

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

Flag Salute.

Roll Call: Present – Carberry, Dineen, Pendergast, Rylak, 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. Pendergast to approve the minutes of the Regular council meeting November 10, 2015 as submitted.

Vote all ayes  
Motion carried

**APPROVAL OF EXECUTIVE SESSION MINUTES**

A motion was made by Mr. Smith seconded by Mr. Rylak to approve the minutes of the Executive Session held November 10, 2015.

Vote all ayes  
Motion carried

**PUBLIC COMMENT – None**

**MAYOR’S COMMENTS**

1. Reminder that Tuesday, December 1, 2015 at 7:00 pm the Council will attend a joint meeting with the Land Use Board. Attorney Tara St. Angelo and Planner Jim Kyle will be in attendance.
2. Council discussed dates for the annual re-organization meeting and decided Tuesday January 5, 2016 at 6:00 pm.

**PROPOSED KNOX BOX ORDINANCE**

Following the Council meeting of November 10, 2015, Liaison Pendergast invited Fire Chief Walt Dorf to attend tonight’s meeting to answer questions Council may have. Along with Chief Dorf, Fire Official, Jack Daniels attended as well. Before questioning began, Mayor Kovach mentioned a letter received from a property owner in Town in which he expressed his concerns about having a lock box on the outside of his buildings. His concerns were that anyone could access the box and use the keys for other than the purpose intended. Chief Dorf explained that the fire department is looking for access to avoid property damage and further explained that only the chief and one key would be in each of the apparatus. Jack Daniels said the Uniform Fire Code already requires a box, what the gentlemen are requesting that everyone have the Knox Box that would only be accessible to the fire department for safety reasons. Mr. Pendergast said that the Twin Ponds development has a system that sends notification if a box is being opened. Unity Bank, Investors, Bank of America and Unity all have boxes. Costs may differ depending on the alarm system. Chief Dorf said Hunterdon County Communications was working to have a coded lock box inside trucks that would transmit system to the apparatus that would open the box. However, the County is behind in getting this done. Mr. Smith said he has a problem with the way this ordinance was presented. Mr. Smith said he wanted the Hunterdon County Library to have one when it was built but has

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a problem dealing with each merchant to having it installed and having government mandate an expense. This specific box would be a part of the ordinance. Mr. Daniels said he can enforce that a box is there by state law, however, if a business does not put a box as required by state, a violation could be written by the fire marshal. Mr. Daniels could write a variation where the owner would have to sign off if damage occurs to their property. Furthermore, if forced entry is made, the property owner must be aware that the building will not be secured by the police or fire department. Mayor Kovach said apartment buildings should absolutely have them and is fine with the ordinance suggesting that one type of box be used. The chief attempted to choose the location of the boxes so they are uniform and the fire department is not searching for the boxes in an emergency, he would discuss this with the business owners. Mr. Smith said property owners that are not interested in putting in a box must sign a waiver and owners must assume all responsibility. The fire department would hold the master key. For the record, Mr. Daniels does not have a master key. Mr. Rylak asked if an individual homeowner could have one installed and was assured yes, they certainly could. Mr. Pendergast asked that a resolution be prepared pushing the County to work on the transmitting system to local apparatus. Mr. Cushing will re-work the proposed ordinance along with the assistance of Jack Daniels providing language in variation. This ordinance will be re-worked and introduced in 2016.

**PUBLIC HEARING OF ORDINANCE #15-19 – SURPLUS PROPERTY**

A motion was made by Mr. Smith, seconded by Mr. Pendergast, to open the public hearing of Ordinance #15-19:

ORDINANCE #15-19

AN ORDINANCE AUTHORIZING THE SALE OF SURPLUS PERSONAL PROPERTY TO THE  
CLINTON FIRE DEPARTMENT FOR NOMINAL CONSIDERATION

Vote all ayes  
Motion carried

There being no public comment, a motion was made by Mr. Smith, 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. Carberry, to adopt Ordinance #15-19 on final reading.

