

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

Flag Salute.

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

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 23, 2015 as submitted.

Vote all ayes
Motion carried

APPROVAL OF MINUTES

A motion was made by Mr. Smith seconded by Mr. Carberry to approve the minutes of the Special Council meeting held July 13, 2015.

Vote all ayes
1 Abstention (Kovach)
Motion carried

APPROVAL OF EXECUTIVE SESSION MINUTES

A motion was made by Mr. Pendergast seconded by Mr. Carberry to approve the Executive Session minutes of June 23, 2015 as submitted.

Vote all ayes
Motion carried

APPROVAL OF MONTHLY REPORTS – JUNE

A motion was made by Mr. Carberry, seconded by Mr. Rylak, to approve the monthly reports for June 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

Eileen Morales, Executive Director of the Red Mill Museum Village and Vice President of the Clinton Guild attended this evening’s meeting to update Council and the public of upcoming events for both entities.

Red Mill: The 150th Exhibit is on display until September 20, 2015. Ms. Morales urged everyone to visit the exhibit which was composed by partnering with the Town of Clinton Historic Commission.

August 14, 15, 16 will be a re-creation of the Woodstock Festival of 1969 with cover bands playing the music of the day.

This weekend, August 1 and 2, Revolutionary War Days re-enactment, cannons will be heard!

Saturday, August 22 at 2pm “My Clinton Stories: Photographing Clinton” a discussion of old photographs of Clinton that have been recently digitized and information on preserving photographs. Visitors will be given an opportunity to share and digitally store photographs with the Museum.

September 3rd at 7:00 p.m. Splashes of History lecture series will host the history of the Clinton Music Hall: Let the Good Times Roll, location to be determined.

Clinton Guild: Sidewalk Sales begins Friday, July 31, August 1 and 2.

The new Guild brochures are available at Valerie Wilson Travel.

“Shop Clinton” bags will be given to realtors in Town with items selected from various shops to promote local shopping.

Come Together: Music on Main Street, is held every Friday night until September 25 from 7 – 9 pm in five locations.

Planning for 2016 has begun and will be discussed with the clerk for scheduling.

RESOLUTION #104-15 – QUALIFIED PURCHASING AGENT

A motion was made by Mr. Carberry, seconded by Mr. Pendergast, to adopt Resolution #104-15 as presented:

RESOLUTION # 104-15
RESOLUTION INCREASING THE BID THRESHOLD
PURSUANT TO N.J.S.A. 40A:11-3a AND N.J.A.C. 5:34-5 ET. SEQ.

WHEREAS, the recent changes to the Local Public Contracts Law gave local contracting units the ability to increase their bid threshold up to \$40,000; and

WHEREAS, N.J.S.A. 40A:11-3a, permits an increase in the bid threshold if a Qualified Purchasing Agent is appointed as well as granted the authorization to negotiate and award such contracts below the bid threshold; and

WHEREAS, N.J.A.C. 5:34-5 et seq. establishes the criteria for qualifying as a Qualified Purchasing Agent; and

WHEREAS, Kathy Olsen possesses the designation of Qualified Purchasing Agent as issued by the Director of the Division of Local Government Services in accordance with N.J.A.C. 5:34-5 et seq.; and

WHEREAS, the Town of Clinton desires to take advantage of the increased bid threshold.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Town of Clinton, in the County of Hunterdon, in the State of New Jersey hereby increases its bid threshold to \$40,000.

BE IT FURTHER RESOLVED, that in accordance with N.J.S.A. 5:34-5.2 the Borough Clerk is hereby authorized and directed to forward a certified copy of this Resolution to the Director of the Division of Local Government Services.

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

Vote all ayes
Motion carried

RESOLUTION #105-15 – EXTENSION FOR 3RD QUARTER TAXES

A motion was made by Mr. Carberry, seconded by Mr. Rylak, to adopt Resolution #105-15 as submitted:

RESOLUTION # 105-15

WHEREAS, the 2015 tax rate for the Town of Clinton was certified by the Hunterdon County Tax Board on July 6, 2015 thereby creating a delay in the issuance of the Final 2015 Preliminary 2016 tax bills, and

WHEREAS, the third quarter tax amount is due on August 1, 2015, with a ten-day grace period,

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Town of Clinton, County of Hunterdon, that the grace period for the payment of third quarter 2015 taxes be extended until August 12, 2015; and

BE IT FURTHER RESOLVED that any third quarter 2015 tax payments received after August 12, 2015 shall be charged interest from the original due date of August 1, 2015.

