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

Flag Salute.

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

Absent - Sosidka

Attorney: Tara St. Angelo, in attendance

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 June 10, 2014 as submitted.

Vote all ayes Motion carried

APPROVAL OF EXECUTIVE SESSION MINUTES

A motion was made by Mr. Carberry seconded by Mr. Shea, to approve the Executive Session minutes of May 27, 2014 as submitted.

Vote all ayes
1 Abstention (Pendergast)
Motion carried

APPROVAL OF EXECUTIVE SESSION MINUTES

A motion was made by Mr. Carberry seconded by Mr. Smith, to approve the Executive Session minutes of June 10, 2014 as submitted.

Vote all ayes Motion carried

APPROVAL OF MONTHLY REPORTS – MAY

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

Administrator's Report, Clerk's Account, Cat & Dog Licensing Accounts, Construction Control/Inspection Report, Police Report, Road Foreman's Report, Sewer Collector's Report, Tax Collector's Report, Treasurer's Report, Water Collector's Report, Wastewater Treatment Plant Superintendent's Report, Zoning Officer's Report.

Vote all ayes Motion carried

PUBLIC COMMENT - None

MAYOR'S COMMENTS

Mayor Kovach addressed Council to the 2013 Annual Audit. All Council members have received copies for their review. Anyone with questions was directed to contact the auditor, Warren Korecky, of Suplee, Clooney & Company. No recommendations were made and Mr. Smith commended Kathy Olsen, CFO on a job well done! "It was nice not to have to read any of the chicken **** comments!"

RESOLUTION #92-14 – CHAPTER 159

A motion was made by Mr. Shea, seconded by Mr. Pendergast, to adopt Resolution #92-14 as submitted:

RESOLUTION – 92-14

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget and,

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount, and,

WHEREAS, the Town of Clinton has received \$4,660.22 from the State of New Jersey and wishes to amend its 2014 budget to include this amount as a revenue.

NOW THEREFORE, BE IT RESOLVED that the Mayor and Council of the Town of Clinton hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget for the year 2014 in the sum of \$4,660.22 which is now available as a revenue from:

Miscellaneous Revenues

Special Item of General Revenue Anticipated with Prior Written Consent of the Director of Local Government Services: Public and Private Revenues Off-Set with Appropriations: Clean Communities Program, and

BE IT FURTHER RESOLVED, that a like sum of \$4,660.22 is hereby appropriated under the caption of:

General Appropriations

(a) Operations Excluded from the .5% Cap
Public and Private Programs Off-Set by Revenues:
Clean Communities Program:
Other Expenses

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

Vote all ayes Motion carried

RESOLUTION #93-14 – DISCHARGE OF MORTGAGE – NIEZGODA TO VERGARA

A motion was made by Mr. Carberry, seconded by Mr. Smith, to adopt Resolution #93-14 as submitted:

RESOLUTION # 93 - 14 A RESOLUTION CONCERNING DISCHARGE OF AFFORDABLE HOUSING MORTGAGE

WHEREAS former Town of Clinton resident Robert Niezgoda, purchased a home at 22 Rolling Hill Road, Clinton, New Jersey, on April 26, 1999; and

WHEREAS this home was designated as an Affordable Housing unit in the Town of Clinton; and

WHEREAS pursuant to the State of New Jersey Department of Community Affairs, Division of Housing regulations, Robert Niezgoda executed a mortgage to the Town of Clinton Affordable Housing Authority which was recorded in Hunterdon County, New Jersey, on March 3, 1999 in Mortgage Book 1334 on page 436; and

WHEREAS Robert Niezgoda and Audrey Niezgoda, his wife, have now sold the home to Daniel Vergara and Maricar Vergara, who have executed a mortgage to the said Affordable Housing Authority;

NOW THEREFORE BE IT RESOLVED that the Mayor has the authority to execute a Discharge of the Mortgage given by Robert Niezgoda to the Town of Clinton Affordable Housing Authority.

Vote all ayes Motion carried

RESOLUTION #94-14 – LIQUOR LICENSE – QUICK CHEK

A motion was made by Mr. Carberry, seconded by Mr. Pendergast, to adopt Resolution #94-14 as submitted:

RESOLUTION # 94 -14

WHEREAS, the Town of Clinton Governing Body is in receipt of an Application for the renewal of PLENARY RETAIL DISTRIBUTION LICENSE #1005-44-001-003 for;

QUICK CHEK FOOD STORES/SHOPRITE LIQUORS 41, 41 ½ & 43 OLD HIGHWAY ROUTE 22 CLINTON, NEW JERSEY 08809

WHEREAS, the submitted application form is complete in all respects, fees have been paid and clearance has been received from the New Jersey Department of the Treasury;

NOW THEREFORE BE IT RESOLVED, that the Town of Clinton Governing Body does hereby approve, effective July 1, 2014, renewal of the above captioned license for the 2014-2015 year and that a copy of this Resolution be forwarded to the Division of Alcoholic Beverage Control.

