

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

Flag Salute.

Roll Call: Present – Carberry, Pendergast, Rylak, Smith, Sosidka, Mayor Kovach  
Absent - Shea

**STATEMENT OF ADEQUATE NOTICE:**

Mayor Kovach read the following statement: “Adequate notice of this meeting has been provided, indicating the time and place of the meeting and the proposed agenda, which notice was posted, made available to newspapers, and filed with the Clerk of the Town of Clinton in accordance with Section 3(d) of Chapter 231 of the Public Laws of 1975.”

**APPROVAL OF MINUTES**

A motion was made by Mr. Carberry, seconded by Mr. Rylak to approve the minutes of October 22, 2013 as submitted.

Vote all ayes  
Motion carried

**APPROVAL OF EXECUTIVE SESSION MINUTES**

A motion was made by Mr. Smith, seconded by Mr. Carberry, to approve the Executive Session minutes of October 22, 2013 as submitted.

Vote all ayes  
Motion carried

**APPROVAL OF MONTHLY REPORTS – OCTOBER**

A motion was made by Mr. Smith seconded by Mr. Carberry to accept the monthly reports for the month of October as submitted: Administrator’s Report, Clerk’s Report, Cat & Dog Licensing Reports, Construction Control/Inspection Report, Police Report, Road Foreman’s Report, Sewer Collector’s Report, Tax Collector’s Report, Water Collector’s Report, Zoning Officer Report.

Vote all ayes  
Motion carried

**PROCLAMATION – LADY BULLDOGS VOLLEYBALL TEAM!**

Mayor Kovach introduced the Clinton Public School, Lady Bulldogs Volleyball champions and read the proclamation to them! To a standing room only crowd, the room cheered for the ladies! Accompanied by Coach Sue Penn, the room was filled with excitement! Job well done! Congratulations!

**PUBLIC COMMENT**

Whitney Wetherill, 36 West Main Street, addressed council on a couple items. The Council agenda was not posted on the web site in a timely manner. The second item was Council introducing an ordinance this evening to absolve the Board of Adjustment and to merge the two boards into a Land Use board. Ms. Wetherill stated that members of the Board were not advised of this proposal and should be given a chance to address the matter. Council agreed and

welcomed members of the Planning Board and the Board of Adjustment to attend the next Council meeting, November 26, 2013, to voice their concerns. The ordinance is scheduled for a public hearing December 10, 2013.

Gene De Cleene, the Town Crier, came before Council to thank them, the Shade Tree Commission, Town Clerk, Cecilia Covino and to everyone involved for the honor of having a tree dedicated to him on East Main Street. Mr. DeCleene also commented how nice to be honored in life, rather than a tree planting after someone has passed! The tree planting was held on November 8, 2013 for Mr. De Cleene, to acknowledge his many years on Town Council and for acting as the official Town Crier! A great turn out and well wishes made for a fantastic event!

**MAYOR'S COMMENTS**

1. JCP&L is holding an Open House for Morris County Transmission Project proposed Montville-Whippany Transmission Project on November 13 and November 14, 2013 at two locations. If interested, contact the clerk.

**INTRODUCTION OF ORDINANCE #13-20 – LAND USE BOARD**

A motion was made by Mr. Carberry, seconded by Mr. Pendergast, to adopt Ordinance #13-20 on first reading as submitted.

