

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.”

**SWEARING IN OF COUNCILMAN KEN CARBERRY**

Attorney Leslie Parikh, filling in for Mr. Cushing, administered the oath of office to Mr. Carberry. Mr. Carberry won the November election and will fill the unexpired term of Maria Valenta until December 31, 2014.

**CLINTON PUBLIC SCHOOL – BOYS CROSS COUNTRY PROCLAMATION**

A tremendous outpouring of support to the Clinton Public School Boys Cross Country Team packed the council room to standing room only! Mayor Kovach read a proclamation and presented each team member with a copy. Applause and photographers filled the room! Congratulations on a great achievement for the team and Coach Kate Fischer! Well done!

**APPROVAL OF MINUTES**

A motion was made by Mr. Pendergast seconded by Mr. Smith, to approve the minutes of the Council Meeting held October 23, 2012 as submitted.

Vote all ayes  
Motion carried

**APPROVAL OF EXECUTIVE SESSION MINUTES**

A motion was made by Mr. Pendergast seconded by Mr. Shea, to approve the Executive Session minutes of October 23, 2012 as submitted.

Vote all ayes  
Motion carried

**APPROVAL OF MINUTES**

A motion was made by Mr. Smith, seconded by Mr. Duffy, to approve the Council Meeting held November 13, 2012.

Vote all ayes  
Motion carried

**PUBLIC COMMENT – None**

**MAYOR’S COMMENTS – None**

**INTRODUCTION OF ORDINANCE 12-12 – ESTABLISHING A MUNICIPAL COURT**

Mayor Kovach explained the need of this ordinance is the disbanding of the current court December 31, 2012 and the establishment of a new shared court.

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

**ORDINANCE # 12-12**

**AN ORDINANCE REPEALING AND REPLACING SECTION 4-15 ENTITLED "MUNICIPAL COURT" OF CHAPTER 4 OF THE CODE OF THE TOWN OF CLINTON ENTITLED "ADMINISTRATION" TO ESTABLISH A MUNICIPAL COURT AND AUTHORIZE THE USE OF A SHARED COURT**

**WHEREAS**, the Town has reached an agreement with the Township of Clinton for the establishment of a shared municipal court effective January 1, 2013; and

**WHEREAS**, the Code of the Town of Clinton currently provides for a joint municipal court; and

**WHEREAS**, the Mayor and Council wish to amend the Code to establish the Town's own municipal court and authorize the use of a shared municipal court.

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

**Section 1.** Section 4-15 entitled "Municipal Court" of the Code of the Town of Clinton is repealed and replaced in its entirety as follows:

**§4-15. Municipal Court**

A. Title of Court.

Under the powers and authority granted to the Town of Clinton by N.J.S.A. 2B:12-1 et seq., a Municipal Court is hereby established for the Town of Clinton, in the County of Hunterdon, to be known as "Municipal Court of the Town of Clinton."

B. Shared Services Agreements.

The Town is authorized to enter into and execute one or more shared services agreements with other municipalities for the creation of a shared municipal court through the appointment of the same persons to serve as the court staff of the Municipal Court of the Town of Clinton and the Municipal Courts of such other municipalities, as well as the maintenance of shared court facilities, equipment, supplies and employees. The salary of the court staff and the other costs of operating the shared municipal court shall be shared between any municipalities with which the Town has executed a shared services agreement, as provided for in such agreement(s). Any costs and fines collected from defendants and any other costs or amounts collected or received by the Court operated pursuant to the shared services agreement shall be divided between such municipalities as provided for in the agreement, unless otherwise provided by law.

C. Municipal Court Judge.

This Municipal Court shall have a Municipal Court Judge. The Municipal Court Judge shall have such qualifications, be appointed and serve such term as is provided by law. The salary of the Municipal Court Judge shall be determined by a separate Salary Ordinance of the Town from time to time adopted or as set forth in a shared services agreement establishing a shared municipal court.

D. Municipal Court Administrator.

The Municipal Court shall have an Administrator appointed by the governing body who shall perform the functions and duties prescribed for the Administrator by law, by the rules applicable to Municipal Courts and by the Municipal Court Judge. The Administrator shall be appointed for a term of one (1) year or as provided in a shared services agreement. The salary of the Municipal Court Administrator shall be determined by a separate Salary Ordinance of the Town from time to time adopted or as set forth in a shared services agreement establishing a shared municipal court.

