

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

Flag Salute.

Roll Call: Present: Duffy (8:00 pm, fire call), 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. Pendergast seconded by Mr. Shea to approve the minutes of the Regular Council Meeting held April 10, 2012 as submitted.

Vote all ayes
2 Abstentions (Shea, Valenta)
Motion carried

APPROVAL OF MINUTES

A motion was made by Mr. Smith, seconded by Mr. Pendergast, to approve the minutes of the Special Council Meeting held April 20, 2012 as submitted.

Vote all ayes
2 Abstentions (Shea, Valenta)
Motion carried

PUBLIC COMMENTS - None

MAYOR'S COMMENTS

1. The Town is moving forward with the revaluation process. Mr. Phelan explained two mechanisms: competitive bidding or going out for sealed bids. Mr. Phelan is working with Mr. Cushing to decide the best route to follow.
2. Council on Affordable Housing – Trust Funds must be used by June, 2012. Mr. Cushing suggested reviewing the Fair Share and Housing Element Plans which include the Spending Plan. Mayor Kovach asked Mrs. Insel to arrange a meeting of the Affordable Housing Board to discuss our options.
3. Drew Glaser, Wastewater Treatment Plant employee, has completed his six month probationary period. A motion was made by Mr. Pendergast, seconded by Mr. Smith, to make Mr. Glaser a full time employee.

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

Vote all ayes
Motion carried

PROPOSED WIND AND SOLAR ORDINANCE

At the April 3, 2012 Planning Board meeting, the board made recommendations to the Mayor and Council and presented a Wind and Solar Ordinance drafted by the Town of Clinton Master Plan Committee. Mrs. Insel, liaison to the Planning Board, explained the ordinance would be a

valuable tool for the Town to have for solar panels on residential and commercial buildings and gave some guidelines for placement. Council members addressed the proposed ordinance and discussed changes to the proposal. Mayor Kovach asked Council to send suggestions to Board Secretary, Allison Witt, in order that she may prepare a list for her board members.

Public Comment - Carol Gallo, 25 Spruce Run Road, stated that her home faces due south and has panels on her roof. According to the proposal, her home would be in violation, however, they are hardly noticeable and her family now has an electric bill of \$2.00!! Ms. Gallo asked council to work with residents, not against.

Sheri Lieffig, 21 Haver Farm Road, explained to council that her home also faces south and she has had black solar panels for some time.

Pat McGuire, Planning Board and Master Plan Committee member, has been working with a consultant. Suggestions and comments are to be made to Ms. Witt for submittal to the Planning Board.

SECOND READING OF ORDINANCE #12-4 – INDEX RATE

A motion was made by Mr. Smith, seconded by Mr. Pendergast, to open the public hearing of Ordinance #12-4:

ORDINANCE #12-4
CALENDAR YEAR 2012
ORDINANCE TO ESTABLISH A CAP BANK

Vote all ayes
Motion carried

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

Vote all ayes
Motion carried

A motion was made by Mr. Smith, seconded by Mrs. Insel, to adopt Ordinance #12-4 on second reading.

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

Vote all ayes
Motion carried

2012 MUNICIPAL BUDGET

A motion was made by Mrs. Insel, seconded by Mr. Pendergast, to open the public hearing of the 2012 Municipal Budget. Mayor Kovach reiterated the \$12,000,000.00 loss in ratables due to appeals including the Holiday Inn and the \$95,000 loss with the Municipal Court. Mr. Pendergast asked if a percentage of loss was due to the Hunterdon Art Museum's non-payment of the Dam and Dike project? The answer was yes. Mr. Smith stated that the taxpayers are subsidizing the museum at a cost of approximately \$85,000. Auditor, Warren Korecky, attended the meeting and explained that there will be a 2 cent increase in the tax base for 2012 which also covers the increase in municipal taxes. A motion was made by Mr. Pendergast, seconded by Mr. Smith, to adopt the 2012 Municipal Budget as presented.

