the bids were received and reviewed by Water Engineer, Andrew S. Holt, P.E. and a recommendation was made for the lowest responsible bidder; and

**WHEREAS**, the lowest bid was submitted by John Garcia Construction Co. of Clifton, New Jersey in the amount of \$151,492.00 for a base bid proposal and a supplemental bid proposal in the amount of \$5,500.00; and

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Town of Clinton, that the Mayor and Clerk be authorized to execute a contract with John Garcia Construction Co. of Clifton, New Jersey for a total amount of \$156,992.00

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

Vote all ayes  
Motion carried

**RESOLUTION #66-12 - SUPPORT OF GRANT APPLICATION FOR RED MILL  
MUSEUM**

A motion was made by Mr. Shea, seconded by Mr. Smith, to adopt Resolution #66-12 as submitted:

**RESOLUTION #66-12**

**RESOLUTION SUPPORTING THE RED MILL MUSEUM VILLAGE  
HISTORIC PRESERVATION GRANT APPLICATION  
TO THE HUNTERDON COUNTY OPEN SPACE TRUST FUND**

WHEREAS, the Red Mill Museum Village is a significant and iconic cultural resource listed on the National Register of Historic Places, and

WHEREAS, the Hunterdon County Board of Chosen Freeholders has approved an Open Space, Recreation, Farmland and Historic Preservation Trust Fund and established a Historic Preservation Grant Program to provide County funds in connection with acquisition of historic properties and the preservation of historic properties, buildings structures, facilities, sites, areas or objects, In Hunterdon County; and

WHEREAS, the Board of Trustees of the Red Mill Museum Village desires to further the public interest by obtaining funding in the amount of \$56,000 (fifty six thousand dollars) from the County of Hunterdon to fund structural stabilization of the Wheel House wing of the Red Mill, painting of the Red Mill and a stair reconstruction at the Screenhouse too allow for public access, otherwise known as the Structural Stabilization, Building Envelope Restoration and Accessibility Project at a total estimated project cost of \$86,000 (eighty six thousand dollars).

WHEREAS, the County of Hunterdon shall determine if the application is complete and in conformance with the scope and intent of the Hunterdon County Open Space, Farmland and Historic Preservation Trust Fund Plan, adopted Freeholder Board Policies and the Procedures Manual for the Historic Preservation Grant Program adopted thereto, and notify the applicant of the amount of the funding award; and

WHEREAS, the applicant is willing to use the County funds in accordance with such adopted Policies and Procedures, and rules, regulations and applicable statutes;

NOW, THEREFORE, BE IT RESOLVED by the Town of Clinton

1. That it is hereby authorized to submit the above completed project application to the County by the deadline of March 15<sup>th</sup>, 2012 as established by the County; and,
2. That, in the event of a County Trust Fund award that may be less than the grant amount requested above, the applicant has, or will secure, the balance of funding necessary to complete the project, or modify the project as necessary; and,
3. That the applicant agrees to comply with all applicable federal, state, and local laws, rules, and regulations in its performance of the project; and,
4. That this resolution shall take effect immediately.

Vote all ayes  
Motion carried

**RESOLUTION #67-12 – CANCELLATION OF LIEN**

A motion was made by Mr. Smith, seconded by Mr. Shea, to adopt Resolution #67-12 as submitted:

**RESOLUTION #67-12**

**WHEREAS**, the Tax Collector of the Town of Clinton has been paid \$66,613.07 the amount necessary to redeem Tax Sale Certificate #2009-1 on Block 13, Lot 14, assessed to Alfredo & Lisa Montano, and purchased by U.S. Bank/Sass Muni V DTR.

**NOW THEREFORE BE IT RESOLVED**, on this 13th day of March, 2012 by the Mayor and Council of the Town of Clinton, County of Hunterdon, that the Chief Financial Officer be authorized to issue a check in the amount of \$66,613.07 (certificate) & \$13,100.00 (premium) payable to U.S. Bank-Cust/Sass Muni V DTR, 2 Liberty Place, 50 South 16<sup>th</sup> Street-

Suite 1950, Philadelphia, PA, 19102, upon receipt of the original Tax Sale Certificate endorsed for cancellation, and

**BE IT FURTHER RESOLVED** that the Tax Collector be authorized to cancel Lien #2009-1 on Block 13, Lot 14, assessed to Alfredo & Lisa Montano, from the Town of Clinton Tax Records.

