

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

Flag Salute.

Roll Call: Present – 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 Mrs. Insel, to approve minutes of June 12, 2012 as submitted.

Vote all ayes  
1 Abstention (Duffy)  
Motion carried

**APPROVAL OF EXECUTIVE SESSION MINUTES**

Executive Session minutes of June 12, 2012. A motion was made by Mr. Smith, seconded by Mrs. Insel to accept as presented.

Vote all ayes  
1 Abstention (Duffy)  
Motion carried

**APPROVAL OF MONTHLY REPORTS – MAY**

A motion was made by Mr. Pendergast, seconded by Mr. Smith, to accept the monthly reports for the month of May as submitted: Wastewater Treatment Plant and Fire Official Report

Vote all ayes  
Motion carried

**PUBLIC COMMENT**

Julie Trepkau, 5 Union Road, questioned the Council about the Facebook postings of dead trees on East Main Street and if there are potential dangers with some of the weak and diseased trees in Town. Mr. Phelan explained that the Shade Tree has a maintenance list and periodically tours the Town with the Arborist, Lou Spanner. Public Works also checks on trees and responds to phone calls from residents that notify the Town if there is a situation to be examined. The Shade Tree is currently working on a plan to address a few trees in Town. Mrs. Trepkau said that Girl Scout troops were being asked to raise money to help remove the dead East Main Street tree and have it replaced. Mrs. Insel noticed a tree past the Clinton House, on the right side along the river, that need to be checked. Mr. Phelan said when calls come in, the Shade Tree accesses the tree, determines whether it is the homeowners or a town tree, and then it is either trimmed or taken down by the appropriate party. Mr. Cushing said if anyone sees a tree that is compromised, please call the Public Works Department. The Shade Tree Commission has an inventory of trees and it can be quickly determined whose responsibility it is.

Walter Hetzel, 36 West Main Street, is encouraging Council to notify the Web site, newspapers and residents to spread the word that volunteers are needed on the Board of Adjustment.

Peter Grantham, 34A Main Street, suggested placing a description of the volunteer positions available for interested parties to know meetings schedules and what would be required.

**MAYOR'S COMMENTS**

Mayor and Council have received a memo from the Gene De Cleene, Democratic Chair for the Town of Clinton, submitting three names for the council seat vacated by Maria Valenta. Names submitted are Richard Miller, Debra Schaffer, and Brad Cohen. The candidates will be contacted and asked to attend the Council meeting of July 10, 2012 to be interviewed by Council.

**RESOLUTION #109-12 – ALCOHOLIC BEVERAGES – BLACK POTATOE FESTIVAL**

A motion was made by Mr. Smith, seconded by Mr. Duffy, to adopt Resolution #109-12 permitting the consumption of alcoholic beverages at Gebhardt Field, for the dates and times submitted during the Black Potatoe Festival:

**RESOLUTION #109-12**

WHEREAS, the Code of the Town of Clinton, Chapter 32, Section 7, prohibits consumption of alcoholic beverages in, on, or upon any public street, or land owned or occupied by any federal, state, county or municipal government, or as further explained in the Section 32-7 A through D; and

WHEREAS, alcoholic beverages may be consumed at occasions or events held by bona fide nonprofit organizations or other groups if specifically permitted by resolution of the Mayor and Council; and

THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Town of Clinton, that the consumption of alcoholic beverages shall be permitted at the Gebhardt Field, 63 Halstead Street, during the Black Potatoe Music Festival to be held July 12, 13, 14 and 15, 2012. The hours for consumption shall be Friday, July 13 between the hours of 5:30 PM to 9:45 PM; Saturday, July 14, Noon – 9:45 PM; and Sunday, July 15, Noon – 8:00 PM

Vote all ayes  
2 Abstentions (Insel, Pendergast)  
Motion carried

Other topics of concern were voiced such as the no smoking ordinance on public grounds and whether the ordinance should be waived. Mr. Smith said he did not think the Town should waive the smoking ordinance but a sign should be posted at the southern most entrance to the field. Council agreed and a sign will be posted.

**RESOLUTION #110-12 – CANCELLATION OF OUTSTANDING CHECKS**

A motion was made by Mr. Smith, seconded by Mrs. Insel, to adopt Resolution #110-12 as submitted.