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

Vote all ayes
Motion carried

RESOLUTION #80-12 – SALARY

A motion was made by Mr. Smith, seconded by Mrs. Insel, to adopt Resolution #80-12 as submitted:

2012 SALARY RESOLUTION

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

That the following position titles within the Town of Clinton in the County of Hunterdon, the respective salaries or compensation set forth below are hereby fixed as the maximum amounts to be paid for the year 2012:

<u>POSITION</u>	<u>SALARY</u>
Mayor	5,200.00
Council Members	4,700.00
Town Clerk	40,139.83
Assessment Search Officer	1,156.82
Collector of Taxes	2,705.04
Deputy Tax Collector	13,918.15
Tax Search Officer	1,145.69
Collector of Water Rents	49,238.19
Collector of Sewer Rents	25,834.16
Chief Financial Officer	28,886.96
Deputy Treasurer	11,216.42
Treasurer of Water Utility	19,481.99
Treasurer of Sewer Utility	18,810.19
Finance Assistant #1	28,549.63
Finance Assistant #2	20,946.56
Secretary to Planning Board	7,413.72
Secretary to Board of Adjustment	7,413.72
Secretary to Board of Health	
Registrar of Vital Statistics	2,083.36
Superintendent of Water Department	69,376.16
Superintendent of Wastewater Treatment Plant	91,439.66
Laboratory Supervisor/Manager	73,742.12
Public Works Foreman	36.38
Wastewater Treatment Plant Foreman	33.09
Water Department Foreman	27.87
Buildings & Grounds Foreman	27.01
Chief of Police	111,447.65
School Crossing Guard	19.90
Clerical	15.30
Emergency Management Coordinator	1,311.65
Building Sub-Code Official	4,080.00
Fire Sub-Code Official	1,530.00
Fire Inspector	1,020.00
Plumbing Sub-Code Official	7,516.32
Construction Control Official	23,374.34
Zoning Officer	1,285.93
Fire Prevention Officer	15,432.77

Code Enforcement/Housing Officer	12,849.12
Electric Sub-Code Official	5,307.76
Construction Official	6,965.48
Building Inspector	2,143.22
Janitor Community Center	17.27
Stand-by Rate	5.00
Mileage	Per IRS Regulations
Longevity Pay – After Five Years	2% of Base Pay
Longevity Pay – After Ten Years	3% of Base Pay
Longevity Pay – After Fifteen Years	4% of Base Pay

The foregoing resolution shall take effect immediately upon passage and publication thereof according to law.

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

Vote all ayes
Motion carried

INTRODUCTION OF ORDINANCE #12-5 – AMEND CAPITAL ORD. 10-11

Ordinance tabled following Executive Session.

RESOLUTION # 81-12 – TERMINATION OF SHARED SERVICE AGREEMENT

A motion was made by Mr. Pendergast, seconded by Mr. Shea, to terminate the Shared Service Agreement for a Joint Municipal Tax Assessor with the Township of Tewksbury. 60 day notice is required, the agreement will expire June 23, 2012.

RESOLUTION #81-12

RESOLUTION TERMINATING THE SHARED SERVICES AGREEMENT FOR A JOINT MUNICIPAL TAX ASSESSOR WITH THE TOWNSHIP OF TEWKSBURY

WHEREAS, on August 14, 2007, via resolution 96-07, the Town Council of the Town of Clinton entered into a Shared Services Agreement with the Township of Tewksbury for the provision of a Joint Tax Assessor, to which the Township of Tewksbury has served as the lead entity; and

WHEREAS, according to Article 14 of the Agreement, “This Agreement may be terminated at any time by the adoption of a resolution to that effect by either municipality, said termination to become effective after sixty (60) days following the adoption of any such resolution.” And

WHEREAS, the Town Council of the Town of Clinton desires to invoke its separation rights under Article 14.

