

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

Flag Salute.

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

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. Smith, to approve the minutes of January 22, 2013 as submitted.

Vote all ayes
Motion carried

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

Vote all ayes
Motion carried

A motion was made by Mr. Smith, seconded by Mr. Carberry, to approve the minutes of February 6, 2013 as submitted.

Vote all ayes
Motion carried

APPROVAL OF MONTHLY REPORTS – JANUARY

A motion was made by Mr. Carberry, seconded by Mr. Pendergast, to accept the monthly reports for the month of January as submitted.

Administrator’s Report, Buildings & Grounds Report, Clerk’s Account, Cat & dog Licensing Accounts, Construction Control/Inspection Report, Fire Official Report of August, September, October, November, December and year end 2012, Police Report, Road foreman’s Report, Sewer Collector’s Report, Tax Collector’s Report, Water Report, Wastewater Treatment Plants, Superintendent’s December Report, Water Superintendent’s Report and Zoning Officer’s Report.

Vote all ayes
Motion carried

MAYOR’S COMMENTS

Mayor Kovach reported in the absence of Mr. Phelan this evening regarding the remaining items of the auction. Council agreed to authorize Mr. Phelan to list the items and sell at the best offer.

PUBLIC COMMENT

Patrick McGuire, Center Street, Planning Board Vice Chairman and Chair of the Master Plan Committee, addressed Council with a recent decision by the Planning Board by denying an applicant’s request to change the zoning. The applicant then went to the Board of Adjustment

and the decision was changed from an approved office zone to a residential zone. The applicant must still comply with the site plan and guidelines of the Planning Board. Mr. McGuire asked Council to consider these requests.

300th ANNIVERSARY CELEBRATION OF HUNTERDON COUNTY

Attending this evening's meeting, Senator and chairwoman of the 300th Anniversary of Hunterdon County, Marcia Karrow, along with Cynthia Yard, County Administrator and Rob Walton, Hunterdon County Freeholder, to discuss the plans for 2014! Many special events are scheduled including parades, seminars, fireworks, chili cook offs, too many to mention! Each municipality in the county is asked to plan something special. Fund raising events are being formed and the County is expected to spend approximately \$250,000. Clerk Covino will be the liaison from Clinton, attending one nightly monthly meeting and one Saturday morning meeting.

PROCLAMATION – 75TH ANNIVERSARY TO SCOUT TROOP 121

Mayor Kovach announced the 75th anniversary of scout troop 121 and presented the attendees with a Proclamation. Zachary Dau addressed council and presented the State of the Troop. A job well done by Zachary and the scouts. Congratulations to all! A celebration of the Boy Scout Troop 121's 75 Anniversary is scheduled for Saturday, March 9, 2013 at the Clinton Presbyterian Church. Mayor Kovach, Councilwoman Sosidka and Councilman Robert B. Smith are expected to attend.

RESOLUTION #50-13 – CHANGE ORDER – REIVAX CONSTRUCTION

A motion was made by Mr. Carberry, seconded by Mr. Pendergast, to adopt Resolution #50-13 as submitted:

**RESOLUTION # 50-13
AMENDMENT TO CHANGE ORDER #2**

WHEREAS, the need has arisen for change orders to complete the work on the Leigh Street Water Main Project by the contractor, Reivax Construction, and

WHEREAS, it was necessary to add a Hydrant Connection and provide additional Police Services for Traffic Control, and

WHEREAS, the additional costs are as follows:

Hydrant Connection:	\$1,400.00
Traffic Control:	<u>\$2,031.25</u>
Total:	\$3,431.25

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

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

Vote all ayes
Motion carried

RESOLUTION #51-13 - CHANGE ORDER – NATGUN CORPORATION

A motion was made by Mr. Smith, seconded by Mr. Pendergast, to adopt Resolution #51-13 as submitted:

**RESOLUTION # 51-13
CHANGE ORDER NO. 2**

WHEREAS, the need has arisen for a change order to the Construction of the New 2.5M Gallon Water Tank, and

WHEREAS, according to the Project Engineer, Natgun Corporation was responsible for repairs due to the tank leaking, and

WHEREAS, there is a reduction in the contract amount of \$19,169.00,

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Town of Clinton that Change Order Number 2 for the Construction of the new 2.5M Gallon Water Tank be approved.

