

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

Flag Salute.

Roll Call: Present – Cohen, Duffy, Insel, Pendergast, Smith, Mayor Kovach
Absent - Shea

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. Pendergast, to approve minutes of August 2, 2012 as submitted.

Vote all ayes
Motion carried

APPROVAL OF EXECUTIVE SESSION MINUTES

A motion was made by Mrs. Insel, seconded by Mr. Smith, to accept the Executive Session minutes of July 24, 2012 as submitted.

Vote all ayes
Motion carried

APPROVAL OF EXECUTIVE SESSION MINUTES

A motion was made by Mr. Smith, seconded by Mr. Pendergast, to accept the Executive Session minutes of August 2, 2012 as submitted.

Vote all ayes
Motion carried

APPROVAL OF MONTHLY REPORTS – JULY

A motion was made by Mr. Smith seconded by Mrs. Insel, to accept the monthly reports for the month of July as submitted:

Buildings and Grounds Report, Clerk’s Account, Cat & Dog Licensing Accounts, Construction Control/Inspection Report, Police Report, Road Foreman’s Report, Sewer Collector’s Report, Tax Collector’s Report, Water Collector’s Report, Wastewater Treatment Plants Superintendent’s Report, Water Superintendent’s Report, Zoning Officer’s Report.

Vote all ayes
1 Abstention (Pendergast)
Motion carried

PUBLIC COMMENT- none

MAYOR’S COMMENTS – none

RESOLUTION #133-12 – OVERPAYMENTS

A motion was made by Mr. Pendergast, seconded by Mrs. Insel, to adopt Resolution #133-12 as submitted:

RESOLUTION # 133-12

WHEREAS, the Tax Collector of the Town of Clinton has received overpayments for following block and lots due to appeal, zoning changes & combine block and lot.

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 overpayments for the following accounts:

<u>BLOCK</u>	<u>LOT</u>	<u>OWNER</u>	<u>AMOUNT</u>
11	6	Clinton Main Street LLC	\$4,990.91
21	1	Miller, Thomas & Gwendolyn	\$3,152.27
23	13	Great A&P Tea Co.	\$1,599.21
24	6	Gialias, Pandelis & Mary Ann Etal	\$ 147.51

BE IT FURTHER RESOLVED that the Tax Collector remove the overpayments on the above block and lots for the 3rd & 2nd quarters of 2012.

ROLL CALL: Ayes: Cohen, Duffy, Insel, Pendergast, Smith, Mayor Kovach

Vote all ayes
Motion carried

RESOLUTION #134-12 – OVERPAYMENTS

A motion was made by Mrs. Insel, seconded by Mr. Smith, to adopt Resolution #134-12 as submitted:

RESOLUTION # 134-12

WHEREAS, the Tax Collector of the Town of Clinton has received overpayment for following block and lot due to County Board Appeal.

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 Hudson City Savings Bank for the following account:

<u>BLOCK</u>	<u>LOT</u>	<u>OWNER</u>	<u>AMOUNT</u>
21	21	Hardingham, Jay & Sandra Weiss	\$ 1,713.98

BE IT FURTHER RESOLVED that the Tax Collector remove the overpayment on the above block and lot for the 3rd quarter of 2012.

ROLL CALL: Ayes: Cohen, Duffy, Insel, Pendergast, Smith, Mayor Kovach

Vote all ayes
Motion carried

INTRODUCTION OF ORDINANCE #12-09 – AMENDING SIGN ORDINANCE

A motion was made by Mr. Smith, seconded by Mr. Pendergast, to adopt the introduction of Ordinance #12-09 on first reading as submitted:

ORDINANCE NO. 12-09

AN ORDINANCE REGARDING SIGNS IN THE PUBLIC RIGHT-OF-WAY AND THE DEFINITION OF SIGN ERECTION

WHEREAS, the Mayor and Council wish to clarify the procedure for permitting banner signs over public rights-of-way within the Town of Clinton; and

WHEREAS, the Mayor and Council also wish to clarify the definition of sign erection.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Town of Clinton, in the County of Hunterdon, State of New Jersey, as follows:

Section 1. Section 88-64B(4)(i) is amended to read as follows:

(i) Signs in the public right-of-way, other than traffic control or warning signs, unless specifically permitted by the Mayor and Council for a public purpose in accordance with Article III of Chapter 122 of the Code of the Town of Clinton and meeting all the requirements herein.

