

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 Mr. Smith, to approve the minutes of September 9, 2014 as submitted.

Vote all ayes
Motion carried

APPROVAL OF MONTHLY REPORTS – AUGUST

A motion was made by Mr. Smith seconded by Mr. Pendergast to accept the monthly reports for the month August as submitted: Wastewater Treatment Plant and Treasurer’s Report.

Vote all ayes
Motion carried

PUBLIC COMMENT

Frank Setnicky, Chief of the Clinton First Aid and Rescue Squad; Joe Olivo, Squad President; and Scott Wintermute of the Clinton Fire Department, attended this evenings meeting to present their plans for their upcoming anniversaries with a joint parade! The Fire Department is celebrating their 150th in 2017 and the Rescue Squad is celebrating their 50th in 2018. Their plans are for May 20, 2017 with a big parade and a huge party at Hunts Mills Park! More details to follow in upcoming months. The gentlemen have already spoken with Chief Matheis to outline a new parade route. Stay tuned for updates!

MAYOR’S COMMENTS

1. Notification from State of New Jersey Department of Environmental Protection for project to improve stormwater quality associated with wet weather events in the Borough of Califon.
2. 1759 Vought House lecture and tour, October 5, 2014, tickets available through Hunterdon300th.org
3. Freedom House Outpatient Services having a Ribbon Cutting Tuesday, October 7, 2014 at the Wellness Center.

PROCLAMATION

1. Proclamation declaring October as Domestic Violence Awareness Month in partnership with SAFE in Hunterdon.
2. National Public Lands Day proclaiming Saturday, September 27, 2014 as the 21st day of observance.

ORDINANCE #14-12 and ORDINANCE #14-13 – WATER

A meeting is being arranged with representatives from Clinton Township, Union Township and High Bridge Borough, for the Town of Clinton to explain the proposed ordinances. Adoption of #14-12 and #14-13 are hereby tabled.

INTRODUCTION OF BOND ORDINANCE #14-18 – HALSTEAD STREET IMPROVEMENTS

A motion was made by Mr. Carberry, seconded by Ms. Sosidka, to introduce Bond Ordinance #14-18 on first reading as submitted:

BOND ORDINANCE #14-18

BOND ORDINANCE PROVIDING FOR THE HALSTEAD STREET ROAD IMPROVEMENT PROJECT IN AND BY THE TOWN OF CLINTON, IN THE COUNTY OF HUNTERDON, NEW JERSEY, APPROPRIATING \$290,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$120,000 BONDS OR NOTES OF THE TOWN TO FINANCE PART OF THE COST THEREOF.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CLINTON, IN THE COUNTY OF HUNTERDON, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section 1. The improvement described in Section 3(a) of this bond ordinance is hereby authorized to be undertaken by the Town of Clinton, in the County of Hunterdon, New Jersey (the "Town") as a general improvement. For the improvement or purpose described in Section 3(a), there is hereby appropriated the sum of \$290,000, including the \$170,000 grant from the State of New Jersey Department of Transportation (the "State Grant"). Pursuant to N.J.S.A.

40A:2-11(c), no down payment is provided for the costs of the improvement since the project described in Section 3(a) hereof is being partially funded by the State Grant.

Section 2. In order to finance the cost of the improvement or purpose not covered by application of the State Grant, negotiable bonds are hereby authorized to be issued in the principal amount of \$120,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvement hereby authorized and the purpose for the financing of which the bonds are to be issued is the Halstead Street Road Improvement Project, including all work and materials necessary therefor and incidental thereto.

(b) The estimated maximum amount of bonds or bond anticipation notes to be issued for the improvement or purpose is as stated in Section 2 hereof.

(c) The estimated cost of the improvement or purpose is equal to the amount of the appropriation herein made therefor.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no bond anticipation note shall mature later than one year from its date. The bond anticipation notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with bond anticipation notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the bond anticipation notes shall be conclusive evidence as to all such determinations. All bond anticipation notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law. The chief financial officer is hereby authorized to sell part or all of the bond anticipation notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next

succeeding the date when any sale or delivery of the bond anticipation notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained and the name of the purchaser.

Section 5. The Town hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Town is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvement or purpose described in Section 3(a) of this bond ordinance is not a current expense. It is an improvement or purpose that the Town may lawfully undertake as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The period of usefulness of the improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 10 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Town as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$120,000, and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$45,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement.

Section 7. The Town hereby declares the intent of the Town to issue bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use the proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3(a) of this bond ordinance. This Section 7 is a declaration of intent within the meaning and for purposes of Treasury Regulations.