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

Vote all ayes
Motion carried

RESOLUTION #52-13 – APPOINTMENT OF DEPUTY EMERGENCY MANAGEMENT COORDINATOR

A motion was made by Mr. Shea, seconded by Mr. Carberry, to adopt Resolution #52-13 as submitted:

**RESOLUTION # 52-13
APPOINTMENT OF DEPUTY EMERGENCY
MANAGEMENT COORDINATOR**

WHEREAS, the Town of Clinton is currently in need of a Deputy Emergency Management Coordinator;

WHEREAS, John K. Daniels is qualified for this position;

NOW, THEREFORE BE IT RESOLVED by the Common Council of the Town of Clinton to appoint John K. Daniels to the position of Deputy Emergency Management Coordinator, for a 1 year term beginning January 1, 2013 to December 31, 2013.

Vote all ayes
Motion carried

RESOLUTION #53-13 – AUTHORIZING ATTORNEY TO EXECUTE AGREEMENT

A motion was made by Mr. Smith, seconded by Mr. Carberry, to adopt Resolution #53-13 as submitted:

RESOLUTION # 53-13

RESOLUTION AUTHORIZING THE MUNICIPAL ATTORNEY TO EXECUTE A SETTLEMENT AGREEMENT WITH ALCO CAPITAL GROUP, INC., ASSIGNEE

WHEREAS, Kullman Buildings Corp., was a customer of the Town of Clinton Water Company; and

WHEREAS, on October 21, 2011 it executed a Deed of Assignment for the benefit of creditors and all of its assets were assigned to Allco Capital Group, Inc., as Assignee for the benefit of creditors; and

WHEREAS, Alco Capital Group, Inc., asserted a claim that funds of Kullman Buildings Corp. had been paid to the Town of Clinton within four months of the date of assignment, and it was alleged those payments constituted a preference in accordance with N.J.S.A. 2A:19-3; and

WHEREAS, Alco Capital Group, Inc. and the Town of Clinton, in order to avoid incurring substantial attorneys' fees, agreed to compromise the claim by Alco Capital Group, Inc. and agreed to settle all of the claims of Alco Capital Group, Inc. for \$1,500; and

WHEREAS, the Mayor and Council wish to avoid incurring attorneys' fees that might well exceed the value of the claim.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Town of Clinton, Hunterdon County, New Jersey, that the Municipal Attorney, Richard P. Cushing, is authorized to execute a Settlement Agreement in the form attached hereto.

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

Vote all ayes
Motion carried

RESOLUTION #54-13 – HIRING OF WATER UTILITY LABORERS

A motion was made by Mr. Pendergast, seconded by Mr. Carberry, to adopt Resolution #54-13 as submitted:

RESOLUTION # 54-13

WHEREAS, the Town of Clinton Water Utility requires the hiring of two new laborers, and;

WHEREAS, the positions were advertised for, applications accepted and interviews performed, and;

WHEREAS, the Public Works/Business Administrator and the Water Committee recommend that the following persons be hired to fill the open positions at a rate of \$16.00 per hour;

Travis Beatty
Matthew Drummond

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Town of Clinton hire Travis Beatty and Matthew Drummond to fill the open positions at the Town of Clinton Water Utility.

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

Vote all ayes
Motion carried

RESOLUTION #55-13 – TRANSCO’S NORTHEAST SUPPLY LINK PROJECT

A motion was made by Mr. Pendergast, seconded by Mr. Carberry, to adopt Resolution #55-13 as submitted:

**TOWN OF CLINTON
RESOLUTION # 55-13**

WHEREAS the Town of Clinton has entered into an agreement with Transcontinental Gas Pipe Line Company, LLC, and;

WHEREAS Transco’s Northeast Supply Link Project will require the re-routing and partial replacement of a portion of the Town’s water main, to run along the Town’s existing water main in Lilac Drive to the intersection of Lilac Drive and Red School House Road, and;

WHEREAS Transco will deliver to the Town’s Chief Financial Officer \$5,000.00 to be deposited into an escrow account to reimburse the Town for professional fees associated with the relocation of the water main, and;

WHEREAS the attached agreement has been approved by both parties,

NOW, THEREFORE, BE IT RESOLVED, that the Mayor of the Town of Clinton be authorized to execute the Agreement as submitted.