Section 2. Section 88-64R is amended by adding a new subsection to read as follows:

Signs in or over the public right-of-way as permitted by §88-64B(4)(i)

Section 3. Section 88-4A is amended by changing the definition for “Sign, Erection of” to read as follows

SIGN, ERECTION OF

To build, construct, attach, place, suspend or affix a sign, including the painting of wall signs and the painting of signs or displays on the exterior surface of a building or structure. A material change in any sign shall be considered as the erection of a new sign. A change in the wording of a sign shall not be considered a material change.

Section 4. Chapter 122 of the Code of the Town of Clinton is amended to add a new Article III as follows:

Article III. Signs In or Over the Public Right-of-Way

Section 122- ____. Use of Roads, Streets and Sidewalks for Public Purposes.

A. No signs of any type shall be placed in or over the public right-of-way except as permitted in Section 88-64 and this Chapter.

Section 122- ____. Banners over Public Roads.

- A. The Mayor and Council may permit banner signs to be placed over the west end of East Main Street subject to the following conditions:
- (1) Any organization wishing to erect a banner shall complete an application and file it with the Town Clerk at least 30 days prior to the date on which the sign will be erected.
 - (1) The size of the banner sign shall not be greater than 24 feet long and 4 feet high and shall have a square footage no larger than 96 square feet. Banners may be double sided. For double sided banners, only one face of the banner shall be counted in determining square footage.
 - (2) The banner may contain only the following information:
 - (a) The name of the organization.
 - (b) The name of the event.
 - (c) The date of the event.
 - (3) The banner sign shall only be installed by the Town of Clinton Fire Company which may charge a reasonable fee for installing the banner.
 - (4) Permission to locate a banner sign shall only be granted to charitable organizations located within the Town of Clinton or whose purpose is to serve the residents of the Town of Clinton.

Section 5. Inconsistency. All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

Section 6. Severability. If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this Ordinance is declared or held to be invalid or unconstitutional by any court of competent jurisdiction, such declaration or holding shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this Ordinance, even if such severability would result in less speech, whether by subjecting previously exempt signs to the permitting requirements of this Ordinance or otherwise.

Section 7. Effective Date. This ordinance shall take effect immediately upon final passage and publication thereof according to law.

Vote all ayes
Motion carried

A copy of this ordinance will be published in the August 22, 2012 edition of the Hunterdon Review. A second reading and public hearing will be held September 11, 2012.

BANNER REQUEST – DOING CLINTON

Council is in receipt of a banner application to promote “Doing Clinton” to be held September 29 and 30, 2012. The dates to display the banner are September 24 through October 1, 2012.

A motion was made by Mr. Pendergast, seconded by Mr. Cohen, to approve the request.

Vote all ayes
Motion carried

WATER REFUND

Water Collector, Nancy Burgess, is requesting water refunds for two accounts. A motion was made by Mr. Smith, seconded by Mr. Pendergast, authorizing the refund to Matthew Messina in the amount of \$98.54.

ROLL CALL: Ayes: Cohen, Duffy, Insel, Pendergast, Smith, Mayor Kovach

Vote all ayes
Motion carried

A motion was made by Mr. Duffy, seconded by Mr. Pendergast, authorizing the refund to Bruce Janssen in the amount of \$100.00.

