

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

Flag Salute.

Roll Call: Present – 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. Pendergast seconded by Mr. Smith, to approve minutes of June 26, 2012 as submitted.

Vote all ayes
1 Abstention (Shea)
Motion carried

APPROVAL OF EXECUTIVE SESSION MINUTES

Executive Session minutes of June 26, 2012, a motion was made by Mr. Smith seconded Mrs. Insel, to accept the minutes as presented.

Vote all ayes
1 Abstention (Shea)
Motion carried

APPROVAL OF MONTHLY REPORTS – JUNE

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

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

Vote all ayes
Motion carried

PUBLIC COMMENT

Whitney Wetherill, 36 West Main Street, directed her questions to Attorney Cushing, asking for topics discussed in Executive Session and policy of board members and conflicts to hear applications. Ms. Wetherill also wanted to know the public status of the Town and the Hunterdon Art Museum. Mr. Cushing explained that there may be additional information regarding the status following executive session. Regarding conflicts, it may be a financial or personal interest with an applicant. The Board attorney should be consulted in making a decision to determine if there is a conflict. Mr. Caldwell, Board attorney, should be given ample time to evaluate the situation and make a judgment call and make his opinion known.

MAYOR’S COMMENTS

1. On Sunday, July 8, 2012, a community celebration was held for Julie Culley, North Hunterdon Alumni and headed to the 2012 London Olympics! Julie qualified for the Women’s 5000 K coming in first in the United States! Over 100 people showed up wearing red, white and blue!

Mayor Kovach thanked the Clinton Fire Department for opening their doors to the Town and providing serving coffee and donuts, Dr. D aka Dan Torrone, provided great music. Thank you also to Chief Matheis, Councilwoman Insel and Councilman Pendergast and Guild President, Walter Hetzel for attending. Harvey Finkle and Rob from the Clinton Book Shop and original organizers of the Clinton Farmer's Market, were instrumental in their announcements on Facebook to spread the word! It really was a great event and we wish Julie success!

2. Mayor Kovach asked council how they felt about canceling one council meeting during the summer months. Council discussed it briefly and decided it was better to keep to the regular schedule for the purpose of paying bills.
3. Mayor Kovach read the annual invitation that is being mailed to all employees, professionals and volunteers. There will be a BBQ on Sunday, August 26, 2012 from 2 – 5:00 pm at the Red Mill Museum Village.

RESOLUTION #117-12 – COLLECTION BOXES

Council discussed the proposed resolution with Attorney Cushing and voiced their concerns regarding collecting perishable foods, money jars or other questionable items. Mr. Cushing amended the original resolution distributed to council by adding additional language to the satisfaction of council members. A motion was made by Mr. Pendergast, seconded by Mr. Shea to adopt Resolution #117-12 as amended and presented:

RESOLUTION # 117-12

RESOLUTION AUTHORIZING LOCATION OF COLLECTION BOXES IN
MUNICIPAL BUILDING FOR COLLECTION OF DONATED ITEMS BY
NOT-FOR-PROFIT ORGANIZATIONS

WHEREAS, various not-for-profit organizations have requested the right to put collection boxes in the municipal building; and

WHEREAS, the Mayor and Council wish to establish a uniform policy permitting and regulating the location of collection boxes in the municipal building.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Town of Clinton, Hunterdon County, New Jersey, that collection boxes may be located in the municipal building under the terms and conditions described as follows:

1. Any not-for-profit corporation or organization, recognized as a not-for-profit pursuant to 501(C)(3) of the Internal Revenue Code (“not-for-profit”), may apply to the Municipal Clerk for location of a collection box in accordance with the terms of this Resolution.
2. The collection box may only be located inside the easterly entrance to the municipal building at a place designated by the Municipal Clerk.
3. The collection box shall not exceed 2 feet wide, 2 feet high and 4 feet long and shall be neat and sturdy enough to collect the items sought. Only non perishable items may be collected. Requests for the collection of items that may attract vermin at the discretion of the Clerk, may be denied. For reasons of lack of

security in the area designated for collection, no boxes for collection of money are permitted.

4. A collection box may only be located in the municipal building for a 30-day periods. A qualifying not-for-profit may request one or more additional 30-day period, providing that no other qualifying not-for-profit has sought to locate a box for the same time period requested. Any requests to locate a collection box shall be handled on a first-come first-served basis.
5. The only identification that may be placed on the box is the name of the organization, the purpose of the collection and name and a telephone number of a contact person.
6. The not-for-profit that seeks to locate a collection box shall supply the Municipal Clerk with the name and address of a representative of the organization who can be contacted to remove collected items, police the area around the box and remove it at the end of the approved time period.
7. The not-for-profit shall be responsible to police the area around the collection box and remove any debris, trash or garbage from the box and the surrounding area.
8. The Municipal Clerk is authorized to create an application form for the location of a collection box and to approve all applications that meet the requirements of this resolution.