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

Vote all ayes
Motion carried

RESOLUTION #56-13 – TRANSFER OF FUNDS

A motion was made by Mr. Pendergast seconded by Mr. Carberry, to adopt Resolution #56-13 submitted:

RESOLUTION #56-13

WHEREAS, various 2012 bills have been presented for payment this year, which bills were not covered by order number and/or recorded at the time of transfers between the 2012 Budget Appropriation Reserve in the last two months of 2012; and

WHEREAS, N.J.S. 40A:4-59 provides that all unexpended balances carried forward after the close of the year are available, until lapsed at the close of the succeeding year, to meet specific claims, commitments or contracts incurred during the preceding fiscal year, and allow transfers to be made from unexpended balances which are expected to be insufficient during the first three months of the succeeding year;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Town of Clinton that transfers in the amount of \$3,000.00 be made between the 2012 Budget Appropriation Reserves as follows:

	<u>FROM</u>	<u>TO</u>
Streets & Roads		
Other Expenses	\$2,000.00	
Mayor & Council		
Other Expenses	\$1,000.00	

Legal		
Other Expenses		\$1,000.00
Street Lighting		
Other Expenses		\$2,000.00
TOTALS	\$3,000.00	\$3,000.00

ROLL CALL: Carberry, Pendergast, Shea, Smith, Mayor Kovach

Vote all ayes
Motion carried

BANNER REQUEST – CHILI COOK OFF

A banner request for the Chili Cook Off was submitted by the Newcomer's Club, to display a banner from April 8 through April 15, 2013. The date of the event is Saturday, April 20, 2013 beginning at 4:00 p.m. A motion was made by Mr. Pendergast, seconded by Mr. Carberry, to approve the request as submitted.

Vote all ayes
Motion carried

BANNER REQUEST – IMMACULATE CONCEPTION PARISH FESTIVAL

A banner request for the Immaculate Conception Parish Festival to display a banner June 17 through June 24, 2013. A motion was made by Mr. Smith, seconded by Mr. Pendergast, to approve the request as submitted.

Vote all ayes
Motion carried

BANNER REQUEST – CLINTON TOWN PICNIC

A motion was made by Mr. Carberry, seconded by Mr. Pendergast, to approve the request to display the Clinton Town Picnic Banner from May 26 through June 8, 2013.

Vote all ayes
Motion carried

BANNER REQUEST – RED MILL MUSEUM VILLAGE

The Red Mill Museum Village submitted six banner requests for various events throughout the year. The events are Civil War Days, British Car Days, Storyteller Festival, Revolutionary War Days, Wine & Beer Festival and the Haunted Mill. A motion was made by Mr. Shea, seconded by Mr. Carberry, to approve the dates as requested.

Vote all ayes
Motion carried

BANNER REQUEST - RUN O'THE MILL 5K

A banner application has been received from Julie Culley and the New Jersey New York Track Club, to display a banner from March 4 through March 18, 2013. The 5K is scheduled for March 16, 2013. A motion was made by Mr. Shea, seconded by Mr. Carberry, to approve the banner request as submitted.

Vote all ayes
Motion carried

SPECIAL EVENT AND BANNER REQUEST

A motion was made by Mr. Smith, seconded by Mr. Carberry to approve the Pete Pender Memorial Fishing Derby for Saturday, April 27, 2013 and to display a banner from April 12 through April 26, 2013.