ROLL CALL: Ayes: Cohen, Duffy, Insel, Pendergast, Smith, Mayor Kovach

Vote all ayes
Motion carried

CORRESPONDENCE – none

REPORTS FROM COUNCIL & TOWN OFFICIALS

Richard Phelan, PW/Business Administrator

1. The rehabilitation of a sewer manhole will take place on Halstead Street on Wednesday morning. Traffic will be diverted during the project.
2. A web-based auction will be taking place in the near future. A list of items and minimum prices will be provided to Council at the next Council meeting.

Councilman Smith

1. Rescue Squad did not hold their August meeting due to lack of attendance.
2. Water committee will meet at 8:00 a.m. on Thursday, August 16, 2012.

Mayor Kovach

Mayor Kovach stated that she visited the new Solitude Dam in High Bridge at it is amazing! If anyone has the chance, please visit it. Costs to rehabilitate the dam was \$3.2 million dollars!

Councilwoman Insel

1. Mrs. Insel has received several phone calls from parents concerned with the wasps at the Community Center playground. Mr. Phelan said they have been difficult to get rid of without spraying toxic chemicals and closing the playground for a few days. Tilling the sand every morning has helped considerably.

Councilman Pendergast

1. Sewer Committee – Jerry Vogel, WWTP employee, has passed his S-1 license. A motion to grant Mr. Vogel his \$.25 increase was made by Mr. Pendergast, seconded by Mrs. Insel.

ROLL CALL: Ayes: Cohen, Duffy, Insel, Pendergast, Smith, Mayor Kovach

Vote all ayes
Motion carried

2. Congratulations to the Clinton Police Department for winning the Canoe Race held August 4, 2012 on the South Branch. A tradition revived, the turnout was fantastic! Everyone had a great time. Thanks to Todd Pender and Sean Rogan for all their efforts. The “Golden Paddle”

is on display in the Clinton Police Department!

Councilman Duffy

1. Clinton Fire Department has received an application from Connor R. Runser to become a full member. Mr. Duffy made a motion to accept Mr. Runser's application, seconded by Mr. Pendergast.

Vote all ayes
Motion carried

2. Grill Night, Friday, August 17, 2012, beginning at 5:30 p.m.
3. Buildings and Grounds Committee – replacing the wooden fence at the Community Center with black metal fencing. This will be done in sections. Old, but good, sections of the wood fencing will be installed on the corner of Center and Halstead Street.
4. Board of Recreation Commission – hosting the Town of Clinton Community Picnic on September 8, 2012, rain date, September 22, 2012.

Summer Recreation went very well with a total of 151 children attending. The full day at Crystal Springs was great fun! Considering a weekly fee next year instead of a flat fee to help with families going away on vacation.

APPROVAL OF STANDBY AND OVERTIME

A motion was made by Mr. Smith, seconded by Mrs. Insel to approve the standby and overtime pay attached to these minutes for July 20 through August 2, 2012.

ROLL CALL: Ayes: Cohen, Duffy, Insel, Pendergast, Smith, Mayor Kovach

Vote all ayes
Motion carried

PAYMENT OF BILLS

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

ROLL CALL: Ayes: Cohen, Duffy, Insel, Pendergast, Smith, Mayor Kovach

Vote all ayes
Motion carried

RESOLUTION #-135-12 – EXECUTIVE SESSION – Contract Negotiations/Personnel

A motion was made by Mr. Pendergast seconded by Mrs. Insel, to enter into Executive Session at 7:50 p.m. to discuss a matter of Contract Negotiations and Personnel.

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;

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: _____)

_____ OR _____ 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: _____ (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. Insel to return to the Regular Council meeting at 8:32 p.m.

ADJOURNMENT: There being no further business, a motion was made by Mr. Pendergast seconded by Mrs. Insel to adjourn the meeting at 8:35 p.m.

Vote all ayes
Motion carried

Cecilia Covino, RMC/CMC
Town Clerk

Mayor Janice Kovach