Vote all ayes Motion carried

RESOLUTION #95-14 - LIQUOR LICENSE - SIDIROUNDA, L.L.C.

A motion was made by Mr. Shea, seconded by Mr. Carberry, to adopt Resolution #95-14 as submitted:

RESOLUTION # 95-14

WHEREAS, the Town of Clinton Governing Body is in receipt of an application for the renewal of PLENARY RETAIL CONSUMPTION LICENSE, #1005-33-003-007 for:

SIDIROUNDA, L.L.C. t/a T CLINTON HOUSE 2 WEST MAIN STREET CLINTON, NEW JERSEY 08809

WHEREAS, the submitted application form is complete in all respects, fees have been paid and clearance has been received from the New Jersey Department of the Treasury;

NOW THEREFORE BE IT RESOLVED, that the Town of Clinton Governing Body does hereby approve, effective July 1, 2014 renewal of the above captioned license for the 2014-2015 year and that a copy of this Resolution be forwarded to the Division of Alcoholic Beverage Control.

Vote all ayes Motion carried

RESOLUTION #96-14 – LIQUOR LICENSE – A HUNTS MILL ASSOCIATES LLC

A motion was made by Mr. Carberry, seconded by Mr. Pendergast, to adopt Resolution #96-14 as submitted:

RESOLUTION #96-14

WHEREAS, the Town of Clinton Governing Body is in receipt of an Application for the renewal of PLENARY RETAIL CONSUMPTION LICENSE (HOTEL/MOTEL EXCEPTION), #1005-36-004-009 for:

A HUNTS MILL ASSOCIATES LLC 111 ROUTE 173 CLINTON, NEW JERSEY 08809

WHEREAS, the submitted application form is complete in all respects, fees have been paid and clearance has been received from the New Jersey Department of the Treasury;

NOW THEREFORE, BE IT RESOLVED, that the Town of Clinton Governing Body does hereby approve, effective July 1, 2014, renewal of the above captioned license for the 2014-2015 year and that a copy of this Resolution be forwarded to the Division of Alcoholic Beverage Control.

Vote all ayes Motion carried

RESOLUTION #97-14 – 2014 P.B.A. SALARY RESOLUTION

A motion was made by Mr. Carberry, seconded by Mr. Rylak, to adopt Resolution #97-14 as submitted:

RESOLUTION #97-14 2014 SALARY RESOLUTION

BE IT ORDAINED by the Mayor and Town Council of the Town of Clinton in the County of Hunterdon and State of New Jersey as follows:

That the following position titles within the Town of Clinton in the County of Hunterdon, the respective salaries or compensation set forth below are hereby fixed as the maximum amounts to be paid for the year 2014:

POSITION	SALARY
	<u>2014</u>
Sergeant	102,374.32
Patrolman-First Class	93,921.39
Patrolman-Second Class	89,092.21
Patrolman-Third Class	84,262.99
Patrolman-Fourth Class	79,433.76
Patrolman-Fifth Class	76,604.54
Patrolman-Sixth Class	69,775.32
Patrolman-Seventh Class	69,946.10
Patrolman-Eighth Class	60,116.88
Patrolman-Ninth Class	55,287.66
Patrolman-Tenth Class	50,458.44
Patrolman-Eleventh Class	45,629.22
Recruit	40,800.00

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

Vote all ayes Motion carried

RESOLUTION #98-14 – TEAMSTERS 2014 SALARY RESOLUTION

A motion was made by Mr. Smith, seconded by Mr. Carberry to adopt Resolution #98-14 as submitted:

2014 SALARY RESOLUTION

BE IT ORDAINED by the Mayor and Town Council of the Town of Clinton in the County of Hunterdon and State of New Jersey as follows:

That the following position titles within the Town of Clinton in the County of Hunterdon, the respective salaries or compensation set forth below are hereby fixed as the maximum amounts to be paid for the year 2014:

POSITION	SALARY

D O O O TOTAL O D Y

Public Works Employee #1	\$28.78/HrHowie
Public Works Employee #2	22.60/HrPete
Public Works Employee #3	19.79/HrBobby
Public Works Employee #4	19.54/HrKevin

Public Works Employee #5	18.37/HrJerry
Public Works Employee #6	16.80/HrDrew
Public Works Employee #7	16.32/HrTravis
Public Works Employee #8	16.32/HrMatt
Public Works Employee #9	16.32/HrAndrew