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

Vote all ayes  
Motion carried

**LIMOUSINE LICENSE APPLICATION**

An application has been received from Firoz Ahmed to register two limousines that are stationed at the Clinton Holiday Inn. A background check has been completed by the Clinton Police and all checks out fine, including the two references provided following the last meeting. A motion was made by Mr. Smith seconded by Ms. Sosidka to issue the licenses as requested.

Vote all ayes  
Motion carried

**SPECIAL EVENT – ST. PATRICK’S DAY PARADE**

A motion was made by Mr. Pendergast, seconded by Mr. Rylak, to grant the Friendly Sons of St. Patrick of Hunterdon County their request as presented. Chief Matheis did state there will be more the two police officers working the event, there will be six Town officers and two Clinton Township officers.

Vote all ayes  
1 Abstention (Carberry)  
Motion carried

**ORDINANCE #15-15 – APPEALING ORDINANCE #11-03 – GEORGES PLACE EXTENSION**

Mr. Smith made a motion that Ordinance 15-15 be cancelled on second reading and the language be re-worked to protect the Town on this on-going 20, 30 or 40 years agreement and recommends that the ordinance be tightened up so that is only affects the Georges Place Extension and that the Town not only be listed as hold harmless but also made economically whole, Mr. Rylak seconded the motion. The original motion is withdrawn and Mr. Pendergast made a motion to move that the ordinance #15-15 be adopted.

ROLL CALL: Ayes: None

Nays: Carberry, Dineen, Pendergast, Rylak, Smith, Sosidka, Mayor Kovach

Vote all nays  
Ordinance failed

The Roads Committee will return in January, 2016 with a revised ordinance.

**RESOLUTION #138-15 – BANKING OF 2015 OPEN SPACE FUNDS**

A motion was made by Mr. Carberry seconded by Mr. Rylak, to adopt Resolution #138-15 as presented:

**RESOLUTION # 138-15**

**WHEREAS**, fifteen percent of the Hunterdon County Open Space Trust Fund raised from the open space tax collected annually in each municipality is available for municipal open space purposes each year; and

**WHEREAS**, the Town of Clinton does not have plans to use its portion of the Open Space Trust Fund in 2016 for Open Space and Recreation, and

**WHEREAS**, the Town of Clinton wishes to reserve its FY 2015 share of the Fund for future open space use.

**NOW, THEREFORE, BE IT RESOLVED**, by the Town Council of the Town of Clinton, County of Hunterdon and State of New Jersey that it hereby asks the Hunterdon County Board of Freeholders to reserve the Town’s share in the amount of \$66,340.56 of the Hunterdon County Open Space Trust Fund collected in 2015 for use in future years.

**BE IT FURTHER RESOLVED** that a copy of this Resolution shall be forwarded to the Hunterdon County Board of Freeholders and the County Open Space Coordinator.

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

Vote all ayes  
Motion carried

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**RESOLUTION #139-15 – 173<sup>RD</sup> AIRBORNE BRIGADE HIGHWAY**

A motion was made by Mr. Carberry, seconded by Mr. Pendergast, to adopt Resolution #139-15 as presented:

RESOLUTION # 139-15

RESOLUTION IN SUPPORT OF NJ SENATE NO. 650 AND NJ ASSEMBLY NO 2408,  
DESIGNATING STATE ROUTE 173  
BETWEEN CLINTON AND PHILLIPSBURG AS  
“173<sup>RD</sup> AIRBORNE BRIGADE HIGHWAY”

WHEREAS the 173<sup>rd</sup> Brigade was first constituted in 1915 as the 173<sup>rd</sup> Infantry Brigade and deployed to France during World War I; and

WHEREAS the 173<sup>rd</sup> Infantry Brigade was then designated as the 87<sup>th</sup> Reconnaissance Troop in 1942 and entered combat in 1944 during World War II in the central Europe, Rhineland and Ardennes-Alsace operations; and

WHEREAS in the early 1960's, as part of the Reorganization Objective Army Division plan, the 173<sup>rd</sup> Brigade was reconstituted as a separate brigade and a special airborne task force, the 173<sup>rd</sup> Airborne Brigade; and