Vote all ayes
Motion carried

RESOLUTION #118-12 – CHAPTER 159

A motion was made by Mr. Shea, seconded by Mr. Pendergast, to adopt Resolution #118-12 as submitted:

RESOLUTION – # 118-12

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget and,

WHEREAS, said Director may also approved the insertion of an item of appropriation for an equal amount, and,

WHEREAS, the Town of Clinton has received \$14,500.00 from the County of Hunterdon and wishes to amend its 2012 budget to include this amount as a revenue.

NOW THEREFORE, BE IT RESOLVED that the Mayor and Council of the Town of Clinton hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget for they year 2012 in the sum of \$14,500.00 which is now available as a revenue from:

Miscellaneous Revenues

Special Item of General Revenue Anticipated with Prior Written

Consent of the Director of Local Government Services:
Public and Private Revenues Off-Set with Appropriations:
Open Space Trust Grant – Gebhardt Field, and

BE IT FURTHER RESOLVED, that a like sum of \$14,500.00 is hereby appropriated under the caption of:

General Appropriations

- (a) Operations Excluded from the 2.5% Cap
 - Public and Private Programs Off-Set by Revenues:
 - Open Space Trust Grant – Gebhardt Field:
 - Other Expenses

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

Vote all ayes
Motion carried

RESOLUTION #119-12 – TOWN PICNIC FIREWORKS DISPLAY

A motion was made by Mr. Pendergast, seconded by Mr. Duffy, to adopt Resolution #119-12 as submitted:

RESOLUTION #119-12

WHEREAS the Town of Clinton Board of Recreation Commission has requested permission from the Mayor and Council of the Town of Clinton to have a Fireworks Display at the Town Picnic to be held on September 8, 2012, rain date, September 22 2012, at Hunts Mill Park, and

WHEREAS Garden State Fireworks, Inc. has provided a Certificate of Insurance in the amount of \$5,000,000 naming the Town of Clinton as an additional insured, and

WHEREAS the Town of Clinton Board of Recreation Commission will request the Clinton Fire Department and Clinton First Aid & Rescue Squad to standby at the scene;

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Town of Clinton that the Board of Recreation Commission's request for a fireworks display at the Town Picnic on Saturday, September 8, 2012 at dark, at the Hunts Mill Park, be approved. Rain date is scheduled for Saturday, September 22, 2012.

Vote all ayes
Motion carried

RESOLUTION #120-12 – BYOB – TOWN PICNIC

A motion was made by Mr. Smith, seconded by Mr. Shea, to adopt Resolution #120-12 as submitted:

RESOLUTION # 120-12

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 BYO (Bring Your Own) consumption of alcoholic beverages shall be permitted at the Town Picnic held at Hunts Mill Park to be held on Saturday, September 8, 2012 (rain date September 22, 2012) between the hours of 2:00 PM and Dusk.

Vote all ayes
Motion carried

BANNER REQUEST

The Church of All Creation & Circle of Invention is requesting a banner to be hung from October 1 through October 7, 2012 announcing the One Spirit Festival to be held October 7, 2012 at the Clinton Community Center. A motion was made by Mr. Pendergast, seconded by Mr. Smith, to approve the request.

Vote all ayes
Motion carried

WATER REFUND

Water Collector, Nancy Burgess, is requesting a water refund to Scott Magee in the amount of \$63.32. A motion was made by Mr. Smith, seconded by Mr. Pendergast, to grant the refund as requested.

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

Vote all ayes
Motion carried

HUNTERDON COUNTY MUNICIPAL ALLIANCE

Council is in receipt of the Municipal Alliance Renewal Application for 2013 whereas the Alliance continues to be able to provide substance Abuse Prevention programming to school and the community. A motion was made by Mrs. Insel, seconded by Mr. Pendergast, authorizing the Mayor to enter into the 2013 renewal agreement. Clinton Township now handles the accounting for the Alliance.

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

Vote all ayes
Motion carried

INTERVIEW OF COUNCIL CANDIDATES

Following the vacancy created by Councilwoman Maria Valenta, the Democratic party put forth three names for Council's consideration. Brad Cohen, Richard Miller and Debra Schaffer each had an opportunity to speak before Council.

Brad Cohen, moved into Clinton 4 years ago and lives on Rachel Court with his wife and twin daughters. Mr. Cohen said he has no civic experience but is very business minded and would like to help keep Clinton the close community that it is.