ORDINANCE #13-20

ORDINANCE ESTABLISHING A JOINT PLANNING BOARD / ZONING BOARD OF  
ADJUSTMENT AND AMENDING CHAPTER 88 ENTITLED “LAND USE” OF THE  
GENERAL ORDINANCES OF THE TOWN OF CLINTON, COUNTY OF HUNTERDON,  
AND THE STATE OF NEW JERSEY

**WHEREAS**, N.J.S.A. 40:55D-25 (c) authorizes municipalities having a population of 15,000 or less to establish by Ordinance, a single nine-member Planning Board to exercise all the powers of the Planning Board and Board of Adjustment; and

**WHEREAS**, the Mayor and Council find that the Town of Clinton has a population of less than 15,000, and that the adoption of an Ordinance establishing a joint Planning and Zoning Board is in the best interest of the Town;

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Council of the Town of Clinton, the County of Hunterdon, that Chapter 88 entitled “Land Use” of the Code of the Town of Clinton (“Code”) is hereby amended as follows: (1) to establish the Land Use Board of the Town of Clinton, which shall exercise all powers, duties, authority and jurisdiction of the Board of Adjustment of the Town of Clinton and the Planning Board of the Town of Clinton pursuant to and in accordance with N.J.S.A. 40:55D-45; (2) amending and supplementing related provisions of the Code to effectuate said formation of the Land Use Board; (3) those portions of the Code set forth below are hereby amended as follows; and (4) portions of the Code not set forth below shall remain unchanged:

**SECTION 1.** Chapter 88, Article IV of the Code of the Town of Clinton, entitled “Planning Board”, §88-14 through §88-27, is hereby renamed “Land Use Board.”

**SECTION 2.** Section 88-14 of the Code of the Town of Clinton entitled "Establishment" is hereby amended to read as follows:

Pursuant to P.L. 1975 c. 291 (N.J.S.A. 40:55D-1 et seq.), the Land Use Board, consisting of nine (9) members is hereby established. The Land Use Board shall exercise, to the same extent and subject to the same restrictions, all of the powers of a Planning Board and a Zoning Board of Adjustment as set forth in the Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.). All applications for development and all powers granted to the Planning Board and Zoning Board of Adjustment pursuant to N.J.S.A. 40:55D-1, et seq. are hereby granted to the Land Use Board. All authority previously granted to the Planning Board and/or the Board of Adjustment by the Code of the Town of Clinton and any Ordinance shall now be vested in the Land Use Board.

Any reference to the Planning Board or Zoning Board of Adjustment in any existing Town of Clinton Ordinance shall be deemed to refer to the Land Use Board. The Land Use Board shall consist of four classes of members as follows:

- A. Class I: The Mayor, or the Mayor's designee on the absence of the Mayor.
- B. Class II: One of the officials of the Town of Clinton, other than a member of the governing body, to be appointed by the Mayor, provided that the member of the Environmental Commission who is also a member of the Land Use Board as required by Section 1 of P.L. 1968, c. 245 (N.J.S.A. 40:56A-1), shall be deemed to be the Class II Land Use Board member for the purposes of this chapter in the event that there are among the Class IV members of the Land Use Board both a member of the Board of Education.
- C. Class III: A member of the governing body, to be appointed by it.
- D. Class IV: Six other citizens of the municipality, to be appointed by the Mayor. The members of Class IV shall hold no other Municipal office, position or employment, except that one member may be a member of the Board of Education. The member of the Environmental Commission who is also a member of the Land Use Board as required by Section 1 of P.L. 1968 c.245 (N.J.S.A. 40:56A-1) shall be a Class IV Land Use Board member, unless there are among the Class IV members of the Land Use Board, a member of the Board of Education, in which case the member common to the Land Use Board and Environmental Commission shall be deemed a Class II member of the Land Use Board.
- E. Alternate Members: There shall be appointed by the Mayor two alternate Class IV members of the Land Use Board, who shall serve in rotation during the absence or disqualification of any regular member or members of Class IV. Said alternate members shall serve for terms of two years; provided, however, that the initial terms of such members shall be for one and two years respectively. Said alternate members shall be designated by the Chairman of the Land Use Board as "Alternate No. 1" and "Alternate No. 2."

