

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

Flag Salute.

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

STATEMENT OF ADEQUATE NOTICE:

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

APPROVAL OF MINUTES

A motion was made by Mr. Carberry seconded by Mr. Smith to approve the minutes of October 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 October 28, 2014 as submitted.

Vote all ayes
Motion carried

APPROVAL OF MONTHLY REPORTS – OCTOBER

A motion was made by Mr. Carberry seconded by Mr. Smith to accept the monthly reports for the month October 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, Water Collector’s Report, Zoning Officer’s Report.

Vote all ayes
Motion carried

PUBLIC COMMENT - None

MAYOR’S COMMENTS

1. Mayor Kovach asked Council to discuss a date for the 2015 Re-organization meeting. In an effort to kick off the 150th Celebration of the Town of Clinton, the re-org meeting will be held at the Clinton Fire Department on Sunday, January 4, 2015 at 11:00 a.m. Residents and dignitaries will be invited to the meeting with a brunch reception to follow.

SPECIAL EVENT – 28TH ANNUAL CHRISTMAS PARADE

A motion was made by Mr. Smith, seconded by Mr. Carberry, to approve the 28th Annual Clinton Guild Christmas Parade as requested for Friday, December 5, 2014.

Vote all ayes
Motion carried

BANNER REQUEST – ONE SPIRIT FESTIVAL

A motion was made by Mr. Carberry, seconded by Ms. Sosidka, to approve the banner request to display banner April 27 through May 4, 2015. There is no charge for this banner due to their recent event being cancelled at the Community Center to have the floors refinished.

Vote all ayes
Motion carried

RESOLUTION #133-14 – RISK MANAGEMENT CONSULTANT

A motion was made by Mr. Carberry seconded by Mr. Pendergast to adopt Resolution #133-14 as submitted:

RESOLUTION # 133-14

RESOLUTION APPOINTING RISK MANAGEMENT CONSULTANT

WHEREAS, the Town of Clinton (hereinafter “Local Unit”) has joined the Statewide Insurance Fund (hereinafter “Fund”), a joint insurance fund as defined in N.J.S.A. 40A:10-36 *et seq.*; and

WHEREAS, the Bylaws require participating members to appoint a Risk Management Consultant, as those positions are defined in the Bylaws, if requested to do so by the “Fund”; and

WHEREAS, the Local Unit has complied with relevant law with regard to the appointment of a Risk management Consultant; and

WHEREAS, the “Fund” has requested its members to appoint individuals or entities to that position; and

NOW, THEREFORE, BE IT RESOLVED by the governing body of “Local Unit”, in the County of Hunterdon and State of New Jersey, as follows:

1. The Town of Clinton hereby appoints Caroline Conboy its local Risk Management Consultant.
2. Richard P. Phelan and Risk Management Consultant are hereby authorized to execute the Risk Management Consultant’s Agreement for the year 2015 in the form attached hereto.

**2015 FUND YEAR
STATEWIDE INSURANCE FUND**

RISK MANAGEMENT CONSULTANT’S AGREEMENT

THIS AGREEMENT entered into this 12th day of November, 2014, among the Statewide Insurance Fund (“FUND”), a joint insurance fund of the State of New Jersey, The Town of Clinton (“MEMBER”) and Caroline Conboy (“CONSULTANT”) through a fair and open process, pursuant to N.J.S.A.19:44A-20.4.

WHEREAS, the CONSULTANT has offered to the MEMBER professional risk management consulting services as required by the Bylaws of the FUND; and

WHEREAS, Caroline Conboy has advised the FUND that she is familiar with the terms, conditions and operations of the FUND; and

WHEREAS, the Town of Clinton desires these professional services from Caroline Conboy; and

WHEREAS, the Town of Clinton has complied with relevant law in regard to the appointment of a Risk Management Consultant; and

WHEREAS, the Bylaws of the FUND require that members engage a CONSULTANT and that the CONSULTANT comply with certain requirements set forth therein.

