

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

Flag Salute.

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

**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. Shea to approve the minutes of February 10, 2015 as submitted.

Vote all ayes  
Motion carried

**APPROVAL OF MONTHLY REPORTS – JANUARY**

A motion was made by Mr. Carberry seconded by Mr. Pendergast to accept the monthly report for the Wastewater Treatment Plant for the month January as submitted.

Vote all ayes  
Motion carried

**SPECIAL EVENT REQUEST – SPRINTIN’ CLINTON**

A motion was made by Mr. Carberry, seconded by Mr. Rylak, to approve the special event application for Sprintin’ Clinton to be held July 11, 2015 as submitted.

Vote all ayes  
Motion carried

**BANNER REQUEST – DOING CLINTON**

Requests to display banners have been received from the Independent Merchants/Business Group for Doing Clinton Springtime and Doing Clinton Fall. The dates for Springtime would be April 20 through April 27. A motion was made Mr. Carberry, seconded by Mr. Rylak to approve the request as presented.

Vote all ayes  
Motion carried

Doing Clinton Fall would be displayed September 28 through October 5, 2015. A motion was made by Mr. Carberry seconded by Ms. Sosidka to approve the second request as presented.

Vote all ayes  
Motion carried

**RESOLUTION # 48-15 – AMENDMENT TO PERSONNEL POLICY**

A motion was made by Mr. Rylak seconded by Ms. Sosidka, to adopt Resolution #48-15 as submitted making changes to the Personnel Policy of the Town of Clinton:

**RESOLUTION #48-15**

**RESOLUTION AUTHORIZING AN AMENDMENT TO THE TOWN  
OF CLINTON PERSONNEL POLICY**

WHEREAS, the Town of Clinton currently has a Personnel Policy which provides guidance to all employees: and

WHEREAS, from time-to-time, said policies need to be amended; and

WHEREAS, after careful review and consideration, the Town of Clinton Personnel Committee has recommended that the Mayor and Council amend Article XVII, entitled "Longevity Pay" as follows:

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**CURRENT LANGUAGE**

An annual payment shall be made in November to eligible employees as follows:

1. After five (5) years of service as of December 31 of current year- 2% of base salary.
2. After ten (10) years of service as of December 31 of current year- 3% of base salary.
3. After fifteen (15) years of service as of December 31 of current year- 4% of base salary.

Employees hired after July 1, 2006, not covered by a collective bargaining agreement, will not be eligible for Longevity Pay. All employees covered by a collective bargaining agreement will have their right to Longevity Pay determined by the collective bargaining agreement.

**REVISED LANGUAGE**

Effective January 1, 2015, the Town will no longer offer longevity payments to any current or future employees.

All current employees who are receiving longevity payments in the amount of 4% will have said 4% payment rolled into the 2014 base pay.

All current employees who are receiving longevity payments in the amount of 2% or 3% will have a 4% payment rolled into the 2014 base pay.

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WHEREAS, the Mayor and Council concur with the recommendation of the Personnel Committee.

NOW, THEREFORE BE IT RESOLVED, that the Mayor and Council of the Town of Clinton hereby approve changes to the Personnel Policy as indicated above.

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Chief Financial Officer for implementation and all employees within the Town of Clinton.

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

Vote all ayes  
Motion carried

**RESOLUTION #49-15 – TRANSFER OF FUNDS**

A motion was made by Mr. Carberry, seconded by Mr. Rylak, to adopt Resolution #49-15 as submitted:

**RESOLUTION #49-15**

**WHEREAS**, various 2014 bills have been presented for payment this year, which bills were not covered by order number and/or recorded at the time of transfers between the 2014 Budget Appropriation Reserve in the last two months of 2014; and

**WHEREAS**, N.J.S. 40A:4-59 provides that all unexpended balances carried forward after the close of the year are available, until lapsed at the close of the succeeding year, to meet specific claims, commitments or contracts incurred during the preceding fiscal year, and allow transfers to be made from unexpended balances which are expected to be insufficient during the first three months of the succeeding year;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Town of Clinton that transfers in the amount of \$18,500.00 be made between the 2014 Budget Appropriation Reserves as follows:

	<u>FROM</u>	<u>TO</u>
Community Center		
Other Expenses	\$3,000.00	
Electricity		
Other Expenses	\$8,000.00	
Street Lighting		
Other Expenses	\$2,500.00	
Animal Control		
Other Expenses	\$2,000.00	
Solid Waste Disposal		
Other Expenses	\$3,000.00	
Land Use Board		
Other Expenses		\$12,500.00
Legal		
Other Expenses		\$ 6,000.00
<b>TOTALS</b>	<u><b>\$18,500.00</b></u>	<u><b>\$18,500.00</b></u>

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

Vote all ayes  
Motion carried

**RESOLUTION # 50-15 – REALLOCATE WATER CAPITAL RESERVE FUNDS**

A motion was made by Mr. Carberry, seconded by Mr. Pendergast, to adopt Resolution #50-15 as submitted:

**RESOLUTION # 50-15**

**REALLOCATE WATER CAPITAL RESERVE FUNDS**

**WHEREAS**, the Town of Clinton Water Utility has certain Capital Reserve Funds; and

**WHEREAS**, from time to time those funds are no longer required for the specific projects they were intended; and

**WHEREAS**, the Town of Clinton Water Utility wishes to use Capital Reserve Funds for Main Replacements for other Water Utility Improvements;

**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor and Council of the Town of Clinton requests that the Chief Financial Officer reallocate \$200,000.00 from the Capital Reserve Fund for Main Replacements to the Capital Reserve Fund for Water Utility Improvements.

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

Vote all ayes  
Motion carried

**RESOLUTION #51-15 – TEMPORARY SUB-CODE INSPECTORS SALARY**

A motion was made by Mr. Pendergast, seconded by Mr. Carberry, to adopt Resolution #51-15 as presented:

**RESOLUTION #51-15**

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

That the following position titles within the Town of Clinton in the County of Hunterdon, the respective salaries or compensation set forth below are hereby fixed as the maximum amounts to be paid for the year 2015:

<b><u>POSITION</u></b>	<b><u>SALARY</u></b>
Temporary Sub-Code Inspectors	\$30.00 – Per Hour

The foregoing resolution shall take effect immediately upon passage and publication thereof according to law.

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

Vote all ayes  
Motion carried

**RESOLUTION #52-15 – HIRING OF PER-DIEM INSPECTORS**

A motion was made by Mr. Carberry, seconded by Mr. Rylak, to adopt Resolution #52-15 naming three per-diem inspectors for the Construction Department.

**RESOLUTION # 52-15**

**WHEREAS** the Twin Ponds Development located on Block 1, Lot 60.02 is being constructed and will require regular inspections; and

**WHEREAS** the current plumbing, electric, building and fire inspectors only work part time in the Town of Clinton; and

WHEREAS it is necessary to hire three individuals capable of making frequent visits to the construction site in order not to slow down the construction process; and

WHEREAS resumes have been received, reviewed and the following men have been offered employment on a per-diem basis at an hourly salary of \$30 / hour;

Benjamin E. Farneski	Plumbing Inspector
Keith Grabowski	Electric Inspector
Neil Ruggiero	Building and Fire Inspector

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Town of Clinton accept the recommendations made by Richard Phelan, Business Administrator and Kevin Fleming, the Building and Construction Official, for the hiring of three per-diem inspectors for the Construction Department.

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

Vote all ayes  
Motion carried

**INTRODUCTION OF ORDINANCE #15-03 – WELL #7 IMPROVEMENTS and WELL #14 DECOMMISSIONING**

A motion was made by Mr. Carberry, seconded by Ms. Sosidka, to introduce Bond Ordinance #15-03 on first reading as submitted:

**ORDINANCE #15-03**

BOND ORDINANCE PROVIDING FOR WELL #7 IMPROVEMENTS  
AND WELL #14 DECOMMISSIONING FOR THE WATER UTILITY  
IN AND BY THE TOWN OF CLINTON, IN THE COUNTY OF  
HUNTERDON, NEW JERSEY, APPROPRIATING \$1,025,000  
THEREFOR AND AUTHORIZING THE ISSUANCE OF \$973,750  
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 \$1,025,000, including the sum of \$51,150 as the down payment required by the Local Bond Law to be provided from the Reserve for Water Utility Improvements. The down payment is now available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the cost of the improvement or purpose not covered by application of the down payment, negotiable bonds are hereby authorized to be issued in the principal amount of \$973,750 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 Well #7 improvements and Well #14 decommissioning for the Water Utility, as more fully described on a list on file in the Office of the Clerk, including all work and materials necessary therefor and incidental thereto and further including all related costs and expenditures 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 40 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

\$973,750, and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$155,000 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 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 March 4, 2015 edition of the Hunterdon Review. A public hearing will be held March 24, 2015.