**SECTION 3.** Section 88-14.1 of the Code of the Town of Clinton is hereby deleted in its entirety.

**SECTION 4.** Section 88-15 of the Code of the Town of Clinton entitled “Terms” is hereby amended to read as follows:

The term of the member composing Class I shall correspond to his/her official tenure. The terms of the members composing Class II and Class III shall be for one year or terminate at the completion of their respective terms of office, whichever occurs first, except for a Class II member who is also a member of the Environmental Commission. The term of a Class II or Class IV member who is also a member of the Environmental Commission shall be for three years or terminate at the completion of his/her term of office as a member of the Environmental Commission, whichever occurs first. The term of Class IV member who is also a member of the Board of Education shall terminate whenever he/she is no longer a member of such other body or at the completion of his/her Class IV term, whichever occurs first. The terms of all Class IV members first appointed under this ordinance shall be so determined that to the greatest practicable extent, the expiration of such terms shall be distributed evenly over the first four years after their appointment, provided that the initial Class IV term of no member shall exceed four years. Thereafter, the Class IV term of each such member shall be four years. All terms shall run from January 1 of the year in which the appointment was made.

**SECTION 5.** Sections 88-16 through 88-27 of the Code of the Town of Clinton are hereby amended to delete any reference to the “Planning Board” and replaced with “Land Use Board.” Any reference to the “Board” in these sections shall be deemed to refer to the Land Use Board.

**SECTION 6.** Chapter 88, Article V of the Code of the Town of Clinton is hereby amended to delete Sections 88-28 and 88-29 and to insert in its place the following:

**§88-28. Powers, Duties and Responsibilities to be Transferred to Planning Board or Land Use Board.**

From and after the effective date of the within Ordinance all powers, duties, responsibilities, fees and application requirements of the Zoning Board of Adjustment shall be transferred to or applied to the Land Use Board of the Borough of the Town of Clinton pursuant to the provisions of N.J.S.A. 40:55d-25c. All references in the within Article V of the Code of the Town of Clinton and within the Code of the Town of Clinton referring to the Zoning Board of Adjustment of the Town of Clinton shall hereafter apply to the Land Use Board of the Town.

**§88-29 [Repealed]**

**SECTION 7.** Chapter 88, Article VI of the Code of the Town of Clinton entitled “Subdivision and Site Plan Review” is hereby amended to delete any references to the “Planning Board” and/or “Board of Adjustment” and replace such references with “Land Use Board.”

**SECTION 8.** All Ordinances or parts of Ordinances inconsistent herewith are repealed as to such inconsistencies.

**SECTION 9.** If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

**SECTION 10.** This Ordinance shall take effect upon final passage and publication according to law.

Vote all ayes

A notice of this ordinance will be published in the November 20, 2013 edition of the Hunterdon Review and a public hearing will be held December 10, 2013. The Planning Board and Board of Adjustment members are welcome to attend the November 26, 2013 Council meeting to air their concerns if interested.

**RESOLUTION #142-13 – MUNICIPAL ALLIANCE GRANT EXTENSION**

A motion was made by Mr. Carberry, seconded by Mr. Pendergast, to adopt Resolution #142-13 as submitted:

**RESOLUTION #142-13  
Fiscal Grant Extension January 1, 2014 to June 30, 2014**

**WHEREAS**, the Governor's Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey.

**WHEREAS**, the Town of Clinton, County of Hunterdon, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and therefore has an established Municipal Alliance Committee; and,

**WHEREAS**, the Town of Clinton, further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and,

**WHEREAS**, the Town of Clinton was approved for a Municipal Alliance grant for the January 1, 2013 through December 31, 2013 grant term; and

**WHEREAS**, the Governor's Council on Alcoholism and Drug Abuse has extended the 2013 grant term until June 30, 2014, in order to transition the grant to a fiscal year rather than calendar year cycle; and

**WHEREAS**, funding has been made available to the North Hunterdon Municipal Alliance in the amount of 50% of its approved 2013 grant total for the six-month extension period of January 1, 2014 to June 30, 2014, contingent upon meeting the 25% Cash Match and 75% In-Kind Match grant requirement for the extension funding.