Vote all ayes
Motion carried

RESOLUTION #106-15 – CANCELLATION OF OUTSTANDING CHECKS

A motion was made by Mr. Carberry, seconded by Mr. Rylak, to adopt Resolution #106-15 as submitted:

RESOLUTION # 106-15

WHEREAS, there exists on the books of various Town accounts old outstanding checks; and

WHEREAS, the outstanding checks are more than six months old;

NOW, THEREFORE, BE IT RESOLVED, that the following checks in the amount of \$5,393.56 are hereby cancelled:

<u>CHECK NO.</u>	<u>DATE</u>	<u>AMOUNT</u>
<u>Current Account</u>		
4485	11/13/12	\$2,171.53
4703	2/12/13	\$ 35.00
4786	3/12/13	\$ 10.00
6114	8/26/14	\$ 35.00
<u>Developers Escrow Account</u>		
100965	3/25/14	\$ 109.50
101011	9/23/14	\$ 50.69

Recreation Commission Account

70592 4/8/14 \$ 86.00

Utility Trust Account

80609 2/2/12 \$ 100.32
80662 5/23/12 \$ 100.00
80692 7/26/12 \$ 73.50
80728 9/12/12 \$ 51.32
80752 11/19/12 \$ 18.15
80788 2/8/13 \$ 114.98
80803 3/12/13 \$ 27.05
80810 4/4/13 \$ 21.57
80811 4/4/13 \$ 84.45
80821 4/16/13 \$ 32.24
80833 8/5/13 \$ 2.35
80975 11/15/13 \$ 34.90
81076 6/5/14 \$ 42.41
81106 4/30/14 \$ 95.90
81130 9/3/14 \$ 63.35
81184 12/2/14 \$ 55.69

Water Operating Account

104712 2/12/13 \$ 228.59
10499 4/9/12 \$ 25.25

Water Capital Account

40230 6/11/13 \$ 800.00
40235 6/11/13 \$ 410.00
40237 6/11/13 \$ 410.00

Sewer Utility Account

203810 10/14/14 \$ 20.00

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

Vote all ayes
Motion carried

RESOLUTION #107-15 – LEASE OF NEW POLICE CAR

A motion was made by Mr. Carberry, seconded by Mr. Smith, to adopt Resolution #107-15 as submitted:

RESOLUTION #107-15

WHEREAS, the Town of Clinton wishes to lease/purchase a Police Vehicle from an authorized vender under the State of New Jersey Purchasing Program;

WHEREAS, the purchase of goods and services by local contracting units is authorized by the Local Public Contracts Law, N.J.S.A. 40A:11-12; and

WHEREAS, Hertrich Fleet has been awarded the New Jersey State Contract #A88729 (T2776);
and

WHEREAS, the purchasing agent recommends the utilization of this contract on the grounds that it represents the best price available; and

WHEREAS, the actual cost for the Police Vehicle is expected not to exceed \$38,650.00; and

WHEREAS, the Chief Financial Officer has certified the availability of \$14,062.00 under the 2015 Current Budget, Police Department, Other Expenses, and the balance pending funding in subsequent budgets.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Town Council of the Town of Clinton, that Hertrich Fleet be awarded a contract for the lease/purchase of a Police Vehicle.

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

Vote all ayes
Motion carried

RESOLUTION #108-15 – REJECTION OF SEWER PIPE LINING PROJECT BIDS

A motion was made by Mr. Smith, seconded by Mr. Pendergast, to adopt Resolution #108-15 as submitted:

RESOLUTION #108-15

RESOLUTION REJECTING BIDS AND AUTHORIZATION TO RE-BID FOR THE HALSTEAD STREET SANITARY SEWER PIPE LINING PROJECT

WHEREAS, the Town of Clinton advertised, and subsequently received bids for the Halstead Street Sanitary Sewer Pipe Lining Project on July 21, 2015; and

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

- Arold Construction
 - \$66,795
- AM Liner East
 - \$224,100

WHEREAS, the submission from the low bidder, Arold Construction, is deficient as they did not provide a properly executed Bid Bond, and therefore must be rejected as this was a mandatory requirement of the bid in accordance with NJSA 40A:11-23.2a; and

WHEREAS, the bid submitted by the second bidder, AM Liner East, substantially exceeds the cost estimates for the project, which is cause for rejection in accordance with NJSA 11-13.2a; and

WHEREAS, the bids were reviewed by the Town Administrator and Town Attorney who confirmed the above reasons for rejection.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Town of Clinton, County of Hunterdon, State of New Jersey, hereby reject both bid submissions, and authorize the Town Administrator and Sewer Engineer to solicit bids for the above-referenced projects a second time.

BE IT FURTHER RESOLVED, that copies of the resolution are forwarded to Arold Construction and AM Liner East.

