

Councilman Smith called the meeting to order at 7:30 p.m.

Flag Salute.

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

STATEMENT OF ADEQUATE NOTICE:

Councilman Smith 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 Ms. Sosidka, to approve the minutes of the Regular council meeting August 11, 2015 as submitted.

Vote all ayes
2 Abstentions (Dineen, Rylak)
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 August 11, 2015 as submitted.

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

PUBLIC COMMENT

Marjorie Nathanson, Executive Director of the Hunterdon Art Museum and Clinton Guild member, came this evening to update council of the latest happenings. Music on Main continues through September 25, 2015 from 7:00 to 9:00 pm. in five locations; plans are underway for a Pumpkin Festival on Friday, October 23; the Guild is participating in the Chamber of Commerce Business Expo November 5 and will be sharing a table with the Red Mill Museum Village, if the Town has any material they would like to share, the museums will put it out on their table; Dicken’s Days are November 27, 28, 29; tree lighting scheduled for November 27; Shop Small Saturday is November 28; Santa’s Workshop will be on the Art Museum terrace again this year. This Sunday, August 30 will be an Overdose Awareness Day organized by Lori Altamirano who lost her daughter, Briana, to a drug overdose last year, from 11 a.m. to 2 p.m. on the terrace of the Art Museum. Speakers from the Prosecutor’s Office, Clinton Police, Clinton First Aid and Rescue, as well as Heather Jones’ Girl Scout Gold award-winning documentary “Opiate Addiction” will open the event. Continuing with Art Museum events, Farm to Table Art Party on the terrace will be held Saturday, September 19 from 6:30 to 10:00 pm featuring 20 chefs, music and an auction. The Fall Education program will begin mid September and the exhibition will be held September 27. The Guild’s next Board meeting will be held Thursday, September 3 at 8:30 a.m. at the Art Museum.

Mr. Rylak offered the Smart Growth reveal of the survey will be held Monday, September 21 at 7:30 pm at the Clinton Fire Department. Mr. Rylak asked Ms. Nathanson to kindly spread the word to the merchants.

4203

MAYOR’S COMMENTS – None

RESOLUTION #115-15 – REDEMPTION OF OVERPAYMENT

A motion was made by Mr. Pendergast, seconded by Mr. Carberry, to adopt Resolution #115-15 as presented:

RESOLUTION # 115-15

WHEREAS, the Tax Collector of the Town of Clinton has received an overpayment for a lien on tax sale certificate #2014-12;

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 FWDSL & Associates, 5 Cold Hill Road South #11, Mendham, NJ 07945, for the above Certificate in the amount of \$167.16.

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

Vote all ayes
Motion carried

RESOLUTION #116-15- REFUND OF OVERPAYMENT OF TAXES

A motion was made by Mr. Carberry, seconded by Ms. Sosidka, to adopt Resolution #116-15 as submitted:

RESOLUTION # 116-15

WHEREAS, the Tax Collector of the Town of Clinton has received an overpayment for the following block and lots due to refinance or closing,

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

<u>BLOCK</u>	<u>LOT</u>	<u>OWNER</u>	<u>AMOUNT</u>
19	2	Torres, Luis & Kim	\$ 14.71
29.01	11	Palladino, Giosue & Angela	\$ 2,521.28

BE IT FURTHER RESOLVED that the Tax Collector remove the overpayments on the above block and lots for the 3rd quarter 2015.

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

Vote all ayes
Motion carried

RESOLUTION #117-15 – REJECTION OF SEWER BIDS

Mr. Phelan explained the reason for rejecting the bids for the Halstead Street sanitary sewer pipe lining project is due to exceeding the cost estimates for the project. This is the second time the costs exceeded and bids have been rejected, allowing for negotiations to take place.

A motion was made by Mr. Pendergast, seconded by Mr. Carberry to adopt Resolution #117-15 as submitted:

RESOLUTION #117-15

RESOLUTION REJECTING BIDS AND AUTHORIZATION TO NEGOTIATE FOR THE HALSTEAD STREET SANITARY SEWER PIPE LINING PROJECT

A motion was made Mr. Pendergast, seconded by Mr. Carberry, to adopt Resolution #117-15 as submitted:

WHEREAS, the Town of Clinton advertised, and subsequently received bids for the Halstead Street Sanitary Sewer Pipe Lining Project for the second time on Thursday, August 20, 2015;

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

- Arold Construction
 - \$121,545.00
- AM Liner East
 - \$159,850

WHEREAS, the proposals submitted by the both bidders substantially exceed 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's Public Works/Business Administrator has confirmed the above reasons for rejection; and