NOW, THEREFORE, the parties in consideration of the mutual promises and covenants set forth herein, agree as follows:

1. For and in consideration of the amount stated hereinafter, the CONSULTANT shall:
 - (a) assist in evaluating the MEMBER'S exposures and advise on matters relating to the Member's operation and coverage.
 - (b) explain to the MEMBER, or its representatives, the various coverages available from the FUND.
 - (c) explain to the MEMBER, or its representatives, the terms of the member's commitment and obligations to the FUND.
 - (d) explain to the MEMBER, or its representatives the operation of the FUND.
 - (e) prepare applications, statements of values, etc., on behalf of the MEMBER, if required by the FUND.
 - (f) review the MEMBER'S assessment and assist in the preparation of the MEMBER'S insurance budget.
 - (g) review losses and engineering reports and provide assistance to the MEMBER'S safety committee, if required.
 - (h) assist in the claims settlement process, if required, by MEMBER or FUND.
 - (i) attend the majority of meetings of the Fund Commissioners or Executive Committee, if requested, and perform such other services as required by the MEMBER or the FUND.
 - (j) comply with the obligations imposed upon Risk Managers in the FUND's Bylaws.
 - (k) act in good faith and fair dealing to the FUND.
 - (l) perform other duties for the FUND as may be required from time to time by the FUND.
2. In exchange for the above services, the CONSULTANT shall be compensated in the following

manner:

- (a) The CONSULTANT shall be paid by the FUND, on behalf of the MEMBER, a fee as compensation for services rendered. Said fee, an apportionment of the MEMBER's assessment: 6% of workers' compensation (excluding any fees, PLIGA, and loss ratio apportionment); 7.5% of all lines assessment (excluding any fees, PLIGA, and loss ratio apportionment); and 10% of Selective umbrella assessment (excluding fees, PLIGA and administrative expenses).
- (b) The CONSULTANT shall be entitled to compensation for services provided during any calendar year only if the CONSULTANT has been appointed and holds the position of Risk Management Consultant, as of January 31 of the said calendar year for counties and municipalities holding general elections and July 30 for municipalities holding regular elections.
- (c) For any insurance coverages authorized by the MEMBER to be placed outside the FUND, the CONSULTANT shall receive as compensation the normal brokerage commissions paid by the insurance company. The premiums for said policies shall not be added to the FUND's assessment in computing the fee set forth in 2(a).

If the MEMBER shall require of the CONSULTANT extra services other than those outlined above, the CONSULTANT shall be paid by the MEMBER a fee at a rate to be negotiated by the parties. The term of this Agreement shall be from **January 1, 2015 to January 1, 2016**. However, this Agreement may be terminated by either party at any time by mailing to the other thirty (30) days written notice, certified mail return receipt.

3. The CONSULTANT shall comply with all laws applicable to producers who provide insurance products to public entities and shall comply with all applicable statutes and regulations relating to joint insurance funds.
4. The CONSULTANT agrees to comply with all affirmative action laws applicable in accordance with Exhibit A and to submit all necessary documentation establishing compliance within seven (7) days of this Agreement.

Vote all ayes
Motion carried

RESOLUTION #134-14 – RENEW JOINT FUND

A motion was made by Mr. Carberry, seconded by Mr. Pendergast, to adopt Resolution #134-14 as submitted:

**STATEWIDE INSURANCE FUND
RESOLUTION #134-14**

RESOLUTION TO JOIN (RENEW) THE FUND

WHEREAS, a number of local units have joined together to form the Statewide Insurance Fund ("FUND"), a joint insurance fund, as permitted by N.J.S.A. 40A:10-36, *et seq.*; and

WHEREAS, the Town of Clinton (“LOCAL UNIT”) has complied with relevant law with regard to the acquisition of insurance; and

WHEREAS, the statutes and regulations governing the creation and operation of joint insurance funds contain elaborate restrictions and safeguards concerning the safe and efficient administration of such funds; and

WHEREAS, the LOCAL UNIT has determined that membership in the FUND is in the best interest of the LOCAL UNIT.

