

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 May 26, 2015 as submitted.

Vote all ayes
1 Abstention (Rylak)
Motion carried

APPROVAL OF EXECUTIVE SESSION MINUTES

A motion was made by Mr. Smith seconded by Ms. Sosidka, to approve the Executive Session minutes of May 26, 2015 as submitted.

Vote all ayes
1 Abstention (Rylak)
Motion carried

APPROVAL OF MONTHLY REPORTS – MAY

A motion was made by Mr. Smith seconded by Mr. Pendergast to accept the monthly reports for the month of May as submitted.

Administrator’s report, Clerk’s Account, Cat & Dog Licensing, 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 Report, Zoning Officer Report.

Vote all ayes
Motion carried

PUBLIC COMMENT – None

MAYOR’S COMMENTS

1. Mayor Kovach attended an Eagle Scout ceremony and presented Robbie Scire with a proclamation.
2. Flag Day Parade will be held on Main Street Friday, June 12 beginning at 6:45 pm. The flag retirement ceremony will follow by the Boy Scouts on the property of the Red Mill.
3. A letter was received from Clinton Township School Superintendent, Dr. Drucilla Clark, thanking the police department for responding to a swatting incident at the Township school recently.

CLINTON TOWNSHIP MAYOR, JOHN HIGGINS

Mayor Higgins presented an opportunity to the Town of Clinton to join in the coalition of towns to have a study prepared by Dr. Robert Burchell, a distinguished professor at Rutgers University. Dr. Burchell will prepare an expert report within 60 to 90 days of being retained to establish his view of the proper way to determine each municipality's fair share obligation. Jeffrey Surenian, Esq. will be organizing the administrative work. The cost among the towns would be about \$2,000.00 each. Following a discussion among Council and Counsel, it was decided to enter into the agreement.

RESOLUTION #90-15 – AUTHORIZING EXECUTION OF SHARED SERVICE AGREEMENT

A motion was made by Mr. Carberry, seconded by Mr. Rylak, to adopt Resolution #90-15 and to enter into the Shared Service Agreement as presented:

**RESOLUTION #90-15
AUTHORIZING EXECUTION OF
SHARED SERVICES AGREEMENT**

WHEREAS, the Town of Clinton has filed or anticipates filing a Declaratory Judgment Action in the Superior Court of New Jersey, Hunterdon County, in furtherance of the Supreme Court's March 10, 2015, decision captioned In re Adoption of N.J.A.C. 5:96 & 5:97 by N.J. Council on Affordable Housing, 221 N.J. 1 (2015) (the "Supreme Court Decision"); and

WHEREAS, Fair Share Housing Center ("FSHC"), through the services of David Kinsey, has prepared what it considers to be the statewide fair share numbers (the "FSHC Numbers") for use by the 15 vicinages Mt. Laurel Judges to calculate a municipality's affordable housing obligation pursuant to the Supreme Court Decision; and

WHEREAS, the Town of Clinton desires to participate in the preparation of a statewide fair share analysis to be undertaken by Rutgers, The State University of New Jersey ("Rutgers"), through Dr. Robert W. Burchell, Principal Investigator, and various other experts employed by Rutgers in order to establish a rational and reasonable methodology (the "Burchell Fair Share Analysis") for determination of a municipality's obligation to provide a realistic opportunity through its land use ordinances for its fair share of the region's affordable housing needs in accordance with the Mount Laurel Doctrine as set forth in In the Matter of the Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing, 221 N.J. 1 (2015) ("Decision") and prior decisions of the Courts of New Jersey, and the Fair Housing Act, N.J.S.A. 52:27D-301 et. seq.; and

WHEREAS, Rutgers, utilizing Dr. Burchell as the Principal Investigator and author has agreed to prepare the Burchell Fair Share Analysis within 90 days of being retained to establish his view of the proper way to determine each municipality's fair share obligation; and