WHEREAS in 1963, the 173<sup>rd</sup> Airborne Brigade was activated in Okinawa and it was for the thousands of parachute jumps the brigade made that they were given the moniker “Sky Soldiers” ; and

WHEREAS the 173<sup>rd</sup> Airborne Brigade was the first Army unit sent into the republic of South Vietnam in May 1965; and

WHEREAS during their nearly six years of continuous service during the Vietnam War, the Sky Soldiers were the first to go into War Zone D, fought bravely in the battles of the Iron Triangle, conducted the only major combat parachute jump in the Tay Ninh Area, and blocked the North Vietnamese Army's incursions during the bloodiest fighting of the war at Dak To, culminating in the capture of Hill 875 in the fall of 1967; and

WHEREAS for the brave service of its members during the Vietnam War, as a whole, the brigade earned four unit citations, 13 Medals of Honor and over 130 distinguished service crosses; and

WHEREAS in 2003, nearly 1,000 members of the 173<sup>rd</sup> Airborne Brigade participated in the initial invasion of Iraq during Operation Iraqi Freedom, and between 2005 and 2010 the 173<sup>rd</sup> Airborne Brigade served three tours in Afghanistan in support of Operation Enduring Freedom; and

WHEREAS today's Sky soldiers are based in Vicenza, Italy where they continue the tradition of heroic service and proudly represent the 173<sup>rd</sup> Airborne Brigade's fighting spirit, ready to deploy at a moment's notice to protect the United State and her allies; and

WHEREAS to honor the 173<sup>rd</sup> Airborne Brigade's many years of heroism and sacrifice in defense of our country's freedom, it is fitting and proper for the Legislature of this State to designate State Highway Route No. 173 between Clinton in Hunterdon County and Phillipsburg in Warren County as the “173<sup>r</sup> Airborne Brigade Highway”; now, therefore,

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NOW, THEREFORE BE IT RESOLVED, that the Town of Clinton, County of Hunterdon, State of New Jersey does hereby recognize the continued brave and heroic services and sacrifices of the 173<sup>rd</sup> Airborne Brigade; and

BE IT FURTHER RESOLVED that the Town of Clinton Mayor and Council does hereby support NJ Senate No. 650 and NJ Assembly No. 2408 and urges passage of this bill.

Vote all ayes  
Motion carried

**RESOLUTION #140-15 – TRANSFER OF FUNDS**

A motion was made by Mr. Carberry, seconded by Ms. Dineen, to adopt Resolution #140-15 as presented:

**RESOLUTION – # 140-15**

**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 2015, 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 2015 appropriations be authorized pursuant to N.J.S.A. 40A:4-58:

	<b><u>From</u></b>	<b><u>To</u></b>
Gasoline – Other Expenses	\$ 5,000.00	
Solid Waste Collection – Other Expenses	\$ 2,000.00	
Liability Insurance – Other Expenses	\$ 2,000.00	
Community Center – Other Expenses	<u>\$ 1,000.00</u>	
TOTALS	\$ 10,000.00	
Legal – Other Expenses		\$ 5,000.00
Engineering – Other Expenses		<u>\$ 5,000.00</u>
TOTALS		\$ 10,000.00

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

Vote all ayes  
Motion carried

**RESOLUTION #141-15 – APPOINTMENT OF SPECIAL COUNSEL**

A motion was made by Mr. Carberry, seconded by Mr. Pendergast to adopt Resolution #141-15 as presented:

**RESOLUTION # 141-15  
RESOLUTION APPOINTING SPECIAL COUNSEL**

**WHEREAS**, there exists a need for the performance of special legal services during the year 2015 which cannot be handled by the Municipal Attorney; and

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**WHEREAS**, funds are or will be made available for this purpose to be certified by the Treasurer;  
and

**WHEREAS**, the Local Public Contracts Law (*N.J.S.A. 40A:11-1, et seq.*) authorizes the hiring of a Special Counsel without competitive bidding providing that the Resolution authorizing the award of contracts for “Professional Services” without competitive bidding and the contract itself be made available for public inspection; and

