

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

Flag Salute.

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

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 July 10, 2012 as submitted.

Vote all ayes
Motion carried

APPROVAL OF EXECUTIVE SESSION MINUTES

Executive Session minutes of July 10, 2012. A motion was made by Mr. Smith, seconded by Mrs. Insel to accept as presented.

Vote all ayes
Motion carried

APPROVAL OF MONTHLY REPORTS – JUNE

A motion was made by Mr. Pendergast, seconded by Mr. Smith, to accept the monthly Treasurer Report for June as submitted.

Vote all ayes
Motion carried

PUBLIC COMMENT

Tonight’s meeting was largely attended by merchants and residents of Clinton in response to the Black Potatoe Festival that was held July 12, 13, 14, and 15th. Several merchants voiced their displeasure with the closing of Main Street during the event, though others expressed their thanks to the organizers for bringing people to Town. The emotions and comments were mixed and Mayor Kovach opened the floor by stating that no decisions will be made tonight but council will accept the feedback for the future. In the audience were C. J. Gaylor of Secors; Rob Dougherty and Harvey Finkle of the Clinton Book Shop; Joan Schaming, Balic Wines; Justine and Terri Dansky of Eloquence, Erin from Bear Paw Leather Shop; Peter Joseph, Todd Pender, Rachel from the Clinton Bike Shop, Linda Johnson; Carol Beder and Craig Reuter; Walter Hetzel and Whitney Wetherill, to name a few. Mr. DeSanctis, 23 Georges Place, complained about the music being too loud.

Councilman Pendergast, a trustee of Black Potatoe, said final numbers have not been calculated as yet. There will be a follow up meeting by the committee. Mr. Pendergast made it very clear that the Town did not pay or contribute any money as rumors had it that the Town contributed \$45,000. All interested parties were allowed to express themselves and several said there was a lack of communication between the organizers and the merchants.

Mayor Kovach thanked the public for taking the time coming tonight and sharing thoughts. Mr. Pendergast also thanked them and said we need their input and if anyone has an email address that is not on the list, please send it to the clerk.

MAYOR'S COMMENTS

Mayor Kovach asked Council to check their calendars to set a date in August to discuss the 2012 and 2013 budget. Council chose Wednesday, August 22, 2012 at 6:00 p.m.

WATER REFUNDS

Nancy Burgess, Water Collector, is requesting refunds for three properties. A motion was made by Mr. Smith, seconded by Mr. Pendergast, to refund \$10.31 to Joseph Jerkovich as requested.

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

Vote all ayes
Motion carried

A motion was made by Mr. Pendergast, seconded by Mrs. Insel, to refund \$20.71 to Carolyn Yazujiam as requested.

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

Vote all ayes
Motion carried

A motion was made by Mr. Pendergast, seconded by Mr. Smith, to refund \$108.06 to Todd Dickson as requested.

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

Vote all ayes
Motion carried

RESOLUTION #123-12 – CHANGE OF TITLE OR TEXT

A motion was made by Mr. Pendergast, seconded by Mr. Shea, to adopt Resolution #123-12 as submitted:

RESOLUTION #123-12

WHEREAS, N.J.S.A. 40A:4-85 provides that the Director of the Division of Local Government Services may, at the request of, or with the consent of, the governing body of any county or municipality, make such correction of the title, text or amount of any appropriation appearing in the budget as may be necessary to make said item of appropriation available for the purpose or purposes required for the needs of any such county or municipality;

NOW, THEREFORE, BE IT RESOLVED that in accordance with the provisions of N.J.S.A. 40A-85, the Mayor and Council of the Town of Clinton, in the County of Hunterdon, State of New Jersey, hereby requests the Director of the Division of Local Government Services to make the following corrections in the budget year 2012:

That the appropriation provided for in the budget entitled:
Operations Within CAPS:
Assessment of Taxes, Other Expenses be reduced by the sum of
\$9,000.00
and an appropriation in the like amount of \$9,000.00 be added to the budget entitled:
Operations Within CAPS:
Assessment of Taxes, Salary and Wages

BE IT FURTHER RESOLVED, that the foregoing correction is, in the opinion of the governing body, warranted and authorized by the statute above referred to, and is necessary for the orderly operation of the Town for the reasons hereinafter set forth:

The Town previously contracted with the Township of Tewksbury for Tax Assessment services, which funds were provided for under "Other Expenses." The contract was discontinued in June of this year and the Town hired their own Tax Assessor, therefore, necessitating the need for the salary and wages line item.