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

Vote all ayes Motion carried

RESOLUTION #99-14 - PURCHASE/LEASE OF POLICE VEHICLE

A motion was made by Mr. Carberry, seconded by Mr. Pendergast, to adopt Resolution #99-14 as submitted:

RESOLUTION #99-14

WHEREAS, the Town of Clinton wishes to lease/purchase a Police Vehicle from an authorized vender under the Cranford Co-op Purchasing Program;

WHEREAS, the purchase of goods and services by local contracting units is authorized by the Local Public Contracts Law, N.J.S.A. 40A:11-12; and

WHEREAS, Beyer Fleet has been awarded the Cranford Co-op Contract #101 Item #8; and

WHEREAS, the purchasing agent recommends the utilization of this contract on the grounds that it represents the best price available; and

WHEREAS, the actual cost for the Police Vehicle is expected not to exceed \$38,100.00; and

WHEREAS, the Chief Financial Officer has certified the availability of \$13,462.00 under the 2014 Current Budget, Police Department, Other Expenses, and the balance pending funding in subsequent budgets.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Town Council of the Town of Clinton, that Beyer Fleet be awarded a contract for the lease/purchase of a Police Vehicle.

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

Vote all ayes Motion carried

PUBLIC HEARING OF ORDINANCE #14-08 - BOND ORDINANCE

A motion was made by Mr. Smith, seconded by Mr. Pendergast to open the public hearing of Ordinance #14-08:

ORDINANCE #14-08

BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS IN AND BY THE TOWN OF CLINTON, IN THE COUNTY OF HUNTERDON, NEW JERSEY, APPROPRIATING \$141,000 THEREFORE AND AUTHORIZING THE ISSUANCE OF

\$131,000 BONDS OR NOTES OF THE TOWN TO FINANCE PART OF THE COST THEREOF

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

Vote all ayes Motion carried

A motion was made by Mr. Carberry, seconded by Mr. Rylak, to adopt Ordinance #14-08 on second reading.

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

Vote all ayes Motion carried

PUBLIC HEARING OF ORDINANCE #14-09

A motion was made by Mr. Smith, seconded by Mr. Pendergast to open the public hearing of Ordinance #14-09:

ORDINANCE #14-09

CAPITAL ORDINANCE OF THE TOWN OF CLINTON, IN THE COUNTY OF HUNTERDON, STATE OF NEW JERSEY, AUTHORIZING THE MAKING OF IMPROVEMENTS IN, BY AND FOR THE TOWN OF CLINTON AND APPROPRIATING THEREFOR THE SUM OF \$35,000.00 FROM THE RESERVE FOR ROAD CONSTRUCTION IN THE CAPITAL IMPROVEMENT FUND

Vote all ayes Motion carried

There being no public comment, a motion was made by Mr. Pendergast, seconded by Mr. Carberry, 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 #14-09 on second reading.

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

Vote all ayes Motion carried

PUBLIC HEARING OF ORDINANCE #14-10

A motion was made by Mr. Pendergast, seconded by Mr. Carberry to open the public hearing of Ordinance #14-10:

ORDINANCE #14-10

CAPITAL ORDINANCE OF THE TOWN OF CLINTON SEWER UTILITY, IN THE COUNTY OF HUNTERDON, STATE OF NEW JERSEY, AUTHORIZING THE MAKING OF IMPROVEMENTS IN, BY AND FOR THE TOWN OF CLINTON SEWER UTILITY AND

APPROPRIATING THEREFOR THE SUM OF \$54,500.00 FROM THE SEWER CAPITAL IMPROVEMENT FUND RESERVE FOR FUTURE REPLACEMENTS

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

Vote all ayes Motion carried

A motion was made by Mr. Carberry, seconded by Mr. Rylak, to adopt Ordinance #14-10 on second reading.

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

Vote all ayes Motion carried

PUBLIC HEARING OF ORDINANCE #14-11

A motion was made by Mr. Carberry, seconded by Mr. Pendergast to open the public hearing of Ordinance #14-11:

ORDINANCE #14-11

CAPITAL ORDINANCE OF THE TOWN OF CLINTON WATER UTILITY, IN THE COUNTY OF HUNTERDON, STATE OF NEW JERSEY, AUTHORIZING THE MAKING OF IMPROVEMENTS IN, BY AND FOR THE TOWN OF CLINTON WATER UTILITY AND APPROPRIATING THEREFOR THE SUM OF \$107,000.00 FROM THE WATER RESERVE FOR CAPITAL IMPROVEMENTS AND RESERVE FOR PUBLIC WORKS EQUIPMENT

Vote all ayes Motion carried

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

Vote all ayes Motion carried

A motion was made by Mr. Smith, seconded by Mr. Pendergast, to adopt Ordinance #14-11 on second reading.