**NOW, THEREFORE, BE IT RESOLVED** by the Town of Clinton, County of Hunterdon, State of New Jersey hereby recognizes the following:

1. The Town of Clinton does hereby support the submission of an application for the North Hunterdon Municipal Alliance grant for the extension period in the amount of \$11,900.
2. The Town of Clinton Council acknowledges the terms and conditions for the Municipal Alliance grant.

3. As Lead Municipality for North Hunterdon, the Township of Clinton Committee acknowledges the terms and conditions for administering the Municipal Alliance grant, including reporting of programs within its cluster area.

Vote all ayes  
Motion carried

**RESOLUTION #143-13 – OVERPAYMENT OF TAXES**

A motion was made by Ms. Sosidka, seconded by Mr. Pendergast, to adopt Resolution #143-13 as submitted:

**RESOLUTION # 143-13**

**WHEREAS**, the Tax Collector of the Town of Clinton has received overpayment for following block and lot due to refinance/closing.

**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 overpayment to Green Tree Servicing, c/o Lereta, LLC for the following account:

<b><u>BLOCK</u></b>	<b><u>LOT</u></b>	<b><u>OWNER</u></b>	<b><u>AMOUNT</u></b>
6	9	Novello, Nicholas & Katherine	\$3,014.29

**BE IT FURTHER RESOLVED** that the Tax Collector remove the overpayment on the above block and lot for the 4<sup>th</sup> quarter 2013.

ROLL CALL: Ayes: Carberry, Pendergast, Rylak, Smith, Sosidka, Mayor Kovach

Vote all ayes  
Motion carried

**RESOLUTION #144-13 – APPLICATION TO THE LOCAL FINANCE BOARD**

A motion was made by Mr. Smith, seconded by Mr. Carberry, to adopt Resolution #144-13 as submitted:

**RESOLUTION #144-13**

**RESOLUTION OF THE TOWN OF CLINTON MAKING  
APPLICATION TO THE LOCAL FINANCE BOARD  
PURSUANT TO N.J.S.A. 40A:2-26(e) AND N.J.S.A. 58:11B-  
9(a)**

**WHEREAS**, the Town of Clinton (the “Town”) desires to make application to the Local Finance Board for:

(a) the approval of the proposed financing through the 2014 New Jersey Environmental Infrastructure Trust Financing Program for the Halstead Street Water Main Rehabilitation Project for the Water Utility (the “Project”).

(b) the approval of a non-conforming maturity schedule for the Project.

**WHEREAS**, Town believes that:

- (a) it is in the public interest to accomplish such purpose;
- (b) said purposes or improvements are for the health, welfare, convenience or betterment of the inhabitants of the local unit or units;
- (c) the amounts to be expended for said purposes or improvements are not unreasonable or exorbitant;
- (d) the proposal is an efficient and feasible means of providing services for the needs of the inhabitants of the local unit or units and will not create an undue financial burden to be placed upon the local unit or units;

**NOW THEREFORE, BE IT RESOLVED BY TOWN COUNCIL AS FOLLOWS:**

**Section 1.** The application to the Local Finance Board is hereby approved, and the Town's Bond Counsel, along with other representatives of the Town, are hereby authorized to prepare such application and to represent the Town in matters pertaining thereto.

**Section 2.** The Clerk of the Town is hereby directed to prepare and file a copy of the bond ordinance with the Local Finance Board as part of such application.

**Section 3.** The Local Finance Board is hereby respectfully requested to consider such application and to record its approval as provided by the applicable New Jersey Statute.