**INTRODUCTION OF ORDINANCE #15-04 - IMPROVEMENTS TO WELL #4**

A motion was made by Mr. Carberry, seconded by Mr. Pendergast, to introduce Ordinance #15-04 on first reading as submitted:

BOND ORDINANCE #15-04  
BOND ORDINANCE PROVIDING FOR IMPROVEMENTS TO WELL #4 FOR THE WATER UTILITY OF THE TOWN OF CLINTON, IN THE COUNTY OF HUNTERDON, NEW JERSEY, APPROPRIATING \$1,250,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,250,000 BONDS OR NOTES OF THE TOWN FOR FINANCING 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"). For the improvement or purpose described in Section 3(a), there is hereby appropriated the sum of \$1,250,000. No down payment is required as the purpose authorized herein is deemed self-liquidating and the obligations authorized herein are deductible from the gross debt of the Town, as more fully explained in Section 6(e) of this bond ordinance.

Section 2. In order to finance the cost of the improvement or purpose, negotiable bonds are hereby authorized to be issued in the principal amount of \$1,250,000 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 improvements to Well #4 for the water utility, as more fully described on a list on file in the Office of the Clerk, including all work and materials necessary therefor and incidental thereto and further including all related costs and expenditures incidental thereto.

(b) The estimated maximum amount of bonds or 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 note shall mature later than one

year from its date. The 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 notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. All 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 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 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 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 self-liquidating purpose of a municipal public utility. 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 40 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 \$1,250,000, but that the net debt of the Town determined as provided in the Local Bond Law is not increased by this bond ordinance. The obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$200,000 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.

(e) This bond ordinance authorizes obligations of the Town solely for purposes described in N.J.S.A. 40A:2-7(h). The obligations authorized herein are to be issued for a purpose that is deemed to be self-liquidating pursuant to N.J.S.A. 40A:2-47(a) and are deductible from gross debt pursuant to N.J.S.A. 40A:2-44(c).

Section 7. The Town hereby declares the intent of the Town to issue the bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use 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 §1.150-2 or any successor provisions of federal income tax law.

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 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 "Rule") 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 March 4, 2015 edition of the Hunterdon Review. A public hearing will be held March 24, 2015.

**INTRODUCTION OF ORDINANCE #15-05 – WATER UTILITY IMPROVEMENTS**

A motion was made by Mr. Carberry, seconded by Mr. Rylak, to introduce Ordinance #15-05 on first reading as submitted:

**CAPITAL ORDINANCE NO. 15-05**

CAPITAL ORDINANCE OF THE TOWN OF CLINTON WATER UTILITY, IN THE COUNTY OF HUNTERDON, STATE OF NEW JERSEY, AUTHORIZING THE MAKING OF IMPROVEMENTS IN, BY AND FOR THE TOWN OF CLINTON WATER UTILITY AND APPROPRIATING THEREFOR THE SUM OF \$140,000.00 FROM THE CAPITAL WATER RESERVES FOR

WATER UTILITY IMPROVEMENTS

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

**Section 1.** The Town of Clinton in the County of Hunterdon, State of New Jersey, is hereby authorized to make the following improvements to the Water Utility in, by and for the Town, including all work, materials and appurtenances necessary and suitable therefore:

<u>PURPOSE</u>	<u>ESTIMATED COST</u>
Water Utility Improvements	<u>\$140,000.00</u>
TOTAL	\$140,000.00

**Section 2.** The aggregate sum of \$140,000.00 is hereby appropriated from the Reserve for Water Utility Improvements within the Capital Improvement Fund of the Town of Clinton Water Utility to the payment of the cost of the improvements as described in Section 1 hereof.

**Section 3.** Said improvements are lawful capital improvements of the Water Utility having a period of usefulness of at least five (5) years. Said improvements shall be made as general improvements, no part of the cost of which shall be assessed against property specially benefited.

**Section 4.** The capital budget of the Town of Clinton Water Utility is hereby amended to conform with provisions of this ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services is on file with the Clerk and is available there for public inspection.

