

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

Flag Salute.

Roll Call: Present – Carberry, Duffy, Pendergast, Smith, Mayor Kovach  
Absent – Insel, 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. Carberry, seconded by Mr. Pendergast to approve minutes of December 11, 2012 as submitted.

Vote all ayes  
Motion carried

**APPROVAL OF MONTHLY REPORTS**

A motion was made by Mr. Smith seconded by Mr. Carberry, to accept the monthly reports for the month of November or December as submitted:

Buildings and Grounds Report for December, Treasurer’s Report for November, Wastewater Treatment Plants Superintendent’s Report for November.

Vote all ayes  
Motion carried

**PUBLIC COMMENT**

Walter Hetzel, 36 West Main Street, informed Council that former Guild President, Linda Johnson, owner of Extraordinary Beads, passed away on Saturday, December 22, 2012. Linda was a fine woman, she was recently diagnosed with lung cancer, and after just beginning treatment, died of heart failure. The Guild members are hoping to plant a tree in Town in her memory this spring. Donations are being accepted in her memory at the Hunterdon Medical Center.

Whitney Wetherill, 36 West Main Street, commented on a neighbor who is collecting garbage in the front of their house. Mr. Phelan will follow up with the complaint.

Bob Pyle, 67 Center Street, brought up the situation of public safety and the cars that tend to exceed the speed limit on Center Street, and other 25 mph zones. Chief Matheis said he will inform his officers to be more observant of speeders and ticket accordingly.

**MAYOR’S COMMENTS**

1. Mayor Kovach stated that she has received complaints of residents in the Knolls about cable service. There was a suggestion by Attorney Cushing to have a representative from Comcast attend a council meeting to address the concerns of the residents. Clerk will contact Mr. Clifton to check on his availability to attend a council meeting in January. When confirmation is received, it will be listed on the agenda for interested residents to attend.

- An employee that is out on disability has requested to be paid for unused vacation time due to the fact that he will not be returning for several months yet. A motion was made by Mr. Pendergast, seconded by Mr. Carberry, to pay the employee for unused 2012 vacation time.

Vote all ayes  
Motion carried

Mr. Phelan will reach out to the other employee to determine when he may be returning and is the same policy will be followed about being paid for unused vacation time.

### **PUBLIC HEARING OF ORDINANCE #12-12 – MUNICIPAL COURT**

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

**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**

Vote all ayes  
Motion carried

Whitney Wetherill questioned what other municipalities are involved. Mayor Kovach explained that this new Shared Court will be named the Town of Clinton Municipal Court and will go into operation January, 2013. This will be a shared court agreement with Clinton Township. We will share a judge, facility, and the administrative costs of the court administrator. We will also pay a flat fee.

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

A motion was made by Mr. Pendergast, seconded by Mr. Duffy, to adopt Ordinance #12-12 as presented.

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

Vote all ayes  
Motion carried

### **PUBLIC HEARING OF ORDINANCE #12-13 – SHARED SERVICE AGREEMENT**

A motion was made by Mr. Carberry, seconded by Mr. Pendergast, to open the public hearing of Ordinance #12-13:

**ORDINANCE #12-13  
SHARED SERVICES AGREEMENT  
TO PROVIDE FOR THE STORAGE, SECURITY AND ADMINISTRATION  
OF THE MUNICIPAL COURT OF NORTH HUNTERDON’S CASE FILES  
AND RECORDS AND THE CONTINUATION OF BUSINESS, AS REQUIRED  
AFTER CESSATION OF REGULAR MUNICIPAL COURT FUNCTIONS**

Vote all ayes  
Motion carried

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

Vote all ayes  
Motion carried

A motion was made by Mr. Pendergast, seconded by Mr. Carberry to adopt Ordinance #12-13 as submitted.

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

Vote all ayes  
Motion carried

**RESOLUTION #177-12 – CHANGE ORDER – DAM AND DIKE PROJECT**

A motion was made by Mr. Pendergast seconded by Mr. Carberry, to adopt Resolution #177-12 as submitted:

**RESOLUTION #177-12  
CHANGE ORDER NO. 1**

**WHEREAS**, the need has arisen for a change order to Dam and Dike Project, and

**WHEREAS**, according to the Project, it was necessary to Remove and Replace Unsuitable Material, and

**WHEREAS**, the additional cost to do this was \$12,836.39,

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

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

Vote all ayes  
Motion carried

**RESOLUTION #178-12 – CANCELLATION OF LEIN**

A motion was made by Mr. Smith, seconded by Mr. Pendergast, to adopt Resolution #178-12 as submitted:

**RESOLUTION # 178-12**

**WHEREAS**, the Tax Collector of the Town of Clinton has been paid \$869.71 the amount necessary to redeem Tax Sale Certificate #2012-7 on Block 8.04, Lot 6, assessed to Michael Hup & Vandanna Parikh, and purchased by Singh Real Estate.

**NOW THEREFORE BE IT RESOLVED**, on this 27th day of December 2012 by the Mayor and Council of the Town of Clinton, County of Hunterdon, that the Chief Financial Officer be authorized to issue a check in the amount of \$869.71 (certificate) & \$400.00 (premium) payable to Singh Real Estate, 555 Lincoln Drive West, Suite 100, Marlton, NJ, 08053, upon receipt of the original Tax Sale Certificate endorsed for cancellation, and

**BE IT FURTHER RESOLVED** that the Tax Collector be authorized to cancel Lien #2012-7 on Block 8.04, Lot 6, assessed to Michael Hup & Vandanna Parikh, from the Town of Clinton Tax Records.