NOW, THEREFORE BE IT RESOLVED, that the Town of Clinton hereby informs the Township of Tewksbury the following:

1. In accordance with Article 14 of the Agreement, the Town of Clinton is providing notice of our desire to terminate aforementioned Agreement.
2. All of the terms and conditions of the Agreement shall remain in full effect until June 23, 2012, which represents a sixty (60) day notice.

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Township of Tewksbury.

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

Vote all ayes
Motion carried

BANNER REQUESTS

Council is in receipt of a banner request promoting the Classic Car show to be held at the Unity Bank on June 24, 2012. A motion was made by Mr. Shea, seconded by Mr. Pendergast, to approve the request to display a banner from June 11 through June 18, 2012.

Vote all ayes
Motion carried

Council received a request for a banner for Bourbon Street Blues Fest, to display a banner for the Festival scheduled for May 19, 2012. Council discussed the organization sponsoring the event at their council meeting of April 10 and again this evening. Council determined that the banner ordinance needs to be revised. Organizations located outside Town borders and that do not directly benefit the Town residents shall not be permitted to display banners. A motion was made by Mr. Pendergast, seconded by Mr. Shea, that the application for a banner be denied for the Bourbon Street Blues Fest.

Vote all ayes
Motion carried

ARBOR DAY PROCLAMATION

Mayor Kovach read the Arbor Day Proclamation and will present it at the Arbor Day celebration on Friday, April 27, 2012. A tree will be planted on the corner of Main and Leigh Street at 10:00 am. The third graders will be in attendance.

MUNICIPAL CLERK'S PROCLAMATION

Mayor Kovach read the Municipal Clerk's Proclamation declaring April 29 through May 5 Municipal Clerk's Week and recognize Deputy Clerk, Nancy Burgess and Clerk, Cecilia Covino for their accomplishments.

CORRESPONDENCE

1. A letter of commendation to Art Dysart, Buildings and Grounds Foreman for the great job on the field at Gebhart Field and for the stenciling the new tables and chairs at the Community Center.

REPORTS FROM COUNCIL & TOWN OFFICIALS

Police Chief Matheis

Chief Matheis updated Council of the pre-construction meeting held this afternoon regarding the Route 173 project that will run from Bloomsbury, to Bedminster and then back to Clinton. The milling and paving project should take 4 – 5 weeks and will be done during night time hours.

Rich Phelan, PW/Business Administrator

1. Mr. Phelan reported that all current road and water projects are on schedule.

2. The Department of Public Works prepared the location for the Arbor Day celebration.
3. The Gebhardt Field Grandstand project is complete and looks fantastic!

Kathy Olsen, CFO

1. The annual Tax Sale is scheduled for 9:00 a.m. Wednesday morning, 12 properties are up for tax sale.

Councilman Smith

1. Mr. Smith - The Water Committee reviewed the nine capital projects currently in various stages of completion. They discussed the water fluoridation with a consultant and if the bill is mandated, estimated costs are \$22,500 for fitting the well houses and an annual medium cost of \$18,000 a year for sodium. Mr. Shea suggested preparing a resolution and sending it to the State against the bill in light of the costs to municipalities. Mr. Smith agreed, now that we have estimated costs it may be a good idea to do so.
2. The Water Committee continues reviewing the unallocated water loss. New service meters to be installed into the ground were also addressed for new connections.
3. Every Thursday morning, the Water Committee meets with the contractors and the administrator to discuss project construction updates and organizing with each others construction schedules. Revisions are made accordingly to keep all projects moving along. Anticipated completion date is expected for mid to the end of June, 2012.