**RESOLUTION # 110-12**

WHEREAS, there exists on the books of various Town accounts old outstanding checks; and

WHEREAS, the outstanding checks are more than one year old;

NOW, THEREFORE, BE IT RESOLVED, that the following checks in the amount of \$4,568.17 are hereby cancelled:

| <u>CHECK NO.</u>               | <u>DATE</u> | <u>AMOUNT</u> |
|--------------------------------|-------------|---------------|
| <u>Parks and Playgrounds</u>   |             |               |
| 70138                          | 2/29/10     | \$ 10.00      |
| 70167                          | 3/9/10      | \$ 30.00      |
| 70185                          | 3/23/10     | \$ 15.00      |
| 70197                          | 7/13/10     | \$ 264.25     |
| 70289                          | 3/8/11      | \$ 18.00      |
| <u>Payroll Salary</u>          |             |               |
| 2210                           | 1/1/09      | \$2,792.28    |
| 2415                           | 5/7/09      | \$ 544.31     |
| 3551                           | 1/27/11     | \$ 237.18     |
| <u>Utility Trust Account</u>   |             |               |
| 80202                          | 10/26/09    | \$ 49.48      |
| 80233                          | 2/3/10      | \$ 19.19      |
| 80248                          | 3/11/10     | \$ 2.18       |
| 80263                          | 4/19/10     | \$ 84.79      |
| 80319                          | 7/2/10      | \$ 86.46      |
| 80325                          | 7/20/10     | \$ 102.26     |
| 80453                          | 3/24/11     | \$ 83.13      |
| 80459                          | 4/5/11      | \$ 26.78      |
| <u>Water Operating Account</u> |             |               |
| 8240                           | 1/13/09     | \$ 102.88     |
| 9219                           | 1/22/10     | \$ 100.00     |

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

Vote all ayes  
Motion carried

**RESOLUTION #111-12 – AWARD OF CONTRACT TO OSWALD ENTERPRISES, INC.**

A motion was made by Mr. Pendergast, seconded by Mr. Smith, to award a contract to Oswald Enterprises, Inc. for the rehabilitation and televising of two manholes at a cost of \$13,000.

**RESOLUTION #111-12**  
**RESOLUTION AUTHORIZING A SERVICE CONTRACT WITH**  
**OSWALD ENTERPRISES, INC. FOR MANHOLE REHABILITATION**

WHEREAS, the Town of Clinton has a need to contract for Manhole Rehabilitation and Televising services as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.4 or 20.5, as appropriate; and

WHEREAS, the Purchasing Agent has certified that the costs of this contract may or will exceed \$17,500 in aggregate with this vendor during the previous twelve month period; and

WHEREAS, Oswald Enterprises, Inc. has submitted a proposal dated April 19, 2012 indicating they will provide the service to rehabilitate two (2) manholes for \$13,100; and

WHEREAS, Oswald Enterprises, Inc. has completed and submitted a Business Entity Disclosure Certification which certified that Oswald Enterprises, Inc. has not made any reportable contributions to a political or candidate committee in the Town of Clinton in the previous one year, and that the contract will prohibit Oswald Enterprises, Inc. from making any reportable contributions through the term of the project, and

WHEREAS, the Chief Financial Officer has certified to the Town Clerk that funds are available from the Sewer Utility Capital Account;

NOW, THEREFORE, BE IT RESOLVED that the Town of Clinton enter into a contract with Oswald Enterprises, Inc. as described herein; and

BE IT FURTHER RESOLVED, that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution; and

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded to the Chief Financial Officer and Oswald Enterprises, Inc.

Roll Call: Ayes: Duffy, Insel, Pendergast, Smith, Mayor Kovach

Vote all ayes  
Motion carried

**RESOLUTION # 112 – TAX ASSESSOR SALARY**

A motion was made by Mr. Smith, seconded by Mr. Pendergast, to adopt Resolution #112-12 as presented:

**RESOLUTION #112-12**

**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:

| <b><u>POSITION</u></b> | <b><u>SALARY</u></b> |
|------------------------|----------------------|
| Tax Assessor           | 20,000.00            |

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

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

Vote all ayes  
Motion carried

**RESOLUTION #114-12 – APPOINTMENT OF NEW TAX ASSESSOR**

A motion was made by Mr. Smith, seconded by Mrs. Insel, authorizing the Mayor to enter into an agreement with Frances S. Kuczynski to be hired as Tax Assessor effective July 1, 2012:

RESOLUTION # 114-12

WHEREAS the Town of Clinton is in need of a part time Tax Assessor; and

WHEREAS the position has been advertised and 11 resumes were received and reviewed; and

WHEREAS the Search Committee narrowed the applicants down to two strong candidates; and

WHEREAS the two candidates were interviewed by the Mayor and Council at the Council meeting of June 12, 2012 and a decision was made;

NOW THEREFORE, BE IT RESOLVED, that the Mayor is authorized to enter into an agreement with Frances S. Kuczynski, to be hired as the Clinton Tax Assessor with an effective date July 1, 2012, at a salary of \$20,000 a year.

