

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

Flag Salute.

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

**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 the council meeting minutes of March 13, 2012 as submitted.

Vote ayes  
1 Abstention - Duffy  
Motion carried

A motion was made by Mrs. Insel, seconded by Mr. Shea, to approve the budget meeting minutes of February 15, 2012 as submitted.

Vote ayes  
1 Abstention - Smith  
Motion carried

A motion was made by Mr. Pendergast, seconded by Mrs. Insel, to approve the budget meeting minutes of February 28, 2012 as submitted.

Vote ayes  
2 Abstentions – Duffy, Smith  
Motion carried

A motion was made by Mr. Pendergast, seconded by Mr. Shea, to approve the budget meeting minutes of March 8, 2012 as submitted.

Vote ayes  
2 Abstentions – Duffy, Smith  
Motion carried

**PUBLIC COMMENT**

1. Mr. Alex Reisner, Clinton Main Street LLC, 19-21 Main Street, requested a tax credit for this property beginning from 2006 to 2011. Mr. Reiser stated he purchased this property on April 25, 2006 at which time he did a deed merger for Block 11, Lots 6 and 7. The deed was recorded at Hunterdon

County which Mr. Reisner presented to the council however the Town's records did not reflect this change. Judy Kopen, Town Attorney, looked at document and said the deed looks like it was sent back to Mr. Reisner's attorney after the recording. She then asked if the attorney forwarded a copy to the Town. Mr. Reiser confirmed that the document was sent to his attorney but could not recall if the attorney sent a copy to the Town. Mr. Reisner just became aware that he was still paying taxes for the two properties instead of one and presented the situation to the Town's Tax Assessor. The Tax Assessor, Ann Marie Obiedzinski, made the adjustment for his tax record starting for the year of 2012. Mr. Reisner would like an adjustment for the back years. Mayor Kovach asked Mr. Reisner to send his records with all the details to Mr. Phelan, PW/BusAdm, for council to review. Ms. Judy Kopen, Town Attorney, stated the issue needs to be reviewed and most cases like this are controlled by state statute which would need to be referred to.

### **MAYOR'S COMMENTS**

1. Mayor Kovach reported the Town has been selected to receive funding from the NJ Department of Transportation's Fiscal Year 2012 Municipal Aid Program for Leigh Street, Section 1 in the amount of \$135,000.00.
2. Mayor Kovach presented North Hunterdon Little League with a proclamation celebrating their 60<sup>th</sup> Anniversary. She was invited to throw out the first pitch. Mayor Kovach gave some trivia that former Councilman Gene De Cleene's father was the first president for the board of the league.

### **FILMING PERMIT – STAR CAST PRODUCTIONS**

John Proctor Director/Producer of Star Cast Productions is requesting a film permit be issued to allow him to produce a video to promote the town and advertise everything about it on April 14, 2012. Mr. Proctor would like to do a film documentary on the Small Town USA concept to help revitalize communities. The film will consist of a five to seven minute pilot on Clinton. It will take place on Main Street with a three to four man film crew. Police Chief Brett Matheis has been informed of this request and gave his approval. No police presence will be needed because it is such a small crew. No streets will be closed and traffic will not be impacted in any way. HGTV and the Bravo channels have expressed an interest in airing the program.

Mr. Proctor also requested the \$500.00 fee be waived. As of now all of the cost of the production is being funded by him. Mrs. Insel asked if the fee was waived can the town have a copy of the production for marketing purposes. Mr. Proctor responded definitely. Mr. Smith stated the budget is very tight and many items on the budget were cut and therefore the Town should not waive the fee at this time.

A motion was made by Mr. Duffy and seconded by Mr. Shea to allow the filming to take place on April 14, 2012 and to waive the \$500.00 permit film.

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

5 Vote ayes  
1 Vote nay  
Motion carried

**PUBLIC HEARING OF BOND ORDINANCE #12-3**

A motion was made by Mrs. Insel, seconded by Mr. Pendergast, to open the public hearing of Ordinance 12-3:

Motion carried  
Vote all ayes

**TOWN OF CLINTON  
ORDINANCE # 12-3**

REFUNDING BOND ORDINANCE PROVIDING FOR PAYMENT OF AMOUNTS OWING TO 111 WEST MAIN ST HOLDINGS, LLC FOR TAXES LEVIED IN AND BY THE TOWN OF CLINTON, IN THE COUNTY OF HUNTERDON, NEW JERSEY, APPROPRIATING \$100,000 THERFOR AND AUTHORIZING THE ISSUANCE OF \$100,000 BONDS OR NOTES OF THE TOWN FOR FINANCING THE COST

No public comment.