Councilman Shea

1. Roads Committee – Projects continuing on Main, East Main and Lower Center Street with curbing and sidewalk replacement, pavers are now being installed. Mr. Shea commended the Roads and Water Departments for a fantastic job of road replacement on Leigh Street from Old 22 to Country Club Drive.
2. The State of New Jersey denied our grant request for the completion of the Leigh Street Project.
3. Following the Chief's update on the West Main Street construction project, Mr. Shea would like to notify Elizabethtown Gas Company so that the installation of gas lines can be arranged. Mayor Kovach said she and the administrator met with representative from the Gas Company and when scheduling is firm, will arrange a meeting with the residents of West Main.
4. Shade Tree – Arbor Day is scheduled for 10:00 a.m. on Friday, April 27. A special surprise presentation will be made.

Attorney Cushing

Mr. Cushing gave a brief history to council on the status of D & D Enterprises, LLC, located on West Main Street. In December, Attorney Walter Wilson and his client, Charles Didea, came before Council to request a temporary certificate of occupancy in order to occupy the commercial property on the first floor. Council authorized the property be granted the temporary certificate of occupancy with the condition that a bond be posted for the paving of the site. The bond was posted December, 2011. Mr. Didea and Mr. Wilson are now requesting a temporary certificate of

occupancy for the rental units on the second floor. There are two market rentals and two rental affordable housing units. Mr. Wilson has prepared the Deed for the affordable units and is ready to rent all units. Mr. Cushing explained that Council must authorize the construction official to issue the TCO. A motion was made by Mrs. Insel, seconded by Mr. Pendergast to adopt Resolution #83-12 as presented:

RESOLUTION #83-12

WHEREAS, D & D Enterprises LLC has requested that a temporary certificate of occupancy be issued to it; and

WHEREAS, D & D has submitted a performance bond to guarantee that certain improvements, including paving the driveway, are accomplished; and

WHEREAS, The Construction Code Official has indicated that he is willing to issue a temporary certificate of occupancy;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council have no objection to the issuance of a temporary certificate of occupancy for affordable housing units 1 & 2, provided that all construction code requirements have been met.

Vote all ayes
Motion carried

Councilwoman Insel

1. "Doin' Clinton Springtime" is scheduled for this Saturday and Sunday, April 28 and 29th.
2. The Clinton Guild is hosting the Pansy Festival on Sunday, May 6th. Ladies Night was well attended on April 19th.
3. The Guild would like to go on record informing the Board of Recreation members that the Guild does not have a say as to the scheduling of events at the Community Center. The Center is open to the public. A group is having a Spring Bead Show there on May 6th.

Councilman Pendergast

1. Sewer Committee is preparing for the #2 Filter replacement at the Treatment Plant will be starting soon and hopes to be done by the later part of the summer. As previously stated, Drew Glaser completed his probationary period and is now a full time employee.
2. The concerns from High Bridge for billing questions have been satisfied. After having records reviewed recently, questions still remain from Clinton Township. The review is on going.

Councilwoman Valenta

1. The Environmental Commission will have a presence at the Green Fair at the Red Mill this coming weekend. The Commission also asked Mrs. Valenta to ask Mr. Smith about the use of "gray water" in light of the dry conditions. Mr. Smith explained there are requirements but he would be happy to discuss it with the Environmental Commission.

Councilman Duffy

1. Clinton Fire Department – A new season of Grill Nights began April 20th and was very well attended! Thank you to Mr. Pendergast for "flipping burgers"! Grill nights are a great community event, held every third Friday except for July, and will end in September.

2. Buildings and Grounds – the Grandstand has been completed and looks FANTASTIC!
The fencing around the perimeter of the Community Center play area will be replaced with black aluminum.
3. A beaver has moved into the pond behind the pump house in Hunts Mill Park. He has been chewing down trees and creating a damn. Professionals were called as well as the Fish, Game and Wildlife, however, there are not many options for the Town. The damns are not creating flooding or hazards so it is left to ‘LEAVE IT TO BEAVER!’
4. Board of Recreation intends to hold a dedication ceremony for the grandstand on Wednesday, May 9, 2012, 5:00 or 5:30 p.m. and will be inviting the Mayor and Council and the public. There has also been discussion about the Booster Club from Clinton Public School making a “Bulldogs” sign for the ball field. Placement and dimensions of the sign must be run through the Zoning Office, the Booster club will be referred to Allison Witt.
5. Summer Recreation program will run from June 25 through July 20.