Recorded Vote

AYE  
Carberry  
Pendergast  
Rylak  
Smith  
Sosidka  
Mayor Kovach

NO

ABSTAIN

ABSENT  
Shea

Vote all ayes  
Motion carried

**RESOLUTION #145-13 – TRANSFER OF FUNDS**

A motion was made by Mr. Carberry, seconded by Mr. Pendergast, to adopt Resolution #145-13 as submitted:

**RESOLUTION – #145-13**

**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 2013, 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 2013 appropriations be authorized pursuant to N.J.S.A. 40A:4-58:

	<u>From</u>	<u>To</u>
Electricity – Other Expenses	\$ 4,000.00	
Street Lighting – Other Expenses		\$ 3,000.00
Maintenance of Parks – Other Expenses	\$ 5,000.00	
Mayor & Council – Other Expenses	\$ 1,000.00	
Community Center – Other Expenses	\$ 2,000.00	
Board of Health – Other Expenses	\$ 500.00	
Solid Waste Collection – Other Expenses	\$ 800.00	
Legal - Other Expenses		\$ 7,000
Note Interest – Other Expenses		\$ 3,000.00
Streets & Roads – Other Expenses		\$ 5,000.00
Shade Tree – Other Expenses		\$ 700.00
Newsletter – Other Expenses		\$ 600.00
<b>TOTALS</b>	<b>\$ 16,300.00</b>	<b>\$ 16,300.00</b>

Ms. Sosidka asked about the funds being taken from the community Center and questioned if they were being taken from the Recreation Commission, Ms. Olsen assured her they were not.

ROLL CALL: Ayes: Carberry, Pendergast, Rylak, Smith, Sosidka, Mayor Kovach

Vote all ayes  
Motion carried

**RESOLUTION #146-13 – AWARD OF CONTRACT – ARNOLDS ROADS**

A motion was made by Mr. Carberry, seconded by Mr. Smith, to adopt Resolution #146-13 as submitted:

**RESOLUTION # 146-13**

WHEREAS, the Town of Clinton advertised, and subsequently received bids for the Leigh Street Accessible Ramps/Catch Basin Upgrades Improvement Project on Friday, November 8, 2013 as outlined on the attached bid summary;

WHEREAS, six (6) bids were received as follows:

<u>Contractor</u>	<u>Base Bid</u>
A-Team Concrete Inc.	\$ 85,759.00
Arnold's Roads Inc.	\$ 95,268.00
JAK Construction Corp T/A Diamond Construction	\$ 97,651.50



Top Line Construction Corp.	\$124,260.73
Tony and Son, Inc.	\$126,961.21
Land Tech Enterprises Inc.	\$188,969.00

WHEREAS, the Town Attorney has reviewed the documents submitted by A-Team Concrete & Arnold's Roads and has determined that the bid from A-Team was non-responsive and the bid from Arnold's Roads was responsive and;

WHEREAS, the Town Engineer Robert J. Clerico, has reviewed the submitted bids and determined that Arnold's Roads submitted the lowest responsive bid in the amount of \$95,268.00 for the Leigh Street Accessible Ramps/Catch Basin Upgrades Improvement Project and;

WHEREAS, the Town of Clinton, has sufficient funds to award a contract based upon this bid

NOW THEREFORE, BE IT RESOLVED by the Mayor and Council of the Town of Clinton that the Contract for the Leigh Street Accessible Ramps/Catch Basin Upgrades Improvement Project be and is hereby awarded to Arnold's Roads Inc., 8 Dante Rd., Monroe Twp. NJ for their bid in the amount of \$95,268.00 subject to the following conditions:

1. The Contract is awarded as a unit price bid Contract and final payment will be based upon the actual quantities installed at the unit prices bid, as outlined in the Plans and Specifications prepared by Robert J. Clerico, P.E.
- 2.
2. The award of this Contract is made subject to review and approval by the New Jersey Department of Transportation.