E. Deputy Municipal Court Administrator.

There may be one or more Deputy Court Administrators of the Municipal Court who shall be appointed by the governing body. Deputy Municipal Court Administrators shall perform the functions assigned to them by the Municipal Court Judge and the Municipal Court Administrator.

F. Necessary Clerical and Other Assistance.

The governing body may appoint such other clerical or other assistance for the Municipal Court as is necessary for the Court's efficient operation.

G. Municipal Prosecutor.

The Municipal Court shall have a Municipal Prosecutor. The governing body shall appoint the Municipal Prosecutor and may appoint a Chief Municipal Prosecutor and such Deputy Municipal Prosecutors as may be determined by it to be necessary. The Municipal Prosecutor, including any Chief or Deputy Municipal Prosecutor, shall be appointed for a term of one year from the date of appointment, or as provided in a shared services agreement, and may continue to serve in office pending reappointment or appointment of a successor.

H. Prosecutor Qualifications and Duties.

In accordance with N.J.S.A. 2B:12-27, the Municipal Prosecutor and any Chief or Deputy Municipal Prosecutors shall be qualified as attorneys at law of the State of New Jersey in good standing, and shall represent the Town (or the Town as the representative of the state in connection with prosecutions involving violations of state law) in prosecutions in the Municipal Court. The Municipal Prosecutor, including any Chief or Deputy Municipal Prosecutor, shall have all the privileges and immunities enjoyed by the Attorney General of the State of New Jersey, the County Prosecutor, and their respective designees.

I. Prosecutor Compensation.

The Municipal Prosecutor, and any Chief, Deputy or Special Municipal Prosecutor, shall be compensated in the manner established by the separate Salary Ordinance of the Town from time to time adopted, or professional services contract from time to time authorized by, or as set forth in a shared services agreement establishing a shared municipal court.

J. Municipal Public Defender.

There is hereby created the position of a Municipal Public Defender who shall be appointed by the governing body. The governing body may appoint a Chief Municipal Public Defender and such Deputy Municipal Public Defenders as may be determined by it to be necessary. The Municipal Public Defender, Chief Municipal Public Defender or Deputy Municipal Public Defender shall be appointed for terms of one year from the date of appointment, or as provided in

a shared services agreement, and may continue to serve in office pending reappointment or appointment of a successor.

**K. Public Defender Qualifications and Duties.**

In accordance with N.J.S.A. 2B:24-1 et seq., the Municipal Public Defender and any Deputy Municipal Public Defenders shall be qualified as attorneys at law of the State of New Jersey in good standing and shall represent those defendants appearing in Municipal Court who are determined by the Court to be indigent and whose representation is assigned to the Municipal Public Defender by the Court. The Municipal Public Defender and any Deputy Municipal Public Defenders shall have all of the duties provided by N.J.S.A. 2B:24-1 et seq. in the representation of indigent defendants in proceedings over which the Municipal Court has jurisdiction.

**L. Public Defender Compensation.**

The Municipal Public Defender, Chief Municipal Public Defender or Deputy Municipal Public Defender shall be compensated in the manner established by the separate Salary Ordinance of the Town from time to time adopted, or professional services contract from time to time authorized by resolution, or as set forth in a shared services agreement establishing a shared municipal court.

**Section 2.** All ordinances and resolutions inconsistent with the provisions of this ordinance are hereby repealed as to such inconsistencies.

**Section 3.** This Ordinance shall be effective on January 1, 2013 following passage and publication in accordance with law

Vote all ayes  
Motion carried

A copy of this ordinance will be published in the December 5, 2012 edition of the Hunterdon Review. A public hearing will be held December 27, 2012.