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

Vote all ayes  
Motion carried

**RESOLUTION #179-12 – OVERPAYMENT OF TAXES**

A motion was made by Mr. Smith, seconded by Mr. Pendergast, to adopt Resolution #179-12 as submitted:

**RESOLUTION #178-12**

**WHEREAS**, the Tax Collector of the Town of Clinton has received overpayments for following block and lots due to State Tax Court Judgments,

**NOW THEREFORE BE IT RESOLVED** by the Mayor and Council of the Town of Clinton that the Chief Financial Officer be authorized to refund the overpayments to the following accounts and made payable as per Judgment to Coughlin Duffy LLP & following homeowners c/o Jonathan F. Donath, Esq., 350 Mount Kemble Avenue, P.O. Box 1917, Morristown, NJ 07962-1917.

<b><u>BLOCK LOT</u></b>	<b><u>OWNER</u></b>	<b><u>AMOUNT</u></b>
31 12.04 Condo	Mehul & Ripa Mehta	\$ 653.55

**BE IT FURTHER RESOLVED** that the Tax Collector remove the overpayment on the above block and lots for the 4<sup>th</sup> quarter 2012.

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

Vote all ayes  
Motion carried

**WATER REFUND – SUSAN RIGA**

Water collector, Nancy Burgess, is requesting a refund of \$36.86 for overpayment of a final water bill be made to Susan Riga. A motion was made by Mr. Duffy, seconded by Mr. Carberry, to make the refund as requested.

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

Vote all ayes  
Motion carried

**CORRESPONDENCE**

1. Letter received from Councilwoman Laurie Insel, bidding farewell to Council and thanking everyone for their hard work and dedication to the Town. Mrs. Insel has been on Council since November, 2006, when she was appointed to replace Christine Schaumburg's council seat when she became mayor.
2. Letter of resignation from Councilman Rich Duffy, being offered a promotion with his current

employer and will be moving out of state. January 22, 2013 will be his last meeting. Mr. Duffy appreciates having the opportunity and experience of serving on Town Council for nearly two terms.

3. A letter was sent to JCP&L by Mayor Kovach on behalf of the council commending their Associates, Stan Prater, Chuck Jackson and Ralph Hilmer for their assistance following Super Storm Sandy.

**RESOLUTION #180-12 – TRANSFER OF FUNDS**

A motion was made by Mr. Pendergast, seconded by Mr. Carberry, to adopt Resolution #180-12 as submitted:

**RESOLUTION – # 180-12**

**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>
Social Security – Other Expenses	\$ 600.00	
Board of Adjustment - Other Expenses		\$ 600.00
<b>TOTALS</b>	<b>\$ 600.00</b>	<b>\$ 600.00</b>

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

Vote all ayes  
Motion carried

**REPORTS FROM COUNCIL & TOWN OFFICIALS**

**Police Chief Matheis**

Chief Matheis reported he has received his new summons books and will begin using them January 1, 2013!

**Richard Phelan, PW/Business Administrator**

1. Auction closed and a few items remain. A motion was made by Mr. Pendergast, seconded by Mr. Carberry authorizing Mr. Phelan to hold a private sale to sell the remaining nine items.

Vote all ayes  
Motion carried

**Councilman Smith**

1. Water Committee – groundwater indicator in the central region is extremely dry and it is our primary source of water. Our water consultant has recommended we maintain water use restrictions.

A meeting will be arranged with the Lebanon Borough officials to discuss the replacing of the water distribution system there. Expected to be a four year project at a cost of \$6.3M, the Town will be applying for a NJEIT (New Jersey Environmental Infrastructure Trust) for funding to off set the bulk of the cost.

The Water Committee also has to discuss water rate revisions for the next four to five years so we remain in compliance with the BPU (Board of Public Utilities).

The existing 2.5M storage tank is awaiting final electrical permits and will be followed by disinfection of the tank. Scheduled to be in operation by the second week of January.

The State of New Jersey continues to push for Mandatory Fluoridation Systems which would be extremely costly to Towns. We continue to fight this and Mayor Kovach suggested a letter be written to our Legislative delegates letting them know we are not in favor of this bill.

**Councilman Pendergast**

1. Sewer Committee –Two tours of the treatment plant will be held in January and February, 2013 with dates to be determined.

**APPROVAL OF STANDBY AND OVERTIME**

A motion was made by Mr. Smith, seconded by Mr. Duffy to approve the standby and overtime pay attached to these minutes for December 7 through December 21, 2012.

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

Vote all ayes  
Motion carried

**RESOLUTION #-181-12 – EXECUTIVE SESSION – Contract Negotiations**

A motion was made by Mr. Pendergast seconded by Mr. Carberry to enter into Executive Session at 8:17 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);

\_\_\_\_\_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 meeting at 8:30 p.m.

**ADJOURNMENT:** There being no further business, a motion was made by Mr. Pendergast seconded by Mr. Carberry to adjourn the meeting at 8:33 p.m.

Vote all ayes  
Motion carried

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

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