

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 November 25, 2014 as submitted.

Vote all ayes
1 Abstention (Pendergast)
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 November 25, 2014 as submitted.

Vote all ayes
1 Abstention (Pendergast)
Motion carried

APPROVAL OF MONTHLY REPORTS – NOVEMBER

A motion was made by Mr. Carberry seconded by Mr. Smith to accept the monthly reports for the month November 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, Wastewater Treatment Plant, Zoning Officer’s Report.

Vote all ayes
Motion carried

PROCLAMATIONS

Mayor Kovach read a proclamation to the Clinton Public School Girls’ Volleyball Team! The girls and coach Sue Penn were in attendance along with Superintendent Dr. Seth Cohen and family members! A round of applause and photos were taken! Great job Lady Bulldogs!

A second proclamation was read to Eve Glasergreen, a senior at North Hunterdon High School who holds an impressive cross country track record! Eve will be traveling to San Diego, California to compete on Saturday, December 13, 2014. Best of luck to you, Eve!!

A third proclamation was read aloud but will be presented to Nathan Herrington at the Clinton Fire Department Banquet on Saturday, December 13, 2014. Nate is a member of the Fire Department and has made a commitment to join the Navy. Council wishes him much success!

PUBLIC COMMENT - None

MAYOR'S COMMENTS – None

RESOLUTION #141-14 – CANCELLATION OF LIEN

A motion was made by Mr. Pendergast, seconded by Mr. Carberry, to adopt Resolution #141-14 as submitted:

RESOLUTION # 141-14

WHEREAS, the Tax Collector of the Town of Clinton has been paid \$11,236.32, the amount necessary to redeem Tax Sale Certificate #2014-2 on Block 2, Lot 7, assessed to Elissa Anne Dialfonso, and purchased by Pro Capital 5, LLC.

NOW THEREFORE BE IT RESOLVED, on this 9th day of December by the Mayor and Council of the Town of Clinton, County of Hunterdon, that the Chief Financial Officer be authorized to issue a check in the amount of \$11,236.32 (certificate) & \$3,800.00 (premium) to Pro Capital 5, LLC, US Bank Cust for PC5, 50 South 16th Street, Suite 2050, Philadelphia, PA 19102 upon receipt of the Original Tax Sale Certificate endorsed for cancellation, and

BE IT FURTHER RESOLVED that the Tax Collector be authorized to cancel Lien #2014-2 on Block 2, Lot 7, assessed Elissa Anne Dialfonso, from the Town of Clinton Tax Records.

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

Vote all ayes
Motion carried

RESOLUTION #142-14 RESCIND GRANT APPLICATION

A motion was made by Mr. Smith, seconded by Mr. Pendergast, to adopt Resolution #142-14 as submitted. Mr. Shea attempted to explain the process with a federally funded grant administered by the State but the State does not know how to do it. There are so many onerous rules it has only cost the Town money trying to secure this grant so the Town has decided to stop pursuing it.

RESOLUTION #142-14

RESOLUTION RESCINDING AUTHORIZING THE ACCEPTANCE OF THE FEDERAL SAFE ROUTES TO SCHOOLS GRANT

WHEREAS, on April 8, 2008 that Town of Clinton (Town) authorized the submission of a grant application to the New Jersey Department of Transportation (NJDOT) for funding under the Federal Highway Administration's Safe Routes to Schools Grant (SRTS), and

WHEREAS, the main objectives of the grant were as follows:

- To enable and encourage children in grades K-8, including those with disabilities, to walk and bicycle to school;

- To make bicycling and walking to school a safer and more appealing transportation alternative, thereby encouraging a healthy and active lifestyle from an early age; and,
- To facilitate the planning, development and implementation of projects and activities that will improve safety and reduce traffic, fuel consumption and air pollution in the vicinity of schools.

WHEREAS, on December 18, 2008, the Town received notification from the NJDOT that we received a grant in the amount of \$225,000 as part of the SRTS program, and

WHEREAS, due to Federal regulations, even though the Town was the recipient of the grant, the grant itself had to be overseen and administered by the NJDOT, Division of Local Aid, District 3; and

WHEREAS, during the last six (6) years, there have been countless rule/procedure changes mandated by the NJDOT, to which the Town complied with in good faith in order to move this project forward; and

WHEREAS, the Town felt that every forward step we took resulted in us taking two steps backwards resulting in hardships being placed on the Town by the NJDOT's inability to effectively work through the Federal funding requirements; and

WHEREAS, as a result of the afore-mentioned hardships, the original requirements of this grant have been modified to such an extent that it is no longer practical for Town to proceed forward with this project.