Vote all ayes
Motion carried

INTRODUCTION OF ORDINANCE #13-02 – AMENDING CHAPTER 64

A motion was made by Mr. Smith, seconded by Mr. Carberry, to introduce Ordinance #13-02 on first reading as submitted:

ORDINANCE # 13-02

AN ORDINANCE AMENDING ARTICLE I OF CHAPTER 64 OF THE CODE OF THE
TOWN OF CLINTON REGARDING DOGS

WHEREAS, the governing body wishes to update its ordinances concerning dogs to reflect amendments to the State statutes concerning the appointment of an Animal Control Officer and the procedures for handling vicious and potentially dangerous dogs; and

WHEREAS, additional minor amendments to those ordinances are required to reflect current practices;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Town of Clinton that Article I entitled “Dogs” of Chapter 64 entitled “Dogs and Other Animals” of the Code of the Town of Clinton is hereby amended as follows:

1.The definition of “Vicious Dog” in Section 64-1 entitled “Definitions” is amended to read as follows:

VICIOUS DOG

Any dog which has been declared vicious by a Municipal Judge pursuant to *N.J.S.A. 4:19-22*.

2.A new definition is added to Section 64-1 entitled “Definitions” to read as follows:

POTENTIALLY DANGEROUS DOG

Any dog which has been declared potentially dangerous by a Municipal Judge pursuant to *N.J.S.A. 4:19-23*.

3.Section 64-5 entitled “Dog Canvass” is amended by adding the words “or his or her designee” to the first line thereof after the words “The Chief of Police of the Town.”

4.Section 64-6 entitled “Vicious dogs” is amended in its entirety to read as follows:

§64-6. Vicious and potentially dangerous dogs.

- A. Complaint; investigation. It shall be the duty of the Police Department and the Animal Control Officer to receive and investigate complaints against dogs.
- B. Impoundment and determination. The Animal Control Officer shall seize and impound any dog as authorized by *N.J.S.A. 4:19-19*. Having seized and

impounded a dog, the Animal Control Officer shall follow the procedure set forth in *N.J.S.A. 4:19-20* for determination by the Municipal Judge of whether the dog is vicious or potentially dangerous unless the matter is resolved by agreement between the owner of the dog and the Town as authorized by *N.J.S.A. 4:19-21.1*.

- C. Control of potentially dangerous dogs. Any person owning or charged with the care of a dog declared by the Municipal Judge to be potentially dangerous shall comply with all orders of the Municipal Court for housing and handling the dog.

5. Section 64-7 entitled "Impounding of dogs; disposition" is amended in its entirety to read as follows:

§64-7. Animal Control Officer.

- A. Appointment. The Council shall appoint a certified Animal Control Officer. If the Animal Control Officer is an employee, his or her salary shall be as set forth in the Town's salary ordinance.
- B. Responsibilities. The Animal Control Officer shall enforce and abide by the provisions of *N.J.S.A. 4:19-15.16* and the provision of this article as to impounding or seizing of dogs, notice of impoundment or seizure, and disposition of impounded or seized dogs. The Council will designate the licensed shelter, pound, kennel, or veterinarian's office to be used by the Animal Control Officer for the holding of impounded animals. The Animal Control Officer shall follow Hunterdon County Board of Health animal bite confinement procedures.
- C. Emergency care. When the Animal Control Officer observes an ill or injured animal off the premises of the owner outside of normal working hours, the Animal Control Officer shall transport the ill or injured animal to an emergency veterinary care facility.
- D. Animal abuse or cruelty. The Animal Control Officer shall refer all suspected cases of animal abuse or cruelty to the New Jersey Society for the Prevention of Cruelty to Animals.
- E. Access to premises. The Animal Control Officer is hereby authorized to go on any premises to seize for impounding any dog which the Animal Control Officer may lawfully seize and impound when the officer is in immediate pursuit of the dog, except on the premises of the owner of the dog if the owner is present and forbids same.
- F. Records. The Animal Control Officer shall keep written records of all calls responded to and shall keep records of all animals impounded in accordance with the specifications of the New Jersey State Department of Health.

6. Section 64-11 entitled "Enforcement" is hereby deleted.

7. Except as amended herein, all provisions of Article I of Chapter 64 shall remain in full force and effect.

8. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

9.If any section, phrase or portion of this ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction for any reason, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

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

Vote all ayes

Motion carried

This Ordinance will be published in the February 20, 2013 edition of the Hunterdon Review. A public hearing will be held on March 12, 2013.