WHEREAS, the LOCAL UNIT agrees to be a member of the FUND for a period of three (3) years, effective from **January 1, 2015** terminating on **January 1, 2018** at 12:01 a.m. standard time; and

WHEREAS, the LOCAL UNIT has never defaulted on claims, if self-insured, and has not been canceled for non-payment of insurance premiums for two (2) years prior to the date of this Resolution.

NOW, THEREFORE, BE IT RESOLVED that the LOCAL UNIT does hereby agree to join the Statewide Insurance Fund; and

BE IT FURTHER RESOLVED that to the extent required by law, the Local Unit shall provide notice of the Indemnity and Trust Agreement to the Office of the State Comptroller; and

BE IT FURTHER RESOLVED that the LOCAL UNIT will be afforded the following coverage(s) as marked “Yes”:

	<u>YES</u>		<u>NO</u>	
Workers’ Compensation & Employer’s Liability	<input type="checkbox"/>		<input type="checkbox"/>	
Liability, Property, Crime-Faithful Performance and Fidelity, Inland Marine, Boiler and Machinery, Comprehensive General Liability, Auto Liability, Auto Physical Damages and Professional Liability	<input type="checkbox"/>		<input type="checkbox"/>	
Pollution Liability	<input type="checkbox"/>		<input type="checkbox"/>	
Umbrella	<input type="checkbox"/>		<input type="checkbox"/>	

BE IT FURTHER RESOLVED that Richard P. Phelan is hereby appointed as the LOCAL UNIT’s Fund Commissioner and is authorized to execute the application for membership and the accompanying certification on behalf of the LOCAL UNIT; and

BE IT FURTHER RESOLVED that the LOCAL UNIT’s Fund Commissioner is authorized and directed to execute the Indemnity and Trust Agreement and such other documents signifying the membership in the FUND as required by the FUND’s Bylaws and to deliver same to the Administrator of the FUND with the express reservation that said documents shall become effective only upon the LOCAL UNIT’s admissions to the FUND following approval of the FUND by the New Jersey Department of Banking and Insurance.

INDEMNITY AND TRUST AGREEMENT

THIS AGREEMENT made this 12th day of November , 2014, in the County of Morris, State of New Jersey, by and between the Statewide Insurance Fund (hereinafter “FUND”), and The Town of Clinton in the County of Hunterdon, a duly constituted local unit of government (hereinafter “LOCAL UNIT”);

WHEREAS, two or more local units have collectively formed a joint insurance fund as such an entity is authorized and described in N.J.S.A. 40A:10-36 et seq.; and

WHEREAS, the LOCAL UNIT has agreed to become a member of the FUND in accordance with and to the extent provided for in the Bylaws of the FUND and in consideration of such obligations and benefits to be shared by the membership of the FUND; and

WHEREAS, the LOCAL UNIT has complied with relevant law with regard to the acquisition of insurance;

NOW, THEREFORE, it is agreed as follows:

1. The LOCAL UNIT, upon entering the FUND, agrees to be bound by and to accept and comply with each and every provision of the FUND's Bylaws, Risk Management Program, as it applies to the LOCAL UNIT and the applicable statutes and administrative regulations pertaining to joint insurance funds.

2. The LOCAL UNIT agrees to participate in the FUND with respect to those coverage listed in the LOCAL UNIT's "Resolution to Join" in accordance with the FUND's Bylaws and Risk Management Program.

3. The LOCAL UNIT agrees to become a member of the FUND until **January 1, 2018**, at 12:01 a. m. eastern standard time. The commencement date shall be the effective date as established by the FUND's Bylaws and policies.

4. The LOCAL UNIT certifies that it has not been canceled for non-payment of insurance premiums for a period of at least two (2) years prior to the date hereof, or, if self-insured, that it has never defaulted on any claims.

