

February 11, 2014

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

Flag Salute.

Roll Call: Present – Carberry, Pendergast, Rylak, Shea, Smith, Sosidka, 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.”

**APPROVAL OF MINUTES**

A motion was made by Mr. Carberry, seconded by Ms. Sosidka to approve the minutes of January 28, 2014 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 January 28, 2014 as submitted.

Vote all ayes  
Motion carried

**APPROVAL OF MONTHLY REPORTS – JANUARY**

A motion was made by Mr. Smith seconded by Mr. Carberry to accept the monthly reports for the month January as submitted:

Administrator’s Report, Clerk’s Account, Cat & Dog Licensing Accounts, Police Report, Road Foreman’s Report, Sewer Collector’s Report, Tax Collector’s Report, Wastewater Treatment Plant Superintendent’s Report.

Vote all ayes  
Motion carried

**PUBLIC COMMENT – None**

**MAYOR’S COMMENTS**

1. New Jersey Senate President Stephen Sweeney was reported to push towns to merge and share services. He plans for New Jersey’s property tax cap to be dropped to zero, essentially freezing municipal spending for several years, to create a budget crunch that would require town consolidations and broader use of shared services agreements to cut costs. Mayor Kovach said she called Trenton and made her feelings known.
2. Hunterdon County Comprehensive Economic Development Strategy (CEDS) is a municipal roundtable including Mayors and Planning Board Chairs. Mayor Kovach has been appointed to the committee. Information is available and copies will be distributed to Council. The municipal partners will help guide the goals and objectives of the strategic plan.

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3. League of Municipalities has issued an alert regarding legislative action needed on arbitration cap.
4. February is 11<sup>th</sup> Annual National Wear Red Day for Women sponsored by the American Heart Association. The building glows at night with a red light and brings awareness for heart health.
5. Mayor Kovach met with William Caruso and Javier Barrios to have an introduction of Good Energy Aggregation. Mayor Kovach recommended having the gentlemen attend a council meeting to explain the possible savings to town residents for electricity and the way the law is written in New Jersey, they must have rates lower than JCP&L.
6. Thank you to the DPW for their diligence in removing the snow on Main Street on Monday morning. Following a water main break early morning at 4:00 a.m., the men worked through the day and returned at 8:00 p.m. to clear Main Street. Outstanding crew!

**PUBLIC HEARING OF ORDINANCE #14-01 – AMENDING CHAPTER 80 – FUEL TANKS AND DUMPSTERS**

A motion was made by Mr. Pendergast, seconded by Mr. Carberry, to open the public hearing of ordinance #14-01 as submitted:

**ORDINANCE #14-01**  
**AMENDING CHAPTER 80 ENTITLED “FUEL TANKS AND DUMPSTERS” OF THE**  
**GENERAL ORDINANCES OF THE TOWN OF CLINTON, COUNTY OF HUNTERDON**  
**AND STATE OF NEW JERSEY**

Vote all ayes  
Motion carried

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

Vote all ayes  
Motion carried

A motion was made by Mr. Pendergast, seconded by Mr. Rylak to adopt Ordinance #14-01 on second reading.

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

Vote all ayes  
Motion carried

**PUBLIC HEARING OF ORDINANCE #14-02 – AMENDING CHAPTER 70**  
**“DWELLINGS, UNIT, RENTAL OF”**

A motion was made by Mr. Pendergast, seconded by Mr. Carberry, to open the public hearing of ordinance #14-02 as submitted:

**ORDINANCE #14-02**  
**AMENDING CHAPTER 70 ENTITLED “DWELLINGS, UNIT, RENTAL OF” OF THE**  
**GENERAL ORDINANCES OF THE TOWN OF CLINTON, COUNTY OF HUNTERDON**  
**AND THE STATE OF NEW JERSEY**

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Vote all ayes  
Motion carried

There being no public comment, a motion was made by Mr. Pendergast, seconded by Mr. Smith 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 #14-02 on second reading.

