

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. Rylak to approve the minutes of the special council meeting April 21, 2015 as submitted.

Vote all ayes
2 Abstentions (Carberry, Rylak)
Motion carried

A motion was made by Mr. Carberry, seconded by Mr. Rylak, to approve the minutes of the regular council meeting held April 28, 2015.

Vote all ayes
1 Abstention (Pendergast)
Motion carried

APPROVAL OF EXECUTIVE SESSION MINUTES

A motion was made by Mr. Smith seconded by Mr. Pendergast, to approve the Executive Session minutes of April 14, 2015 as submitted.

Vote all ayes
Motion carried

Motion was made by Mr. Smith, seconded by Mr. Rylak to approve the Executive Session minutes of April 21, 2015.

Vote all ayes
2 Abstentions (Carberry, Rylak)
Motion carried

APPROVAL OF MONTHLY REPORTS – APRIL

A motion was made by Mr. Carberry seconded by Ms. Sosidka to accept the monthly reports for the month of April 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 Superintendent’s Report, Zoning Officer Report.

Vote all ayes
Motion carried

PUBLIC COMMENT

Liz Scannell, Clinton Guild Treasurer, attended this evening and said there will be Guild representation at all Council meetings going forward. The Guild welcomed Councilwoman Sherry Dineen, as the new Guild liaison. The Guild is happy to announce they will resume hanging baskets on the Pony Truss bridge again! Four large planters will be placed on the four corners and new flags, thanks to the Friendly Sons of Saint Patrick, have been hung. The Guild will be hosting a table at the 150th Block Party on May 30, in front of the Gulbrandsen Building on Main Street and they will be selling 50/50 chances. Friday night Music Come Together will start the day of the Block Party, May 30th. Ms. Sosidka thanked former councilman, Dan Shea, for planting the flowers around the trees on Main and East Main Street.

Patrick McGuire, Center Street, recognized Police Chief, Brett Matheis, for his generosity in donating a prize he recently won to Readington Township for their use. A Star Chase GPS Pursuit Device which deploys a GPS device from an “air cannon” mounted on the front of a police car onto a vehicle being pursued whereby the fleeing vehicle can be tracked by GPS thus eliminating the need to continue a high speed pursuit.

Mr. McGuire also wished to express his concerns about parking for the Trans Bridge in Clinton Township. Commuters park on the properties of empty buildings on Grayrock Road and it is dangerous when they are walking at dusk with dark clothing. Mayor Kovach said she has been meeting with Clinton Township Mayor Higgins and they plan to meet with the Department of Transportation to discuss options. The lot is owned by DOT and was purchased with federal funds, but they will continue to work with DOT, HART (Hunterdon County Rural Transit) and Trans Bridge.

Mayor Kovach took the opportunity to discuss a recent meeting with Mayor Higgins and several other Hunterdon County mayors regarding COAH and the proposed affordable housing requirements for municipalities. There is a working committee and someone from the Hunterdon County Planning Board staff has been assigned to work with them to contact the legislature to support the municipalities.

2014 ANNUAL AUDIT

Copies of the 2014 annual Town audit prepared by Suplee, Clooney and Company, have been distributed to the Mayor and Council for their review. Happy to announce there were no recommendations and congratulations to CFO, Kathy Olsen, for doing an excellent job! Council will be signing a Group Affidavit at the next Council meeting stating that they have reviewed the audit in detail.

PROCLAMATIONS

RELAY FOR LIFE

Mayor Kovach read the Relay for Life Proclamation which encourages citizens to participate in the fight against cancer at Hunterdon Central High School on June 13, 14, 2015.

EMERGENCY MEDICAL SERVICES WEEK

Mr. Smith and Mayor Kovach called up Clinton First Aid and Rescue Squad Chief, Frank Setnicky, to present him with the Emergency Medical Services Week Proclamation and recognize all that the emergency medical service teams do for all in need. A round of applause!

RESOLUTION #78-15 – CANCELLATION OF TAX SALE CERTIFICATE

A motion was made by Mr. Pendergast, seconded by Mr. Carberry, to adopt Resolution #78-15 as submitted:

RESOLUTION # 78-15

WHEREAS, the Tax Collector of the Town of Clinton has been paid \$282.19 the amount necessary to redeem Tax Sale Certificate #2006-14 on Block 4, Lot 1 and Block 4, Lot 1 +B01, assessed to Earl M. and Mary Lynn Houghton and held by the Town of Clinton.

WHEREAS, the assessed owners, Earl M. and Mary Lynn Houghton , have redeemed Tax Sale Certificate #2006-14 by paying the full amount of the delinquency.

