

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 June 6, 2015 as submitted.

Vote all ayes
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 June 6, 2015 as submitted.

Vote all ayes
Motion carried

RESOLUTION #99-15 – HIRING OF PUBLIC WORKS EMPLOYEES

Mayor Kovach introduced two new public works employees here tonight to meet council. Colin Runser and Steven Higgins have been offered employment by the Town of Clinton Water Utility to begin working July 8, 2015. The gentlemen introduced themselves and look forward to begin working for the Town. A motion was made by Mr. Smith, seconded by Mr. Pendergast, to adopt Resolution #99-15 as presented:

RESOLUTION # 99-15

WHEREAS, the Town of Clinton Water Utility requires the hiring of two new laborers, and;

WHEREAS, the positions were advertised for, applications accepted and interviews performed, and;

WHEREAS, the Water Committee, Public Works/Business Administrator and the Water Superintendent recommend that the following persons be hired to fill the open positions at a rate of \$16.00 per hour;

Steven Higgins
Colin Runser

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Town of Clinton hire Steven Higgins and Colin Runser to fill the open positions at the Town of Clinton Water Utility with a start date of July 8, 2015.

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

Vote all ayes
Motion carried

PUBLIC COMMENT

Frank Gallagher, 31 Center Street, addressed Council asking for clarification regarding Chapter 77, Fire Code Enforcement, of the Town of Clinton Code Book. The section Mr. Gallagher is referring to is registration for fire and would like clarification as to who is the responsible person to pay the annual registration fee. Council will receive copies of the ordinance for future discussion.

MAYOR'S COMMENTS

1. Mayor Kovach extended an invitation to council to attend the 8th annual red, white and blue party at the Hunterdon Developmental Center. The party is scheduled for Friday, June 26 from 1 – 3pm. Mayor Kovach is unable to attend, if anyone is interested please notify the clerk.

RESOLUTION #92-15 – AWARD OF CONTRACT

A motion was made by Mr. Carberry, seconded by Mr. Pendergast, to adopt Resolution #92-15 as submitted:

RESOLUTION #92-15
RESOLUTION TO AWARD CONTRACT FOR THE CLINTON MUNICIPAL BUILDING
EXTERIOR MAINTENANCE AND REPAIR PROJECT

WHEREAS, the Town of Clinton advertised, and subsequently received bids for the Municipal Building Exterior Maintenance and Repair Project May 27, 2015; and

WHEREAS, two (2) bids were received as follows:

- R.J. Doerr Co.
 - Base Bid - \$257,900
 - Alternate Bid #1 (Deduction) - \$2,150
 - Alternate Bid #2 (Addition) - \$3,520
- Charles Mann General Contracting
 - Base Bid - \$589,000
 - Alternate Bid #1 (Deduction) - \$3,200
 - Alternate Bid #2 (Addition) - \$3,000

WHEREAS, the Town Attorney has reviewed and approved the bid bond submitted by the low bidder; and

WHEREAS, the Town's Buildings and Grounds Committee and Town's Historic Architect, Michael Margulies of Eclectic Architecture, has reviewed the submitted bids and recommends awarding a contract to R. J. Doerr Co. in the amounts listed above

WHEREAS, the Chief Financial Officer has certified that availability of funds for this project.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Town of Clinton, County of Hunterdon, State of New Jersey, hereby award a contract to R.J. Doerr in accordance with the terms and conditions of the bid package,

BE IT FURTHER RESOLVED, that the Mayor and Town Clerk of the Town of Clinton are hereby authorized, respectively, to execute and attest to an agreement with R.J. Doerr, subject to approval by the Town Attorney.

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

Vote all ayes
Motion carried

RESOLUTION #93-15 – TOWN PICNIC – BYOB

A motion was made by Mr. Pendergast, seconded by Ms. Dineen, to adopt Resolution #93-15 as submitted:

RESOLUTION # 93-15

WHEREAS, the Code of the Town of Clinton, Chapter 32, Section 7, prohibits consumption of alcoholic beverages in, on, or upon any public street, or land owned or occupied by any federal, state, county or municipal government, or as further explained in the Section 32-7 A through D; and

WHEREAS, alcoholic beverages may be consumed at occasions or events held by bona fide nonprofit organizations or other groups if specifically permitted by resolution of the Mayor and Council; and

THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Town of Clinton, that BYO (Bring Your Own) consumption of alcoholic beverages shall be permitted at the Town Picnic to be held at the Hunts Mill Park on Saturday, September 12, 2015 between the hours of 3:00 and dusk. Rain date is September 19, 2015.

Vote all ayes
Motion carried

RESOLUTION #94-15 – TOWN PICNIC FIREWORKS

A motion was made by Mr. Carberry, seconded by Mr. Pendergast, to adopt Resolution #94-15 as submitted:

RESOLUTION # 94-15

WHEREAS, the Town of Clinton Board of Recreation Commission has requested permission from the Mayor and Council of the Town of Clinton to have a Fireworks Display at the Town Picnic to be held on September 12, 2015, rain date September 19, 2015, at Hunts Mill Park, and

WHEREAS, Garden State Fireworks, Inc., has provided a Certificate of Insurance in the amount of \$5,000,000 naming the Town of Clinton as an additional insured, and

WHEREAS, the Town of Clinton Board of Recreation Commission will request the Clinton Fire Department and Clinton First Aid & Rescue Squad to standby at the scene;

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Town of Clinton that the Board of Recreation Commission's request for a fireworks display at the Town Picnic on Saturday, September 12, 2015, at dark, at the Hunts Mill Park, be approved.