Section 8. Any grant moneys received for the purpose described in Section 3(a) hereof shall be applied either to direct payment of the cost of the improvement or if other than as referred to in Section 1 hereof, to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 9. The chief financial officer of the Town is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Town and to execute such disclosure document on behalf of the Town. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Town pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the ARule@) for the benefit of holders and beneficial owners of obligations of the Town and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Town fails to comply with its undertaking, the Town shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 10. The full faith and credit of the Town are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Town, and the Town shall be obligated to levy *ad valorem* taxes upon all the taxable real property within the Town for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 11. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

Vote all ayes
Motion carried

A copy of this ordinance will be published in the October 1, 2014 edition of the Hunterdon Review. A public hearing will be held October 14, 2014.

INTRODUCTION OF ORDINANCE #14-19 – ESTABLISH NEW CHAPTER 86

A motion was made by Mr. Carberry, seconded by Mr. Smith, to introduce Ordinance #14-19 as submitted:

ORDINANCE NO.14-19

AN ORDINANCE TO AMEND AND SUPPLEMENT
THE CODE OF THE TOWN OF CLINTON TO ESTABLISH A NEW CHAPTER, 86,
ENTITLED “INTOXICATED DRIVERS--PROTECTIVE CUSTODY”

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

Section 1. Chapter 86, “Intoxicated Drivers--Protective Custody,” Established.

The Code of the Town of Clinton is hereby amended and supplemented by the addition thereto of a new chapter, 86, entitled “Intoxicated Drivers--Protective Custody,” to read as follows:

86. PROTECTIVE CUSTODY OF INTOXICATED DRIVERS

§86-1 Findings.

Pursuant to N.J.S.A. 39:4-50.22, commonly known as “John’s Law,” a law enforcement agency that has arrested a person for a violation of N.J.S.A. 39:4-50, “Driving While Intoxicated,” may impound an arrestee’s vehicle and release the arrestee into the care of an individual summoned to transport or accompany the arrestee from the premises of the law enforcement agency in order to

ensure that the arrestee does not again operate a motor vehicle while under the influence. When an arrestee is unable to summon an individual to transport or accompany the arrestee from the premises of the law enforcement agency, the arrestee may present a danger to himself or others if provisions are not made to hold the arrestee in protective custody. Pursuant to N.J.S.A. 40:48-1(34) and 40:48-1.3, a municipality is authorized to enact an ordinance providing that a person who has been arrested for “Driving While Intoxicated” in violation of N.J.S.A. 39:4-50 may be held in protective custody at an appropriate police or other facility for up to eight (8) hours. The Hunterdon County Jail is an appropriate facility in which to maintain an arrestee until the arrestee is no longer a danger to himself or others. The Mayor and Council find and declare that the implementation of this chapter furthers the protection of the public health, safety and welfare.

§86-2 Protective Custody Required; Release.

Any person arrested for a violation of the provisions of N.J.S.A. 39:4-50 shall be held in protective custody at an appropriate police or other facility, including but not limited to the Hunterdon County Jail, where the person’s condition may be monitored until the person is no longer a danger to himself or others, at which time the person shall be released from protective custody, or until he is released to the custody of an individual who can accompany him or transport him in a responsible manner. A person is no longer considered a danger to himself or others when the person’s blood alcohol concentration is less than 0.05% and the person is no longer under the influence of any intoxicating liquor or narcotic or hallucinogenic or habit-forming drug to the extent that the person’s faculties are impaired. In no event shall a person be held in protective custody for a period of longer than eight (8) hours without being provided an appropriate hearing.

§86-3 Exceptions; Liability.

Notwithstanding the provisions of this chapter, provided that it is not a detriment to public safety, the Police Department may, because of the age, health, or safety of the arrestee, release the arrestee pursuant to the provisions of N.J.S.A. 39:4-50.22, or provide an alternative to protective custody. The Town shall not be subject to liability if a person is released from protective custody pursuant

to the provisions of this chapter.

§86-4 Use of State Police Facilities.

Nothing in this chapter shall be construed as requiring the use of New Jersey State Police facilities by the Town for the purposes of this chapter.

§86-5 Incorporation of Statute.

The provisions of N.J.S.A. 39:4-50.22, as may be amended from time to time, are hereby incorporated into, and are deemed to be a part hereof.

Section 2. Repealer.

All ordinances and resolutions or parts thereof inconsistent with this ordinance are repealed.

Section 3. Severability.

If any section, paragraph, subsection, clause or provision of this ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provision so adjudged and the remainder of this ordinance shall be valid and enforceable.

Section 4. Effective Date.

This ordinance shall take effect upon passage, publication and as provided by law.

Vote all ayes
Motion carried

Councilman Rylak questioned the necessity of this ordinance as to mandatory jail time. Chief Matheis stated that if a person is found to be under the influence, attempts to reach a reliable person that can pick up the intoxicated will be made. If a reliable person cannot be reached, the intoxicated person shall be transported to the Hunterdon County jail for up to eight (8) hours. Chief Matheis also stated that the Hunterdon County Prosecutor recommends Towns adopting such an ordinance.