**Section 5.** This capital ordinance shall take effect after final passage and publication as required by law.

Vote all ayes  
Motion carried

A copy of this ordinance will be published in the March 4, 2015 edition of the Hunterdon Review. A public hearing will be held March 24, 2015.

**INTRODUCTION OF ORDINANCE #15-06 – REIMBURSEMENT FOR HAZARDOUS ABATEMENT INCIDENTS**

Mr. Pendergast explained the following ordinance is a way for the fire department to get reimbursed for responding to emergencies where hazardous abatement was necessary. A third party billing agent will be engaged in the business of collecting costs. Pattenburg uses this firm and it has proven to be monetarily beneficial. Pattenburg responds to many commercial accidents on Route 78.

A motion was made by Mr. Carberry, seconded by Mr. Rylak to introduce Ordinance #15-06 as submitted:

**ORDINANCE #15-06**

**ORDINANCE AUTHORIZING TOWN OF CLINTON VOLUNTEER FIRE DEPARTMENT TO SEEK REIMBURSEMENT FOR COSTS INCURRED IN PROVIDING CERTAIN EMERGENCY SERVICES FOR HAZARDOUS ABATEMENT INCIDENTS**

**WHEREAS**, the Town of Clinton Volunteer Fire Department (the “Department”) is an independent volunteer fire company that provides fire suppression and emergency services in and around the Town of Clinton (the “Town”); and

**WHEREAS**, the cost of purchasing, repairing, and maintaining the equipment and supplies used by the Department in providing fire and emergency services continues to grow each year; and

**WHEREAS**, the Mayor and Council of the Town of Clinton (“Town Council”) acknowledges the Fire Department’s interest in securing additional funding sources so that it can continue to provide fire and emergency services for the benefit of the Town and persons traveling within the Town; and

**WHEREAS**, the Town is a crossroads and transportation hub bisected by a large, busy Federal interstate highway, as well as State and County highways; and

**WHEREAS**, many vehicles using these highways are involved in business outside the Town borders and are merely passing through the Town; and

**WHEREAS**, raising real property taxes to meet the increase in service demands created by both in Town and out of Town vehicle environmental hazards would not be fair to property owners, as many motor vehicle incidents and other emergency services involve individuals not owning property or paying taxes within the Department’s service area; and

**WHEREAS**, the Town Council wishes to demonstrate its support for the Department by recognizing the Department’s authority to establish a revenue recovery plan through which those who benefit from certain services provided by the Department are asked to pay a fair and reasonable share of the cost of loss and wear and tear to apparatus, tools, equipment, and materials used in fighting providing emergency services as a result of hazardous incidents abatement so that a safe and appropriate level of service can be maintained and made available to the Town; and

**WHEREAS**, the Town Council has been advised that fire insurance and auto insurance policies in New Jersey will directly compensate local fire departments for response if a Schedule of Fees has been adopted by ordinance; and

**WHEREAS**, the Town Council believes that an ordinance establishing a revenue recovery plan for the costs and expenses of certain fire services would be in the best interests of the Town;

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Council of the Town of Clinton, the County of Hunterdon, that Chapter 10 entitled “Fire Department” of the Code of the Town of Clinton (“Code”) is hereby amended as follows:

**SECTION 1.** Chapter 10 of the Code entitled “Fire Department” is amended by adding sections 10-4 through, to, and including 10-13, and deleting the existing sections, as follows:

§10-4           **Definitions**

As used in this chapter, the following terms shall have the meanings indicated:

**COSTS**

All costs incurred by the Town or Department, including but not limited to the following: actual labor costs of personnel, including workers’ compensation benefits, fringe benefits and administrative overhead; cost of equipment operation; cost of materials; and the cost of any outside contract for labor and materials.

**DEPARTMENT**

The Town of Clinton Volunteer Fire Department

**DISCHARGE**

Any intentional or unintentional action or omission resulting in the releasing, spilling, leaking, pumping, pouring, emitting, emptying or dumping of any hazardous substance into the water, onto the land, or into the air.

**HAZARDOUS ABATEMENT INCIDENT:**

Any incident where there is a discharge or threat of discharge of a hazardous substance or petroleum product.