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

Vote all ayes  
Motion carried

**RESOLUTION #45-14 – AWARD CONTRACT FOR WELL #11**

A motion was made by Mr. Pendergast, seconded by Ms. Sosidka, to adopt Resolution #45-14 as submitted:

**RESOLUTION 45-14**  
**RESOLUTION TO AWARD CONTRACT FOR WELL #11**

**WHEREAS**, the Town of Clinton (“Town”) received and opened bids for the Well #11 project on January 29, 2014 pursuant to the authority of N.J.S.A. 40A:11-1 et seq.; and

**WHEREAS**, the following bids were received;

**Well #11**

Lulo Electric	\$ 73,700.00
Ray Palmer Associates	\$ 74,500.00
Power With Prestige	\$ 96,700.00
Coppola Services, Inc.	\$103,490.00
Primer Construction Co.	\$150,000.00

**WHEREAS**, after review by the Purchasing Agent and the Town Attorney, Lulo Electric’s bid must be rejected due to their failure to execute the bid bond. A properly executed bid bond is a mandatory requirement under N.J.S.A. 40A:23-2, and deficiencies cannot be cured after the bid opening. Therefore, Ray Palmer Associates has been determined to be the lowest responsible bidder; and

**WHEREAS**, as certificate of available funding has been presented;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Town of Clinton, County of Hunterdon, State of New Jersey, that a contract is hereby awarded to Ray Palmer Associated, in the amount of \$74,500.00 for the Well #11 project, and that the Mayor and Town Clerk of the Town of Clinton are hereby authorized, respectively, to execute and attest to an agreement with Ray Palmer Associates, pursuant to bid specifications, and subject to approval by the Town Attorney.

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

Vote all ayes  
Motion carried

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**RESOLUTION #46-14 – AWARD CONTRACT TO REIVAX CONTRACTING**

A motion was made by Mr. Shea, seconded by Ms. Sosidka, to adopt Resolution #46-14 as submitted:

**RESOLUTION #46-14  
RESOLUTION TO AWARD CONTRACT TO  
REIVAX CONTRACTING**

WHEREAS, the Town of Clinton did solicit bids for the Halstead Street Water Main Replacement Project; and

WHEREAS, pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., and upon recommendation of the Town Water Engineer, Reivax Contracting has been determined to be the lowest responsible bidder; and

WHEREAS, a certificate of available funding has been presented;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Town of Clinton, County of Hunterdon, State of New Jersey, that a contract is hereby awarded to Reivax Contracting, in the amount of \$1,059,133.60 for the Halstead Street Water Main Replacement Project, and that the Mayor and Town Clerk of the Town of Clinton are hereby authorized, respectively, to execute and attest to an agreement with Reivax Contracting, pursuant to bid specifications, and subject to approval by the Town Attorney.

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

Vote all ayes  
Motion carried

**RESOLUTION #47-14 – REJECT BIDS FOR WELL #16 PROJECT**

A motion was made by Mr. Smith, seconded by Mr. Pendergast, to adopt Resolution #47-14 as submitted:

**RESOLUTION # 47-14  
RESOLUTION TO REJECT ALL BIDS FOR WELL #16 PROJECT**

WHEREAS, the Town of Clinton received and opened bids for the Well #16 Project on January 29, 2014 pursuant to the authority of N.J.S.A. 40A:11-1 et seq.; and

WHEREAS, the following bids were received;

**Well #16**

Coppola Services, Inc.	\$1,090,000.00
Ray Palmer Associates	\$1,163,700.00
Primer Construction	\$1,823,000.00

WHEREAS, N.J.S.A. 40A:11-13.2 allows a contracting unit to reject all bids based on the fact that the lowest bid substantially exceeds the cost estimates for the goods or services;

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**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Town of Clinton, Hunterdon County that all bids be rejected for exceeding the cost estimates for the goods and services.

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

Vote all ayes  
Motion carried

**RESOLUTION #48-14 – OVERPAYMENT OF TAXES**

A motion was made by Mr. Carberry, seconded by Ms. Sosidka, to adopt Resolution #48-14 as submitted:

**RESOLUTION # 48-14**

**WHEREAS**, the Tax Collector of the Town of Clinton has received an overpayment for the following block and lot due to refinance or 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 Corelogic Real Estate Tax Service c/o Refund Department, PO Box 961250, Fort Worth, TX, 76161, for the following account:

<u>BLOCK</u>	<u>LOT</u>	<u>OWNER</u>	<u>AMOUNT</u>
31	9.04	Boutillier, Wayne& Clendennen	\$2,885.92

**BE IT FURTHER RESOLVED** that the Tax Collector remove the overpayment on the above block and lot for the 1<sup>st</sup> quarter 2014.

