

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

Flag Salute.

Roll Call: Present – Cohen, Duffy, Insel, Pendergast, Shea, Smith, 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. Shea, to approve the minutes of the Council Meeting held October 9, 2012 as submitted.

Vote all ayes
Motion carried

APPROVAL OF EXECUTIVE SESSION MINUTES

A motion was made by Mr. Pendergast seconded by Mr. Cohen, to approve the Executive Session minutes of October 9, 2012 as submitted.

Vote all ayes
Motion carried

APPROVAL OF MONTHLY REPORTS – SEPTEMBER

A motion was made by Mr. Smith seconded by Mrs. Insel, to accept the monthly reports for the month of September as submitted: Treasurer’s Report, Wastewater Treatment Plants Superintendent’s Report,

Vote all ayes
Motion carried

PUBLIC COMMENT- none

MAYOR’S COMMENTS

1. Mayor Kovach made the following appointments:

Norma Kania, 27 West Main Street, Smart Growth Commission
Travis Roop, 19 Rachel Court, Smart Growth Commission

A motion was made by Mr. Cohen seconded by Mr. Shea, to accept the appointments as submitted.

Vote all ayes
Motion carried

The appointment of Debra Schaffer, 10 Hillside Drive, to the Environmental Commission. A motion was made by Mr. Pendergast, seconded by Mr. Shea, to accept the appointment as submitted.

Vote all ayes
Motion carried

2. A letter has been received from Angela Hawes, of the Clerk’s office, addressing her maternity leave and return to work schedule. Mayor Kovach will discuss this with the Personnel Committee.

SPECIAL EVENT APPLICATION – 26TH ANNUAL CHRISTMAS PARADE

A motion was made by Mr. Smith seconded by Mrs. Insel, to approve the special event application for the 26th Annual Christmas Parade. Chief Matheis stated that the parade route will be the same as last year. Center Street to New Street, onto East Main and across Main Street. The route works very well.

Vote all ayes
Motion carried

RESOLUTION #154-12 – AUTHORIZATION TO PURCHASE REPLACEMENT METERS

A motion was made by Mr. Smith, seconded by Mr. Pendergast, to adopt Resolution #154-12 authorizing the purchase of water meters from Rio Supply in an amount not to exceed \$99,099.

**RESOLUTION # 154-12
AUTHORIZATION TO PURCHASE REPLACEMENT WATER METERS/DATA
RECORDERS & RADIO FREQUENCY METER INTERFACE UNITS**

WHEREAS, the Town of Clinton is a member of the Morris County Cooperative Pricing Council; and

WHEREAS, Contract #47 was awarded for the above referenced items by the Town of Randolph as the Lead Agency for the Morris County Cooperative Pricing Council of which the Town of Clinton is an active participant, as authorized by N.J.S.A. 40A:11-11(6); and

WHEREAS, the Town of Clinton has a need to purchase various sizes and quantities of water meters for use in the Municipal Water Utility from the following vendor:

Rio Supply
100 Allied Parkway
Sicklerville, NJ 08081

Contract Category B, Item #9

- Neptune T-10 Water Meters with E-Coder I Integrated RF Inside
 - Item A - 5/8" x 3/4" meters
 - Item B - 1" meters

WHEREAS, the Chief Financial Officer has certified to the Town Clerk that sufficient funds are available.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Town of Clinton, that a contract for the purchase of water meters is hereby authorized with Rio Supply, in an amount not to exceed \$99,099.

Mr. Smith explained that installing this new system, water readers will be able to stay in trucks and read both sides of a street at the same time.

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

Vote all ayes
Motion carried

RESOLUTION #155-12 – SUPPORT OF PASSAGE OF S108/A29 BY THE LEGISLATURE

Police Chief Brett Matheis asked for Council's support to amend Megan's Law in order to require County Prosecutors to determine a sex offender's risk of re-offense prior to being released from incarceration. A motion was made by Mr. Pendergast, seconded by Mrs. Insel, to adopt Resolution #155-12 as submitted:

RESOLUTION #155-12

TO SUPPORT THE PASSAGE OF S108/A291 BY THE LEGISLATURE

WHEREAS, Bill S108/A291, introduced in the Legislature in 2010 proposes to amend Megan's Law to require the County Prosecutors to determine the risk of re-offense of sex offenders under Megan's Law prior to the release of a sex offender from incarceration; and

WHEREAS, currently, many sex offenders are not tiered until they have been released into the community; and

WHEREAS, the Town of Clinton believes it is in the best interests of the citizens of the Town of Clinton and all of New Jersey to require the Prosecutor's Office to determine a sex offender's risk of re-offense prior to release.

NOW, THEREFORE, BE IT RESOLVED, that the Town Council of the Town of Clinton, County of Hunterdon, State of New Jersey hereby supports the passage of New Jersey Legislature Bill S108/A291 which amends Megan's Law in order to require the County Prosecutors to determine a sex offender's risk of re-offense prior to release from incarceration and urges the enactment of such legislation as soon as possible.