ROLL CALL: AYES: Carberry, Pendergast, Rylak, Smith, Sosidka, Mayor Kovach

Vote all ayes  
Motion carried

#### **HIGHLANDS PLAN CONFORMANCE**

Years ago, the reigning Council approved adopting the Plan Conformance with the Highlands, and the question today is, is the Town of Clinton going to continue to move forward with this? Mr. Smith suggested inviting the Highlands Council to a Regular Council meeting to explain their position before making a decision. There are several new councilmembers that are not familiar with the Highlands and feels it would be highly beneficial to bring the Highlands Council in to explain what this entails and what their role is in water issues and to address the Plan Conformance piece of the puzzle. Mr. Smith suggested having the Highlands attend a meeting in January, 2014, possibly the January 14, 2014 meeting and to invite the Land Use Board as well.

#### **PROFESSIONAL SERVICES FOR 2014**

Council has decided not to Request for Professional Services this year but rather to do that every other year. Paperwork will be sent to the current professionals to complete, the Business Entity Disclosure Certification and the Political Contribution Disclosure Form.

**HAZARD MITIGATION GRANT PROGRAM – ENERGY ALLOCATION INITIATIVE**

The Town of Clinton has received a grant in the amount of \$277,600. intended to encourage efforts for energy resilience for critical assets and facilities, in brief, energy mitigation of town owned properties and assets. A spending plan must be submitted by December 15, 2013. The largest well is located in Lebanon Borough and is the intention to have this facility backed up in case of emergency. This would have to go before the Planning Board in Lebanon Borough and could take up to two years to complete. The balance of the grant funds can be applied on another energy back up related project.

**SPECIAL EVENT BANNER – CLINTON GUILD**

A motion was made by Mr. Carberry, seconded by Mr. Rylak, to approve the banner request for the Clinton Guild to display a banner from November 18 through January 4, 2014.

Vote all ayes  
Motion carried

**CORRA FILMS**

Representatives of Corra Films were expected to attend this evening's meeting to address their application to film in the Town, however, they were unable to attend. Chief Matheis and Mayor Kovach have met with the crew and all matters are in order for filming Thursday, November 14, 2013. They will be filming a Public Service Announcement and will be shooting at a private residence and locations on Main Street.

**CORRESPONDENCE - none**

**REPORTS FROM COUNCIL & TOWN OFFICIALS**

**Richard Phelan, Business Administrator**

1. Reporting for Mr. Shea, the Shade Tree is requesting funds in the amount of \$2,800 be transferred to remove five large trees that were not anticipated in this year's budget.

**Councilman Smith**

1. The Water Committee was accused of anchoring T Mobile with the Clinton Township Planning Board, however, T Mobile did not respond to Clinton Township and found that they were at fault.
2. Rescue Squad – calls were down to 213 from last year 234. Response time remains at 4 minutes during the night shift when volunteers man the squad, day shift response is quicker.

**Councilwoman Sosidka**

1. Website/Newsletter Committee has received letters of resignation from Patty Hatalla and Judith Meskill. Significant changes will be made to the website, the committee plans to work with City Connections beginning December 15, 2013. Members are needed, people are encouraged to complete the citizen involvement form available on the Town website. Public works employee, David Mess, has been reviewing the committee pages for accuracy and what links work or do not work. Letters will be sent to the chairs of commissions and committees for current information to update the pages. Ms. Sosidka wished to recognize Ms. Hatalla for her years of volunteering for the website and newsletter. "Patty has done so much and for so many years" including taking the

council photos and event photos. Ms. Sosidka suggested having Ms. Hatalla attend a council meeting and presenting her with a proclamation. A motion was made by Mr. Smith, seconded by Ms. Sosidka.

Vote all ayes  
Motion carried

2. Historic Commission continues to work on extending the district and has gained information regarding benefits and non-detriments for property owners. Sharon Dysart has submitted a Citizen Involvement form and attended the last meeting. Ms. Sosidka made a motion to appoint Ms. Dysart to the Historic Commission seconded by Mr. Pendergast.

Vote all ayes  
Motion carried

Mayor Kovach mentioned that a resignation has also been submitted from Joe Manghisi from the Recreation Commission.