WHEREAS, Dr. Burchell estimates the cost to prepare the initial Burchell Fair Share Analysis will be \$70,000; and

WHEREAS, it is anticipated that there will be a need for Dr. Burchell to analyze any challenges to his conclusions and prepare a rebuttal report to said challenges which is not included in the \$70,000; and

WHEREAS, it is anticipated that if each municipality contributes \$2,000, there will be sufficient monies to pay the cost to prepare the initial Burchell Fair Share Analysis, to analyze any challenges to the

Initial Fair Share Analysis and to prepare a Rebuttal Report given the number of municipalities that have expressed an interest in retaining Burchell; and

WHEREAS, a Municipal Shared Services Defense Agreement (hereinafter MSSDA”), has been prepared (a) so that monies can be collected to enter into an agreement with Rutgers (hereinafter “the Rutgers Agreement”) and so that Burchell, along with various other experts from Rutgers, can perform the tasks described above; and (b) so that the rights and responsibilities of each municipality that wishes to sign the agreement to retain Rutgers are defined; and

WHEREAS, the MSSDA provides that the Law Offices of Jeffrey R. Surenian and Associates, LLC (“Surenian”), will serve as the administrative entity to sign the Rutgers agreement on behalf of the municipalities that signed the MSSDA and paid the \$2,000 fee; and

WHEREAS, it is imperative given the time constraints for municipalities that wish to retain Burchell to sign the MSSDA and pay the \$2,000 fee so that Burchell can conduct the necessary analysis; and

WHEREAS, notwithstanding the foregoing, it is possible that the MSSDA may need to be changed as a result of ongoing negotiations with the Rutgers agreement following execution of the MSSDA and the payment of the \$2,000 fee; and

WHEREAS, in such an event, any member that objects to the changes that Rutgers may require shall have the opportunity to relinquish membership in the Municipal Group and to receive back the \$2,000 payment as more specifically set forth in the MSSDA.

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

1. The terms and conditions of the MSSDA attached hereto are hereby approved, ratified and confirmed.
2. The amount of \$2,000 is hereby authorized to be expended by the Town of Clinton for Rutgers through Dr. Robert Burchell, Principal Investigator, to prepare the Burchell Fair Share Analysis.
3. A certification of funds authorizing the aforesaid expenditure has been signed by the Chief Financial Officer of the Town of Clinton and is appended hereto.
4. The Mayor be and is hereby authorized to execute the aforesaid MSSDA to memorialize the participation of the Town of Clinton in the preparation of the Burchell Fair Share Analysis and to take any and all actions reasonably required to effectuate said Agreement.
5. The Town of Clinton hereby authorizes Jeffrey R. Surenian, Esq., to execute on behalf of the Town of Clinton the Research Agreement with Rutgers to initiate and complete Burchell Fair Share Analysis and to do such other actions to effectuate the purposes of said Research Agreement.
6. If further changes to the MSSDA are needed as a result of finalizing the Rutgers Agreement, within ten (10) days of notification by Surenian of the changes, the Town of Clinton will inform Surenian if it objects to the changes and wishes to withdraw from the Municipal Group and obtain a refund of the \$2000 it paid.
7. This Resolution shall take effect immediately.

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

Vote all ayes
Motion carried

SPECIAL EVENT APPLICATION

A graduation party to be held on the cul de sac on Fox Hill Road, June 20, 2015 has been requested by the Casey, Gallaway, Brotons, Dineen and Healy families. A motion was made by Mr. Smith, seconded by Mr. Pendergast, to grant the request.

Vote all ayes
1 Abstention (Dineen)
Motion carried

SPECIAL EVENT APPLICATION

The Hunterdon Art Museum submitted a special event application for September 19, 2015 to host a farm to table dinner with a tented area on Lower Center Street. The request is to close Lower Center Street to vehicular traffic. After a lengthy discussion among Council and Police Chief, a motion was made by Mr. Pendergast, seconded by Mr. Smith, to deny the application as presented without prejudice for the street closure and to suggest to the museum an alternative arrangement. Ms. Sosidka stated she is in favor of promoting businesses in Town.

