

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

Flag Salute.

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

**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. Pendergast, seconded by Mr. Carberry to approve the minutes of the Regular council meeting July 28, 2015 as submitted.

Vote all ayes  
1 Abstention (Sosidka)  
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 July 28, 2015 as submitted.

Vote all ayes  
1 Abstention (Sosidka)  
Motion carried

**APPROVAL OF MONTHLY REPORTS – JULY**

A motion was made by Mr. Carberry, seconded by Mr. Pendergast, to approve the monthly reports for July 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**

Carol Beder, representing the Clinton Guild, came to promote the Come Together Music every Friday evening on Main Street. Ms. Beder asked if there was any word of the type of business coming in to a vacant shop, thought it might be a toy store. It will be a haircutters for children called Jack & Jill.

**MAYOR’S COMMENTS – None**

**RESOLUTION #111-15 – CANCELLATION OF LIEN #2011-5**

A motion was made by Mr. Carberry, seconded by Ms. Sosidka, to adopt Resolution #111-15 as submitted:

**RESOLUTION # 111-15**

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**WHEREAS**, the Tax Collector of the Town of Clinton has been paid \$14,719.75, the amount necessary to redeem Tax Sale Certificate #2011-5 on Block 10, Lot 15, assessed to Leigh Street Realty LLC, and purchased by FWDSL & Associates LP.

**NOW THEREFORE BE IT RESOLVED**, on this 11th day of August 2015 by the Mayor and Council of the Town of Clinton, County of Hunterdon, that the Chief Financial Officer be authorized to issue a check in the amount of \$14,719.75 (certificate) & \$1,000.00 (premium) to FWDSL & Associates LP, 5 Cold Hill Road South, Suite 11, Mendham, NJ 07945, upon receipt of the Original Tax Sale Certificate endorsed for cancellation, and

**BE IT FURTHER RESOLVED** that the Tax Collector be authorized to cancel Lien #2011-5 on Block 10, Lot 15, assessed to Leigh Street Realty LLC, from the Town of Clinton Tax Records.

ROLL CALL: AYES; Carberry, Pendergast, Smith, Sosidka, Mayor Kovach

Vote all ayes  
Motion carried

**RESOLUTION #112-15 – LEASE AGREEMENT WITH CLINTON FIRE DEPARTMENT**

A motion was made by Mr. Carberry, seconded by Mr. Pendergast, to adopt Resolution #112-15 as submitted. Mr. Smith questioned what was modified with the new agreement and Mr. Pendergast said street sweeping arrangements, striping of the parking lot and the payment of water and sewer bills.

RESOLUTION #112-15

**WHEREAS**, the Town of Clinton and the Clinton Fire Department partnered into an agreement five (5) years ago; and

**WHEREAS** the Town and the Fire Department established a lease agreement for the purpose of utilizing thirty five (35) parking spaces on fire department property; and

**WHEREAS** it is time to renew the lease agreement and some changes have occurred; and

**WHEREAS** both parties have reviewed the changes and have agreed to the attached agreement;  
(available in Clerk's office)

**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor and Council and the Clinton Fire Department have reviewed the changes and have agreed to enter into a lease agreement for a period of time beginning November 1, 2015 through November 1, 2020; and

**BE IT FURTHER RESOLVED** that the Mayor and Clerk are hereby authorized to sign the agreement as well as officers of the Clinton Fire Department.

ROLL CALL: AYES: Carberry, Pendergast, Smith, Sosidka, Mayor Kovach

Vote all ayes  
Motion carried

**RESOLUTION #113-15 – REDEMPTION OF LIEN**

A motion was made by Mr. Carberry, seconded by Ms. Sosidka, to adopt Resolution #113-15 as submitted:

**RESOLUTION # 113-15**

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**WHEREAS**, the Tax Collector of the Town of Clinton has been paid \$1,737.69, the amount necessary to redeem Tax Sale Certificate #2014-5 on Block 19, Lot 2, assessed to Luis & Kim Torres, and purchased by Pro Capital 5, LLC.