Vote all ayes
Motion carried

RESOLUTION #95-15 – AWARD OF CONTRACT

A motion was made by Mr. Carberry, seconded by Mr. Pendergast, to adopt Resolution #95-15 to award the contract for 2016 ambulance.

RESOLUTION # 95-15

**RESOLUTION TO AWARD CONTRACT FOR THE PURCHASE OF ONE MODEL YEAR 2016
TYPE III AMBULANCE**

WHEREAS, the Town of Clinton advertised, and subsequently received bids for the purchase of one (1) model year 2016 Type III ambulance on June 18, 2015; and

WHEREAS, one (1) bid was received as follows:

- P.L. Custom Body and Equipment
 - \$199,146.69

WHEREAS, the Town Attorney has reviewed and approved the bid bond submitted by the bidder; and

WHEREAS, the Town Business Administrator has reviewed the submitted bid and recommends awarding a contract to P.L. Custom Body and Equipment in the amount listed above; and

WHEREAS, the Chief Financial Officer has certified that availability of funds for this project.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Town of Clinton, County of Hunterdon, State of New Jersey, hereby award a contract to P.L. Custom Body and Equipment in accordance with the terms and conditions of the bid package,

BE IT FURTHER RESOLVED, that the Mayor and Town Clerk of the Town of Clinton are hereby authorized, respectively, to execute and attest to an agreement with P.L. Custom Body and Equipment, subject to approval by the Town Attorney.

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

Vote all ayes
Motion carried

Mr. Smith stated that it be noted that the bid came in much lower than anticipated.

Joe Olivo, President of the Clinton First Aid & Rescue Squad, along with Captain Chris Miller wished to extend their thanks and gratitude to Council for all their work and for the purchase of the new ambulance. Their current ambulance has over 100,000 miles on it and repair costs are expensive. Mayor Kovach asked the gentlemen if they have heard anything about the Federal grants that are out there but they have not received any official information as of yet.

RESOLUTION #96-15 – ANIMAL CONTROL SERVICES

A motion was made by Mr. Pendergast, seconded by Mr. Carberry, to adopt Resolution #96-15 as submitted and following a recommendation made by Police Chief Matheis that the new animal services have been working well.

RESOLUTION 96-15

WHEREAS the Town of Clinton entered into a Shared Service agreement earlier this year 2015 with the Hunterdon County Public Health Services; and

WHEREAS the Chief of Police and the Town is very satisfied with the scope of services for the program and recommends continuing with the agreement;

NOW THEREFORE, BE IT RESOLVED, that the Town notify the Hunterdon County Division of Public Health Services expressing a firm interest in continuing to participate in the county-administered animal control services program.

Vote all ayes
Motion carried

RESOLUTION #97-15 – LOAN APPLICATION FROM THE NJEIT PROGRAM

A motion was made by Mr. Smith, seconded by Mr. Carberry to adopt Resolution #97-15 as presented:

RESOLUTION #97-15

RESOLUTION AUTHORIZING APPLICATION FOR A LOAN FROM THE NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE FINANCING PROGRAM

WHEREAS, the Town of Clinton intends has filed an application with the New Jersey Department of Environmental Protection and the New Jersey Environmental Infrastructure Trust for the facility improvements of Well #7 in the Township of Clinton including installation of emergency power, SCADA system upgrades, water storage enhancement and efficient equipment upgrades to provide safe and reliable water service (Project No. 1005001-009). Additionally, Well #14 in the Township of Union will be decommissioned in accordance with NJDEP regulations.

NOW, THEREFORE, BE IT RESOLVED that Andrew S. Holt, P.E., Vice President of Suburban Consulting Engineers, Inc. and Town of Clinton Water Engineer be authorized to act as the Authorized Representative to represent the Town of Clinton in all matters relating to the project undertaken pursuant to the above referenced New Jersey Environmental Infrastructure Loan to be executed with the New Jersey Department of Environmental Protection and the New Jersey Environmental Infrastructure Trust. Andrew S. Holt, P.E. may be contacted at Suburban Consulting Engineers, Inc., 100 Valley Road, Suite 202, Mt. Arlington, New Jersey 07856, 973-398-1776 or at the Town of Clinton at 43 Leigh Street, P.O. Box 5194, Clinton, New Jersey 08809, 908-735-8616.

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

Vote all ayes
Motion carried

RESOLUTION #98-15 – ANDREW S. HOLT, P.E.

A motion was made by Mr. Carberry, seconded by Mr. Smith authorizing Andrew S. Holt, P.E. to act as the representative to represent the Town of Clinton:

RESOLUTION #98-15

RESOLUTION AUTHORIZING APPLICATION FOR A LOAN FROM THE NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE FINANCING PROGRAM

WHEREAS, the Town of Clinton intends has filed an application with the New Jersey Department of Environmental Protection and the New Jersey Environmental Infrastructure Trust for the facility improvements of Well #4 in the Township of Clinton including a new well house with adequate treatment systems and SCADA communication to provide safe and reliable water service (Project No. 1005001-008).