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

Vote all ayes  
Motion carried

**RESOLUTION #49-14 – BYOB RUN O’THE MILL 5K EVENT**

A motion was made by Mr. Smith, seconded by Mr. Pendergast, to adopt Resolution #49-14 as submitted:

**RESOLUTION # 49-14**

**WHEREAS**, the Code of the Town of Clinton, Chapter 32, Section 7, prohibits consumption of alcoholic beverages in, on, or upon any public street, or land owned or occupied by any federal, state, county or municipal government, or as further explained in the Section 32-7 A through D; and

**WHEREAS**, alcoholic beverages may be consumed at occasions or events held by bona fide nonprofit organizations or other groups if specifically permitted by resolution of the Mayor and Council; and

**THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Town of Clinton, that BYO (Bring Your Own) consumption of alcoholic beverages shall be permitted at the held at

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the Town of Clinton Community Center to be held on Saturday, March 15 2014 beginning at 11:00 AM.

Vote all ayes  
Motion carried

**RESOLUTION #50-14 – BYOB ST. PATRICKS DAY PARADE**

A motion was made by Mr. Carberry, seconded by Ms. Sosidka, to adopt Resolution #50-14 as submitted:

**RESOLUTION # 50-14**

WHEREAS, the Code of the Town of Clinton, Chapter 32, Section 7, prohibits consumption of alcoholic beverages in, on, or upon any public street, or land owned or occupied by any federal, state, county or municipal government, or as further explained in the Section 32-7 A through D; and

WHEREAS, alcoholic beverages may be consumed at occasions or events held by bona fide nonprofit organizations or other groups if specifically permitted by resolution of the Mayor and Council; and

THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Town of Clinton, that BYO (Bring Your Own) consumption of alcoholic beverages shall be permitted at the St. Patrick’s Day Parade held at the Town of Clinton Community Center to be held on Sunday, March 16, 2014 beginning at 2:00 PM.

Vote all ayes  
Motion carried

**INTRODUCTION OF ORDINANCE #14-04 – AMENDMENT TO HISTORIC PRESERVATION COMMITTEE**

A motion was made by Ms. Sosidka, seconded by Mr. Shea, to adopt Ordinance #14-04 on first reading as submitted:

TOWN OF CLINTON  
HUNTERDON COUNTY, NEW JERSEY

**ORDINANCE # 14-04**

ORDINANCE AMENDING CHAPTER 12 ENTITLED “HISTORIC PRESERVATION COMMITTEE” OF THE GENERAL ORDINANCES OF THE TOWN OF CLINTON, COUNTY OF HUNTERDON, AND THE STATE OF NEW JERSEY

WHEREAS, pursuant to N.J.S.A. 40:55D-107, the Town of Clinton established a Historic Preservation Commission by Ordinance No. 90-14; and

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Council of the Town of Clinton, the County of Hunterdon, that Chapter 12 entitled “Historic Preservation Commission” of the Code of the Town of Clinton (“Code”) is hereby amended or added as follows: (1) amending the code to be consistent with Article 14 A of the Municipal Land Use Law (N.J.S.A. 40:55D-107 *et seq.*); (2) amending and supplementing related provisions of the Code to effectuate said changes to the Historic Preservation Commission; (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:

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**SECTION 1.** Section 12-2 of the Code of the Town of Clinton entitled “Appointment of members; terms” is hereby amended to read as follows:

The Commission shall be comprised of seven regular members and two alternate members, who shall be appointed by the Mayor to serve without compensation. The term of appointment shall be three years. The terms of the initial appointments shall not exceed three years and shall be staggered; thereafter the regular members shall be appointed for three-year terms. Commission members on the Planning Board or on the Zoning Board shall hold office on the Commission for the term of membership on the respective board, but in no event shall such term exceed three years. A vacancy in the term of any regular or alternate member occurring otherwise than by expiration of a term shall be filled for the unexpired term only.

**SECTION 2.** Section 12-3 of the Code of the Town of Clinton entitled “Responsibilities” is not changed or amended hereby.

**SECTION 4.** Section 12-4 of the Code of the Town of Clinton entitled “Members” is hereby added, consistent with N.J.S.A. 40:55D-107, and will read as follows:

A. The membership of the Commission shall include at least one regular member of each of the following classes:

(1) Class A: a person who is knowledgeable in building design and construction or architectural history and who may reside outside the municipality; and

(2) Class B: a person who is knowledgeable or with a demonstrated interest in local history and who may reside outside the municipality.