Richard Miller, thanked Council for the opportunity. A retired educator from South Hunterdon High School, Mr. Miller is a member of the Environmental Commission, Historic Commission and acted as interim mayor from June 24, 2011 to January 2, 2012. Mr. Miller is also on the Board at the Red Mill Museum Village and recused himself from Executive Sessions during his term as mayor when the topic of the Hunterdon Art Museum dam/dike contract negotiations was

discussed. When asked if he would again recuse himself, he said he would defer to Counsel's decision.

Debra Schaffer has been a resident of Clinton for 6 years, lives with her husband and 2 sons. She stated that she does not have any political background, but she is a physical trainer and is involved with the music association in Clinton Public School where her son is in band.

RESOLUTION #121-12 – PERSONNEL

A motion was made by Mr. Pendergast, seconded by Mr. Smith, to enter into executive session to discuss the candidates at 7:59 p.m.

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);

___X___ 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 from executive session at 8:12 p.m. A motion was made by Mr. Smith, seconded by Mr. Pendergast, to appoint Brad Cohen to the vacant council seat.

Vote all ayes
Motion carried

Following the November general election, the candidate on the ballot for the unexpired term will be sworn in to complete the term. Mr. Cohen was sworn in by Mr. Cushing and took his seat at the council dais. Mayor Kovach thanked Mr. Miller and Mrs. Schaffer for their interest in filling the position.

CORRESPONDENCE

1. Martin Layding, 24 Rachel Court, has submitted a Citizen Involvement Application for the open position on the Board of Adjustment. Mayor Kovach made the appointment of Mr. Layding. Board Secretary, Allison Witt, will reach out to him.
2. The New Jersey Highlands Council has informed the Mayor that Gene F. Feyl is the new Executive Director of the Highlands Council and Margaret Nordstrom is the new Deputy Executive Director. Both are committed to assisting municipalities with any questions.
3. On Sunday, July 15, 2012, there will be a Farewell Ceremony for the 508th Military Police Company entitled "Salute the Troops". Mayor Kovach extended the invitation to the Council.
4. State of New Jersey Department of Transportation and the Federal Highway Administration are holding training sessions regarding the construction inspection process and federal requirements. Anyone interested in attending one of the 5 dates and specific locations should notify the clerk to register.
5. Woodbridge Township is hosting the annual Senior Olympics.
6. Senator Loretta Weinberg acknowledged receipt of our Resolution regarding Open Public Meetings Act and the Open Public Records Act.

REPORTS FROM COUNCIL & TOWN OFFICIALS

Police Chief Matheis

1. The Clinton Police Department is prepared for the Black Potatoe Festival to be held this coming weekend, July 12, 13, 14, 15, 2012.

Richard Phelan, PW/Business Administrator

1. Revaluation proposals are scheduled to be received July 11, 2012. They will be distributed to contracting team for review.

Kathy Olsen, CFO

1. Mrs. Olsen stated she will be on vacation the first meeting in August and if anyone has anything to submit to let her know before vacation.

Councilman Smith

1. Water Committee met this morning and all major capital projects are in their final stages except for the rehabilitation of the original 2.5 mg storage tank which is expected to begin the end of July. The project was pushed back due to operational problems with the new tank but everything has been resolved.

The Water Committee is preparing to go out for bids for new water meter replacements that will allow the men to drive by and read meters.

Councilman Shea

1. Roads meeting to be held Friday, July 13.
2. SWAC meeting had a speaker that talked about other programs and other ways of using recycled products.
3. Shade Tree Commission – Al Rylak purchased a Kwanzan Cherry tree to replace the dead one in front of the Clinton Book Shop.

Councilman Pendergast

1. Black Potatoe Festival is set to go! Publicity has been maxed out in several New Jersey newspapers. Free stages on Main Street and stages at the Red Mill and Gebhardt Field!

Councilman Duffy

1. Clinton Fire Department will be hosting the parking lot on the grounds of the Water Authority. Next Grill night is August 17 and they will be having the grill set up at the Town Picnic on September 8th. If families aren't interested in doing their own cooking, they can support the Clinton Fire Department.

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 22 through July 5, 2012.

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

Vote all ayes
1 Abstention (Cohen)
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
1 Abstention (Cohen)
Motion carried

RESOLUTION #-122-12 – EXECUTIVE SESSION – Litigation / Contract Negotiations

A motion was made by Mr. Pendergast seconded by Mrs. Insel, to enter into Executive Session at 8:32 p.m. to discuss a matter of Litigation.