NOW, THEREFORE, BE IT RESOLVED that Andrew S. Holt, P.E., Vice President of Suburban Consulting Engineers, Inc. and Town of Clinton Water Engineer be authorized to act as the Authorized Representative to represent the Town of Clinton in all matters relating to the project undertaken pursuant to the above referenced New Jersey Environmental Infrastructure Loan to be executed with the New Jersey Department of Environmental Protection and the New Jersey Environmental Infrastructure Trust. Andrew S. Holt, P.E. may be contacted at Suburban Consulting Engineers, Inc., 100 Valley Road, Suite 202, Mt. Arlington, New Jersey 07856, 973-398-1776 or at the Town of Clinton at 43 Leigh Street, P.O. Box 5194, Clinton, New Jersey 08809, 908-735-8616.

Vote all ayes
Motion carried

RESOLUTION #100-15 – LIQUOR LICENSE QUICK CHEK

A motion was made by Mr. Carberry, seconded by Mr. Pendergast, to adopt Resolution #100-15 as submitted:

RESOLUTION # 100-15

WHEREAS, the Town of Clinton Governing Body is in receipt of an Application for the renewal of **PLENARY RETAIL DISTRIBUTION LICENSE #1005-44-001-004** for;

**QUICK CHEK FOOD STORES/SHOPRITE LIQUORS
41, 41 ½ & 43 OLD HIGHWAY ROUTE 22
CLINTON, NEW JERSEY 08809**

WHEREAS, the submitted application form is complete in all respects, fees have been paid and clearance has been received from the New Jersey Department of the Treasury;

NOW THEREFORE BE IT RESOLVED, that the Town of Clinton Governing Body does hereby approve, effective July 1, 2015, renewal of the above captioned license for the 2015-2016 year and that a copy of this Resolution be forwarded to the Division of Alcoholic Beverage Control.

Vote all ayes
Motion carried

RESOLUTION #101-15 – LIQUOR LICENSE HOLIDAY INN

A motion was made by Mr. Smith, seconded by Ms. Dineen, to adopt Resolution #101-15 as submitted:

RESOLUTION # 101-15

WHEREAS, the Town of Clinton Governing Body is in receipt of an Application for the renewal of PLENARY RETAIL CONSUMPTION LICENSE (HOTEL/MOTEL EXCEPTION), #1005-36-004-009 for:

**A HUNTS MILL ASSOCIATES LLC
111 ROUTE 173
CLINTON, NEW JERSEY 08809**

WHEREAS, the submitted application form is complete in all respects, fees have been paid and clearance has been received from the New Jersey Department of the Treasury;

NOW THEREFORE, BE IT RESOLVED, that the Town of Clinton Governing Body does hereby approve, effective July 1, 2015, renewal of the above captioned license for the 2015-2016 year and that a copy of this Resolution be forwarded to the Division of Alcoholic Beverage Control.

Vote all ayes
Motion carried

RESOLUTION #102-15 – LIQUOR LICENSE CLINTON HOUSE

A motion was made by Mr. Pendergast, seconded by Mr. Carberry, to adopt Resolution #102-15 as submitted:

RESOLUTION # 102-15

WHEREAS, the Town of Clinton Governing Body is in receipt of an application for the renewal of PLENARY RETAIL CONSUMPTION LICENSE, #1005-33-003-007 for:

**SIDIROUNDA, L.L.C.
t/a T CLINTON HOUSE
2 WEST MAIN STREET
CLINTON, NEW JERSEY 08809**

WHEREAS, the submitted application form is complete in all respects, fees have been paid and clearance has been received from the New Jersey Department of the Treasury;

NOW THEREFORE BE IT RESOLVED, that the Town of Clinton Governing Body does hereby approve, effective July 1, 2015 renewal of the above captioned license for the 2015-2016 year and that a copy of this Resolution be forwarded to the Division of Alcoholic Beverage Control.

Vote all ayes
Motion carried

INTRODUCTION OF ORDINANCE #15-12 – AMENDMENT TO WATER ORDINANCE

A motion was made by Mr. Smith, seconded by Mr. Pendergast to adopt Ordinance #15-12 on first reading as submitted:

ORDINANCE # 15-12
ORDINANCE AMENDING CHAPTER 142 ENTITLED "WATER" OF THE GENERAL
ORDINANCES OF THE TOWN OF CLINTON, COUNTY OF HUNTERDON, AND THE STATE OF
NEW JERSEY

WHEREAS, the Water Committee of the Town of Clinton has recommended to the Mayor and Council that Chapter 142 of the Code of the Town of Clinton be amended.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Town of Clinton, the County of Hunterdon, that Chapter 142 entitled "Water" of the Code of the Town of Clinton ("Code") is hereby amended as follows: (1) those portions of the Code set forth below are hereby amended as follows; and (2) portions of the Code not set forth below shall remain unchanged:

SECTION 1. Section 142-1 of the Code of the Town of Clinton entitled "Regulations" is hereby amended and supplemented as follows (Additions indicated in boldface and italics *thus*; deletions indicated with strike-through ~~thus~~);

The following regulations shall be considered a part of the contract with every person who uses water, and the fact of using water shall be considered as expressing assent on the part of the user to be bound thereby:

- A.** All applications for the use of water shall be made by the owner of the property on blank forms furnished by the Water Department and shall state fully all uses to which the water is to be applied, and should it subsequently be required for other purposes, notice shall be given by the owner before any change is made.
- B.** A supply of water for building or other special purposes shall be separately applied for.
- C.** *Service Connection shall mean a pipe or pipes connected to the main and extending into privately or publicly owned property or premises for supplying Town water thereto.*
- D.** *Tapping or Making a Tap shall mean the physical act of breaking into a main to install a service connection.*
- E.** *Water Service Tap installation shall mean the curb box and the portion of the service connection which connects the curb box to the water main and lies generally within the street right-of-way.*
- F.** *User Service Line shall mean the length of pipe, lying generally outside of the street right-of-way, which connects the curb box to the building to be served with water, and shall include a water meter installed in an underground pit, as directed by and to the specifications of the Town of Clinton Water Department. Installation of meters in any building shall be performed only when, and as permitted by the Water Department, upon the Department's determination that the meter installation in an underground pit is not feasible. The user or property owner shall be responsible for installation of the user service line, except that water meters on all user service lines not exceeding 2-inch diameter shall be provided and installed by the Water Department. [Added July 28, 2015 by Ord. No. 15-12]*

~~€.~~ Where a tap for a service connection to any water main is required, application shall be made either by the property owner or by the licensed plumber contracting or doing the plumbing work on triplicate blank forms-furnished by the Water Department, and the applicant shall pay a *connection charge consisting of two separate fees: a service connection fee, and a water tap installation fee.*

I. Service Connection Fee - shall be as indicated in Chapter 73 Fees, and shall be computed in the following manner to represent a fair payment toward the cost of the system:

a. The amount representing all debt service, including but not limited to sinking funds, reserve funds, the principal and interest on bonds, and the amount of any loans and interest thereon, paid by the Town of Clinton to defray the capital cost of developing the system as of the end of the immediately preceding fiscal year of the Town shall be added to all capital expenditures made by the Town not funded by a bond ordinance or debt for the development of the system as of the end of the immediately preceding fiscal year. A.[Added July 28, 2015 by Ord. No. 15-12]

b. Any gifts, contributions or subsidies to the authority received from, and not reimbursed or reimbursable to any federal, State, county or municipal government or agency or any private person, and that portion of amounts paid to the Town of Clinton by a public entity under a fully executed water service agreement which is not repaid to the public entity by the authority, shall then be subtracted. [Added July 28, 2015 by Ord. No. 15-12]

c. The remainder shall be divided by the total number of service units served by the Town of Clinton at the end of the immediately preceding fiscal year of the Town, and the results shall then be apportioned to each new connector according to the number of service units attributed to that connector, to produce the connector's contribution to the cost of the system. In attributing service units to each connector, the estimated average daily flow of water for the connector shall be divided by the average daily flow of water to the average single family residence in the authority's district, to produce the number of service units to be attributed. [Added July 28, 2015 by Ord. No. 15-12]

d. The service connection fee shall be recomputed at the end of each fiscal year of the Town of Clinton, after a public hearing is held, and shall be indicated in Chapter 73 Fees. The revised connection fee shall be imposed upon those who subsequently connect in that fiscal year to the system. [Added July 28, 2015 by Ord. No. 15-12]

e. The foregoing notwithstanding, the Town of Clinton shall not impose any charges or fees in excess of the cost of water actually used for any sprinkler system required to be installed in any residential health care facility pursuant to the "Health Care Facilities Planning Act, " P.L. 1971, c.136 (C.26:2H-1 et seq.) and regulations promulgated thereunder or in any rooming or boarding house pursuant to the "Rooming and Boarding House Act of 1979, " P.L. 1979, c.496 (C.55:13B-1 et al.) and regulations promulgated thereunder. [Added July 28, 2015 by Ord. No. 15-12]

~~fee as provided in Chapter 73, Fees, for the connection, including the furnishing and installation of a corporation cock, curb stop and curb box.~~

The Mayor and Council shall have the right to modify or eliminate the ~~service connection charge~~ **water connection fee** herein described if the Mayor and Council determine and find that the applicant for the service connection has in the course of his installation of improvements contributed to an increase in the water reserve capacity of the Town, the amount of such modification of service connection charge being in proportion to the value of the increase of water reserve capacity. As herein used, "water reserve capacity" shall constitute storage towers, pressure tanks or other above- or below-ground reserve sources but shall not include transmission lines or other lines designed for the conducting of water from place to place.

[Amended July 28, 2015 by Ord. # 15-12; 11-14-1972; 5-8-1979 by Ord. No. 79-4; 4-22-1980 by Ord. No. 80-3; 3-26-1985 by Ord. No. 85-4]