BE IT FURTHER RESOLVED, that the Mayor and Town Clerk of the Town of Clinton are hereby authorized to endorse Certificate of Sale #2006-14 for cancellation.

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

Vote all ayes
Motion carried

RESOLUTION #79-15 – CLOSE OUT ESCROW ACCOUNT

A motion was made by Mr. Smith, seconded by Mr. Carberry, to adopt Resolution #79-15 as submitted:

RESOLUTION 79-15

WHEREAS, in December 2010 ADPP Enterprises, Inc. deposited funds in the amount of \$2,500.00 to establish an escrow account for water review with the Town of Clinton,

WHEREAS, there are no outstanding bills from the Town's Professionals to be paid from this account, and

WHEREAS, ADPP Enterprises, Inc. has requested the return of the balance of the escrow money in the amount of \$1,530.90,

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Town of Clinton, to authorize the Chief Financial Officer to issue a check to ADPP Enterprises, Inc. in the amount of \$1,530.90 to close the current escrow account.

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

Vote all ayes
Motion carried

RESOLUTION #80-15 – REFUND OF TAX OVERPAYMENT

A motion was made by Ms. Sosidka, seconded by Mr. Pendergast, to adopt Resolution #80-15 as submitted:

RESOLUTION # 80-15

WHEREAS, the Tax Collector of the Town of Clinton has received a double payment for the following block and lot due to refinance or closing,

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Town of Clinton that the Chief Financial Officer be authorized to refund the overpayment to Corelogic Real Estate Tax Service c/o Refund Department, PO Box 961250, Fort Worth, TX, 76161, for the following account:

<u>BLOCK</u>	<u>LOT</u>	<u>OWNER</u>	<u>AMOUNT</u>
19	4	Glen & Toby Preston	\$2,046.87

BE IT FURTHER RESOLVED that the Tax Collector remove the overpayment on the above block and lot for the 2nd quarter 2015.

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

Vote all ayes
Motion carried

RESOLUTION #81-15 – FILING OF A DECLARATORY JUDGEMENT REGARDING COAH

A motion was made by Mr. Rylak, seconded by Mr. Smith to adopt Resolution #81-15 with the amendment to Resolution #77-15 which was adopted at the Council meeting of April 28, 2015 increasing the sum of the work described from \$2,500 to \$3,000.00.

RESOLUTION #81-15

RESOLUTION (1) AUTHORIZING THE TOWN OF CLINTON ATTORNEY AND OTHER TOWN PROFESSIONALS TO PREPARE AND FILE A DECLARATORY JUDGMENT ACTION WITH THE SUPERIOR COURT SEEKING JUDICIAL APPROVAL OF THE TOWN'S COMPLIANCE WITH ITS THIRD ROUND MT. LAUREL AFFORDABLE HOUSING OBLIGATIONS IN ACCORDANCE WITH THE NEW JERSEY SUPREME COURT DECISION IN THE MATTER OF THE ADOPTION OF N.J.A.C. 5:96 AND 5:97 BY NJ COUNCIL ON AFFORDABLE HOUSING; AND (2) AUTHORIZING OTHER TOWN PROFESSIONALS AND OFFICIALS TO TAKE SUCH ACTIONS AS MAY BE APPROPRIATE TO IMPLEMENT AN UPDATE TO THE TOWN OF CLINTON HOUSING PLAN ELEMENT OF THE MASTER PLAN AND FAIR SHARE PLAN FOR THIRD ROUND MT. LAUREL AFFORDABLE HOUSING COMPLIANCE, TO UNDERTAKE A SURVEY OF ALL VACANT AND UNDEVELOPED LAND IN TOWN OF CLINTON BY BLOCK AND LOT, TO CONDUCT AN ANALYSIS OF THE TOWN'S HOUSING STOCK, AND TO CONDUCT SUCH OTHER STUDIES AS MAY BE DETERMINED NECESSARY.