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

Vote all ayes  
Motion carried

**RESOLUTION #113-12 – SERVICE CONTRACT WITH LIBERTY CONSTRUCTION**

A motion was made by Mr. Smith, seconded by Mr. Pendergast, to adopt Resolution #113-12 as submitted:

**RESOLUTION # 113-12**

**RESOLUTION AUTHORIZING A SERVICE CONTRACT WITH LIBERTY CONSTRUCTION AND DEVELOPMENT FOR WELL 11 DISINFECTION**

WHEREAS, the Town of Clinton has a need to contract for Well Disinfection services as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.4 or 20.5, as appropriate; and

WHEREAS, the Purchasing Agent has certified that the costs of this contract may or will exceed \$17,500 in aggregate with this vendor during the previous twelve month period; and

WHEREAS, Liberty Construction and Development has submitted a proposal dated May 1, 2012 indicating they will provide the Well Disinfection services for \$18,900; and

WHEREAS, Liberty Construction and Development has completed and submitted a Business Entity Disclosure Certification which certified that Liberty Construction and Development has not made any reportable contributions to a political or candidate committee in the Town of Clinton in the previous one year, and that the contract will prohibit Liberty Construction and Development from making any reportable contributions through the term of the project, and

WHEREAS, the Chief Financial Officer has certified to the Town Clerk that funds are available from the Water Utility Capital Account;

NOW, THEREFORE, BE IT RESOLVED that the Town of Clinton enter into a contract with Liberty Construction and Development as described herein; and

BE IT FURTHER RESOLVED, that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution; and

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded to the Chief Financial Officer and Liberty Construction and Development.

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

Vote all ayes  
Motion carried

**PUBLIC HEARING OF ORDINANCE #12-8 – BOND ORDINANCE**

A motion was made by Mrs. Insel, seconded by Mr. Pendergast,, to open the public hearing on Ordinance #12-08:

ORDINANCE #12-08

BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS OF THE TOWN OF CLINTON, IN THE COUNTY OF HUNTERDON, NEW JERSEY, APPROPRIATING THE AGGREGATE AMOUNT OF \$110,200 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$104,692 BONDS OR NOTES OF THE TOWN TO FINANCE PART OF THE COST THEREOF.

Vote all ayes  
Motion carried

David Grantham, Main Street, asked what the Ordinance was for. Mr. Smith read the title aloud. There being no further questions, 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. Pendergast, seconded by Mr. Smith, to adopt Ordinance #12-08 on second reading.

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

Vote all ayes  
Motion carried

**SPECIAL EVENT - CANOE RACES 2012**

Council has received a Special Event application from Todd Pender and Sean Rogan, to host The Great Clinton Canoe Races on August 4, 2012. This will be a free event and will be held on the South Branch of the Raritan River with canoes to enter the water at the Water Street parking lot. Discussion took place among Council and Attorney Cushing and valid concerns were voiced. Mr. Cushing explained that the State controls the river but the public can use it, the Town cannot exclude people from using it. However, it is appropriate to have the Town named at additional insured by the sponsors of the event, namely because the Water Street parking lot is town property. The event is scheduled to take place 3:00 p.m. until dark but Council felt it was necessary to restrict the lot after 8:00 p.m. A motion was made by Mr. Duffy, seconded by Mr. Pendergast, to approve the event to take place August 4<sup>th</sup> from 3:00 p.m. to 8:00 p.m. and that the Town be named at additional insured.

Vote all ayes  
Motion carried

### **CORRESPONDENCE**

1. Raritan Headwaters Association sent a thank you for the Town's support of the 22<sup>nd</sup> Annual Clean Up of the South Branch of the Raritan River. The Town of Clinton donated \$300.00. The successful removal of 4 tons of trash and recyclables were taken from the river and surrounding land by 537 volunteers at 26 sites.
2. Hunterdon Helpline also sent a thank you for our donation of \$100.00 for their services.
3. Walking the Red Carpet was front page news on the June 24<sup>th</sup> edition of the Sunday Express Times. The event was held to celebrate the grand re-opening of Main Street following months of water main replacements and road work. Main and East Main Streets were lined with 300 feet of "red carpet" and a red ribbon extended across Main Street to be cut by the merchants! A proclamation was also presented by Mayor Kovach proclaiming the week of July 1 – 7, 2012 as Independent Week recognizing the locally owned independent businesses who are integral to the unique flavor of Clinton. Following the ribbon cutting, guests were invited to the Red Mill to preview a short video of Small Town U.S.A. It was a great night!
4. The Hunterdon County Freeholders announced a \$14,000 Historic Grant awarded to the Town of Clinton. These funds will help with the painting and fencing completed at Gebhardt Field Grandstand.