**NOW THEREFORE BE IT RESOLVED**, on this 11th day of August by the Mayor and Council of the Town of Clinton, County of Hunterdon, that the Chief Financial Officer be authorized to issue a check in the amount of \$1,737.69 (certificate amount) and \$500.00 (premium amount) to Pro Capital 5, LLC, US Bank Cust for PC5, 50 South 16<sup>th</sup> Street, Suite 2050, Philadelphia, PA 19102 upon receipt of the Original Tax Sale Certificate endorsed for cancellation, and

**BE IT FURTHER RESOLVED** that the Tax Collector be authorized to cancel Lien #2014-5 on Block 19, Lot 2, assessed to Luis & Kim Torres, from the Town of Clinton Tax Records.

ROLL CALL: AYES: Carberry, Pendergast, Smith, Sosidka, Mayor Kovach

Vote all ayes  
Motion carried

**INTRODUCTION OF ORDINANCE #15-14 – ORDINANCE ACCEPTING EASEMENTS**

A motion was made by Mr. Smith, seconded by Mr. Carberry to introduce Ordinance #15-14 on first reading as submitted:

**ORDINANCE #15-14**

**AN ORDINANCE ACCEPTING CERTAIN EASEMENTS OVER PORTIONS OF BLOCK 29  
LOTS 3.03 AND 3.04**

**WHEREAS**, the Mayor and Council of the Town of Clinton, County of Hunterdon, State of New Jersey, wishes to accept the following easements for portions of Block 29, Lots 3.03 and 3.04, which are attached hereto as exhibits:

- Deed of Sight Easement on a portion of Block 29, Lot 3.04 conveyed to the Town by Kathleen Morriello for the purposes of improving visibility along Leigh Street in the Town of Clinton, County of Hunterdon;
- Deed of Right of Way Easement on a portion of Block 29, Lot 3.04 conveyed to the Town by Kathleen Morriello for the purposes of road improvements along Leigh Street in the Town of Clinton, County of Hunterdon; and
- Deed of Right of Way Easement on a portion of Block 29, Lot 3.03 conveyed to the Town by the Pond Ridge Condominium Association for the purposes of road improvements along Leigh Street in the Town of Clinton, County of Hunterdon; and

**WHEREAS**, the purpose of this conveyance is to satisfy conditions of Subdivision approval, as set forth in a Resolution adopted by the Board of Adjustment of the Town of Clinton (now the Land Use Board), dated July 22, 2013; and

**WHEREAS**, N.J.S.A. 40A:12-4 authorizes the municipality to accept such easements; and

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**WHEREAS**, attached hereto are forms of deeds for the above-referenced easements that have been reviewed by the Town Engineer and Town Attorney; and

**WHEREAS**, it appears to the Mayor and Council that the public interest would be served by accepting the easements described herein.

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

1. The Town of Clinton hereby accepts the above-referenced easements over portions of Block 29, Lots 3.03 and 3.04 as more particularly described in the deeds of easement attached hereto.

2. The Town Clerk, Mayor, her designee, and such Town Professionals as are necessary, are hereby authorized and directed to take such actions as are necessary to effectuate the provisions of this Ordinance including but not limited to executing the above-referenced easements in a form substantially similar to those attached hereto and made a part hereof.

3. The Town Clerk shall, within sixty (60) days of the effective date of this Ordinance, file a copy of this Ordinance certified by her under the seal of the municipality, to be a true copy thereof, together with proof of publication thereof, in the office of the Clerk of the County of Hunterdon in accordance with the provisions of N.J.S.A. 40:67-21.

4. At least one (1) week prior to the time fixed for further consideration of this Ordinance for final passage, a copy thereof together with the notice of the introduction thereof and the time and place when and where the Ordinance will be further considered for final passage shall be mailed to every person whose lands may be affected by this Ordinance so far as may be ascertained. Said notices shall be mailed by the Town Clerk in accordance with the provisions of N.J.S.A. 40:49-6.

5. This Ordinance shall take effect immediately after final passage, approval and publication as provided by law.

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

7. 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.

Vote all ayes  
Motion carried

A notice of this Ordinance will be published in the August 19, 2015 edition of the Hunterdon Review. A public hearing will be held September 8, 2015.