A copy of this ordinance will be published in the October 1, 2014 edition of the Hunterdon Review and a public hearing will be held October 14, 2014.

RESOLUTION #119-14 – MUNICIPAL LIENS

A motion was made by Mr. Carberry, seconded by Mr. Pendergast, to adopt Resolution #119-14 as submitted:

RESOLUTION # 119-14

WHEREAS Section 45 BRUSH, GRASS, AND WEEDS, of the Town of Clinton Code Book requires that certain aspects of a homeowners property be maintained as to not create a concern to the public, welfare and safety or constitute a fire hazard; and,

WHEREAS the code states that all grass and weeds must be maintained so as not be greater than 3 inches in height; and,

WHEREAS the Code Enforcement Official is authorized to enforce Section 45 by notifying residents of a violation and allowing ten (10) days to abate a violation; and,

WHEREAS of the owner of said property does not abate the problem within ten (10) days after receipt of the notice, a provision in the Section allows for the Public Works/ Business Administrator to reinspect the lands in question and report to Council at its next regular meeting the condition complained of, and

WHEREAS the Public Works/ Business Administrator shall cause the condition complained of to be abated and certify to the Mayor and Council, the cost charged which shall become a lien upon the lands and be added to become a part of taxes next to be assessed and levied upon the lands and shall bear interest at the same rate as taxes and be collected and enforced by the same officer and in the same manner as taxes.

NOW, THEREFORE, BE IT RESOLVED, that steps to abate conditions as stated in Section 45 to the following properties have been remedied by the Town of Clinton Public Works Department and the liens on the respective fees be assessed to the said properties are as follows:

TOTAL AMOUNT

31 West Main Street	Block 25, Lot 15	\$168.00
42 West Main Street	Block 6, Lot 12	\$134.00

BE IT FURTHER RESOLVED that the Mayor and Council have reviewed documentation and approve the liens to be assessed as presented. Certified copies of this resolution shall be presented to the Town of Clinton Tax Assessor and Tax Collector.

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

Vote all ayes
Motion carried

RESOLUTION #120-14 – CURFEW

Council discussed the annual curfew and Mr. Cushing recommended the curfew be on a volunteer basis. Chief Matheis explained that the Town has not had problems in recent years but there was a time that loitering was a problem.

RESOLUTION #120-14

WHEREAS, the period immediately prior and subsequent to Halloween, and the holiday time period commencing October 10 and continuing through November 7, 2014, a time when persons under the age of eighteen and others often engage in mischief, acts of vandalism, and other petty disorderly offenses which are harmful to and interfere with the rights of citizens to use the streets and public areas of the Town of Clinton; and

WHEREAS, the Chief of Police of the Town of Clinton has determined, after due investigation and deliberation, that the incidence of juvenile delinquency within the Town will or may reach such a level of frequency or severity so as to present a clear and present danger to the public peace, safety, health, morals and welfare of the Town; and

WHEREAS, the Chief of Police has studied and evaluated to question of the public safety and health in the Town of Clinton and has determined that the safety of the public and the welfare of juveniles will be enhanced if a nocturnal curfew is imposed limiting the ability of persons under the age of eighteen to use the streets and public areas of the Town of Clinton.

WHEREAS, Chapter 60 of the Ordinance of the Town of Clinton authorizes the imposition of a curfew.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Town of Clinton, Hunterdon County, New Jersey, as follows:

- (A) Based on an oral report submitted to the Mayor and Council by the Chief of Police, the Mayor and Council hereby declare that a temporary emergency exists in the Town of Clinton during the period from Friday, October 10, 2014, up to and including Friday, November 7, 2014; and
- (B) The Mayor and Council do hereby declare a curfew commencing at 9:00 p.m. October 10, 2014, up to and including 6:00 a.m. November 7, 2014. The terms of the curfew shall be consistent with Chapter 60 of the Code of the Town of Clinton.
- (C) Notice of this curfew shall be posted in accordance with Section 60-8 of the Ordinance of the Town of Clinton in such places as may be designated by the Chief of Police so as to give all interested parties notice of the imposition of the curfew.

A motion was made by Mr. Carberry, seconded by Mr. Smith, to adopt Resolution #120-14 as submitted. Mr. Rylak was opposed to the resolution and goes on record to call it unconstitutional.

Vote all ayes
1 Nay (Rylak)
Motion carried

2015 PROFESSIONALS – REQUEST FOR PROPOSALS

Mayor Kovach stated that the Town did not go out for proposals in 2014 and asked Council's opinion for 2015. A motion was made by Mr. Smith, seconded by Mr. Carberry, to go through the Fair and Open process for 2015.