WHEREAS, On March 10, 2015 the New Jersey Supreme Court issued its decision in the case of In Re Adoption of N.J.A.C. 5:96 and 5:97 by NJ Council on Affordable Housing, holding that, effective June 8, 2015, enforcement of the Fair Housing Act ("FHA") and the Mount Laurel Doctrine be transferred from the New Jersey Council on Affordable Housing ("COAH") to the New Jersey Superior Courts, due to COAH's failure to adopt Third Round Rules on municipal affordable housing obligations; and

WHEREAS, the New Jersey Supreme Court further ordered in that decision that municipalities which had either received Third Round Substantive Certification or been declared to have "participating" status by COAH are permitted to file a declaratory judgment action with its County's Superior Court within 30 days after the June 8, 2015 effective date of the decision; and

WHEREAS, the purpose of the declaratory judgment action is to seek a judicial declaration that the municipality's affordable housing plan presents a realistic opportunity for the provision of its fair share of present and prospective need for low and moderate income housing, such that the Town may receive, in effect, from the courts substantive certification and accompanying protection as afforded under N.J.S.A. 52:27D-313; and

WHEREAS, the New Jersey Supreme Court ruled that a municipalities' Third Round fair share obligation and housing plan must be evaluated under the prior round methodology; and

WHEREAS, the Town of Clinton has "participating status"; and

WHEREAS, throughout and notwithstanding the period of uncertainty over new Third Round Rules, the Town of Clinton has continued efforts to provide for low and moderate income housing opportunities in the Town; and

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

1. Town Attorney Richard P. Cushing, Esq., along with members of his firm, is authorized to prepare and file a Declaratory Judgment action in the Superior Court on behalf of the Town seeking a judgment of compliance with the Town's Third Round affordable housing obligation and also seeking an order of immunity from Mt. Laurel builder remedy lawsuits during the process of adopting and filing the Housing Plan Element and Fair Share Plan with the Court as well as during the period of Court review of the Town's plan and all implementing ordinances.
2. Town Attorney Richard P. Cushing, Esq., Planner David Maski, and Town Engineer Robert Clerico along with members of their respective firms are authorized to take such as actions as may be appropriate to further both the preparation and implementation of the updated Housing Plan Element of the Town of Clinton Master Plan and Fair Share Plan for Third Round Mt. Laurel Compliance, to undertake a survey of all vacant and undeveloped land in Town of Clinton by block and lot, to conduct an analysis of the Town's housing stock, and to conduct such other studies as may be determined necessary.
3. Proposals for these plans and studies shall be submitted in advance for review and approval by the Town of Clinton Council and/or Town of Clinton Land Use Board.
4. This Resolution shall take effect immediately upon its passage.

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

Vote all ayes
Motion carried

PUBLIC HEARING OF ORDINANCE #15-10 – IMPROVEMENTS TO SEWER UTILITY

A motion was made by Mr. Pendergast, seconded by Mr. Carberry, to open the public hearing of Ordinance #15-10:

**SEWER UTILITY
CAPITAL ORDINANCE NO. 15-10**

CAPITAL ORDINANCE OF THE TOWN OF CLINTON SEWER UTILITY, IN THE COUNTY OF HUNTERDON, STATE OF NEW JERSEY, AUTHORIZING THE MAKING OF IMPROVEMENTS IN, BY AND FOR THE TOWN OF CLINTON SEWER UTILITY AND APPROPRIATING THEREFOR THE SUM OF \$100,000.00 FROM THE SEWER CAPITAL RESERVES FOR SEWER UTILITY IMPROVEMENTS

Vote all ayes
Motion carried

There being no public comment, a motion was made by Mr. Pendergast, seconded by Mr. Rylak, to close the public portion of the meeting.

Vote all ayes
Motion carried

A motion was made by Mr. Pendergast, seconded by Mr. Rylak, to adopt Ordinance #15-10 as presented.

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

Vote all ayes
Motion carried

CORRESPONDENCE

1. The State of New Jersey has notified the Town that the Municipal Aid grant for the Helen and Hunts Mill Road project has been denied.
2. The State of New Jersey has also notified the Town that the Local Aid Infrastructure Funds for resurfacing Union Road, Section 2, has also been denied. Very competitive programs.
3. Boy Scout Troop 121 is planning their annual United States Flag Retirement ceremony for Friday, June 12, 2015. The Troop is requesting the fee for a fire safety permit be waived in the amount of \$42.00. A motion was made by Mr. Smith, seconded by Ms. Sosidka, to waive the fee as requested.

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

Vote all ayes
Motion carried

4. Hunterdon County Chamber of Commerce announced the 2nd annual Community Day, Saturday, June 13, 2015 at the South County Park in Ringoes from 12:30 PM to 6:30 PM.

REPORTS FROM COUNCIL & TOWN OFFICIALS

Kathy Olsen, CFO

1. Ms. Olsen reported that she received a judgement of foreclosure for Moebus Tract, however a bankruptcy had been filed at the same time so there is now a stay on the foreclosure.