II. Water Service Tap Installation Fee

- a. *Water Service Taps not exceeding 2-inch in diameter shall be installed by the Town of Clinton Water Department. The service tap installation fee shall be as indicated in Chapter 73 Fees.*
 - i. *Additional charges, as indicated in Chapter § 142-9.- Extraordinary charges for service connections, shall be paid by Owner or Applicant, where applicable. [Added July 28, 2015 by Ord. No. 15-12]*
 - b. *Water Service Taps larger than 2-inches in diameter shall be performed under the supervision of the Water Department Superintendent or his agent. It shall be the Owner's or Applicant's responsibility to hire a private contractor to perform the installation at the Owner's or Applicant's expense. [Added July 28, 2015 by Ord. No. 15-12]*
 - i. *Owner or Applicant shall be responsible for reasonable inspection fees, and shall post with the Town of Clinton an initial inspection escrow in the amount set forth in Chapter 73 Fees. Owner or Applicant shall be advised of any anticipated shortage in escrow account of inspection fees, and shall post and pay such fees in escrow and as determined by the Water Department before any further inspection shall be conducted or final approval granted.*
 - ii. *Where a Road Opening Permit is required by local municipal ordinance, Owner or Applicant shall be responsible to secure the Road Opening Permit.*
- D. *No water service tap or user service line shall be installed unless it conforms to specifications promulgated by the Water Department. A copy of such specifications shall be kept on file with the Water Department and shall be open to inspection by any person interested. The installation shall be done by a plumber qualified to do plumbing work under municipal regulations. [Added July 28, 2015 by Ord. No. 15-12]*
- E. ~~D~~-Type K copper lines shall be used for all-connection-service lines from the meter to the curb box if said lines do not exceed two inches in diameter. Larger diameter connection-service lines shall be Class 52 ductile B-east-iron pipe. *[Amended July 28, 2015 by Ord. 15-12 ; 5-8-1979 by Ord. No. 79-4]*
- F. ~~E~~-Any run of copper water line two inches in diameter or less and less than 100 feet in length shall be one continuous run without couplings unless otherwise approved in writing by the Public Works/Business Administrator. *[Amended July 28, 2015 by Ord. 15-12; 9-11-1979 by Ord. No. 79-9; amended 12-12-1995 by Ord. No. 95-16]*
- G. *The service connection fee and the water service tap installation fee shall be due and payable upon the filing of an application for a water connection permit with the Town of Clinton Water Department on such forms and subject to such information, documentation and data as may be required by the Water Department. Any extraordinary charges as defined in §142-9 Extraordinary Charges for Service Connections, and any extra inspections costs shall be due and payable prior to the water service being activated.*

SECTION 2. Section 142-2 of the Code of the Town of Clinton entitled “Meters” is hereby amended and supplemented as follows (Additions indicated in boldface and italics *thus*; deletions indicated with strike-through ~~thus~~);

- A. All existing and new services shall be metered in accordance with a plan of installation of meters promulgated by the Water Committee.
- B. ***The Water Department must designate or approve the location and type of all meters.*** On all new construction, ***the meters shall be installed in an underground pit, unless specifically deemed not feasible by the Water Department; in such situations, the Water Department must specifically approve the meter installation inside the building;*** water services inside buildings shall have a break of sufficient size to take care of the proper meter, three feet above the finished floor and six inches from the wall on the house side of the main shutoff, so that a meter may be installed. There shall be no outlets on the street side of the meter. ~~The Water Department must designate or approve the location and type of all meters; the same must be protected from freezing; the area adjacent thereto must be kept free of rubbish and obstructions, and all meters must be located so as to be readily accessible for reading, testing, repair or removal when required.~~ ***[Amended July 28, 2015 by Ord. 15-12]***
- C. ***Meters on all user service lines up to 2-inch diameter shall be provided an installed by the Water Department.*** The owner shall provide at his expense: ***[Amended July 28, 2015 by Ord. 15-12; 5-8-1979 by Ord. No. 79-4]***
- (1) An inlet and outlet shutoff valve.
 - (2) Suitable provision for the meter to be horizontally mounted, ***in an underground pit, or as approved by the Water Department.***
 - (3) A free, unobstructed space for the meter from the floor to a point 24 inches above the top of the meter and at least 18 inches on each side thereof.
- D. ***All meters must be protected from freezing; the area adjacent thereto must be kept free of rubbish and obstructions, and all meters must be located so as to be readily accessible for reading, testing, repair or removal when required.***
- ~~E.~~ The Water Department will install a remote readout wherever feasible to a place designated by the Department.
- ~~D.~~F. For all existing buildings, the owner of each property now using water supplied by the Water Department and desiring to continue the same and each applicant for new water service shall provide a suitable place for the installation of the type of meter in common use by the Water Department, with a readily accessible shutoff valve between the meter and the main; if this is impossible and a special outdoor meter is used, the owner shall pay the additional cost of such special outdoor meter.
- ~~E.~~G. When a meter is to be installed and the pipe or pipes to which it is to be connected are in such poor condition that, the opinion of the Superintendent of the Water Department, they may be broken or damaged by the installation, the Superintendent shall serve written notice on the owner to repair or replace the pipes within 30 days so that the meter may be safely installed. If such repair or replacement is not completed within 30 days, the water service may be discontinued.

~~F.H.~~ Property owners shall be held responsible for damages done to meters from any cause whatsoever. Cost of repairs or replacement shall be charged against and billed to the property owner.

~~G.I.~~ Should a consumer believe that the meter is not registering properly, the consumer shall file a complaint with the Department and the meter shall be removed and tested by the Department. If it is found to register against the consumer by more than 3% inaccuracy, there shall be no charge for removing, repairing and resetting the meter. If meter is found to register against the consumer but less than 3%, a minimum charge *as indicated in Chapter 73 Fees* shall be made for the test. The Department shall have the right to make periodic tests of all meters at no cost to the consumer.