Vote all ayes
Motion carried

CORRESPONDENCE

1. Clinton First Aid and Rescue Squad thanking Town Council for their generous donation.
2. Vince Cardarelli, representing the eleven homeowners that comprise the Pine Ridge Homeowners Association, sent a letter with reference to discussions at a recent Council meeting regarding the maintenance and repairs to the road in the circular road known as Georges Place Extension. The Road Committee will re-visit the issue at an upcoming roads committee meeting.

REPORTS FROM COUNCIL & TOWN OFFICIALS

Chief R. Brett Matheis

Congratulations to Sgt. Hunter and Sgt. Kubinak for winning the Golden Paddle at the Canoe Races held September 21, 2014!

Kathy Olsen, CFO

1. Best Practices survey has been distributed to all Council members for their review and discussion at the October 14, 2014 Council Meeting.
2. Attended the GFOA (Government Finance Officers Association) conference. All municipalities will be responsible for completing and submitting the user friendly budget in 2015.

Councilman Smith

1. Buildings and Grounds – New railings for the Municipal Building have been ordered and will be installed early October.

Received prices for parking lot maintenance such as seal coating the lots, prices came in around \$20,000.

Discussed removing the shrubbery from around the Municipal Building, they retain moisture causing rot and insect problems.

Repairs for the salt barn have been examined and a new type of block, called Mafia Blocks, have been discussed. They are very reasonable and extremely heavy 6 ft. x 2ft x 2ft.

2. Water Committee – Tara St. Angelo, from Gebhardt & Keifer, drew up an excellent summary of our meeting with Department of Environmental Protection.

The Halstead Street Water Main project continues, however, the contractor, Reivax, had an incident where their dump truck tires were not braced adequately and the emergency brake failed. Their truck rolled down the embankment and into the river. The Fire Department and Hazmat responded, luckily no one was hurt and no contamination in the river.

Phase I of the Lebanon project is complete and final pavement will be done in the Spring. Phases 2 – 5 will depend on meetings regarding the water ordinance.

Water Engineers, Suburban Consulting, have completed the GPS locator survey on all hydrants. The Fire Company originally requested this and it has proven to be an excellent source of information. Hydrant data is available on every hydrant.

Other updates are completing the emergency generator installation at Well 11 and continuing work on the Master Plan for the Water Department.

Councilman Shea

1. Shade Tree Commission - some large limbs over the playground have been cut down as well as a split tree on Spruce Run Road. Shade Tree funds have been dwindling but there still remains about \$3,000, funds that are reserved for storms in the Fall. If funds are not needed for storm damage, the Commission will continue with addressing areas of need.
2. The Shade Tree submitted a request to the Green Team on the State level through a program at TCNJ, where they will offer college student volunteers to do the tree inventory. It is currently scheduled for Saturday, October 11, 2014. The trees circumference must be measured and the types of trees will be determined.
3. Mr. Shea commended Sean Rogan on another wonderful event! The Canoe Races were a lot of fun on September 21, 2014 and he hopes to continue the tradition as well as bringing back the ol' Huck Finn Days!

Councilwoman Sosidka

1. The Board of Recreation has a wonderful new group of volunteers for the Town Picnic! Already planning next year's picnic and thinking of additional ideas!

The Community Center floors are being re-done through the beginning of October.

Two new members have been appointed to the Board of Recreation; Maria Valenta of Fairview and Robert Russell of Lingert Avenue.

2. 150th Committee will be meeting Wednesday, September 24, 2014. After a summer of not meeting, the group has continued working individually and will be picking up and running with plans for a big birthday year for Clinton!
3. Historic Commission has been going through old photos preparing for a photo display for the 150th Celebration. The Historic Commission is in the process of planning events for next year.

Councilman Pendergast

1. Clinton Fire Department - An application has been received for membership:

Taylor Lynn Cowan
North Slope

A motion was made by Mr. Pendergast, seconded by Ms. Sosidka, to accept the application as submitted.

Vote all ayes
Motion carried

Councilman Carberry

1. Insurance – continue to review the Clinton Fire Department’s insurance, it appears they may be paying for duplicate coverage. Arranging a meeting to stream line their insurance within the next week.

STANDBY AND OVERTIME

A motion was made by Mr. Smith, seconded by Mr. Pendergast to approve the standby and overtime submitted for August 29 through September 11, 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. Pendergast, seconded by Ms. Sosidka to approve the voucher list attached to these minutes.

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

Vote all ayes
Motion carried

ADJOURNMENT: There being no further business, a motion was made by Ms. Sosidka seconded by Mr. Shea to adjourn the meeting at 8: 24 p.m.

Cecilia Covino, RMC/CMC
Town Clerk

Mayor Janice Kovach