Vote all ayes
Motion carried

RESOLUTION #156-12 – ENVIRONMENTAL REMEDIATION PROJECT

A motion was made Mr. Pendergast, seconded by Mr. Smith, to adopt Resolution #156-12 authorizing the Mayor to sign the NJDEP Statement of Consent to allow treated water to be discharged into the storm sewer of the Town of Clinton.

RESOLUTION 156-12

RESOLUTION SUPPORTING THE EXPANSION OF A TREATMENT WORKS APPROVAL PERMIT (TWA) FOR THE ENVIRONMENTAL REMEDIATION PROJECT AT THE FORMER CLINTON CAR CARE

WHEREAS, there has been ongoing environmental remediation from a leaking underground storage tank at the former Clinton Car Care site located at 98 Route 173; and

WHEREAS, in order to properly remediate the site, the property owner sought approval from the New Jersey Department of Environmental Protection (NJDEP); and

WHEREAS, part of the remediation would require the property owner and/or their agents to dewater the excavated area, treat the recovered water and discharge said water into the public storm sewer system; and

WHEREAS, on February 8, 2012, the Town gave the property owner approval to discharge the treated water into storm sewer inlet # N-114 at a rate not to exceed 20 gallons per minute, which was subsequently approved by the NJDEP via Pollution Discharge Elimination System permit # NJG0202452; and

WHEREAS, the property owner's agent, Brownfield Science and Technology, has advised that in order to complete the remedial excavation to the proper depths, they would like approval from the Town to increase the maximum amount of treated water into the storm sewer system to 208 gallons per minute; and

WHEREAS; this request was forwarded to the Municipal Engineer for review and comment, to which he advised that there would be no adverse effect on the Town's storm sewer system and would recommend approval be granted with the following conditions:

1. The discharge rate of treated water will not exceed a maximum flow rate of 208 gallons per minute.
2. The discharge of treated water may only occur at storm sewer inlet # N-114.
3. The discharge of treated water shall not overwhelm the storm sewer conveyance lines at any time during periods of wet weather/rainfall. Also, the Contractor must visually monitor the discharge of treated water to ensure the storm sewer system is not overwhelmed, and will immediately cease operations upon observing said conditions.

NOW, THEREFORE BE IT RESOLVED, that the Town Council of the Town of Clinton hereby approves the increased amount of treated water being discharged into the municipal storm sewer system in accordance with the conditions stated above, subject to the approval by the NJDEP.

BE IT FURTHER RESOLVED, that the Mayor is authorized to sign the NJDEP Statement of Consent which will memorialize the previously stated actions and conditions.

Vote all ayes
Motion carried

RESOLUTION #157-12 – OPPOSING A2586 – EXEMPTING PRIVATE UNIVERSITIES AND COLLEGES FROM LAND USE LAW

A motion was made by Mr. Smith, seconded by Mrs. Insel, to adopt Resolution #157-12 as submitted:

RESOLUTION #157-12

**RESOLUTION OPPOSING A2586
EXEMPTING PRIVATE UNIVERSITIES & COLLEGES FROM LAND USE LAW**

WHEREAS, the State Senate has introduced and passed S 1534 exempting private universities and colleges from the New Jersey Municipal Land Use Law, N.J.S.A 40:55D-1 et seq.; and

WHEREAS, the State Assembly has introduced a companion bill, A2586; which also would exempt private universities from the New Jersey Municipal Land Use Law; and

WHEREAS, planning and zoning by municipalities is of fundamental interest to the residents

of each municipality as an appropriate means of managing and controlling land use and the environmental impacts of the development; and

WHEREAS, setting aside the public planning process for properties owned by private universities and colleges, prevents citizens from having input into the decision making process in communities where such institutions exist, and further prevents the creation of associated comprehensive municipal Natural Resource Inventories and Master Plans; and,

WHEREAS, under Municipal Land Use Law, communities have passed ordinances that protect and regulate the environment that would be set aside, causing harm and damage to the environment, adversely impacting water quality and creating additional uncontrolled flooding; and

WHEREAS, exempting private universities from Municipal Land Use Law would adversely affect land use controls that now protect the use of land and the environment, and would increase storm-water runoff, water pollution and air emissions, resulting in the loss of natural habitat and animal and plant species that live within these habitats; and

WHEREAS, uncontrolled development by such private universities could damage the fabric of many communities, and, in so doing, create unmanaged adverse impacts to the environment; and

WHEREAS, private universities, as demonstrated by previously implemented development strategies, can be expected to lease land or partner with private development companies for the purpose of developing office buildings and commercial developments that have no connection to the educational mission of the university; and

WHEREAS, the bill itself applies only to private colleges and universities, a very dangerous precedent could be established, allowing other non-profit institutions who similarly serve a "public mission" to argue that they should also be exempt from local zoning control potentially affecting every community in this State.