Vote all ayes
Motion carried

RESOLUTION #87-15 – OVERPAYMENT OF TAXES

A motion was made by Mr. Carberry, seconded by Ms. Sosidka, to adopt Resolution #87-15 as submitted:

RESOLUTION #87-15

WHEREAS, the Tax Collector of the Town of Clinton has received an overpayment for the following block and lot due to Homestead Rebate,

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 Susan Bolig, 7 Rolling Hill Road, Clinton, NJ, for the following account:

<u>BLOCK</u>	<u>LOT</u>	<u>OWNER</u>	<u>AMOUNT</u>
31	7 C0107	Bolig	\$182.87

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 #88-15 – AWARD OF CONTRACT

A motion was made by Mr. Carberry, seconded by Mr. Smith, to adopt Resolution #88-15 awarding the contract for the Halstead Street Road Resurfacing and Accessible Ramp Improvement project to Z Brothers Concrete Contractors, Inc.

RESOLUTION #88-15

WHEREAS, the Town of Clinton advertised, and subsequently received bids for the Halstead Street Road Resurfacing and Accessible Ramps Improvements on Thursday, June 4, 2015 as outlined on the attached bid summary;

WHEREAS, four (4) bids were received as follows:

<u>Contractor</u>	<u>Base Bid</u>
Z Brothers Concrete Contractors, Inc.	\$178,667.68
Top Line Construction Corp.	\$217,846.80
Reivax Contracting	\$243,740.70
Diamond Construction	\$346,355.20

WHEREAS, the Town Attorney has reviewed the documents submitted by Z Brothers Concrete Contractors, Inc. and has determined that the bid was responsive and;

WHEREAS, the Town Engineer Robert J. Clerico, has reviewed the submitted bids and determined that Z Brothers Concrete Contractors, Inc. submitted the lowest responsive bid in the amount of \$178,667.68 for the Halstead Street Road Resurfacing and Accessible Ramps Improvements and;

WHEREAS, the Town of Clinton, has sufficient funds to award a contract based upon this bid

NOW THEREFORE, BE IT RESOLVED by the Mayor and Council of the Town of Clinton that the Contract for the Halstead Street Road Resurfacing and Accessible Ramps Improvements be and is hereby awarded to Z Brothers Concrete Contractors, Inc., 304 Jernee Mill Road, Sayreville, NJ, 08872 for their bid in the amount of \$178,667.68 subject to the following conditions:

1. The Contract is awarded as a unit price bid Contract and final payment will be based upon the actual quantities installed at the unit prices bid, as outlined in the Plans and Specifications prepared by Robert J. Clerico, P.E.
2. The award of this Contract is made subject to review and approval by the New Jersey Department of Transportation.

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

Vote all ayes
Motion carried

RESOLUTION #89-15 – CERTIFICATION OF ANNUAL AUDIT

A motion was made by Mr. Carberry, seconded by Mr. Pendergast, to adopt Resolution #89-15 as submitted:

**RESOLUTION # 89-15
CERTIFICATION OF ANNUAL AUDIT**

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

WHEREAS, the Annual Report of Audit for the year 2014 has been filed by a Registered Municipal Accountant with the Municipal Clerk as per the requirements of N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body, and

WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and,

WHEREAS, the Local Finance Board has promulgated N.J.S.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled "Comments and Recommendations" and

WHEREAS, the members of the governing body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled "Comments and Recommendations as evidenced by the group affidavit form of the governing body attached hereto; and,

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board, and

WHEREAS, failure to comply with the promulgations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27 BB-54 to wit:

R.S.52:27 BB-52 – "A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the (Director of Local Government Services), under provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office."