Councilman Smith

1. Water Committee has been notified by the State of New Jersey, Department of Environmental Protection, that the Lebanon Borough Water Main Replacements, Purchase of Water Meters and Project Phases II and III have been reviewed and approved for the proposed action.
2. Buildings and Grounds will be purchasing a free standing A-frame sign to be used for the 150th Block Party directing parking and may be used for a variety of other uses in the future. The cost is \$100.00.

The new diesel key card system is working well.

Municipal Building and porch repairs are out for bid, bid opening is May 27, 2015 at 10:00 a.m.

Town Engineer, Bob Clerico, is looking into alternative ways to build a salt bin for DPW.

3. Roads Committee – Bids are being sought for the Halstead Street Road Resurfacing and Accessible Ramps Improvements project for a June 4, 2015 bid opening.

West Main Street paver repair project is complete.

Reaching out to Department of Transportation to discuss a grant for the raised island platform in front of the Clinton House.

4. Rescue Squad – applied for a grant for a new ambulance. They have purchased a fully equipped mini truck to get into tight places such as trails to camp sites. Mr. Smith shared photos of the vehicle, it is fantastic.

Councilwoman Sosidka

150th report – the mural is coming along beautifully! The lift to reach the top of the building to paint cost an unexpected \$750 but was necessary. To help defray the cost, there is a jar in the alley accepting donations, please stop by and support Christie Wood's efforts. Updated 150th report is several vendors have reserved space and plans will soon be coming to fruition! Looking forward to a fabulous day!

The Fitness Trail dedication was held May 9, 2015 and was well attended. Folks are encouraged to use the trail and get fit!

Councilman Pendergast

Clinton Fire Department is also using the new gas swipe cards at the Municipal lot. The fire department is also considering milling and paving next year and requests the stripping cost be absorbed by the town. Next Grill Night is Friday, May 15, beginning at 5:30 p.m.

Councilman Carberry

Environmental Commission – The Green Team will be supporting the 150th Block Party on May 30, 2015. They will be taking care of the garbage that day, emptying pails, picking up litter. You will certainly notice them wearing their Green Team shirts!

Councilman Rylak

The Smart Growth survey has been completed and taken to Rutgers University. Yi Fan, a doctoral candidate, is assisting in the final process.

STANDBY AND OVERTIME

A motion was made by Mr. Carberry seconded by Mr. Rylak to approve the standby and overtime submitted for April 24 through May 7, 2015 attached to these minutes.

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

Vote all ayes
Motion carried

STANDBY AND OVERTIME

A motion was made by Mr. Carberry, seconded by Ms. Sosidka, to approve the standby and overtime submitted for March 27 through April 9, 2015 attached to these minutes.

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

Vote all ayes
Motion carried

PAYMENT OF BILLS

A motion was made by Mr. Smith seconded by Mr. Pendergast 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 # 82-15 – EXECUTIVE SESSION

A motion was made by Mr. Pendergast seconded by Mr. Rylak, to enter into Executive Session at 8:16 p.m. to discuss Contract Negotiations and Litigation.

RESOLUTION #82-15

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: _____

OR _____ the public disclosure of such information at this time would have a potentially negative impact on the municipality's position with respect to the matter being discussed; therefore this information will be withheld until such time as the matter is concluded or the potential for negative impact no longer exists);

_____Matters involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance, promotion or disciplining of any specific prospective or current public officer or employee of the public body, where all individual employees or appointees whose rights could be adversely affected have not requested in writing that the matter(s) be discussed at a public meeting; (The employee(s) and/or general nature of discussion is _____

OR _____ the public disclosure of such information at this time would violate the employee(s) privacy rights; therefore this information will be withheld until such time as the matter is concluded or the threat to privacy rights no longer exists.;

_____Deliberation occurring after a public hearing that may result in the imposition of a specific civil penalty or loss of a license or permit;

BE IT FURTHER RESOLVED that the Mayor and Council hereby declare that their discussion of the subject(s) identified above may be made public at a time when the Town Attorney advises them that the disclosure of the discussion will not detrimentally affect any right, interest or duty of the Town or any other entity with

respect to said discussion. That time is currently estimated to be: _____
(estimated length of time) OR upon the occurrence of _____

BE IT FURTHER RESOLVED that the Mayor and Council, for the reasons set forth above, hereby declare that the public is excluded from the portion of the meeting during which the above discussion shall take place.

Vote all ayes
Motion carried

ADJOURNMENT: Upon returning from Executive Session and there being no further business, a motion was made by Mr. Carberry seconded by Ms. Sosidka to adjourn the meeting at 9:07 p.m.

Cecilia Covino, RMC/CMC
Town Clerk

Mayor Janice Kovach