**HAZARDOUS SUBSTANCE**

Any and all elements and compounds, including petroleum products, which are defined as such by the New Jersey Department of Environmental Protection or as are defined in the N.F.P.A. Guide of Hazardous Materials, or as are set forth in the list of hazardous substances adopted by the Federal Environmental Protection Agency, or as are defined on the list of toxic pollutants designated by Congress or the Environmental Protection Agency.

**MATERIALS**

All materials, including but not limited to firefighting foam, chemical extinguishing agents, absorbent material, sand recovery drums, and specialized protective equipment such as acid suits, acid gloves, goggles and protective clothing.

**PERSON**

Any public or private corporation, company, association, society, firm, partnership, joint stock company, individual, or other entity.

**PETROLEUM PRODUCT**

Oil or petroleum of any kind and in any form, including but not limited to oil, petroleum, gasoline, kerosene, fuel oil, oil sludge, oil refuse, oil mixed with other wastes, crude oils and substantives or additives utilized in the refining or blending of crude, petroleum or petroleum stock.

**§10-5 Authorization to Recover Costs and Expenses**

The governing body of the Town of Clinton authorizes the Department to recover the costs of fire-fighting materials used and expended; the costs of the use of the fire trucks, fire engines, rescue equipment, and tankers; the costs of personnel hours and hazardous situation abatement materials involved in any hazardous abatement incident.

**§10-6 Schedule of Fees and Costs.**

Below is a schedule of fees and costs to be charged and invoiced by the Department to any person or their insurance carrier for whom or for whose property such services were rendered and/or materials provided.

Type of Incident	Description	Fee
Vehicle Incidents	Any hazardous abatement incident involving a vehicle substantial enough to cause the Department to use tools and skill (or extinguishing agent) to bring the incident under control.	\$750 per vehicle

Hazardous Substance Discharge	Intentional or unintentional discharge of a hazardous substance as defined herein; which includes, but is not limited to, hazardous materials fires.	Actual costs incurred and an hourly rate (not in excess of \$50 per hour) for all personnel involved in the response.
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**§10-7 Parties Responsible for Reimbursement to the Department.**

Reimbursement to the Department as hereinbefore indicated shall be made by:

- a. The owner or operator of the vehicle responsible for hazardous material fire or discharge of hazardous material;
- b. Any person who causes, by act or omission, or is otherwise responsible for, a discharge of any hazardous substance which is cleaned up or abated by the Department, including the owner of real or personal property from which a discharge of hazardous substance occurs, shall be liable for the payment of all costs incurred by the Department as a result of such clean up or abatement, including but not limited to, all costs for services rendered by any recovery company, towing company or such other technical assistance called for by the Department to handle such incident;
- c. The owner or person responsible for the vessel containing the hazardous material involved in such fire or discharge, whether stationary or in transit, and whether accidental or negligent;
- d. The owner or person responsible for any property from which any discharge of hazardous material emanates, whether accidental or through negligence; and
- e. The person responsible for the hazardous material fire, leak or spill, whether accidental or through negligence.

**§10-8 Third-Party Billing Agent.**

The Department is hereby authorized to bill and collect costs due to it under this chapter through a third party billing agent, provided that any such agreement with any professional agency engaged in the business of emergency response billing shall be subject to the approval of the Town Council.

**§10-9 Collection of Costs.**

Said costs and fees as outlined above and as set forth on the schedule of fees and costs herein shall be recovered directly by the Department, or through a third-party professional agency engaged in the business of emergency response billing under a contract with the Department, by billing to the responsible party.

**§10-10 Interest and Administration Fees.**

In addition to the aforementioned fees and costs, the Department is hereby authorized to collect reasonable interest and administration fees for the collection of the fees and costs due and owing from the insurance companies or responsible parties for the services rendered and/or materials provided.

**§10-11 Report to the Town Council.**

The Department shall provide a monthly report to the Town Council detailing all billing and receipts under this chapter.

**§10-12 Time Limit for Reimbursement.**

Any person or entity responsible for any vehicle fire or discharge of hazardous materials shall reimburse the Department pursuant to the schedule of fees hereunder, or provide proof that they have submitted a claim to their insurance carrier for payment within 45 days after receipt of a statement from the Department outlining said costs and expenses. These provisions shall be subject to the following:

- a. Persons receiving services from the Department shall cooperate with the Department or other billing personnel hired by the Department to secure full payment for services rendered from any necessary insurance carrier.
- b. Due to anticipated time requirements for the preparation and processing of insurance claims, parties that have provided proof of a claim to their insurance carrier shall not be charged interest or be subject to penalties hereunder.
- c. Responsible parties under this chapter shall ensure that the Department is authorized to receive any payments from an insurance carrier as required by this chapter.
- d. The Department reserves the right to determine that a bill is uncollectable by reason of unavailability of insurance coverage and be written off.