~~H.J.~~ If a meter is out of order and fails to register, the consumption shall be charged at the average consumption over the previous year or as long as the meter has been installed if less than a year,

~~I.K.~~ All meters over *two* inches shall be purchased and installed by the property owner to the specifications of the Water Department. [*Amended July 28, 2015 by Ord. 15-12*; 3-12-1985 by Ord. No. 85-1]

~~K.L.~~ All meters over *four* inches must be tested for accuracy every four years at the property owner's expense and certified to the Water Department as to its accuracy. [*Amended July 28, 2015 by Ordinance 15-12*; 3-12-1985 by Ord. No. 85-1]

~~K.M.~~ Readings on the inside water meter, unless broken or proven inaccurate by a test, shall be taken as true and will be billed as such. All water recorded on the meter will be charged to the property owner. [Added 3-12-1985 by Ord. No. 85-1]

SECTION 3. Section 142-3 of the Code of the Town of Clinton entitled "Discontinuance and resumption of service" is hereby amended and supplemented as follows (Additions indicated in boldface and italics *thus*; deletions indicated with strike-through ~~thus~~);

- A. Where more than one property is serviced by one private line from one curb box, the owners shall provide a curb box and shutoff valve outside each building so that service to each property may be cut off without disturbing the service to the other properties, and the Water Department shall have the right at any time to enter the properties to shut off and turn on the water.
- B. *All water system components (including water meters installed on user service lines) shall be operated* ~~The stopcock at the curb shall be opened and closed~~ only by the Superintendent of the Water Department or his agent or by any other person having written permission from the Superintendent to do so. [*Amended July 28, 2015 by Ordinance 15-12*]
- C. No rebate shall be allowed customers for temporary discontinuance of service unless the water is turned off and on by an agent of the Water Department upon written application to the Water Department office. A charge as provided in Chapter 73, Fees, shall be made for either turning off or turning on the water. The customer shall be held responsible for all charges accruing for water service until written notice has been given to the office of the Water Department to discontinue the supply. [Amended 3-26-1985 by Ord. No. 85-4]
- D. Any owner or customer who vacates or sells property which is connected to the supply of the Water Department without giving written notice to the Water Department to discontinue service prior to such vacancy or Change shall be held responsible for all charges accruing on the premises.
- E. As necessity may arise, in case of breakdown, emergency or any other unavoidable cause, the Water Department shall have the right to temporarily cut off the water supply to make necessary

repairs, connections, etc., but the Water Department shall use reasonable and practicable measures to notify the consumer or discontinuance of service.

- F. The Water Department reserves the right without liability to require discontinuance of use of water through outside faucets or hose connections if the supply of water is inadequate or in case of breaks, repairs or extensions to mains.
- G. Service may be discontinued by the Water Department for any of the following reasons:
- (1) For the use of water for any other property or purpose than that described in the application.
 - (2) Under the flat-rate service, for addition to property or fixtures, or increase without notice to the Water Department in the use to be made of water supply.
 - (3) For willful or careless waste of water through improper or imperfect pipes, fixtures or otherwise.
 - (4) For failure to maintain in good order connections, *user* service lines or fixtures owned or controlled by the applicant.
 - (5) For tampering with •or damaging any service pipe, meter, curb stopcock, seal or any other appliance of the Water Department.
 - (6) In ease of vacancy of premises.
 - (7) For nonpayment for water service or any other charges accruing under the application.
 - (8) For refusal of reasonable access to property for purposes of inspection, installation or repair.
 - (9) As provided in Subsection D.
 - (10) For violation of Subsection F.
- H. When two or more parties take water through one service pipe, the provision in regard to the cutting off of the supply pipe shall be applicable to all parties although one or more of them may be innocent of any cause of offense.
- I. Service shall be renewed under a proper application when conditions under which service was discontinued are corrected and upon the payment of all proper charges due from the customer as provided in the schedule of rates or tariffs of the Water Department.

J. Fees as indicated in Chapter 73 Fees shall be charged.

SECTION 4. Section 142-6 of the Code of the Town of Clinton entitled “Use of Water” is hereby amended and supplemented as follows (Additions indicated in boldface and italics *thus*; deletions indicated with strike-through ~~thus~~);

- A. Customers supplied with water under a flat-rate contract shall not be permitted to use the water for any other purpose than stated in the application or agreement, nor to supply water in any way to any other person, house or premises without a written permit from the Water Department. No additions, alterations or extensions shall be made or caused to be made in any water pipes or fixtures without giving notice of such proposed additions or alterations, and the rate charged shall be prorated from the date on which the additions and extensions are made.

- B. The use of water for power purposes is prohibited except by meter service.
- C. All connections shall meet the standards as approved by the New Jersey Department of Health as relating to connections and cross-connections.
- D. No person except the Public Works/Business Administrator or other authorized person shall take water from any public fire hydrant or hose plug, except for the use of the Fire Department in case of fire or for drills; and no public fire hydrant shall be used for sprinkling streets, flushing sewers or gutters or for any other than fire purposes except with the approval of the Water Department. [Amended 12-12-1995 by Ord. No. 95-16]
- E. The Water Department reserves the right to make changes from time to time in its rates, rules and regulations.
- F. All persons using water shall keep the *user service lines* and fixtures within their premises, in good repair and *shall* protect the same from frost at their own expense. If the owner of any premises neglects or refuses to repair a leak within 24 hours after the receipt of notice from the Water Department directing the repairs, the water supply for such premises shall be shut off at the main or at the curb, and service shall not be resumed for the premises until after all repairs ordered have been made and expenses incurred by the Water Department have been paid to it.
- G. Owners of premises shall be held responsible for the cost of water consumed by the tenants, and unpaid water rents shall become a lien on the property.
- H. All *user* service lines shall be repaired and maintained by and at the expense of the property owner. Where it becomes necessary for the property owner to repair a *user* service line, only such *user* service lines as in the opinion of the Superintendent are in a sufficiently good condition to warrant these repairs shall be allowed to remain in the ground. All other *user* service lines shall be replaced with a new line. Whenever *user* service lines are replaced or repaired, any trench shall be left open for inspection and approved by the Water Department.