B. Of the regular members a total of at least one less than a majority shall be of Classes A and B.

C. The remaining regular members and alternate members shall be designated as Class C members who shall hold no other municipal office, position or employment except for membership on the Planning Board or Board of Adjustment, as provided in N.J.S.A. 40:55D-107. The alternate members shall be identified as Alternate 1 and Alternate 2, at the time of appointment.

**SECTION 5.** Section 12-5 of the Code of the Town of Clinton entitled “Chairperson and Secretary” is hereby added and will read as follows:

At the beginning of each year, the Historic Preservation Commissioners shall designate members of the Commission to serve as Chairperson and Vice Chairperson for the Commission and shall select a Secretary, who may or may not be a member of the Commission or a municipal employee.

The Chairperson shall preside at meetings and shall decide all points of order and procedure. The Vice Chairperson shall act as Chairperson in the latter’s absence. All powers of the Chairperson shall equally apply to the Vice Chairperson when the Vice Chairperson is acting as Chairperson in the latter’s absence.

**SECTION 6.** Section 12-6 of the Code of the Town of Clinton entitled “Finances” is

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hereby added and will read as follows:

- A. The Mayor and Council shall make provision in its budget and appropriate funds for the Historic Preservation Commission, which shall be raised by taxation in the same manner as other taxes.
- B. The Chief Financial Officer shall oversee all expenditures and purchases of the Historic Preservation Commission. In the Fall of each year, the Chief Financial Officer shall, at the direction of the Historic Preservation Commission, prepare a proposed budget for submission to the Mayor and Council for the next calendar year. The Chief Financial Officer shall keep track of all expenditures and revenues for the Historic Preservation Commission during the course of the budget year so that its expenditures are consistent with budgeted amounts and all revenues are accounted for.
- C. Expenditures of the Historic Preservation Commission are limited by its annual appropriation as approved by the Mayor and Council, and such funds it has from fees collected.
- D. All monies received by the Historic Preservation Commission shall be paid over to the Town Chief Financial Officer, and be held by him/her kept in a special fund, under the control of the Historic Preservation Commission and used only for appropriate expenses of the Historic Preservation Commission.

**SECTION 7.** All Ordinances or parts of Ordinances inconsistent herewith are repealed as to such inconsistencies.

**SECTION 8.** 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 11.** This Ordinance shall take effect upon final passage and publication according to law.

Vote all ayes  
Motion carried

A notice will be published in the February 19, 2014 edition of the Hunterdon Review. A public hearing will be held March 11, 2014.

**BANNER REQUEST – DOING CLINTON**

A motion was made by Mr. Carberry, seconded by Mr. Smith, to grant the request of the Independent Merchants and Businesses as requested. April 6 through April 14, 2014 promoting Doing Clinton Springtime!

Vote all ayes  
Motion carried

**CORRESPONDENCE**

1. NJDEP has issued a “construct only” permit for Well #16.



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2. Hazard Mitigation Grant update letter, direct to Mr. Phelan.
3. Notification from State of New Jersey Environmental Infrastructure Financing Program Authorization to Award contract to Reivax Construction Corp. for the low bid amount of \$1,059,133.60.
4. A letter received from Whitney Wetherill, 36 West Main Street, asking for clarification of three departments; DPW, Water and Sewer Departments, and two specific questions regarding separation of how these authorities are affected by the budget cap and do these departments have the ability to use employees interchangeably and if so, how does that appear in the budget.

Mayor Kovach explained that all three have separate budgets and are independent of each other, Current, Water and Sewer Department budgets, all operated by the Town. Kathy Olsen, CFO, explained the budget caps, the 2% levy and the appropriation cap levy at 2 ½ %. The CAP does not affect sewer and water utilities only the current budget. All employees are cross trained and are interchangeable.

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

### **Police Chief Matheis**

Chief Matheis commented on the good job of removing snow by our Department of Public Works. The Town is prepared for the upcoming snow with salt and fuel, another 8 – 10 inches are expected. The Chief met with the Fire Chief, Walt Dorf.

### **Richard Phelan, Business Administrator**

Mr. Phelan echoed the Chief's comments, a recent delivery of 75 tons of salt has the Town well prepared.