There being no further discussion a motion was made by Mr. Pendergast, seconded by Mrs. Insel to close the public hearing portion of the meeting.

Vote all ayes  
Motion carried

A motion was made by Mr. Pendergast, seconded by Mr. Insel to adopt Ordinance #12-3 on second reading as submitted.

Vote all ayes  
Motion carried

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

Vote all ayes  
Motion carried

**INTRODUCTION OF ORDINANCE #12-4 – INDEX RATE**

A motion was made by Mr. Smith, seconded by Mr. Pendergast, to introduce Ordinance 12-4 on first reading as submitted:

**ORDINANCE #12-04  
CALENDAR YEAR 2012  
ORDINANCE TO ESTABLISH A CAP BANK  
(N. J. S.A. 40A:4-45.14)**

WHEREAS, the Local Government Cap Law, N.J.S. 40A:4-45.1 et.seq., provides that in the preparation

of its annual budget, a municipality shall limit any increase in said final budget appropriations to 2.0% or the cost of living adjustment of 3.5% over the previous years final appropriations; and,

WHEREAS, a municipality may, by ordinance, bank the difference between its final budget appropriations and the 3.5% cost of living adjustment when said difference is not appropriated as part of the final budget; and,

WHEREAS, the Borough Council of the Town of Clinton, County of Hunterdon, hereby determines that this difference in the amount of \$41,291.27 that is not appropriated as part of the final budget shall be retained as an exception to the final appropriations in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, that any amount authorized herein above that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and

BE IT FURTHER ORDAINED that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be files with said director within 5 days after such adoption.

A copy of this ordinance will be published in the April 4, 2012 edition of the Hunterdon Review. The second reading and public hearing will be held April 24, 2012.

Vote all ayes  
Motion carried

**RESOLUTION #69-12 – 3 YEAR AVERAGE TAX COLLECTION**

A motion was made by Mr. Smith seconded by Mr. Shea, to adopt Resolution #69-12 as submitted:

**RESOLUTION #69-12**

WHEREAS, the Town of Clinton, County of Hunterdon, realized 94.37% of Current Tax Collection for 2011,

AND WHEREAS, the percentage of Cash collections on Current Taxes for the three previous years was as follows:

<u>S.F.Y.</u>	<u>Year</u>	<u>Percentage</u>
	2010	97.44%
	2009	97.23%
	2008	97.6%

AND WHEREAS, N.J.S.A. 40A:4-41(c) provides the use of a three year collection rate average which can be used by the Town to calculate the 2012 reserve for uncollected taxes.

NOW, therefore, be it resolved by the Governing Body that permission be requested of the Director of Local Government services to permit the Town to anticipate the three year average Current Tax Collection rate of 97.45% for the 2012.

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

Vote all ayes  
Motion carried

**RESOLUTION #70-12 – CHANGE ORDER #1 – DOWNTOWN WATER MAIN**

A motion was made by Mr. Pendergast, seconded by Mrs. Insel, to adopt Resolution #70-12 as submitted:

**RESOLUTION #70-12  
CHANGE ORDER #1 – DOWNTOWN WATER MAIN**

**WHEREAS** the need has arisen for a change order to complete the work on the Downtown Water Main Replacement Project by contractor, Penn Bower, Inc., and

**WHEREAS** the following additions of work are necessary, to extend the contract completion date by three (3) calendar days, from June 19, 2012 to June 22, 2012; and

**WHEREAS** the additions of work are necessary, to increase the contract price amount by \$42,633.28 to a total of \$591,967.28.

**WHEREAS**, the State of New Jersey, Department of Environmental Protection, has also reviewed this change order for compliance with NJEIFP rules and regulations and determined that it is acceptable; and

**NOW THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Town of Clinton that Change Order Number 1 for the Downtown Water Main Replacement be approved.