**RESOLUTION #167-12 – LEASE EXTENSION FOR COURT**

Mayor Kovach explained the need to extend the court lease for an additional three months, until March 31, 2013, allowing for time to close out pending cases. A motion was made by Mr. Carberry, seconded by Mrs. Insel, to adopt Resolution #167-12 as submitted:

**RESOLUTION #167-12  
RESOLUTION APPROVING LEASE EXTENSION AGREEMENT  
FOR THE MUNICIPAL COURT OF NORTH HUNTERDON AND  
AUTHORIZING COURT COMMITTEE PRESIDENT TO EXECUTE  
THE LEASE AGREEMENT**

**WHEREAS** the Town of Clinton is a current Member of the Municipal Court of North Hunterdon, established and governed by N.J.S.A. 2B:12-et seq and precedent New Jersey Law; and

**WHEREAS** the Municipal Court of North Hunterdon presently leases premises located at 1322 Route 31 North, Annandale, Hunterdon County, New Jersey, from 1322 Clinton Associates, L.L.C. which lease expires on December 31, 2012; and

**WHEREAS** the Municipal Court of North Hunterdon will require an extension of the lease from January 1, 2013 to March 31, 2013 in order to process its pending cases; and

**WHEREAS** an agreement has been reached between the Landlord and the current Members of the Municipal Court of North Hunterdon for an extension of the lease to March 31, 2012 as set forth in a Lease Extension Agreement on file with the Clerk of the Town of Clinton;

**NOW, THEREFORE, BE IT RESOLVED** as follows:

1. The Town of Clinton approves of the Lease Extension Agreement between 1322 Clinton Associates, LLC and the Municipal Court of North Hunterdon for the period from January 1, 2013 to March 31, 2013, to be executed by Mayor Stanley S. Kovach, the Court Committee President, on behalf of the current Members of the Municipal Court of North Hunterdon; and,
2. The Municipal Clerk is hereby authorized to forward a certified true copy of This Resolution to John R. Lanza, Esquire, 5 Main Street, P. O. Box 2520, Flemington, New Jersey 08822, to be annexed to the fully executed Lease Extension Agreement.

Vote all ayes  
Motion carried

**RONALD M. SWOREN - PROCLAMATION**

Mayor Kovach read a proclamation honoring Ronald M. Sworen, Mayor of Frenchtown and Hunterdon County Freeholder, for his years of service. Mr. Sworen's years of service in many capacities will be recognized by the Hunterdon County Freeholders on December 18, 2012.

**RESOLUTION #166-12 – TRANSFER OF FUNDS**

A motion was made by Mr. Smith, seconded by Mr. Pendergast, to adopt Resolution #166-12 authorizing the transfer of funds as submitted:

**RESOLUTION – # 166 -12**

**WHEREAS**, it has been determined that there will be excesses in certain appropriations over and above the amount deemed to be necessary to fulfill the purpose of such appropriations for the year 2012, and it has also been determined that certain appropriations are deemed to be insufficient to fulfill the purposes of such appropriations; and

**WHEREAS**, N.J.S.A. 40A:4-58 provides for the transfer of the amount of such appropriations as may be deemed in excess to such appropriations as may be deemed to be insufficient; and

**WHEREAS**, the transfers about to be authorized do not affect any appropriations, to which or from which transfer are prohibited under the statutes;

**NOW, THEREFORE, BE IT RESOLVED** that the following transfers between 2012 appropriations be authorized pursuant to N.J.S.A. 40A:4-58:

	<b><u>From</u></b>	<b><u>To</u></b>
Electricity – Other Expenses	\$ 2,000.00	
Streets & Roads – Salary & Wages	\$ 5,000.00	

Solid Waste Disposal – Other Expenses	\$ 7,500.00	
Legal - Other Expenses		\$ 7,500.00
Vehicle Maintenance – Other Expenses		\$ 3,500.00
Gasoline – Other Expenses		\$ 3,500.00
TOTALS	<u>\$ 14,500.00</u>	<u>\$ 14,500.00</u>