SECTION 5. Section 142-8 of the Code of the Town of Clinton entitled “Aboveground water storage capacity charged” is hereby deleted in its entirety.

SECTION 6. Section 142-9 of the Code of the Town of Clinton entitled “Extraordinary charges for service connections” is hereby amended and supplemented as follows (Additions indicated in boldface and italics *thus*; deletions indicated with strike-through ~~thus~~);

In addition to any other charges herein described for a tap *for* any service connection to any water main, the applicant shall pay to the Town any extraordinary costs incurred by the Town in said connection, including, by way of example and not by way of limitation, excavations in excess of eight feet in depth, where rock excavation is encountered, where water *tap* runs in excess of 40 feet, *where a Road Opening Permit is required under the local municipal ordinance, and* where open cut of roadway is not permitted. The Public Works/Business Administrator shall certify to the applicant said extraordinary costs when the same has been fully determined, and the same shall be due and *prior to the water being turned on*. Any applicant objecting to the calculation of said extraordinary costs shall have the right to appeal the imposition thereof by written notice to the Mayor and Council of the Town within 30 days of receipt of said notice, and the Mayor and Council shall within 30 days conduct a hearing thereon

and certify to the applicant the amount of such charges, which determination shall be binding on applicant. *[Amended July 28, 2014 by Ord. 15-12]*

SECTION 7. Upon adoption of this Ordinance, any and all outstanding commitments to serve development proposals which have not connected at the time of adoption, regardless of the form of commitment (in the form of “will serve” letter, oral or agreement, or other unofficial commitment) are hereby rescinded. These applicants, however, will have the opportunity and obligation to apply for water reservation, as described in this Ordinance. Water Reservations created in existing Water Agreements between the Town and a developer shall remain in effect.

SECTION 8. All Ordinances or parts of Ordinances inconsistent herewith are repealed as to such inconsistencies.

SECTION 9. 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 10. 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 July 1, 2015 edition of the Hunterdon Review.
A public hearing will be held July 28, 2015

INTRODUCTION OF ORDINANCE #15-13 – AMENDMENT TO FEE SCHEDULE

A motion was made by Mr. Carberry, seconded by Mr. Pendergast, to adopt Ordinance #15-13 on first reading as submitted:

ORDINANCE # 15-13

ORDINANCE AMENDING CHAPTER 142 ENTITLED “WATER” OF THE GENERAL
ORDINANCES OF THE TOWN OF CLINTON, COUNTY OF HUNTERDON, AND THE STATE OF
NEW JERSEY

WHEREAS, the Water Committee of the Town of Clinton has recommended to the Mayor and Council that Section 73-3 of the Code of the Town of Clinton entitled “Schedule of fees and charges” be amended.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Town of Clinton, the County of Hunterdon, that Section 73-3 entitled “Schedule of fees and charges” of the Code of the Town of Clinton (“Code”) is hereby amended as follows: (1) those portions of the Code set forth below are hereby amended as follows; and (2) portions of the Code not set forth below shall remain unchanged:

SECTION 1. Section 73-3, subsection F of the Code of the Town of Clinton entitled “Water supply systems” is hereby amended and supplemented as follows (Additions indicated in boldface and italics *thus*; deletions indicated with strike-through ~~thus~~);

Activity	Fee
Filing application and plans for a permit to locate and	\$10.00

construct an individual system
 Filing application and plans for a permit to alter an existing individual system \$10.00
 Issuance of a permit to locate and construct or alter an individual water supply \$15.00

Activity **Fee**

Each reinspection of an individual water supply or part thereof caused by failure of permittee to locate and construct or alter the system in accordance with terms of the permit or terms of the Individual and Semipublic Water Supply Code \$15.00

Activity **Fee**

Water, temporary discontinuance
[Amended July 28, 2015 by Ord. 15-13; 11-22-2005 by Ord. No. 05-13]
 Turned off *Normal Hours \$20.00 50.00*
Off Hours \$150.00 (3 Hrs. Min. Overtime)

Turned on *Normal Hours \$20.00 50.00*
Off Hours \$150.00 (3 Hrs. Min. Overtime)

Unauthorized operation of water system components (including water meters) *Maximum of \$1,250/occurrence*

Testing of meter, due to Consumer Complaint (if meter is found to register against the Consumer by more than 3% inaccuracy - no charge) \$50

Special meter reading *Normal Hours \$20.00 50.00*
Off Hours \$150.00 (3 Hrs. Min. Overtime)

Water rates As per rates filed with PCU; copies of schedules on file in Town Clerk's office

Water Department **Fee**

Water main connection
[Amended July 28, 2015 by Ord. 15-13; 8-13-2002 by Ord. No. 02-09]
Service Connection Fee *As per rates on file in Town Clerk's office*

Water Service Tap Installation Fee

Service line not exceeding 2-inch diameter

\$3,700 (plus any Extraordinary Charges for Service Connections as indicated in Chapter §142-9, if applicable)

Service line larger than 2-inch diameter (water service tap installation shall be performed by Applicant)

Cost of inspections by the Water Department or its agent (\$2,500 initial escrow; to be replenished as necessary/as advised by the Water Department)

3/4 inch tap	\$750.00
1 inch tap	\$1,000.00
2 inch tap	\$2,000.00
3 inch tap	\$3,000.00
4 inch tap	\$4,000.00

Field Service Charges Repairs (to a leak for a customer or for a contractor)

a. Equipment Hourly Rates:

- 1. Backhoe \$88.00*
- 2. Dump truck \$52.00*
- 3. Service truck \$52.00*
- 4. All parts 115% of the price of the part*

b. Labor shall be as followed: The current rate in which the Collective Bargaining Agreement stipulates including time and a half for all non-regular business hours.