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

Vote all ayes  
Motion carried

**PERMIT WAIVERS**

Council is in receipt of a food waiver from the Knights of Columbus, in the amount of \$100.00 and a propane waiver in the amount of \$42.00 for the annual Chili Cook-off to be held April 21, 2012. The food waiver is automatically waived as voted upon in June, 2011, that any time a food license waiver is granted by Hunterdon County Health Department for non-profit organizations, the Town will also waive our portion of the fee. Considering the fee waiver for the propane permit, a motion was made by Mr. Pendergast, seconded by Mr. Shea, to waive the fee as requested.

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

Vote all ayes  
Motion carried

A request has been made by the Red Mill Museum Village to waive the fire permit fee in the amount of \$42.00 for the Civil War Days 2012 to be held April 14 and 15<sup>th</sup>. A motion was made by Mr. Pendergast, seconded by Mr. Shea, to grant the request.

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

Vote all ayes  
Motion carried

**WATER REFUND**

Nancy Burgess, the water collector, is requesting a refund in the amount of \$40.72 payable to Sriram Nagaraj. A motion was made by Mr. Smith, seconded by Mr. Pendergast, to approve the refund as requested.

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

Vote all ayes  
Motion carried

**CORRESPONDENCE – none**

**REPORTS FROM COUNCIL & TOWN OFFICIALS**

**Rich Phelan, PW/Business Administrator**

1. Mr. Phelan reported that his first 8 days with the Town of Clinton have run smoothly, jumping into the several projects already underway and meeting with professionals and staff.

**Kathy Olsen, CFO**

1. Ms. Olsen will be joined by Mayor Kovach on Wednesday, March 14, in Trenton at the Local Finance Board to discuss refunding the cost of tax appeals over three years instead of one year.

**Councilman Smith**

1. The Rescue Squad responded to 148 calls last month. Currently, the Squad is running a “bare bones” operation, operating in the red.
2. Water Department – received DEP approval following recent inspections.

**Councilman Shea**

1. Roads Committee – project is moving along.

**Councilwoman Insel**

1. Mrs. Insel asked Council to consider a plaque at the Community Center in honor of Ginny Rylak. Ginny scheduled the Community Center for over 30 years and passed away in February, 2012. She will be missed. The Board of Recreation will follow up.

**Councilman Pendergast**

1. Sewer Committee will be held on Friday, March 16, 2012 at 8:00 a.m.
2. Buildings and Grounds Committee – the Grandstand Project is moving along in full force now. Practicing begins March 18<sup>th</sup> and the fields will be usable.
3. Beavers have done considerable damage to about 20 trees behind Hunts Mill Park. Public Works had to call the Department of Fish and Game for assistance.

**Councilwoman Valenta**

1. The next school board meeting is Tuesday, March 27<sup>th</sup> at 7 p.m. at North Hunterdon High School.

**APPROVAL OF STANDBY AND OVERTIME**

A motion was made by Mrs. Insel seconded by Mr. Pendergast to approve the standby and overtime pay attached to these minutes February 17, 2012 through March 1, 2012.

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

Vote all ayes  
Motion carried

**PAYMENT OF BILLS**

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

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

Vote all ayes  
Motion carried

**RESOLUTION #- 68--12 – EXECUTIVE SESSION – Personnel / Potential  
Litigation/Contract Negotiations**

A motion was made by Mr. Shea seconded by Mr. Smith to enter into Executive Session at 8:05 p.m. to discuss matters of Potential Litigation and Contract Negotiations.

**RESOLUTION # 68-12  
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 8:40 p.m.

Vote all ayes  
Motion carried

**ADJOURNMENT:** There being no further business, a motion was made by Mr. Pendergast seconded by Mrs. Valenta to adjourn the meeting at 8:45 p.m..

Vote all ayes  
Motion carried

\_\_\_\_\_  
Cecilia Covino, RMC/CMC  
Town Clerk

\_\_\_\_\_  
Janice Kovach, Mayor