Public comment – Gene De Cleene, 1 Central Avenue, remarked on the great job restoring the grandstands but questioned why the dug outs were not replaced. Mr. Duffy explained the cost to put the dug outs in was approximately \$40,000 and was not in the budget.

CeCe Gallo, 25 Spruce Run Road, asked if Summer Recreation program was hiring counselors. Ms. Gallo was informed that the Rec program does hire and applications are available in the clerks office.

APPROVAL OF STANDBY AND OVERTIME

A motion was made by Mr. Pendergast, seconded by Mr. Smith to approve the standby and overtime pay attached to these minutes March 30, 2012 through April 12, 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 #82 - 12 – EXECUTIVE SESSION – Personnel / Potential Litigation/Contract Negotiations

A motion was made by Mr. Duffy seconded by Mr. Smith to enter into Executive Session at 8:40 p.m. to discuss matters of Potential Litigation and Contract Negotiations.

RESOLUTION # 82-12 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. Smith seconded by Mr. Shea to return to the Regular Council meeting at 9:50 p.m.

Vote all ayes
Motion carried

INTRODUCTION OF ORDINANCE #12-5 – AMEND ORDINANCE #10-11

Council discussed the proposed ordinance to appropriate the additional sum of \$20,000 from the Capital Improvement Fund to cover expenses of the Dam and Dike materials and improvements. Mr. Smith asked if this amount is sufficient to cover the expenses.

A motion was made by Mr. Duffy, seconded by Mr. Pendergast, to return to Executive Session at 9:55 p.m.

Vote all ayes
Motion carried

Council returned from a brief Executive Session at 10:00 p.m. to introduce Ordinance #12-5 as amended to increase the amount of the ordinance from \$20,000 to \$30,000:

ORDINANCE #12-5

AMEND CAPITAL ORDINANCE NO. 10-11

AMEND CAPITAL ORDINANCE OF THE TOWN OF CLINTON, IN THE COUNTY OF HUNTERDON, STATE OF NEW JERSEY, AUTHORIZING THE MAKING OF IMPROVEMENTS IN, BY AND FOR THE TOWN OF CLINTON AND APPROPRIATING THEREFOR THE ADDITIONAL SUM OF \$30,000 FROM THE CAPITAL IMPROVEMENT FUND

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. The Town of Clinton in the County of Hunterdon, State of New Jersey, is hereby authorized to make the following improvements, by and for the Town, including all work, materials and appurtenances necessary and suitable therefore:

<u>PURPOSE</u>	<u>ESTIMATED COST</u>
Dam and Dike	\$ 30,000.00
TOTAL	\$ 30,000.00

Section 2. The aggregate sum of \$30,000.00 is hereby appropriated from the Capital Improvement Fund of the Town of Clinton to the payment of the cost of the materials and improvements as described in Section 1 hereof.

Section 3. Said materials and improvements are lawful capital improvements of the Town of Clinton having a period of usefulness of at least five (5) years. Said improvements shall be made as general improvements, no part of the cost of which shall be assessed against property specially benefited.

Section 4. This capital ordinance shall take effect after final passage and publication as required by law.

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

Ayes: 4
Nays: 2
Motion carried

A notice of this Ordinance will be published in the May 2, 2012 edition of the Hunterdon Review. A second reading and public hearing of this ordinance will held May 22, 2012.

ADJOURNMENT: There being no further business, a motion was made by Mrs. Insel seconded by Mr. Pendergast to adjourn the meeting at 10:17 p.m..

Regular Council Meeting
April 24, 2012

Vote all ayes
Motion carried

Cecilia Covino, RMC/CMC
Town Clerk

Janice Kovach, Mayor