5. In consideration of membership in the FUND, the LOCAL UNIT agrees that it shall jointly and severally assume and discharge the liability of each and every member of the FUND in accordance with statute and regulation, and by execution hereof the full faith and credit of the LOCAL UNIT is pledged to the punctual payment of any sums which shall become due to the FUND in accordance with the Bylaws thereof, this Agreement or any applicable statute or regulation.

6. If the FUND, in the enforcement of any part of this Agreement, shall incur necessary expense or become obligated to pay attorney's fees and/or court costs, the LOCAL UNIT agrees to reimburse the FUND for all such reasonable expenses, fees and costs on demand.

7. The LOCAL UNIT and the FUND agree that the FUND shall hold in trust all monies paid by the LOCAL UNIT to the FUND and those monies will be used in accordance with all applicable statutes, the FUND's Bylaws and the Risk Management Program.

8. If required by the Commissioner of Insurance or applicable statutes or regulations, the FUND shall establish separate trust fund accounts in accordance with N.J.S.A. 40A:10-36, et seq. and any other statutes or regulations that may be applicable. Said trust accounts shall be used solely for the payment of claims made against members of the FUND, excess insurance premiums and/or the administration of the FUND, or for such other purposes as now or hereunder permitted by statute or regulation.

9. Each LOCAL UNIT which shall become a member of the FUND shall be obligated to execute an agreement similar in form to this Agreement.

10. To the extent required by law, the LOCAL UNIT shall provide notice of this Agreement to the Office of the State Comptroller.

Vote all ayes
Motion carried

RESOLUTION #135-14 – TRANSFER OF FUNDS

A motion was made by Mr. Smith, seconded by Mr. Pendergast, to adopt Resolution # 135-14 as submitted:

RESOLUTION #135-14

WHEREAS, it has been determined that there will be excesses in certain appropriations over and above the amount deemed to be necessary to fulfill the purpose of such appropriations for the year 2014, and it has also been determined that certain appropriations are deemed to be insufficient to fulfill the purposes of such appropriations; and

WHEREAS, N.J.S.A. 40A:4-58 provides for the transfer of the amount of such appropriations as may be deemed in excess to such appropriations as may be deemed to be insufficient; and

WHEREAS, the transfers about to be authorized do not affect any appropriations, to which or from which transfer are prohibited under the statutes;

NOW, THEREFORE, BE IT RESOLVED that the following transfers between 2014 appropriations be authorized pursuant to N.J.S.A. 40A:4-58:

	<u>From</u>	<u>To</u>
Electricity – Other Expenses	\$ 5,000.00	
Street Lighting – Other Expenses	\$ 750.00	
Maintenance of Parks – Other Expenses	\$ 5,000.00	
Mayor & Council – Other Expenses	\$ 700.00	
Buildings and Grounds – Other Expenses	\$ 5,000.00	
Streets & Roads – Other Expenses		\$ 10,000.00
Web Page/Newsletter – Other Expenses		\$ 700.00
Vehicle Maintenance – Other Expenses		\$ 5,000.00
Tax Assessment – Other Expenses		\$ 750.00
TOTALS	\$ 16,450.00	\$ 16,450.00
<u>Water Utility</u>		
Payment of Bond Interest	\$ 38,500.00	
Other Expenses	\$ 4,000.00	
NJEIT Fund Loan Principal		\$ 38,500.00
FICA		\$ 4,000.00
TOTALS	\$ 42,500.00	\$ 42,500.00

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

Vote all ayes
Motion carried

CORRESPONDENCE

1. A Save the Date has been received from the Raritan Headwaters for an event Saturday, December 6, 2014 from 9 – 11:30 A.M. Keynote speaker will be Christine Danis of the New Jersey Highlands Council.
2. Annual Stream clean-up will be Saturday, April 18, 2014.
3. NJ Department of Environmental Protection announcing the Christie Administration awarded more than \$17 million in Clean Communities Grants to selected Municipalities and Counties.
4. The 15th Freedom House Distinguished Citizens Award Banquet honoring Fred T. Reihl, MA, LCADC, President of Freedom House Foundation will be held Monday, December 8, 2014 at Fiddler’s Elbow Country Club.
5. Letter of thanks from Debbie Burns to Patrolman Matt Thompson, for coming in the middle of the night when the alarm went off on the smoke detector. Patrolman Thompson changed the batteries for Ms. Burns and she was very grateful.