CORRESPONDENCE

1. Milford Borough copied the Town on a Resolution they adopted to ensure that a mortgagee of any property found to be in disrepair be held responsible. Mayor and Council of the Town of Clinton feel comfortable with the way properties are addressed in Clinton and will not act.
2. A sample resolution has been received from the Municipal Clerk's Association of New Jersey asking for support of municipalities to oppose Senate Bill 2511, amendments to Open Public Meetings Act. Mr. Cushing explained that the passing of this bill could put unnecessary burdens on Governing Bodies. Council agreed to have this resolution prepared for the next council meeting.
3. Letter received from the Open Cupboard Food Pantry, Inc. for the 123 pounds of groceries collected at the Yuletide Bonfire.
4. Township of Holmdel Mayor Impreveduto sent a letter asking for a donation of \$1000 from fellow mayors to help Keansburg rebuild from the damage done by Super Storm Sandy.
5. Correspondence from the New Jersey Highlands Council thanking the Town of Clinton for our continued support.
6. Women in Municipal Government day Friday, March 15, 2013. Councilwomen Jones-Holt, Sosidka and Mayor Kovach will be attending.
7. Raritan Headwaters Association will be holding the 23rd Annual Stream cleanup on Saturday, April 20, 2013 from 9:00 am to 12:00 pm. The Association is asking for a \$500 donation to help cover costs. Unfortunately, the Town is not in a position to help this year monetarily.

REPORTS FROM COUNCIL & TOWN OFFICIALS

Chief Matheis

1. Chief Matheis sent a memo to council asking for their consideration to standardize parking on the south side of Center Street with a 6 hour maximum parking. Travelers using the Trans Bridge Bus have been parking all the way down Center Street. Limiting the hours to 6 hours may alleviate the problem. An ordinance will be prepared for the next council meeting.

Kathy Olsen, CFO

1. Ms. Olsen submitted the final payment voucher to the State of New Jersey for the Dam and Dike grant to get the retainer back. Once received, the books will be closed on the subject!

Councilman Smith

1. Rescue Squad – 192 calls for January, up from 167 January, 2012.
2. Buildings and Grounds – Projects: new chairs for the council room
Researching pole barn to store equipment
Repairs to porch and municipal building, lead paint remediation
Carpeting for the Finance Office
New railings at the Community Center
3. Water Committee- Leigh Street Water Main replacement closed out, final payment made

Councilman Shea

1. Roads Committee – no grant opportunities this year. Safe Routes to School grant still in limbo. Waiting for direction from the State.

Reviewed speeding on Center Street, engineer to look into speed bumps but they are more expensive than expected. Moving the electronic speed sign is an option.

Councilman Pendergast

1. Mr. Pendergast gave Mayor Kovach a tour of the treatment plant and the next is scheduled for Friday, February 15, 2013 at 8:00 a.m. the tour is approximately ½ hour to 1 hour.
2. Clinton Fire Department – tanker tasks force has been very busy responding to fires outside of Clinton, two recent fires were in Bethlehem Township and the fatal fire in Holland Twp.

Councilman Carberry

1. Environmental Commission – Would like to do an in river clean up Saturday, June 15, in addition to the April Clean Up. The Sunrise Rotary is interested in coordinating a clean up as well.

APPROVAL OF STANDBY AND OVERTIME

A motion was made by Mr. Smith, seconded by Mr. Carberry, to approve the standby and overtime pay for the period January 4 through January 17, 2013 attached to these minutes.

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

Vote all ayes
Motion carried

A motion was made by Mr. Smith, seconded by Mr. Pendergast, to approve the standby and overtime pay for the period January 18 through January 31, 2013 attached to these minutes.

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

Vote all ayes
Motion carried

PAYMENT OF BILLS

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

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

Vote all ayes
Motion carried

RESOLUTION #-57-13 – EXECUTIVE SESSION – Potential Litigation and Contract Negotiations, Personnel

A motion was made by Mr. Shea, seconded by Mr. Smith to enter into Executive Session at 8:50 p.m. to discuss matters of Potential 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;