**SECTION 2.** All Ordinances or parts of Ordinances inconsistent herewith are repealed as to such inconsistencies.

**SECTION 3.** If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

**SECTION 4.** Any ordinance inconsistent with the terms of this Ordinance is hereby repealed.

**SECTION 5.** This Ordinance shall take effect upon final passage and publication according to law.

Vote all ayes  
Motion carried

A copy of this ordinance will be published in the March 4, 2015 edition of the Hunterdon Review. A public hearing will be held March 24, 2015.

**INTRODUCTION OF ORDINANCE #15-07 – REIMBURSEMENT FOR VEHICLE FIRES**

A motion was made by Mr. Carberry, seconded by Mr. Rylak, to introduce Ordinance #15-07 on first reading as submitted:

**ORDINANCE # 15-07**

**ORDINANCE AUTHORIZING TOWN OF CLINTON VOLUNTEER FIRE DEPARTMENT TO  
SEEK REIMBURSEMENT FOR COSTS INCURRED IN PROVIDING CERTAIN  
EMERGENCY SERVICES FOR VEHICLE FIRES**



**WHEREAS**, the Town of Clinton Volunteer Fire Department (the “Department”) is an independent volunteer fire company that provides fire suppression and emergency services in and around the Town of Clinton (the “Town”); and

**WHEREAS**, the cost of purchasing, repairing, and maintaining the equipment and supplies used by the Department in providing fire and emergency services continues to grow each year; and

**WHEREAS**, the Mayor and Council of the Town of Clinton (“Town Council”) acknowledges the Fire Department’s interest in securing additional funding sources so that it can continue to provide fire and emergency services for the benefit of the Town and persons traveling within the Town; and

**WHEREAS**, the Town is a crossroads and transportation hub bisected by a large busy Federal interstate highway, as well as State and County highways; and

**WHEREAS**, many vehicles using these highways are involved in business outside the Town borders and are merely passing through the Town; and

**WHEREAS**, raising real property taxes to meet the increase in service demands created by both in Town and out of Town vehicle hazards would not be fair to property owners, as many motor vehicle incidents and other emergency services involve individuals not owning property or paying taxes within the Department’s service area; and

**WHEREAS**, the Town Council wishes to demonstrate its support for the Department by recognizing the Department’s authority to establish a revenue recovery plan through which those who benefit from certain services provided by the Department are asked to pay a fair and reasonable share of the cost of loss and wear and tear to apparatus, tools, equipment, and materials used in fighting fires and/or providing emergency services so that a safe and appropriate level of service can be maintained and made available to the Town; and

**WHEREAS**, the Town Council has been advised that fire insurance and auto insurance policies in New Jersey will directly compensate local fire departments for response if a Schedule of Fees has been adopted by ordinance; and

**WHEREAS**, the Town Council believes that an ordinance establishing a revenue recovery plan for the costs and expenses of certain fire services would be in the best interests of the Town;

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Council of the Town of Clinton, the County of Hunterdon, that Chapter 10 entitled “Fire Department” of the Code of the Town of Clinton (“Code”) is hereby amended as follows:

**SECTION 1.** Chapter 10 of the Code entitled “Fire Department” is amended by adding sections 10-4 through to and including 10-13 as follows:

§10-4           **Definitions**

As used in this chapter, the following terms shall have the meanings indicated:

**COSTS**

All costs incurred by the Department, including but not limited to the following: actual labor costs of personnel, including workers' compensation benefits, fringe benefits and administrative overhead; cost of equipment operation; cost of materials; and the cost of any outside contract for labor and materials.

**DEPARTMENT**

The Town of Clinton Volunteer Fire Department

**MATERIALS**

All materials, including but not limited to firefighting foam, chemical extinguishing agents, absorbent material, sand recovery drums, and specialized protective equipment such as acid suits, acid gloves, goggles and protective clothing.