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

Vote all ayes Motion carried

BANNER REQUESTS

An application has been received from Joan Schaming requesting a banner be displayed promoting "Doing Clinton – A Fall Focus" from September 15 through September 22, 2014. A motion was made by Mr. Carberry, seconded by Mr. Shea, to approve the request for the September 20/21 event.

Vote all ayes Motion carried

CORRESPONDENCE

- 1. Angela Schwaikert-Hawes, Administrative Assistant in the Clerk's Office, is requesting a three month leave of absence under the Family Medical Leave Act beginning July 7, 2014 for the birth of her second child. Mayor and Council approved the request.
- 2. Frank Caroselli, President of the Clinton Sunrise Rotary, sent a letter to Mayor and Council notifying them that the Rotary is presenting a gift of the fitness trail equipment and installation at Hunts Mill Park. Once installation is complete, the Rotary is requesting permission to conduct a dedication ceremony which would be convenient to all interested parties. Mayor and Council gratefully accepted the letter and look forward to the project.
- 3. An invitation to attend a Summer Soiree, a toast to Clinton businesses! On the terrace of the Hunterdon Art Museum on Wednesday, June 25, 2014 from 6:30 to 8:30 p.m.

REPORTS FROM COUNCIL & TOWN OFFICIALS Kathy Olsen, CFO

1. Ms. Olsen posed a question for counsel as to a flat fee that can be charged for maintaining abandoned properties in Town regarding grass cuttings. Attorney St. Angelo will research and report back.

Councilman Smith

- 1. Rescue Squad reported 222 calls for the month of May, up 21 calls from 2013.
- 2. Building and Grounds Committee decision was made to remove the water fountain from the playground at the Community Center. Constantly filled with sand from parents washing children's toys. The fountain at the ball field will suffice for drinking water.
 - Community Center floors will be done, awaiting a schedule for refinishing.
 - Awaiting approval from the State Historic Preservation Office (SHPO) in their review of sketches from the architect for the Historic Leigh Mansion, Municipal Building repairs.
- 3. Water Committee Lebanon Borough Phase 1 water main replacement is near completion and has run smoothly. The \$7,500 escrow requested by the Borough has not been abused and remains in the escrow account.

 The Halstead Street Water Main Replacement Project is underway. The contractor is storing materials and their equipment on the State Water Authority property on Halstead Street near Route 31. The contractor entered into an agreement with the Water Authority, the Town of Clinton is not involved in that agreement.

Councilman Shea

1. Shade Tree – sponsoring a tree identification seminar at the North Branch of the County Library. The committee discussed the grinding of the stumps where at least 12 trees have been removed. Additional trees need to be cut down and at this time, there are not sufficient funds to grind the stumps. The Committee decided to wait until October, after storm season, before spending any additional funds.

2. Roads Committee – did not have a meeting in June due to conflicts. A meeting will be held in July.

Clerk Covino

Veteran's Day is Tuesday, November 11, 2014 causing a conflict for the Regular Council Meeting. Council chose to move the meeting to Wednesday, November 12, 2014.

Councilman Pendergast

- 1. Sewer Committee cancelled their June meeting and will reschedule for July.
- 2. Clinton Fire Department Clam Bake August 16, 2014, Jerry Butler will be cooking.
- 3. CFD Mr. Phelan has been working with the Fire Department and vendors in search of a fire truck. Two companies have submitted bids, first from Pierce and the other from Kovatch Mobile Equipment (KME). Mr. Pendergast would like to introduce a Bond Ordinance if Council is in agreement. Mr. Phelan would need to know how much if introducing a Bond Ordinance and Mr. Pendergast said an agreed amount of \$650,000 was previously discussed.

Councilman Carberry

1. Insurance – Mr. Carberry reported that he discussed fire department liability coverage with Caroline Conboy, Insurance Agent, and Mr. Phelan and found that some policies may have duplicate coverage. Substantial savings may be seen.

Councilman Rylak

1. Smart Growth Committee is preparing a survey for residents. Folks are interested but wish to remain anonymous.

STANDBY AND OVERTIME

A motion was made by Mr. Pendergast, seconded by Mr. Carberry to approve the standby and overtime submitted for June 6 through June 19, 2014 attached to these minutes.

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

Vote all ayes Motion carried

PAYMENT OF BILLS

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

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

Vote all ayes Motion carried

RESOLUTION #100-14 - POTENTIAL LITIGATION - CONTRACT NEGOTIATIONS

A motion was made by Mr. Pendergast, seconded by Mr. Rylak, to enter into Executive Session to discuss a matter of potential litigation and contract negotiations at 8:02 p.m.

Vote all ayes Motion carried

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;
XPending 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:
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 8:39 p.m.
Cecilia Covino, RMC/CMC Town Clerk
Mayor Janice Kovach