### **REPORTS FROM COUNCIL & TOWN OFFICIALS**

#### **Richard Phelan, PW/Business Administrator**

1. Garbage and recycling and revaluation bids have been published. The reval bids are due July 11<sup>th</sup> and will be distributed to the competitive contracting team for their review.
2. Downtown project has been completed except for a few punch list items with the contractor. Thank you to the Police Department for traffic control during the project and to Roger Plaisted, Water Superintendent; Dave Burdge, Water Foreman and Pete Bross of the Water Department for assisting throughout the entire project for keeping the water flowing and for their extensive knowledge and history of the system.

#### **Kathy Olsen, CFO**

1. Ms. Olsen reported on the financial impact of the 71 tax appeals of 2012.
  - 52 reductions with a loss of \$3,646,500.00
  - at the 2011 current tax rate of 2.461 resulting in \$89,740.36
  - 2012 will be higher due to the increased tax rate, maybe closer to \$90,000.00

#### **Councilman Smith**

1. Water Committee reported that the new 2.5 MG tank is operating. The existing tank has operated for 34 years and is now preparing to be retro-fitted near the end of the summer.
2. Rescue Squad – lost a former chief from the 1970's, a long term member and friend, Dan Jankowski. Squads from Northern Hunterdon County attended and two aerial trucks displayed the American flag near Evergreen Cemetery.

#### **Councilwoman Insel**

1. Roads – Mrs. Insel wanted to comment on how fabulous East Main Street is near the Post Office since moving the mailboxes across the street, stripping off the section so cones are no necessary and adding parking spaces.

**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 June 8 through June 21, 2012.

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

Vote all ayes  
Motion carried

**PAYMENT OF BILLS**

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

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

Vote all ayes  
Motion carried

**RESOLUTION #-115-12 – EXECUTIVE SESSION – Litigation / Contract Negotiations / Personnel**

A motion was made by Mr. Smith seconded by Mrs. Insel, to enter into Executive Session at 8:10 p.m. to discuss a matters of litigation, 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 \_\_\_\_\_

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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.

Vote all ayes  
Motion carried

A motion was made by Mr. Pendergast seconded by Mrs. Insel to return to the Regular Council meeting at 9:42 p.m.

**RESOLUTION #116-12 - HUNTERDON ART MUSEUM / TOWN OF CLINTON**

Mr. Cushing reported that council held a discussion in Executive Session with respect to a dispute between the Town of Clinton and the Hunterdon Art Museum which centers around the money owed by the Hunterdon Art Museum to the Town for work done by the Town for the Museum in connection with the Museum's expansion of its patio and alterations with the parking area. Mr. Cushing explained that this has been a long, on-going dispute with respect to how much money is owed and the circumstances under which the Museum is to repay that money. Part of the proposed settlement calls for the Town to extend its commitment as co-signer on a loan for the Museum with the State of New Jersey, Department of Environmental Protection. After extensive negotiations and with the permission of Council, Mr. Cushing has a proposed a settlement agreement which is substantially acceptable to both parties. The agreement will hopefully resolve this dispute and take care of an unsightly situation downtown and avoid additional battling by the Town and the Museum. Mr. Cushing asked if it is acceptable to Mayor and Council he would like to propose a resolution: That the Mayor and Clerk are authorized to execute a settlement agreement with the Hunterdon Art Museum in the substantially the same form as the draft agreement attached. A motion was made by Mayor Kovach, seconded by Mrs. Insel, to adopt the resolution.

**RESOLUTION # 116-12**

**WHEREAS** the Town of Clinton and the Hunterdon Art Museum have been in negotiations for almost two years regarding payment for work done for the Museum at the Clinton Falls Dam; and

**WHEREAS** following a long process, an agreement has been reached which would allow for the completion of the work and payment of funds outstanding; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor and Clerk of the Town of Clinton are hereby authorized to execute a Settlement Agreement substantially in accordance with the form attached hereto.

ROLL CALL: Duffy – “At this time I have great reservations with the Hunterdon Art Museum following through with any agreement with the Town of Clinton.” Vote no.

Pendergast – “Also have great reservations with the ability of the Art Museum to follow through.” Vote No

Insel – Vote yes

Smith – Yes with reservations

Mayor Kovach – Yes

3 – yes

2 – no

Motion carried

**ADJOURNMENT:** There being no further business, a motion was made by Mrs. Insel, seconded by Mr. Duffy to adjourn the meeting at 9:47 p.m.

Vote all ayes

Motion carried

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Cecilia Covino, RMC/CMC  
Town Clerk

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Mayor Janice Kovach