WHEREAS, NJSA 40A:11-5(3) states that "Any contract the amount of which exceeds the bid threshold, may be negotiated and awarded by the governing body without public advertising for bids and bidding therefor and shall be awarded by resolution of the governing body if bids have been advertised pursuant to section 4 of P.L.1971, c.198 (C.40A:11-4) on two occasions and (a) no bids have been received on both occasions in response to the advertisement, or (b) the governing body has rejected such bids on two occasions because it has determined that they are not reasonable as to price, on the basis of cost estimates prepared for or by the contracting agent prior to the advertising therefor, or have not been independently arrived at in open competition, or (c) on one occasion no bids were received pursuant to (a) and on one occasion all bids were rejected pursuant to (b), in whatever sequence; any such contract may then be negotiated and may be awarded upon adoption of a resolution by a two-thirds affirmative vote of the authorized membership of the governing body authorizing such contract."; and

WHEREAS, on July 21, 2015 and August 20, 2015, the Town solicited sealed bids for this project and rejected the submissions that were made on both occasions for reasons stated above.

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 Public Works/Business Administrator, Sewer Superintendent and/or Sewer Engineer to negotiate bids for the above-referenced project in accordance with NJSA 40A:11-5(3).

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

Vote all ayes
Motion carried

4205

RESOLUTION #118-15 – CHANGE ORDER NO. 1

A motion was made by Mr. Carberry, seconded by Ms. Sosidka, to adopt Resolution #118-15 as submitted:

**RESOLUTION # 118-15
CHANGE ORDER NO. 1**

WHEREAS, the need has arisen for a change order to the Halstead Street Road Resurfacing Project, and;

WHEREAS, there were changes in Quantities and Unit Prices, and;

WHEREAS, the original contract price was \$178,667.68 and the proposed increase is \$3,318.42 bringing the total adjusted contract amount to \$181,986.10;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Town of Clinton that Change Order Number 1 for the Halstead Street Road Resurfacing Project be approved.

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

Vote all ayes
Motion carried

WATER REFUNDS

Water Collector, Nancy Burgess, is requesting refunds to two accounts. Refund to Charles Aulicky, Jr. in the amount of \$34.80. Motion was made by Mr. Carberry, seconded by Mr. Pendergast, to grant the request as submitted.

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

Vote all ayes
Motion carried

Second refund to Erica Apple in the amount of \$61.89. Motion was made by Mr. Carberry, seconded by Ms. Sosidka, to grant the request.

ROLL CALL: Carberry, Dineen, Pendergast, Rylak, Smith, Sosidka

Vote all ayes
Motion carried

TURN THE TOWNS TEAL – RIBBON REQUEST

An annual request to “Turn the Towns Teal” has been received for a National Awareness Campaign for Ovarian Cancer to tie teal colored ribbons on poles along Main and East Main Street. A motion was made by Mr. Rylak, seconded by Mr. Carberry to grant the request.

Vote all ayes
Motion carried

CORRESPONDENCE

1. The Hunterdon Art Museum sent an email requesting the use of the electrical pole for lighting in the tents for the Farm to Table Art Party event to be held September 19, 2015. Council felt the

decision could be made by the Administrator, Mr. Phelan, and was not necessarily a council decision. The decision was yes, to permit the museum to use the electricity.

REPORTS FROM COUNCIL & TOWN OFFICIALS

Richard Phelan, Business Administrator

Mr. Phelan informed Council that he received notification from the insurance company that they will be scheduling training sessions on safety, ethics and harassment. Sessions will be held day and evening so everyone will have an opportunity to attend. This training takes place every two years.

Councilwoman Dineen

Shade Tree – Ms. Dineen reported that the dead tree in front of the firehouse on Old Highway 22 would be taken down by the Department of Transportation at their earliest convenience. Ms. Sosidka asked if the Shade Tree Commission will set up a table at the firehouse the night of the Smart Growth survey meeting, soliciting donations for planting trees. Ms. Sosidka mentioned that in the survey residents showed an interest in doing so. Mr. Cushing recommended having a table outside the building rather than inside, brochures or other material can be displayed.

Clerk Covino

Mayor Kovach asked the clerk to present to Council the offer made by Clinton Shop Rite of free flu shots to municipal employees, and to be distributed on the municipal grounds. Council suggested having the shots given on other property, possibly the First Aid & Rescue Squad building. The clerk will reach out to Chief Setnicky and see if they are interested in holding the event.