#### **Councilman Pendergast**

1. Clinton Fire Department – Santa visits are being scheduled for December 16, 2013. Santa will deliver gifts to children on a first come first served basis. Fundraiser, \$35 per family.
2. The Fire Department is awaiting a decision from Council following their presentation at the last meeting to purchase a new pumper at a cost of \$650,000.00 to replace the 1991 pumper, called engine 45-2. When questioned about Clinton Township buying a truck, Mr. Pendergast clarified that they are seeking a demo or a used vehicle at \$400,000.00 but more on the style of a rescue vehicle. Based on the presentation that the fire department gave, Mr. Pendergast asked Council's feeling about a new truck. Mr. Smith asked that the Fire Department come back to justify exactly what they want and come back with more information. No negative feedback from Council, only more information. Ms. Olsen said that if the fire department was looking into a co-op, the Town would not be allowed to purchase it through that route. The fire department will come back with more information as to what they want exactly.
3. Monthly detail report, two meetings, 7 work details, 1 training session, 18 alarm calls totaling 200 hours of volunteer time and just shy of 4,000 hours for the year.
4. Following an inquiry, Mr. Pendergast stated that the firemen are now getting their uniforms purchased through Samzie's in Trenton, as used by the Clinton Police.
5. The first golf outing fundraiser raised \$8,000.00 in total, the format was the Town that raised it, gets it! Clinton received \$1,600 from the proceeds.
6. Change in legal counsel, Allison Roberts, Esq. is now the attorney for the Fire Department.

#### **Councilman Carberry**

1. Environmental Commission gained six new members to the Green Team following the Green Fair at the Red Mill. Mr. Carberry recommended the Green Team be separate from the Environmental Commission and be allowed to use Council space for meetings. The Green Team has volunteered to do clean up following events such as the Haunted Mill, the Christmas Parade, and Friday nights, Music Nights, during the summer.

**Councilman Rylak**

1. Buildings and Grounds discussed by phone the Clinton Guild using the municipal barn to do the painting of the candy canes and soldiers. It worked out well, and the Guild understood about the insurance issue.
2. Smart Growth Committee met and Mr. Rylak commented on the good people on this committee and talked about some type of conservancy for the grounds and possibly ordering t-shirts for the members.
3. Following up on “food”! Thank you to Ms. Sosidka for making Mr. Smith and Mr. Rylak a congratulatory victory chocolate pudding pie!
4. Question on the Police Report for the Chief: business property checks are typical? Yes, day and night. Activity on Center Street? Is this the highest activity? Chief said no and this area includes Halstead Street.

**STANDBY AND OVERTIME**

A motion was made by Mr. Carberry, seconded by Mr. Rylak to approve the standby and overtime submitted for October 11 through October 24, 2013 attached to these minutes.

ROLL CALL: Ayes: Carberry, Pendergast, Rylak, Smith, Sosidka, Mayor Kovach

Vote all ayes  
Motion carried

**STANDBY AND OVERTIME**

A motion was made by Mr. Smith, seconded by Mr. Carberry, to approve the standby and overtime submitted for October 25 through November 7, 2013 attached to these minutes.

ROLL CALL: Ayes: Carberry, Pendergast, Rylak, Smith, Sosidka, 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, Pendergast, Rylak, Smith, Sosidka, Mayor Kovach

Vote all ayes  
Motion carried

**RESOLUTION #147-13 – POTENTIAL LITIGATION**

A motion was made by Mr. Carberry, seconded by Mr. Smith, to enter into Executive Session to discuss a matter of potential litigation at 8:50 p.m.

**RESOLUTION # 147-13**

**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;

X     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: Land Acquisition 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

**ADJOURNMENT:** Upon returning from Executive Session and there being no further business, a motion was made by Mr. Smith seconded by Mr. Carberry to adjourn the meeting at 9:11 p.m.

\_\_\_\_\_

Regular Council Meeting  
November 12, 2013

Cecilia Covino, RMC/CMC  
Town Clerk

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Mayor Janice Kovach