RESOLUTION AUTHORIZING EXECUTIVE SESSION

WHEREAS, the Open Public Meetings Act; *N.J.S.A. 10:4-6 et seq.*, declares it to be the public policy of the State to insure the right of citizens to have adequate advance notice

of and the right to attend meetings of public bodies at which business affecting the public is discussed or acted upon; and

WHEREAS, the Open Public Meetings Act also recognizes exceptions to the right of the public to attend portions of such meetings; and

WHEREAS, the Mayor and Council find it necessary to conduct an executive session closed to the public as permitted by the *N.J.S.A.* 40:4-12; and

WHEREAS, the Mayor and Council will reconvene in public session at the conclusion of the executive session;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Town of Clinton, County of Hunterdon, State of New Jersey that they will conduct an executive session to discuss the following topic(s) as permitted by *N.J.S.A.* 40:4-12:

A matter which Federal Law, State Statute or Rule of Court requires be kept confidential or excluded from discussion in public (Provision relied upon: _____);

_____A matter where the release of information would impair a right to receive funds from the federal government;

_____A matter whose disclosure would constitute an unwarranted invasion of individual privacy;

_____A collective bargaining agreement, or the terms and conditions thereof (Specify contract:

____A matter involving the purpose, lease or acquisition of real property with public funds, the setting of bank rates or investment of public funds where it could adversely affect the public interest if discussion of such matters were disclosed;

_____Tactics and techniques utilized in protecting the safety and property of the public provided that their disclosure could impair such protection;

_____Investigations of violations or possible violations of the law;

Pending or anticipated litigation or contract negotiation in which the public body is or may become a party; (the general nature of the litigation or contract negotiations is:

_____OR _____the public disclosure of such information at this time would have a potentially negative impact on the municipality's position in the litigation or negotiation; therefore this information will be withheld until such time as the matter is concluded or the potential for negative impact no longer exists.)

_____Matters falling within the attorney-client privilege, to the extent that

confidentiality is required in order for the attorney to exercise his or her ethical duties as a lawyer; (The general nature of the matter is: _____)

OR _____ the public disclosure of such information at this time would have a potentially negative impact on the municipality's position with respect to the matter being discussed; therefore this information will be withheld until such time as the matter is concluded or the potential for negative impact no longer exists);

_____Matters involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance, promotion or disciplining of any specific prospective or current public officer or employee of the public body, where all individual employees or appointees whose rights could be adversely affected have not requested in writing that the matter(s) be discussed at a public meeting; (The employee(s) and/or general nature of discussion is _____)

OR _____ the public disclosure of such information at this time would violate the employee(s) privacy rights; therefore this information will be withheld until such time as the matter is concluded or the threat to privacy rights no longer exists.;

_____Deliberation occurring after a public hearing that may result in the imposition of a specific civil penalty or loss of a license or permit;

BE IT FURTHER RESOLVED that the Mayor and Council hereby declare that their discussion of the subject(s) identified above may be made public at a time when the Town Attorney advises them that the disclosure of the discussion will not detrimentally affect any right, interest or duty of the Town or any other entity with respect to said discussion. That time is currently estimated to be: _____ (estimated length of time) OR upon the occurrence of _____

BE IT FURTHER RESOLVED that the Mayor and Council, for the reasons set forth above, hereby declare that the public is excluded from the portion of the meeting during which the above discussion shall take place.

Vote all ayes
Motion carried

A motion was made by Mr. Pendergast seconded by Mrs. Insel to return to the Regular Council meeting at 8:55 p.m.

Upon returning to the regular meeting, the public also returned. In response to Ms. Wetherill's question, Mr. Cushing reported that "at the last meeting we were able to report that we had an agreement that was agreeable to the town and that we thought was agreeable to the museum. However, the museum had complaints about the timing. We had additional discussions with the museum attorneys and we now have a completed agreement with the museum and expect that within the next 4 or 5 days, the agreement will be signed and inked. We hope to see the process moving ahead and the next step is for the museum to apply for a minor site plan or a waiver of site plan. The museum did submit an application to the Planning Board and it is now being reviewed and the Planning Board will be hearing testimony necessary in connection with the application. The museum will be delivering a mortgage to the Town to secure the commitment for the loans by August 12. If the museum does not get approval from the Planning Board they can void the agreement. The agreement as to the amount owed the Town is \$179,947.73 and we

have worked it out to resolve the problem and move forward to get the museum patio built for them and to reimburse the residents of the Town of Clinton for the money that has been put forth by the Town already.” Mr. Smith said he hopes to see a signed copy of the agreement soon. Walter Hetzel asked how many changes were in the agreement and Mr. Cushing stated that he is having a meeting and working out the final language issues. The issue was how to split the interest on the monies in escrow and decided to split the difference.

ADJOURNMENT: There being no further business, a motion was made by Mr. Pendergast seconded by Mrs. Insel to adjourn the meeting at 9:07 p.m.

Vote all ayes
Motion carried

Cecilia Covino, RMC/CMC
Town Clerk

Mayor Janice Kovach