Councilman Smith

Water Committee - Mr. Smith reported that a sizable leak was detected on private property and was the cause of a significant loss of water. The leak has been repaired by the resident.

Councilwoman Sosidka

Ms. Sosidka said the Chief has alerted Council that the Hunterdon County Freeholders were contemplating closing the Hunterdon County Jail and contracting with Somerset County. Chief Matheis explained the proposed plans that are to be voted on tomorrow night, Wednesday, August 29, 2015 by the Freeholders. Council discussed the closing and the impact it would have on local police departments. They would have to bring prisoners to the county and the county would transport them to Somerset. If police had to interview prisoners, they would have to travel to Somerset, leaving the Town of Clinton for undetermined lengths of time. Council agreed that the Freeholders should have a solid plan before closing the jail and listen to feedback from the local police departments. Mr. Cushing prepared a resolution for council to adopt tonight and to be presented to the Freeholders prior to tomorrow evening's meeting. The council was not against the Freeholder's plan but want a proposal in writing and to determine what would be the additional costs to the local police.

4207

RESOLUTION #119-15 – CLOSING OF HUNTERDON COUNTY JAIL

A motion was made by Mr. Rylak, seconded by Mr. Pendergast, to adopt Resolution #119-15 as prepared and immediately send a copy to the Hunterdon County Freeholders for discussion at their meeting scheduled for August 29, 2015.

RESOLUTION #119-15

WHEREAS there is a proposal by the Hunterdon County Freeholders to close the Hunterdon County Jail; and

WHEREAS, the proposal to close the Jail has not been reduced to writing, nor have studies or other analysis been done with respect to the cost to local municipalities from closing the Jail; and

WHEREAS the Town of Clinton cannot make a reasonable determination at the present time as to the impact upon it from the closing of the Jail;

NOW, THEREFORE, BE IT RESOLVED, that the Town of Clinton requests the Freeholders defer any decision action as to closing the Hunterdon County Jail until they have provided a written plan to the Hunterdon County municipalities as to how the former functions of the Hunterdon County Jail will be fulfilled and what impact that will have on the local municipalities.

Vote all ayes
Motion carried

Councilman Pendergast

1. Clinton Fire Department held their monthly Grill Night on Friday, August 21, a great turn out once again. Delivery of their new fire truck is scheduled for Friday, August 28, 2015 at 7:15 p.m.

Councilman Rylak

1. Smart Growth survey results will be discussed at a special meeting of Smart Growth to be held at the Clinton Fire Department, Monday, September 21, 2015 at 7:30 p.m.

Richard Cushing, Esq.

A motion has been filed for immunity and the Town should be granted same regarding the Affordable Housing obligation. Mr. Cushing stated that he expects the Judge to grant immunity to the Town but he needs to examine some of the issues impacted by the planning decision. Interest has already been displayed by developers.

STANDBY AND OVERTIME

A motion was made by Mr. Pendergast, seconded by Mr. Carberry to approve the standby and overtime submitted for July 31 through August 13, 2015 attached to these minutes.

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

Vote all ayes
Motion carried

PAYMENT OF BILLS

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

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

Vote all ayes
Motion carried

RESOLUTION # 120-15 – 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 #120-15

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;

4209

_____ Tactics and techniques utilized in protecting the safety and property of the public provided that their disclosure could impair such protection;

_____ Investigations of violations or possible violations of the law;
___X___ Pending or anticipated litigation or contract negotiation in which the public body is or may become a party; (the general nature of the litigation or contract negotiations is:

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

_____ Matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his or her ethical duties as a lawyer; (The general nature of the matter is: _____
OR _____ the public disclosure of such information at this time would have a potentially negative impact on the municipality's position with respect to the matter being discussed; therefore this information will be withheld until such time as the matter is concluded or the potential for negative impact no longer exists);

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

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

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

BE IT FURTHER RESOLVED that the Mayor and Council hereby declare that their discussion of the subject(s) identified above may be made public at a time when the Town Attorney advises them that the disclosure of the discussion will not detrimentally affect any right, interest or duty of the Town or any other entity with respect to said discussion. That time is currently estimated to be: _____ (estimated length of time) OR upon the occurrence of _____

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

Vote all ayes
Motion carried

ADJOURNMENT: Upon returning from Executive Session and there being no further business, a motion was made by Mr. Carberry seconded by Ms. Dineen, to adjourn the meeting at 8:21 p.m.

Cecilia Covino, RMC/CMC
Town Clerk

Mayor Janice Kovach