BE IT FURTHER RESOLVED, that the Town Clerk forward two certified copies of this resolution to the Director of Local Government Services for approval.

Vote all ayes
Motion carried

FEE WAIVER REQUESTS

Council is in receipt of a waiver request from Nora Burke Klippstein and Heidi Singer, to waive the \$42.00 Fire Safety Permit Fee for a Recreational Fire as part of the BSA Eagle Court of Honor at the Red Mill Museum Village on Saturday, July 28, 2012 at 5:00 p.m. The ceremonial fire will honor two town residents, Killian W. Klippstein and Matthew P. Singer. A motion was made by Mr. Pendergast, seconded by Mrs. Insel, to approve the request.

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

Vote all ayes
Motion carried

Council is in receipt of a second waiver request from the Red Mill Museum Village for the Revolutionary War Days event to be held on Saturday and Sunday, August 11 and 12, 2012. The request was for a fire permit in the amount of \$42.00. A motion was made by Mr. Smith, seconded by Mrs. Insel, to approve the request.

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

Vote all ayes
Motion carried

TURN THE TOWNS TEAL

Council is in receipt of a request to "Turn the Towns Teal" from organizer and President, Jane B. MacNeil. This is an annual request to tie teal ribbons on poles throughout Clinton for the month of September to promote ovarian cancer awareness. A motion was made by Mr. Shea, seconded by Mrs. Insel, to approve the request providing they remove the ribbons immediately following the end of September.

Vote all ayes
Motion carried

RESOLUTION #124-12 – SPECIAL EMERGENCY APPROPRIATION

A motion was made by Mr. Pendergast, seconded by Mr. Smith, to adopt Resolution #124-12 as submitted:

SPECIAL EMERGENCY RESOLUTION # 124-12

FOR THE REVALUATION OF THE TOWN OF CLNTON

WHEREAS, it has been found necessary to make a Special Emergency Appropriation to meet certain extraordinary expenses incurred, or to be incurred, by updating and making current previous revaluations , and

WHEREAS, N.J.S.A. 40A:4-53 provides that it shall be lawful to make such appropriation, which appropriation and/or the “special emergency notes” issued to finance the same shall be provided for in succeeding annual budgets by the inclusion of an appropriation of at least one-fifth of the amount authorized pursuant to this act.

NOW, THEREFORE BE IT RESOLVED, that in accordance with the provisions of N.J.S.A. 40A:4-55:

1. An emergency appropriation is hereby made for the Revaluation of the Town of Clinton in the total amount of \$125,000.00.
2. That the emergency appropriation shall be provided for in the budgets of the next succeeding years by the inclusion of not less than \$25,000.00.
3. That the Chief Financial Officer has certified that the expenditures to be financed through this resolution are related to the aforementioned emergency.
4. That two certified copies of this resolution will be filed with the Director of the Division of Local Government Services within three days; however, no approval is required from the Division.

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

Vote all ayes
Motion carried

RESOLUTION #125-12 – AWARD OF CONTRACT FOR REVALUATION SERVICES

A motion was made by Mrs. Insel, seconded by Mr. Smith, to adopt Resolution #125-12 as presented:

RESOLUTION # 125-12

RESOLUTION AUTHORIZING THE AWARD OF CONTRACT TO APPRAISAL SYSTEMS, INC. FOR TOWN-WIDE PROPERTY REVALUATION SERVICES

WHEREAS, the Town of Clinton has received approval from the Hunterdon County Tax Board to proceed with a Town-wide Property revaluation; and

WHEREAS, in accordance with the method described in N.J.S.A. 40A:11-4.1 et seq and N.J.A.C. 5:34-4.1, et seq, the Town received approval from the Director of the Division of Local Government Services in order to move forward with this process: and

WHEREAS, the Town of Clinton solicited sealed proposals for the provision of said service, to which proposals were received and read aloud on Wednesday, July 12, 2012 at 10AM; and

WHEREAS, two (2) proposals were received from the following firms:

- Appraisal Systems, Inc.
 - \$99,525.00
- Certified Valuations, Inc.
 - \$89,140.00

WHEREAS, in accordance with N.J.S.A. 40A:11-4.1 et seq and N.J.A.C. 5:34-4.1, et seq, the Competitive Contracting Review Team has reviewed the proposals and graded them based on the previously approved technical criteria; and

WHEREAS, it has been determined that the proposal submitted by Appraisal Systems, Inc. best meets the needs to the Town of Clinton; and

WHEREAS, the Chief Financial Officer has certified to the Town Clerk that funds are available in the 2012 current fund.