**PERSON**

Any public or private corporation, company, association, society, firm, partnership, joint stock company, individual, or other entity.

**PETROLEUM PRODUCT**

Oil or petroleum of any kind and in any form, including but not limited to oil, petroleum, gasoline, kerosene, fuel oil, oil sludge, oil refuse, oil mixed with other wastes, crude oils and substantives or additives utilized in the refining or blending of crude, petroleum or petroleum stock.

**§10-5 Authorization to Recover Costs and Expenses**

The governing body of the Town of Clinton authorizes the Department to recover the costs of fire-fighting materials used and expended; the costs of the use of the fire trucks, fire engines, rescue equipment, and tankers; and the costs of personnel hours involved in vehicular accident wherein there is sufficient damage for the owner of the real property or vehicle to file an insurance claim for the loss.

**§10-6 Schedule of Fees and Costs.**

Below is a schedule of fees and costs to be charged and invoiced by the Department to any person or their insurance carrier for whom or for whose property such services were rendered and/or materials provided.

Type of Incident	Description	Fee
Vehicle Incidents	Vehicle fires and crashes substantial enough to cause the Department to use tools and skill (or extinguishing agent) to bring the incident under control.	\$750 per vehicle

**§10-7 Parties Responsible for Reimbursement to the Department.**

Reimbursement to the Department as hereinbefore indicated shall be made by the owner or operator of the vehicle responsible for fire;

§10-8 **Third-Party Billing Agent.**

The Department is hereby authorized to bill and collect costs due to it under this chapter through a third party billing agent, provided that any such agreement with any professional agency engaged in the business of emergency response billing shall be subject to the approval of the Town Council.

§10-9 **Collection of Costs.**

Said costs and fees as outlined above and as set forth on the schedule of fees and costs herein shall be recovered directly by the Department, or through a third-party professional agency engaged in the business of emergency response billing under a contract with the Department, by billing to the responsible party.

§10-10 **Interest and Administration Fees.**

In addition to the aforementioned fees and costs, the Department is hereby authorized to collect reasonable interest and administration fees for the collection of the fees and costs due and owing from the insurance companies or responsible parties for the services rendered and/or materials provided.

§10-11 **Report to the Town Council.**

The Department shall provide a monthly report to the Town Council detailing all billing and receipts under this chapter.

§10-12 **Time Limit for Reimbursement.**

Any person or entity responsible for any vehicle fire shall reimburse the Department pursuant to the schedule of fees hereunder, or provide proof that they have submitted a claim to their insurance carrier for payment within 45 days after receipt of a statement from the Department outlining said costs and expenses. These provisions shall be subject to the following:

- a. Persons receiving services from the Department shall cooperate with the Department or other billing personnel hired by the Department to secure full payment for services rendered from any necessary insurance carrier.
- b. Due to anticipated time requirements for the preparation and processing of insurance claims, parties that have provided proof of a claim to their insurance carrier shall not be charged interest or be subject to penalties hereunder.
- c. Responsible parties under this chapter shall ensure that the Department is authorized to receive any payments from an insurance carrier as required by this chapter.
- d. The Department reserves the right to determine that a bill is uncollectable by reason of unavailability of insurance coverage and be written off.

§10-13 **Violations and Penalties.**

Any person violating any provisions of this chapter and responsible for any vehicle fire within the service area of the Department who fails to reimburse the Department as provided herein or submit a claim to the appropriate insurance carrier within the time required shall be liable and subject to a penalty and/or a fine for each violation and each offense in accordance with the Code of the Town of Clinton.

**SECTION 2.** All Ordinances or parts of Ordinances inconsistent herewith are repealed as to such inconsistencies.

**SECTION 3.** If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

**SECTION 4.** This Ordinance shall take effect upon final passage and publication according to law.

Vote all ayes  
Motion carried

A notice of this ordinance will be published in the March 4, 2015 edition of the Hunterdon Review. A public hearing will be held March 24, 2015.

### **CORRESPONDENCE**

1. Meals on Wheels in Hunterdon, Inc. is reaching out to elected officials to participate in the March for Meals campaign by helping to deliver meals to homebound senior clients during Community Champions Week March 16 – 20, 2015. Anyone interested should contact Clerk.
2. Mr. Phelan attending a meeting for shared services for Board of Health with the County.
3. Delaware Township requesting the support of the Hunterdon County Freeholders regarding the pipeline.
4. Notification from Horizon Blue Cross Blue Shield of New Jersey informing the Town that the Hunterdon Art Museum was presented a grant award.