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

Vote all ayes  
Motion carried

### **CORRESPONDENCE**

1. An essay was received from Stephen Schoeman, Ph.D. who visited the Town of Clinton and was enthralled by it. A copy of the essay was provided to Walter Hetzel, President of the Clinton Guild.
2. Jacobs Engineering Group Inc., along with Scott Parker, P.E., Sr. Project Manager for the CR 513/Interstate 78 Interchange Preliminary and Final Design, are scheduling a briefing with local municipal officials for Wednesday, December 12, 2012 at 6:30 p.m. in the Clinton Council Room.
3. A letter from Grant Lewis P.E., P.P. of Engineering & Land Planning Associates, Inc. with reference to the Bonnell Properties, LLC, and the anticipated relocating the existing Historic structure. Council is requesting Mr. Lewis and other interested parties to attend a Council meeting and explain details of the project. A request will be made to attend an upcoming meeting. Mr. Smith stressed the seriousness of the traffic impact.
4. An email received from a resident on East Main Street suggesting that the Town be kept cleaner. Council discussed the comment and the responsibilities of the property owners. At this time, DPW is short two men and there is no funding to hire outside services. Mr. Hetzel stated it is a challenge keeping Main Street clean but said the Town needs to clean up the parking lot on Lower Center Street.

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

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

1. Garbage bids were received this morning and are being reviewed by Lorraine Staples, of Gebhardt and Keifer. A possible award may be at the next meeting.
2. Brush continues to be picked up, the compost center at the Treatment Plant is open for Residents to bring their debris Monday through Friday from 7:00 a.m. to 3:00 p.m.
3. Statewide Joint Insurance fund offers training classes to host municipalities at no cost. Mr. Phelan is attempting to schedule classes for Town employees as well as neighboring municipalities.
4. There is one vehicle remaining on the auction block, the Crown Victoria. Mr. Phelan was advised to relist the item in an attempt to sell it.

**Councilman Smith**

1. Water Department continues to review the Water Master Plan and the projections for the next 3 – 4 years. Town Engineer is working on preliminary numbers to install a 4 x 6 inch water main replacement through Lebanon Borough. The project will be phased in over a 3 year period. The Water Committee will set up a meeting with Lebanon to discuss the project in advance of any work with the Road Department of Lebanon Borough
2. Emergency generators for the balance of the pump houses being explored.
3. Moving ahead with the new water meters that will be read by a drive by approach. Meters will be able to be read on both sides of the street, saving time and manpower.
4. Gottfried “Bushy” Pletzer, of Lebanon Township passed away on November 25, 2012. Mr. Pletzer 90, was well known and a well respected man. Mr. Smith gave a little history and a short entertaining story of the kind of person Mr. Pletzer was. He will be missed.

**Councilman Shea**

1. Roads Committee did not meet in November, next meeting will be held December 7 at 8:00 a.m. Mr. Shea asked that the parade route be clear of leaves and debris.

**Councilman Pendergast**

1. Sewer Committee – tours of the treatment plant will have to be scheduled in two trips so as not to have a quorum of council members. Dates to be determined.

**Councilman Duffy**

1. Buildings and Grounds – the Town is down two (2) men in the crew which hurts storm debris clean up efforts and doing other things the men used to help with, such as bringing up the tables to the Clinton Public School for events. Mr. Smith asked why the PTA does not purchase tables and the PTA should set that as a goal.

On Thursday, November 29, the Clinton PTA is holding a Silent Auction to help raise funds for Hurricane Sandy victims, folks are encouraged to donate canned goods and join in the Boardwalk atmosphere of games and crafts!

**APPROVAL OF STANDBY AND OVERTIME**

A motion was made by Mr. Pendergast seconded by Mr. Carberry to approve the standby and overtime pay attached to these minutes for November 9 through November 22, 2012.

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

Vote all ayes  
Motion carried

**PAYMENT OF BILLS**

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

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

Vote all ayes  
Motion carried

**RESOLUTION #-168-12 – EXECUTIVE SESSION – Contract Negotiations**

A motion was made by Mr. Pendergast seconded by Mr. Carberry to enter into Executive Session at 8:24 p.m. to discuss a matter of Contract Negotiations.

**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 to the Regular Council meeting at 8:43 p.m.

**ADJOURNMENT:** There being no further business, a motion was made by Mr. Pendergast seconded by Mrs. Insel to adjourn the meeting at 8:44 p.m.

Vote all ayes  
Motion carried

\_\_\_\_\_  
Cecilia Covino, RMC/CMC  
Town Clerk

\_\_\_\_\_  
Mayor Janice Kovach