6. A letter of thanks from Christie Wood, Historic Preservation Commission chair, thanking officers Ollerenshaw and Thompson, for their going above and beyond during a Boy Scout tour of the Municipal Building. Their guidance and stories were an unexpected and welcome addition to their event!
7. A funding request from Hunterdon Drug Awareness Program, forwarded to Kathy Olsen for budgeting purposes.

REPORTS FROM COUNCIL & TOWN OFFICIALS

Police Chief Matheis

1. All upcoming holiday events are scheduled and prepared for. Christmas parade, road closures and Christmas tree lighting on Main Street, November 28, 2014.

Councilman Smith

1. Water Committee – met with the contractor regarding the water main replacement on Halstead Street. The project is very much on schedule. The contractor will be working on final hook ups once the line is checked for leaks. It will then be sanitized and the individual hook ups will take place. Interim closures on Halstead Street during that time may take place.

Councilwoman Sosidka

1. Reporting for Councilman Rylak, there are currently 697 electronic responses to the Smart Growth survey. The Newsletter will be going out to all residents and businesses with the survey. AD HOC member to Smart Growth, Sherry Dineen, has experience in surveys and will be helping to analyze the surveys.
2. Board of Recreation – Bonfire is scheduled for Saturday, January 17, 2015. A date has not been set for the Canoe Races and discussions continue to hosting Huck Finn Event.
3. 150th Committee has been meeting regularly and the sponsorship letters have been mailed out. A Keepsake Calendar is also being made listing all Town events and space is available for ads in the calendar for \$100. Letters were hand delivered to all food establishments inviting them to participate in the 150th May celebration. Food is an important part of an event and food trucks will be brought in if restaurants do not wish to participate.
4. Website research continues.

Councilman Pendergast

1. Clinton Fire Department is reviewing the ordinance for billing for services. Attorney Cushing is moving forward with the ordinance for Hazmat spills and suggested a second ordinance to handle insurance recovery.
2. The Fire Department is thrilled with the work of Mr. Carberry cutting their insurance costs and are Moving forward to working with Statewide Insurance fund.
3. The Fire Department will be delivering the tree and setting is up on Main Street Sunday, November 23, 2014 per Mr. Rylak's \$100 donation.
4. A coin toss will take place on Black Friday, November 28th, at Exit 15.

Councilman Carberry

1. Environmental Commission originally considered splitting the Green Team off from the Environmental Commission because of their involvement but have decided to keep it together as of now.
2. Roads Committee discussed the ordinance regarding doing road work on private property and will continue discussions in January, 2015.

STANDBY AND OVERTIME

A motion was made by Mr. Smith seconded by Mr. Pendergast to approve the standby and overtime submitted for October 24 through November 6, 2014 attached to these minutes.

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

Vote all ayes
Motion carried

PAYMENT OF BILLS

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

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

Vote all ayes
Motion carried

RESOLUTION 136-14 – EXECUTIVE SESSION - CONTRACT NEGOTIATIONS

A motion was made by Mr. Pendergast, seconded by Mr. Smith to enter into Executive Session to discuss matters of potential litigation and contract negotiations at 7:56 p.m.

Vote all ayes
Motion carried

RESOLUTION # 136-14

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

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

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. Carberry seconded by Ms. Sosidka to adjourn the meeting at 8:23 p.m.

Cecilia Covino, RMC/CMC
Town Clerk

Mayor Janice Kovach