Roll call	Moved	Seconded	Ayes	Nays	Abstain	Absent
R. Duffy			X			
L. Insel		X	X			
M. Pendergast	X		X			
D. Shea			X			
R. B. Smith			X			
M. Valenta						X
Mayor Kovach			X			

Vote all ayes  
Motion carried

**RESOLUTION #71-12 – CHANGE ORDER #1 – 2.5 MGD STORAGE TANK**

A motion was made by Mr. Smith, seconded by Mr. Pendergast, to adopt Resolution #71-12 as submitted:

**RESOLUTION #71-12  
CHANGE ORDER #1 – 2.5 MGD STORAGE TANK**

**WHEREAS** the need has arisen for a change order requested by Natgun Corporation for the completion of the 2.5 MGD Water Storage Tank Project; and

**WHEREAS** it is necessary to extend the contract time by 43 calendar days to a completion date of May 15, 2012; and

**WHEREAS** it is necessary to increase the scope of the contract by addition of a wet tap connection to the existing water distribution system resulting in contract cost increase of \$11,631.72; and

**WHEREAS**, the State of New Jersey, Department of Environmental Protection, has also reviewed this change order for compliance with NJEIFP rules and regulations and determined that it is acceptable; and

**NOW THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Town of Clinton to extend the contract time by 43 calendar days making the completion date of the 2.5 MGD Storage Tank to May 15, 2012.

Roll call	Moved	Seconded	Ayes	Nays	Abstain	Absent
R. Duffy			X			
L. Insel			X			
M. Pendergast		X	X			
D. Shea			X			
R. B. Smith	X		X			
M. Valenta						X
Mayor Kovach			X			

Vote all ayes  
Motion carried

**RESOLUTION #72-12 – EXAMINATION OF ANNUAL BUDGET**

A motion was made by Mr. Smith, seconded by Mr. Shea, to adopt Resolution #72-12 as submitted

**RESOLUTION #72-12**

**RESOLUTION FOR CONDUCTING ANNUAL BUDGET EXAMINATION**

WHEREAS, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination, and

WHEREAS, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997, and

WHEREAS, pursuant to N.J.A.C. 5:30-7.2 thru 7.5 the Town of Clinton been declared eligible to participate in the program by the Division of Local Government Services, and the Chief Financial Officer has determined that the Town meets the necessary conditions to participate in the program for the 2011 budget year, so now therefore

BE IT RESOLVED, by the Mayor and Council of the Town of Clinton that in accordance with N.J.A.C. 5:30-7.6a & b and based upon the Chief Financial Officers certification. The governing body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:
  - a. Payment of interest and debt redemption charges
  - b. Deferred charges and statutory expenditures
  - c. Cash deficit of preceding year
  - d. Reserve for uncollected taxes
  - e. Other reserves and non-disbursement items
  - f. Any inclusions of amounts required for school purposes
2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at 40A:4-45.3 et seq. are fully met. (Complies with the "CAP" law.)
3. That the budget is in such form arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.
4. That pursuant to the Local Budget Law:
  - a. All estimates of revenue are reasonable, accurate, and correctly stated
  - b. Items of appropriation are properly set forth
  - c. In itemization, form, arrangement, and content the budget will permit the exercise of the comptroller function within the municipality.
5. The budget and associated amendments have been introduced, publicly advertised, and adopted in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.
6. That all other applicable statutory requirements have been fulfilled.

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Director of the Division of Local Government Services.

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

Vote all ayes  
Motion carried

**INTRODUCTION OF 2012 MUNICIPAL BUDGET**

Mayor Kovach announced some items that affected the 2012 budget. The budget remained under the 2.5% cap. There is a 1 ½% increase in the tax levy. The Town lost \$12 million in rateables this year. The tax appeal by the Holiday Inn made an impact on the budget. The Town lost \$95,000 from the municipal court. With all these issues the 2012 Town's budget is still spending \$60,000 less than last year.

A motion was made by Mr. Smith, seconded by Mrs. Insel to introduce the 2012 Municipal Budget as submitted.

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

Vote all ayes  
Motion carried

A copy of this budget summary will be published in the April 4, 2012 edition of the Hunterdon Review. The second reading and public hearing will be held April 24, 2012.

**CORRESPONDENCE**

1. Mayor Kovach read a letter received from the Clinton Public School PTA thanking the Public Works employees for delivering the tables and picking them back up from the school for the Bulldog Bingo Night. The PTA appreciates all of the Town's help.
2. Mayor Kovach reported the 22<sup>nd</sup> Annual Raritan River Cleanup will be held on Saturday, April 21, 2012 from 9:00am to 12:00pm. Volunteers are welcomed and needed. The Raritan Headwaters Association is also requesting a contribution of \$300.00 to help with their costs in organizing this event. The donation was already appropriated in the 2012 budget.
3. Mayor Kovach announced the New Jersey Business & Industry Association is looking for nominations of a company from our community for NJBIA's 2012 Awards for Excellence. The award categories are business expansion, environmental quality, outstanding employer, and public service. The deadline for nominations is Friday, May 4, 2012. If council has any nominations, please let her know.