NOW THEREFORE, BE IT RESOLVED that the Town Council of the Town of Clinton enter into a contract with Appraisal Systems, Inc. in accordance with all of the terms and conditions of Request for Proposals; and,

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

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

Vote all ayes
Motion carried

RESOLUTION #126-12 – CHANGE ORDER – PENN BOWER

A motion was made by Mr. smith, seconded by Mr. Pendergast to adopt Resolution #126-12 for the Change Order Number 2 for Pen Bower as submitted:

**RESOLUTION #126-12
CHANGE ORDERS NO. 2**

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

WHEREAS, there were utility conflicts and unforeseen conditions, the signalization repair work at Route 173 and Leigh Street intersection, the increased Leigh Street restoration paving, and final bid quantities balancing resulting in change order #2, and

WHEREAS, the resulting contract cost of the project, 22.8% above the original bid, is as follows:

Original Cost of Contract	\$549,334.00
Change Order #1 Cost Adjustment	\$ 42,633.26
Change Order #2 Cost Adjustment	<u>\$ 82,777.50</u>
Resulting Contract Cost	\$674,744.76

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Town of Clinton that Change Order Number 2 for the Leigh Street Water Main Replacement Project be approved.

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

Vote all ayes
Motion carried

RESOLUTION #127-12 – CHANGE ORDER NO. 1 FOR Z BROTHERS

A motion was made by Mr. Pendergast, seconded by Mr. Smith, to adopt Resolution #127-12 approving the Change Order No. 1 for Z Brothers Concrete Contractors, Inc. as submitted:

**RESOLUTION # 127-12
CHANGE ORDER NO. 1**

WHEREAS, the need has arisen for a change order to complete the work on the Downtown Project by the contractor, Z Brothers Concrete Contractors, Inc., and

WHEREAS, according to the Town Engineer's correspondence dated July 17, 2012, it was necessary to adjust the material quantities to reflect the actual amounts needed to completed the project, and

WHEREAS, the resulting contract cost of the project, 3.93% above the original bid, is as follows:

Original Cost of Contract	\$508,470.66
Change Order #1 Cost Adjustment	\$ 48,670.93
Reduction	\$ 28,681.91
Total Change	<u>\$ 19,989.03</u>
Resulting Contract Cost	<u>\$528,459.68</u>

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

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

Vote all ayes
Motion carried

RESOLUTION #128-12 – GRACE PERIOD FOR THIRD QUARTER TAXES

A motion was made by Mr. Smith, seconded by Mr. Shea, to adopt Resolution #128-12 as submitted:

**TOWN OF CLINTON
RESOLUTION #128-12**

WHEREAS, the 2012 tax rate for the Town of Clinton was certified by the Hunterdon County Tax Board on July 12, 2012, thereby creating a delay in the issuance of the Final 2012/Preliminary 2013 tax bills, and

WHEREAS, the third quarter tax amount is due on August 1, 2012, with a ten day grace period,

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Town of Clinton, County of Hunterdon, that the grace period for the payment of third quarter 2012 taxes be extended until August 20, 2012; and

BE IT FURTHER RESOLVED that any third quarter 2012 tax payments received after August 20, 2012 shall be charged interest from the original due date of August 1, 2012.

Vote all ayes
Motion carried

RESOLUTION #129-12 – GRANT MATERNITY LEAVE

A motion was made by Mr. Smith, seconded by Mr. Shea, to adopt Resolution #129-12 as submitted:

**RESOLUTION #129-12
GRANTING MATERNITY LEAVE TO ANGELA HAWES**

WHEREAS, Angela Hawes, a part-time clerical assistance in the Clerk's Office, has requested maternity leave pursuant to the Federal Family Medical Leave Act of 1983 ("FMLA"), 29 U.S.C. §2611, et seq. and/or New Jersey's Family Leave Act, N.J.S.A. 34:11B-3; and

WHEREAS, the Town of Clinton wishes to accommodate Ms. Hawes' request for a maternity leave.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Town of Clinton, Hunterdon County as follows:

1. Ms. Hawes is granted an unpaid maternity leave for 12 weeks.
2. Upon return from the unpaid maternity leave, Ms. Hawes will be reinstated to the same or similar position prior to the leave.

Vote all ayes
Motion carried

RESOLUTION #130-12 – PURCHASE OF A BRUSH CHIPPER

A motion was made by Mr. Pendergast, seconded by Mr. Smith, to adopt Resolution #130-12 authorizing the purchase of a new brush chipper for the Department of Public Works.