NOW THEREFORE, BE IT RESOLVED, that the governing body of the Town of Clinton, Hunterdon County, New Jersey strongly urges its representatives in the Assembly to vote against A2586.

BE IT FURTHER RESOLVED, that copies of this resolution be sent to Governor Chris Christie, Assembly Speaker Sheila Oliver, Assembly Minority Leader Jon Branick, Senate President Stephen Sweeney, Senate Minority Leader Thomas Kean, Jr., DEP Commissioner Bob Martin, State Senator Michael Doherty, Assemblyman John DiMaio, Assemblyman Erik C. Peterson, the New Jersey League of Municipalities, and the governing bodies of neighboring municipalities.

Vote all ayes
Motion carried

RESOLUTION #158-12 – CHANGE ORDER FOR THE TREATMENT PLANT

A motion was made by Mr. Pendergast, seconded by Mr. Smith, to adopt Resolution #158-12 approving the change order for Coppola Services, Inc. in the amount of \$23,028.26.

TOWN OF CLINTON

**RESOLUTION #158-12
CHANGE ORDER NO. 1**

WHEREAS, the need has arisen for a change order to the Wastewater Treatment Plant Filter Replacement, and

WHEREAS, according to the Town Engineer's correspondence dated October 18, 2012, it was necessary to furnish and install six new LED lights, installation of new concrete curb for the new wall and cleaning of the filter building, and

WHEREAS, the resulting contract cost of the project, is as follows:

Original Cost of Contract	\$ 997,450.00
Change Order #1 Cost Adjustment	\$ 23,028.26
Resulting Contract Cost	\$1,020,478.26

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Town of Clinton that Change Order Number 1 for the Wastewater Treatment Plant Filter Replacement project be approved.

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

Vote all ayes
Motion carried

APPOINTMENT OF BUSINESS ADMINISTRATOR

Following the six month probation period, a motion was made by Mr. Pendergast, seconded by Mr. Cohen, to appoint Richard Phelan as the Town of Clinton Business Administrator.

Vote all ayes
Motion carried

CORRESPONDENCE – None

REPORTS FROM COUNCIL & TOWN OFFICIALS

Police Chief Brett Matheis

1. Chief Matheis visited the newly formed court with Clinton Township to review policy and feels that this will be a seamless transition.
2. The Police Department is closely monitoring the upcoming Hurricane Sandy expected to affect Halloween. However, at this time, Clinton Public School plans to continue with plans for their Halloween Parade between 10 and 11:00 a.m.

Richard Phelan, PW/Business Administrator

1. Town received notification that we will be receiving \$3,168 from the recycling tonnage grant.
2. Receiving Requests for Proposals for 2013 professionals on Thursday, October 25, 2012.
3. Garbage and Recycling bids to be received November 27, 2012 at 10:00 a.m.

Kathy Olsen, CFO

1. The budget meeting for October 24 is cancelled, Ms. Olsen will provide council with updated budget sheets and revenues to the third quarter.

Councilman Smith

1. The new 2.5 MG water tank should be completed within two weeks, the rehabilitation of the existing tank should be completed by the end of November.
2. Town Engineer is working on preliminary numbers to install a 4 x 6 inch water main through Lebanon Borough. The project will be phased in over a 3 year period. The Water Committee will set up a meeting with Lebanon to discuss the project in advance of any work.

Councilman Pendergast

1. Sewer Committee – The filter replacement project is going well. Project expected to be completed by the mid November.

Councilman Duffy

1. Clinton Fire Department – an application for membership has been received for Michael Buchholz, 20 Alton Place, Clinton. A motion was made by Mr. Duffy, seconded by Smith, to accept Mr. Buchholz as a member of the Clinton Fire Department.
2. Board of Recreation Committee met with the Sunrise Rotary to discuss their proposed fitness station project along Hunts Mill Park. The project is completely funded by the Rotary.
3. The Board also discussed charging weekly fees for the summer rec program in 2013. The Town Picnic will be moved from September to the first weekend in June. The Board is also considering asking local businesses to help fund the fireworks display.

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 for September 28 through October 11, 2012.

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

Vote all ayes
Motion carried

PAYMENT OF BILLS

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

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

Vote all ayes
Motion carried

RESOLUTION #-159-12 – EXECUTIVE SESSION – Contract Negotiations

A motion was made by Mr. Pendergast seconded by Mr. Cohen to enter into Executive Session at 7:51 p.m. to discuss a matter of Contract Negotiations.

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

Council returned to the Regular Council meeting at 8:09 p.m.

ADJOURNMENT: There being no further business, a motion was made by Mr. Pendergast seconded by Mrs. Insel to adjourn the meeting at 8:10 p.m.

Vote all ayes
Motion carried

Cecilia Covino, RMC/CMC
Town Clerk

Mayor Janice Kovach