Vote all ayes
Motion carried

RESOLUTION #109-15 – REFUND OVERPAYMENT OF TAXES

A motion was made by Mr. Pendergast, seconded by Mr. Carberry, to adopt Resolution #109-15 as submitted:

RESOLUTION #109-15

WHEREAS, the Tax Collector of the Town of Clinton has received overpayments for following block and lots due to overbilled,

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 the following account:

<u>BLOCK</u>	<u>LOT</u>	<u>OWNER</u>	<u>AMOUNT</u>
31	33.01	Frey, Richard / Eileen	\$ 507.19

BE IT FURTHER RESOLVED that the Tax Collector remove the overbilled amounts on the above block and lots for the 3rd and 4th quarters of 2015.

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

Vote all ayes
Motion carried

PUBLIC HEARING OF ORDINANCE #15-12 – AMENDMENT TO WATER ORDINANCE

A motion was made by Mr. Smith, seconded by Mr. Carberry to open the public hearing of Ordinance #15-12:

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

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. Smith, seconded by Mr. Pendergast to adopt Ordinance #15-12 on second reading.

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

Vote all ayes
Motion carried

PUBLIC HEARING OF ORDINANCE #15-13 – AMENDMENT TO FEE SCHEDULE

A motion was made by Mr. Carberry, seconded by Mr. Pendergast, to open the public hearing of Ordinance #15-13

ORDINANCE # 15-13

ORDINANCE AMENDING CHAPTER 142 ENTITLED “WATER” and CHAPTER 73-3 “FEES” OF THE GENERAL ORDINANCES OF THE TOWN OF CLINTON, COUNTY OF HUNTERDON, AND THE STATE OF NEW JERSEY

Vote all ayes
Motion carried

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

Vote all ayes
Motion carried

A motion was made by Mr. Smith, seconded by Mr. Pendergast, to adopt Ordinance #15-13 on second reading.

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

Vote all ayes
Motion carried

CORRESPONDENCE

1. Letter of thanks received from Superintendent/Principal Seth Cohen, Ed.D, of Clinton Public School with regards to the Clinton Award to student Andrew Tota.
2. Clinton Township Police Sergeant Marc H. Strauss sent a letter to Chief Matheis commending Officer Jim Crilly for his participation with the Motor Vehicle Stops for the junior police recruits.

REPORTS FROM COUNCIL & TOWN OFFICIALS

Police Chief Matheis

Chief Matheis said the newly purchased body cameras are incredible! He offered council to stop into his office for a demonstration of the clarity and precision. Chief said these cameras are a valuable asset that can eliminate accusations or challenges. “Best spent money!”

Kathy Olsen, CFO

Tax bills have been mailed out, due date has been extended.

Councilman Smith

1. Rescue Squad – assisted in New Brunswick at the recent huge factory fire. The Squad responded with their heavy rescue team.

Councilman Pendergast

1. Sewer Committee discussed the two bids received for the sanitary sewer pipe relining project which were incomplete and the costs were exorbitant. The bids have been rejected as council adopted the resolution earlier this evening. The project will be re-bid.

Clinton Fire Department had a visit from Walter Hetzel representing the Smart Growth Committee to discuss the results of the recent survey. Comments for the fire department were how they raise funds and how they use them. There will be a public meeting at the Fire House on September 21, 2015 to share the results with the residents.

The fire department has begun billing for services and have submitted three bills already, one is in the process of payment. The fire department has hired an outside vendor to obtain reimbursement of responses on the interstate.

The fire department is researching a new community bulletin board sign to replace the old one located on the corner of the fire department property.

Clam Bake scheduled for August 15, 2015.

There is an unhealthy tree on the corner of Old Highway 22 and New Street, Mr. Pendergast was asked to notify the town and the Shade Tree Commission.

Councilman Carberry

1. Board of Recreation held their last meeting at the Community Center and walked the playground area checking equipment and benches. The Community Center is highly used which is great! There will be revamping done to the playground and some trees will be trimmed to remove dead branches.

Councilman Rylak

1. The Smart Growth Committee will be presenting the results of the survey on Monday, September 21, 2015 at 7:30 p.m. at the Clinton Fire Department. There will be a legal notice in the newspaper the week prior encouraging the public to attend and will be posted on the Town's website.

Mr. Rylak wished to share a classic moment he witnessed recently, Joan and Frank Hooper walking together with a care giver on Fairview, a beautiful sight!

STANDBY AND OVERTIME

A motion was made by Mr. Carberry, seconded by Mr. Rylak, to approve the standby and overtime submitted for July 3 through July 16, 2015 attached to these minutes.

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

Vote all ayes
Motion carried

RESOLUTION # 110-15 – EXECUTIVE SESSION

A motion was made by Mr. Smith seconded by Mr. Carberry to enter into Executive Session at 7:53 p.m. to discuss Potential Litigation.

RESOLUTION #110-15

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 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 8:06 p.m.

Cecilia Covino, RMC/CMC
Town Clerk

Mayor Janice Kovach