NOW, THEREFORE, BE IT RESOLVED, That the Governing Body of the Town of Clinton, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

Vote all ayes
Motion carried

PUBLIC HEARING OF ORDINANCE #15-11 – BOND ORDINANCE

A motion was made by Mr. Smith, seconded by Mr. Pendergast, to open the public hearing of Ordinance #15-11:

ORDINANCE #15-11

BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS IN AND BY THE TOWN OF CLINTON, COUNTY OF HUNTERDON, NEW JERSEY APPROPRIATING \$266.600 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$253,270 BONDS OR NOTES OF THE TOWN TO FINANCE PART OF THE COST THEREOF

Vote all ayes
Motion carried

There being no public comment, a motion was made by Mr. Pendergast, 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 #15-11 on second reading.

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

Vote all ayes
Motion carried

CORRESPONDENCE

1. The United Way of Hunterdon is hosting the County annual meeting and community celebration on Wednesday, June 17, 2015 from 5:30 p.m. to 7:30 p.m. at Razberry's, Route 12, Frenchtown. See clerk for additional details.

REPORTS FROM COUNCIL & TOWN OFFICIALS

Kathy Olsen, CFO

Ms. Olsen requested consideration of setting a date for a finance meeting.

Councilman Smith

1. Buildings and Grounds are reviewing bids for the renovation of the Municipal Building.
2. Rescue Squad – thanked Council for bidding the new ambulance. The squad also reported 272 calls for May, 50 up from last year.
3. Water Committee – planning on starting the Halstead Street repaving project June 22, 2015.

Councilwoman Dineen

1. Ms. Dineen will be meeting with the Guild and Mayor Kovach on June 16, 2015 and will also attend their next regular meeting.

Councilwoman Sosidka

The 150th Block Party was a huge success! Lots of positive feedback from merchants, vendors and visitors! Months of hard work certainly paid off!

Councilman Pendergast

1. Clinton Fire Department – is planning their parade to be held in two years in conjunction with the Clinton First Aid & Rescue Squad. CFD is celebrating 125 years and the CFARS is

celebrating their 50th! The parade is scheduled for May 20, 2017. A website is being designed to follow the progress!

2. Clinton Fire Department is hosting their Annual Clam Bake for Saturday, August 15, 2015.
3. Sewer Treatment Plant has completed a portion of the UV light bulbs replacement and Sewer engineer, Sue Brasfield, is exploring options.

Councilman Carberry

1. The Roads committee met and discussed rescinding the ordinance authorizing the municipal maintenance of the Georges Place Extension. The committee agrees that the Town has no business being on private property maintaining their road. Mr. Rylak requested a copy of any deed on that road showing responsibility of the owners in question. Mr. Phelan will provide it.

Councilman Rylak

1. Smart Growth continues to compile the survey results which is available in the clerk's office for anyone interested in reviewing. The committee plans to address the various boards with thoughts as well as with the Police Chief. Mr. Rylak did distribute an overview report of the survey to everyone.
2. Mr. Rylak took this opportunity to share a story he encountered this morning. At the corner of Exit 15, formerly known as Pip's corner, Officer Jeff Ollerenshaw stopped his police car with his lights on to escort a family of five across the street. Once they were safely across the street, he got back in his car. Something you do not see everyday! A wonderful occurrence, kudos to Officer Ollerenshaw.

STANDBY AND OVERTIME

A motion was made by Mr. Carberry, seconded by Mr. Rylak, to approve the standby and overtime submitted for May 22 through June 4, 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 # 91-15 – EXECUTIVE SESSION

A motion was made by Mr. Carberry seconded by Ms. Sosidka, to enter into Executive Session at 8:15 p.m. to discuss Contract Negotiations and Litigation.

RESOLUTION #91-15

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;

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. Pendergast seconded by Mr. Carberry to adjourn the meeting at 9:24 p.m.

Cecilia Covino, RMC/CMC
Town Clerk

Mayor Janice Kovach