**RESOLUTION #130-12
RESOLUTION AUTHORIZING THE PURCHASE OF A BRUSH CHIPPER**

WHEREAS, the Town Council of the Town of Clinton has a need to purchase a new brush chipper for use in the Department of Public Works 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 will exceed \$17,500; and

WHEREAS, in accordance with N.J.S.A. 40A:11-36 (6), as part of this transaction, the Town desires to dispose of our 1992 Brush Bandit Chipper (VIN 647) as a “trade-in” at a value less than the Town’s bid threshold; and

WHEREAS, Vermeer North Atlantic Sales and Service has submitted a proposal dated May 23, 2012 indicating they will provide the above-referenced product for a cost of \$35,967 inclusive of trade-in; and

WHEREAS, Vermeer North Atlantic Sales and Service has completed and submitted a Business Entity Disclosure Certification which certifies that Vermeer North Atlantic Sales and Service 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 Vermeer North Atlantic Sales and Service from making any reportable contributions through the term of the contract, and

WHEREAS, the Chief Financial Officer has certified to the Town Clerk that funds are available in the 2012 Capital Budget.

NOW THEREFORE, BE IT RESOLVED that the Town Council of the Town of Clinton to enter into a contract with Vermeer North Atlantic Sales and Service 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 Vermeer North Atlantic Sales and Service.

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

Vote all ayes
Motion carried

FEE WAIVER REQUEST – 2 HALSTEAD STREET

Jean Marie Pierson, 2 Halstead Street, recently had her house lifted and could not have fees assessed until now. A building permit of \$114.00 and an electrical permit of \$61.00 are requested to be waived. A motion was made by Mrs. Insel, seconded by Mr. Pendergast to waive the fees.

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

Vote all ayes
Motion carried

CORRESPONDENCE

1. A welcome home celebration for a National Guard unit will be held on Saturday, July 28, 2012 in Flemington on Route 12. Mayor Kovach stated she will be attending as there is a Town resident in the unit. Council members were also invited to attend.

REPORTS FROM COUNCIL & TOWN OFFICIALS

Police Chief Matheis

The Black Potatoe Festival was held and no issues were reported. The Town’s preparation was flawless.

Richard Phelan, PW/Business Administrator

1. The ordinance pertaining to the Code Enforcement Housing Official will be amended in the months to come.

Kathy Olsen, CFO

Tax bills were sent out.

Councilman Shea

1. Roads Committee – discussed the two change orders for the roads project as adopted earlier this evening.

Councilman Pendergast

1. Sewer Committee – the filter replacement project at the Treatment Plant is moving forward and may take four months to complete.

Mayor Kovach

Mayor Kovach asked if there were any updates on Old Highway 22 and West Main Street and if any dates for the repaving have been set by the State Department of Transportation. Gas lines have been completed on West Main Street. Chief Matheis said at the preconstruction meeting that a finish date for the project is the end of September but no other dates have been provided. Originally the schedule was for the end of May or June, but that date was put off due to Elizabethtown Gas installing connections. Mr. Pendergast asked until what time in the morning would they work and chief said they would wrap up around 5:00 a.m. or 6:00 a.m.

APPROVAL OF STANDBY AND OVERTIME

A motion was made by Mr. Smith, seconded by Mr. Pendergast to approve the standby and overtime pay attached to these minutes for July 6 through July 19, 2012.

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

Vote all ayes
Motion carried

PAYMENT OF BILLS

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

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

Vote all ayes
Motion carried

RESOLUTION #-131-12 – EXECUTIVE SESSION – Litigation / Contract Negotiations / Personnel

A motion was made by Mrs. Insel, seconded by Mr. Shea to enter into Executive Session at 8:44 p.m. to discuss 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);

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

A motion was made by Mr. Pendergast seconded by Mrs. Insel to return to the Regular Council meeting at 9:32 p.m.

Vote all ayes
Motion carried

TWIN PONDS

Mr. Cushing has been contacted by Attorney Walter Wilson regarding the Twin Ponds proposed development and water and sewer connections. Mr. Smith said they do have the promise for utilities but they will have to apply for permits and pay the connection fees.

ADJOURNMENT: There being no further business, a motion was made by Mrs. Insel, seconded by Mr. Pendergast, to adjourn the meeting at 9:37 p.m.

Vote all ayes
Motion carried

Cecilia Covino, RMC/CMC
Town Clerk

Mayor Janice Kovach