### **REPORTS FROM COUNCIL & TOWN OFFICIALS**

#### **Richard Phelan, Business Administrator**

Mr. Phelan met with Sean Rogan and walked the site for placement of the “Irishtown” plaque. The chosen location will be marked out to the post and will be uncovered the day of the St. Patrick’s Day Parade, March 15, 2015.

#### **Kathy Olsen, CFO**

Participated in the conference call with the Governor’s Budget address. Municipal Aid will remain the same. Homestead rebates will be paid out in May, all other tax programs will remain intact and pension reform was addressed.

#### **Councilman Shea**

Shade Tree – inventory is complete, Arborist Spanner visited Town and identified trees.

#### **Councilwoman Sosidka**

150<sup>th</sup> Celebration – Ms. Sosidka said there will be a Beautification Day on April 18, anyone interested in helping is welcome to join the volunteers and guild members. Plan on starting 8:00 a.m. Mr. Shea said he will mention it to the Adventure Guides.

A banner request has been submitted by the 150<sup>th</sup> committee to display a banner May 25 through June 1, 2015. A motion was made by Mr. Pendergast, seconded by Mr. Carberry, to approve the request.

Vote all ayes  
Motion carried

Ms. Sosidka brought up the drinking on public streets the day of the Block Party and asked about changing the ordinance to allow it. Chief Matheis explained that consumption can only be on private property such as the Hunterdon Art Museum or Firehouse and it must be in a contained area. Insurance must be provided by the caterer indemnifying the property owner.

Restoration of the 1865 Council Book will cost \$275.00 and the 150<sup>th</sup> committee is being asked to pay for it. The budget will have to be reviewed to see if there are enough funds to do so. Council would also like to see the budget.

Historic Commission will be working in conjunction with the Red Mill Museum Village to put on an exhibit for the 150 years of Clinton. A cabinet will be constructed to display items being donated in the 47 Leigh Street building.

#### **Councilman Pendergast**

Sewer Committee discussed budget requests, filter for the Wastewater Treatment Plant building, centrifugal blowers, heater, and a sludge press.

Sewer connections to the Twin Ponds Development are moving along, Sue Brasfield from Maser Consulting, has been conducting inspections, however, Alternate Engineer, Bob Clerico of Van Cleef Engineering will do future connections because of his proximity to the Town.

Clinton Fire Department cancelled their last meeting due to weather, their next meeting is March 2, 2015. Pierce Manufacturer has submitted new numbers for the new fire truck, Mr. Phelan reviewing and will have information for the next council meeting.

The Fire Department is excited about hosting the St. Patrick's Day post party!

#### **Councilman Carberry**

Board of Recreation – Denise Rinaldo and Tom Silva from Clinton Township Recreation, met with Rosemary Pendergast to discuss utilizing the Community Center in joint events, possibly a kid's event for the Fall.

#### **Councilman Rylak**

Mr. Rylak questioned the process of Tax Sales and foreclosures, taxes are paid off first.

Regarding alcohol at the Fire House, Mr. Rylak said if he was the attorney for the firehouse he would not recommend they hold it there as a danger to the fire department. Mr. Rylak went on record saying he would not recommend the firehouse permit drinking on their property.

#### **STANDBY AND OVERTIME**

A motion was made by Mr. Carberry seconded by Mr. Pendergast to approve the standby and overtime submitted for January 30 through February 12, 2015 attached to these minutes.

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

Vote all ayes  
Motion carried

#### **PAYMENT OF BILLS**

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

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

Vote all ayes  
Motion carried

**RESOLUTION #53-15 – EXECUTIVE SESSION – CONTRACT DISPUTE – PENDING LITIGATION**

A motion was made by Mr. Carberry, seconded by Mr. Rylak, to enter into executive session to discuss matters of Contract Disputes and Pending Litigation at 8:07 p.m.

**RESOLUTION # 53-15**

**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

**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 \_\_\_\_\_

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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.

**ADJOURNMENT:** Upon returning from Executive Session and there being no further business, a motion was made by Mr. Carberry seconded by Mr. Pendergast to adjourn the meeting at 9:08 p.m.

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

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