THEREFORE, BE IT RESOLVED, that the Town of Clinton hereby rescinds our desire and interest in this grant opportunity.

BE IT FURTHER RESOLVED, a copy of the resolution be forwarded to the New Jersey Department of Transportation (Division of Local Aid, District 3), Hunterdon Area Rural Transit (HART), Town of Clinton Municipal Engineer, Senator Michael Doherty, Assemblyman John DiMaio and Assemblyman Erik Peterson.

Vote all ayes
Motion carried

RESOLUTION #143-14 – BYOB

A motion was made by Mr. Pendergast, seconded by Mr. Carberry, to adopt Resolution #143-14 as submitted:

RESOLUTION # 143-14

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 Hunts Mill Park during the Town of Clinton Yuletide Bonfire Winter Festival to be held on January 17, 2015, rain date, January 24, 2015, beginning at 6:00 PM

Vote all ayes
1 Nay (Rylak)
Motion carried

RESOLUTION #144-14 – TRANSFER OF FUNDS

A motion was made by Mr. Carberry, seconded by Mr. Pendergast, to adopt Resolution #144-14 as presented:

RESOLUTION – #144-14

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>
Engineering – Other Expenses	\$ 3,000.00	
Solid Waste Collection – Other Expenses	\$ 1,000.00	
Community Center – Other Expenses	\$ 1,000.00	
Buildings & Grounds – Other Expenses		\$ 5,000.00
TOTALS	\$ 5,000.00	\$ 5,000.00
 <u>Water Utility</u>		
Other Expenses	\$ 6,000.00	
FICA		\$ 6,000.00
TOTALS	\$ 6,000.00	\$ 6,000.00

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

Vote all ayes
Motion carried

CORRESPONDENCE

1. St. Baldrick’s foundation held a fund raiser which was attended by Town of Clinton police and firefighters who took part in shaving their heads and raised much needed funds for childhood cancer research. The event totaled over \$52,000!
2. Thank you card from Joy Wilson, Finance Department, for the nice flowers and well wishes.

REPORTS FROM COUNCIL & TOWN OFFICIALS

Police Chief Matheis

The Clinton Christmas Parade was held December 5 and although it was rainy it was still well attended. There was an incident following the parade where a woman fell and hurt her shoulder on Center Street.

Richard Phelan, Business Administrator

Mr. Phelan sought OEM funding following Super Storm Sandy for an emergency standby generator. The federally funded grant disseminated through the State was approved, then rejected, now approved again! Expecting more information on requirements next week.

Weather permitting, gas and diesel pumps will begin being installed Thursday or Friday this week.

Councilman Smith

1. Rescue Squad – 231 calls, 19 over 2013 and year to date 2,376. Squad held their elections and Officers remained the same except for first vice president, Becky Setnicky. Their installation will be held in January.

Councilman Shea

1. Roads Committee – re-doing paver project on East Main.

Councilwoman Sosidka

1. The 150th discussed the re-organization meeting to be held Sunday January 4, 2015 11:00 a.m. at the Clinton Fire Department and kicking off the 150th Celebration! The Committee will be in attendance to announce events and calendars will be available for purchase. The official 2015 photo of John Bohnel will be displayed and Gregg Cagno's tribute to Clinton will be played. A luncheon will follow re-organization and residents and dignitaries will be invited to attend.

Councilman Pendergast

1. Clinton Fire Department – Santa will be escorted around Town on December 15 and 17th giving out candy canes to children. On December 20th the Fire Department will be delivering gifts for families that have registered. The Community tree has been set up on Main Street and the tree lighting took place with a great turnout! The Fire Department Christmas party is Saturday, December 13 at 6 p.m. at Beaver Brook Country Club.

Councilman Carberry

1. Insurance – inviting Caroline Conboy, Insurance Advisor, to the next meeting, December 23, 2014 For an overview of coverage.

Councilman Rylak

2. The Newsletter has been mailed and we expect Smart Growth surveys to be delivered to the office, our current count is 732 responses.

STANDBY AND OVERTIME

A motion was made by Mr. Smith seconded by Mr. Pendergast to approve the standby and overtime submitted for November 21 through December 5, 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. Smith, seconded by Mr. 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

RESOLUTION 145-14 – EXECUTIVE SESSION

A motion was made by Mr. Carberry, seconded by Ms. Sosidka 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 # 145-14

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;

X 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. Pendergast seconded by Mr. Carberry to adjourn the meeting at 8:46 p.m.

Cecilia Covino, RMC/CMC
Town Clerk

Mayor Janice Kovach