### **Kathy Olsen, CFO**

Mrs. Olsen asked Council to schedule Budget meetings. Council decided Tuesday, February 18 at 6 – 9 pm at the Clinton Fire House, March 13, 6 – 9 p.m. in the Council Room and if necessary, Sunday, March 23<sup>rd</sup> at 10:00 a.m. The Fire House on February 18 due to a Land Use Board meeting in the Council Room. Auditor Warren Korecky usually attends the last meeting, he will be asked to attend the meeting on Thursday, March 13.

### **Councilman Smith**

1. The Rescue Squad has sent a letter of thanks to the Mayor and Council for the generous 2013 donation of \$51,500.00. The Squad would like to discuss the need for two ambulances due for replacement in 2016. The Squad has contacted Clinton Township for them to replace one of them (they purchased one in 2005) and need to discuss another unit which is a \$200,000 expenditure. The Squad will be invited to attend an upcoming council meeting. The Squad reported 223 calls in January, 40 more than in December. 23 calls were in different communities.
2. Well #16 has been given the permit to start construction by the NJDEP.
3. Water Committee to meet Tuesday, February 18 at 8:00 a.m.
4. A potential litigation matter will be discussed in Executive Session this evening.

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5. A flier has been distributed on Main Street, never in Mr. Smith's 44 years of living in this Town has such a thing ever been done. This is a personal attack and all council members commented on the flier targeting Administrator, Mr. Phelan, for not addressing the snow situation on Main Street. Mr. Pendergast stated that the person who did this should own up to it, Mr. Shea said efforts were made to clean up, Ms. Sosidka said the flier is shocking and offensive and Mr. Rylak said it was a personal attack under the guise of snow.

#### **Councilman Shea**

1. Roads Committee reviewed resident's complaint about snow on the sidewalk on Halstead Street. There is a policy of curb to curb snow removal for Halstead Street because it is considered a major thoroughfare.
2. The Town is applying for a grant to repave Union Road.
3. Parking signs are being re-visited and a cost evaluation is being done.

#### **Councilwoman Sosidka**

1. Board of Health - Rabies Clinic was held January 18, 2014 with Clinton Township. 319 shots were given.
2. Website working well with e-mail blasts and updates.
3. The Town of Clinton is celebrating 150 year anniversary in 2015 and Ms. Sosidka is happy to announce that she has been asked to be on the committee as the Town liaison!

#### **Councilman Pendergast**

1. Fire Department reported 365 hours of volunteer time for the month of January.

A big thank you out to Kevin Olsen for his quick response when their water meter failed. Kevin was there in 10 minutes and fixed the problem.

Fire Department would like posted on the web site requesting residents to clear the fire hydrants in front of their property.

Fire Chief Walt Dorf and President Scott Wintermute will return to the February 25 Council Meeting to continue discussions regarding the purchase of a new pumper.

2. Sewer – The State of New Jersey has sent a letter regarding water quality testing at the Treatment Plant and considers the inspection now closed.

#### **Councilman Carberry**

1. Environmental Commission scheduled the River clean up for April 26, 2014 beginning at 9:00 a.m. The Commission is attempting to coordinate the clean up with the Water Authority who wishes to clear the pond behind the Treatment Plant of water chestnut growth. Spring is the best time to do so.

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2. Mayor Kovach asked Mr. Carberry to mention to the Commission to choose a member of the Green Team to work on the 2015 Celebration. They may gain notability for Sustainable Jersey. Mr. Carberry recommended Ms. Sosidka, a committee member already, speak with Veronique Lambert.

**Councilman Rylak**

1. Smart Growth is scheduled to meet on March 3.
2. Mr. Rylak asked about the Affordable Housing Committee. Mr. Phelan explained that there is little turn over on these units. There is a process of completing an application and being income qualified. The process to purchase can take up to six months. There is a current waiting list.

**STANDBY AND OVERTIME**

A motion was made by Mr. Carberry, seconded by Ms. Sosidka to approve the standby and overtime submitted for January 17 through January 30, 2014 attached to these minutes.

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

Vote all ayes  
Motion carried

**PAYMENT OF BILLS**

A motion was made by Mr. Carberry, seconded by Mr. Pendergast to approve the voucher list attached to these minutes, with the exception of a bill for Lebanon Borough, to be held until after Executive Session.

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

Vote all ayes  
Motion carried

**RESOLUTION #51-14 – CONTRACT NEGOTIATIONS/ 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 8:16 p.m.

Vote all ayes  
Motion carried

**RESOLUTION # 51-14**

**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

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**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: Land Acquisition OR the public

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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 8:58 p.m.

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

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