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

1. John R. Lanza, Esq., is hereby appointed to serve as Special Counsel for the Town of Clinton during the year 2015 in order to provide legal services and advice relating to a personnel matter.
2. The Clerk and the Municipal Attorney have negotiated with the Special Counsel a mutually agreeable compensation agreement, the form of which is acceptable to the Mayor and Council. The Mayor and Clerk are hereby authorized to sign said agreement in the form presented.
3. This contract is awarded without competitive bidding as a “Professional Services” under the provisions of the Local Public Contracts Law, *N.J.S.A. 40A:11-5* and *N.J.S.A. 19:44A-20.5*.
4. Adequate funds have been or will be appropriated for the services of Special Counsel as certified by Chief Financial Officer up to an amount not exceeding \$5,000.00.

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

Vote all ayes  
Motion carried

Walter Hetzel, 36 West Main Street, questioned the reason for the appointment of special counsel services. Mr. Pendergast explained that a personnel matter has come before Council and current attorney, Gebhardt & Keifer, has a conflict. John Lanza is the substitute attorney for the matter.

#### **CORRESPONDENCE**

1. An anonymous Thanksgiving card was sent to the Clinton Police Department expressing thanks and letting them know how very much they are appreciated all throughout the year!  
Mr. Rylak took this opportunity to relay a conversation he had with a resident of Franklin Township and an incident that occurred. The resident remarked how professional Sgt. Corey Kubinak handled a medical condition.
2. E. Patrick McGuire, 94 Center Street, sent a letter to the Mayor regarding the closing of the A & P and two large propane storage tanks located alongside of the building’s loading dock. Mr. McGuire is hoping that the Town take appropriate steps to make sure the tanks are safely drained and if possible, removed from the site after the facility closes. Copies of Mr. McGuire’s letter have been forwarded to Jack Daniels and Council.

**REPORTS FROM COUNCIL**

**Councilwoman Sosidka**

1. Board of Recreation – Picnic committee has begun planning 2016 Town Picnic and have scheduled Saturday June 4, 2016 with a rain date of June 11, 2016. They will be sending in a banner request shortly.
2. Historic Commission would like to have an opportunity to give non-compulsory advice when issues arise at the Land Use Board that pertain to a historic nature, such as any proposed demolition, to be given to the Historic Commission to review. The commission would like to have a liaison to be made aware of something coming in and to offer ideas or suggestions. Mr. Carberry stated that they are welcome to attend any meeting of the Land Use Board. Roger Mellick, Historic and Land Use member, asked why there should not be some kind of collaboration whether it is aesthetic or land use law. Mr. Smith said the members of the Land Use Board are trained in the law and have taken courses. Mr. Hetzel, member of the Land Use Board, said the board is not mandated to dictate aesthetics. Ms. Sosidka said the Commission would be available to only offer suggestions and advice whether for a porch, an addition or suggest colors but would be non-compulsory advice. Mayor Kovach suggested Ms. Sosidka invite the members of the Historic Commission to attend Land Use Board meetings.

**STANDBY AND OVERTIME**

A motion was made by Mr. Carberry, seconded by Mr. Pendergast to approve the standby and overtime submitted for the period of November 6 through November 19, 2015 attached to these minutes.

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

Vote all ayes  
Motion carried

**PAYMENT OF BILLS**

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

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

Vote all ayes  
Motion carried

**RESOLUTION # 142-15 – EXECUTIVE SESSION**

A motion was made by Mr. Pendergast seconded by Mr. Carberry to enter into Executive Session at 8: 25 p.m. to discuss Pending Litigation and Attorney / Client Privilege.

**RESOLUTION #142-15**

**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

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**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 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:

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\_\_\_\_\_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: \_\_\_\_\_

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);



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\_\_\_\_\_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 \_\_\_\_\_

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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:** Following the return from Executive Session and there being no further business, a motion was made by Mr. Smith seconded by Ms. Dineen to adjourn the meeting at 8:36 p.m.

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

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