~~Aboveground water storage capacity charges [Added \$1.00 per gallon
 8-13-2002 by Ord. No. 02-09]~~

~~Source supply charge \$1.00 per gallon~~

~~Townhouses or one family residences on lots of less than 1/2 acre: 350 gallons per day \$350.00~~

~~One family residences on lots of more than 1/2 acre: 500 gallons per day \$500.00~~

~~Garden apartment units: 200 gallons per day \$200.00~~

~~Industrial and commercial establishments or other usages not specifically described herein: based upon estimate of usage adjusted yearly to actual use for a period of five years or at any time based upon expansion of or change of activity or increase of number of employees Based on square footage~~

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 July 1, 2015 edition of the Hunterdon Review. A second reading will be held July 28, 2015.

SPECIAL EVENT APPLICATION

At the June 9, 2015 meeting, the Hunterdon Art Museum submitted a special event application for September 19, 2015. The original request was to close the entire portion of Lower Center street to vehicular traffic and has now been amended to close half of Lower Center Street from 5:30 pm for setting up and the event from 6:30pm to 9:30 pm and keep the open side closest to the museum to host a farm to table dinner with a tented area on Lower Center Street. Pop up tents will be erected for food prep and larger tents for dining. Four local restaurants are included in the dinner. Council questioned Ann Villa, event organizer, as to the approvals she has received from Fire Department, Police Chief, Rescue Squad, Guild and Fire Official. Ms. Villa stated she has emailed them and is awaiting responses. Council suggested she get all formal approvals and return with the complete application before an approval can be granted.

Ms. Villa also stated that the tents on the terrace will be kept up and used on Sunday by the Friendly Sons of St. Patrick event. The Sons will be making a monetary donation to the Hunterdon Art Museum from some of the proceeds. Mr. Gallagher, still in attendance, stated that the Son's will also be making a donation towards fixing up the Mulligan House on Halsted Street where the recent "Irish Town" sign was placed in exchange for space on the property of the Red Mill.

CORRESPONDENCE – NONE

REPORTS FROM COUNCIL & TOWN OFFICIALS

Councilman Smith

The Water Committee met and discussed the ordinances which were introduced earlier this evening. The Committee is working on a 10 year capital plan.

Regarding the water conservation ordinance, there are a number of commitment letters that have been out there for years that developers have never followed through on. Our engineer is working up a draft of spread sheets that will be color coded by the municipalities we serve with water and will show what allocations we are committed to and the various developers that have sent in letters to be recorded as received. Once this spread sheet is completed, it will be used as a tool for DEP for requesting water allocations.

Working on having another generator installed at one of our wells.

Councilwoman Dineen

Shade Tree met and discussed pruning, spraying and stump removal. The commission also discussed the Emerald Ash bore that infects Ash trees and eventually kills them, the bore is currently in Somerset County. There are a couple of beautiful big Ash trees at the Community Center that concerns the commission. There is a chemical that can be injected into each tree to prevent this at a cost of \$350 per tree. The Commission is deciding how to proceed. Ms. Sosidka asked Ms. Dineen if she put a message to residents on social media because residents expressed interest in donating for trees in the Smart Growth survey. Ms. Dineen said she will be doing that in the near future.

Ms. Dineen then questioned Mr. Cushing about a resident that did extensive pruning and put the debris to the curb killing a town tree. The question was can the Town approach a resident to replace or pay to have another tree planted. Mr. Cushing said that would be difficult to do and not to pursue that idea.

Ms. Dineen and Mayor Kovach met with a group representing the merchants to discuss ways of working together, the meeting was very productive and good ideas were shared.

Councilwoman Sosidka

The 150th Block Party will have a wrap up meeting on Friday, June 26, 2015 to discuss all aspects of the day. If anyone has feedback they would like addressed, please pass it on. All good comments have been received and suggestions to do it annually!

Board of Recreation did not have a meeting this month.

Councilman Pendergast

Clinton Fire Department will be holding their next meeting on the first Monday of the month, July 6, 2015. At that time they will discuss the proposed lease agreement.

Sewer Committee – advertisement for bids for the relining project on Halstead Street. Bids will be received July 21, 2015.

Councilman Carberry

Mr. Carberry asked when the resurfacing project will take place on Halstead Street, Mayor Kovach stated that it is scheduled to begin the week of July 6, 2015.

STANDBY AND OVERTIME

A motion was made by Mr. Carberry, seconded by Mr. Rylak, to approve the standby and overtime submitted for June 5 through June 18, 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 # 103-15 – EXECUTIVE SESSION

A motion was made by Mr. Smith seconded by Mr. Carberry to enter into Executive Session at 8:22 p.m. to discuss Contract Negotiations and Litigation.

RESOLUTION #103-15

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 8.32 p.m.

Cecilia Covino, RMC/CMC
Town Clerk

Mayor Janice Kovach