### **CORRESPONDENCE**

1. A letter of resignation has been received from Angela Hawes, resigning due to her family relocating. A motion was made by Ms. Sosidka, seconded by Mr. Carberry, to accept her resignation with regrets.

Vote all ayes  
Motion carried

2. A letter received from Connor, Megan and Kaylee of Busher Place thanking the officers who came to rescue their cat, Mittens!

3. Connor, Megan and Kaylee also sent a note of thanks to the Town workers for their quick response in rescuing Mittens from the sewer! **4198**
4. Senate Majority Leader, Loretta Weinberg, reaching out to all municipalities encouraging elected officials to discuss legislation regarding Open Public Records Act and the Open Public Meetings Act.
5. State of New Jersey Department of Transportation has sent notification announcing applications will be accepted for the NJDOT's FY 2016 State Aid programs. Copies will be distributed to the Road committee.
6. Township of Woodbridge announcing the New Jersey Senior Olympic games on September 11, 12, 13, 2015 at the Woodbridge Community Center.

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

#### **Councilman Smith**

1. Roads – Halstead Street reconstruction and repaving is completely done, very few complaints and the job was excellent!
2. Roads Committee met and is recommending that Council consider withdrawing the ordinance from the books regarding doing work on private roads. There are five private roads that do not fall under the Municipal Services Act. There are some associations that provide insurance to the Town in case someone gets hurt. If work is done on a private road the individual can look to sue the association but will come after the Town eventually. Mr. Carberry explained that insurance rates that we pay for liability and workers compensation are for work being done on public property, not private. If that were to be the case, that would change the structure of the insurance. Mr. Carberry feels that tax payers do not pay taxes for work to be done on private property and that the town cannot allow for work to be done on one and not another. Recommendation of the Roads Committee is to rescind the ordinance for Georges Place Extension. Mr. Phelan was directed to notify the residents of the Pine Ridge Association of the introduction date of September 8 and the public hearing of the ordinance on October 13, 2015 to rescind as recommended.
3. The Art Museum has a requirement to the Town to put “No Parking” signs up to the bridge. It was a suggestion of the Roads Committee to put signs on the planters on their patio and to paint a yellow line to the bridge. Therefore, there would be no cost to the Town and no drilling into the concrete for the signs.

#### **Councilwoman Sosidka**

1. A complimentary letter from Kim Rogan was sent to the Recreation program thanking Don Berkman for the tennis program. Her daughter, Grace, had a great time last year and again this year! Loved the shirts and the instructors!  
  
Movies at the Red Mill sponsored by the Kovach family and Reiner Insurance were well attended and enjoyed by all.
2. Smart Growth Committee will be hosting a public meeting on Monday, September 21, 2015 at 7:30 p.m. inviting members of all committees, residents and everyone interested in discussing the results of the survey.

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**Councilman Pendergast**

1. Clinton Fire Department is holding their Annual Clam Bake on Saturday, August 15, 2015.

**Councilman Carberry**

1. Board of Recreation continuing upgrades to the Community Center playground. Delivery truck arrived at 6:00 a.m. this morning to deliver fibar. The Town crew has been doing a great job sprucing up the playground, the equipment and the picnic benches.

**Mayor Kovach**

Mayor Kovach announced that the Freeholders will be attending the Council Meeting of September 22, 2015 to discuss CEDS, Comprehensive Economic Development Strategy. The Land Use Board has been invited to attend along with the Clinton Guild.

**STANDBY AND OVERTIME**

A motion was made by Mr. Smith, seconded by Mr. Carberry to approve the standby and overtime submitted for July 17 through July 30, 2015 attached to these minutes.

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

Vote all ayes  
Motion carried

**PAYMENT OF BILLS**

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

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

Vote all ayes  
Motion carried

**RESOLUTION # 114-----15 – EXECUTIVE SESSION**

A motion was made by Mr. Carberry seconded by Ms. Sosidka to enter into Executive Session at 7:51 p.m. to discuss Ongoing Litigation.

**RESOLUTION #114-15**

**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;

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**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

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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 Ms. Sosidka seconded by Mr. Pendergast to adjourn the meeting at 8:29 p.m.

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

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