**REPORTS FROM COUNCIL & TOWN OFFICIALS**

**Richard F. Phelan, PW/BusAdm**

1. The contractor for the Downtown Water Main Project, Penn Bower, will be crossing over Leigh Street onto Main Street tomorrow, March 28, 2012.
2. Elizabeth Town Gas is working diligently running new gas lines to the businesses who requested the service on Main Street.
3. The 2011 Stormwater Management Report was submitted today.
4. The 2011 Tonnage Grant will be ready for submittal at the end of May 2012.
5. The contractor, Charlie Mann Contractors, for the grandstand project located at the Gebhardt Field has removed the rotted lumber and has poured the concrete slab. The project will be done before the opening day season for baseball on April 18, 2012.



**Councilman Smith**

1. Mr. Smith reported the 2.5 Million Gallon Storage Tank Scada Project is complete. Monitoring of the water level and signals will be up and running next month. Roger Plaisted, Water Superintendent, will be able to monitor those levels from his office when the system is running properly.
2. The water department received the well permit from the NJ Department of Environmental Protection giving authorization to operate Well 12R.
3. The paving of Leigh Street will begin the week of April 9, 2012 which will complete the Leigh Street Water Main Replacement Project.
4. The Main Street Water Main Project is 15% complete by the bridge. Water valves are being replaced at this time. The water committee meets every Thursday with the contractor, Penn Bower, and the gas company to obtain updates on the project.
5. Mr. Smith requests the council to verify the monthly meeting dates for next month at end of meeting.
6. The first settlement payment in the amount of \$364.00 was received from the initial contractor for the Dam & Dike Project.

**Councilman Shea**

1. Mr. Shea reported that the Roads Committee received a grant from the state in the amount of \$135,000 to pave Leigh Street.
2. The Shade Tree Committee will be planting two trees on Leigh Street for Arbor Day. The ceremony will take place on April 27, 2012 at 10:00am. The 3<sup>rd</sup> graders from Clinton Public School will be in attendance. The trees will be named and a poem will be written and read by Mr. Shea.
3. The committee for the Black Potatoe Festival to be held in July is working hard to prepare for the activities. All of the 100 acts have been booked. Mr. Shea and Mrs. Insel went to each merchant to offer them free vendor spots. Most of the merchants were excited about the event.

**Councilwoman Insel**

1. The Clinton Guild will be hosting a couple of fun shopping nights in town. Ladies Night Out Shopping will be on April 19, 2012, Doing Clinton event will be on April 21, 2012, and the Pansey Festival will be on May 6, 2012.
2. The committee for the Black Potatoe Festival to be held in July is working hard to make the event a success. All of the 100 acts have been booked. Mr. Shea and Mrs. Insel went to each merchant to offer them free outside vendor spots. All the store fronts are offered to set up a table outside for their merchandise or anything they may like to sell. Most of the merchants were excited about the event.

**Councilman Duffy**

1. Mr. Duffy reported the Gebhardt Field grandstand renovation is coming along nicely. The work will be completed in time for opening baseball season.
2. The Board of Recreation Commission will be offering the Summer Recreation program again this year. Applications will be available through the web site at the end of April 2012. One of the trips offered this year for the first time will be a full day trip to a water park

**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 March 2, 2012 through March 15, 2012

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

Vote all ayes  
Motion carried

**RESOLUTION # 73-12 - EXECUTIVE SESSION – Potential Litigation**

A motion was made by Mr. Pendergast, seconded by Mr. Shea, to enter into Executive Session at 8:25 p.m. to discuss Potential Litigation.

Vote all ayes  
Motion carried

**RESOLUTION # 73-12**

**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:

\_\_\_\_\_ 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.)

X  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

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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.

A motion was made by Mr. Smith, seconded by Mrs. Insel to return to the Regular Meeting with no action taken at 8.55 p.m.

Vote all ayes  
Motion carried

Discussion was made by Mr. Smith to verify the committee meetings for April.

Roads Department	April 4 @ 8:00am
Water Department	April 18 @ 8:15am
Sewer Department	April 20 @ 8:00am
Buildings & Grounds	April 13 @ 8:00am

Mr. Duffy commented that the Buildings and Grounds committee is going to apply for Planning Grant Money. The application will be coming out in May and if granted money is disbursed next year.

**ADJOURNMENT:** There being no further business, a motion was made by Mr. Smith, seconded by Mrs. Insel to adjourn the meeting at 9:05 P.M.

Vote all ayes  
Motion carried

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Nancy A. Burgess, Deputy Clerk

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Mayor Janice Kovach