

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 Ms. Sosidka to approve the minutes of the Regular council meeting August 25, 2015 as submitted.

Vote all ayes
1 Abstention (Kovach)
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 25, 2015 as submitted.

Vote all ayes
1 Abstention (Kovach)
Motion carried

APPROVAL OF MONTHLY REPORTS – AUGUST

A motion was made by Mr. Carberry, seconded by Ms. Sosidka, to approve the monthly reports for August 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

Harvey Finkel, Clinton Book Shop and organizer of the Clinton’s Farmer’s Market, presented an outline of the upcoming Apple ‘n Pumpkin Harvest Festival scheduled for October 11, 2015. Plans are progressing nicely for the festival which is expected to follow the weekly Farmers Market from noon until 4:30 or 5:00 p.m. that day. Tents will be set up at the Clinton Fire Department on New Street, entertainment will include a Bluegrass Band and Cloggers. The Clinton House will host the beer/wine tent, three food trucks are lined up serving BBQ, cheese steaks and other good food. There will be games for children and family activities, the Art Museum is sponsoring a face painter, and crafters will also be there! Mr. Finkel has been in contact with Chief Matheis and Fire Department President, Jerry Malecki. A message was left at the Rescue Squad but he has not heard back from them as yet. The request is to close East Main Street and New Street and have barricades set up, a volunteer will be stationed at the barricades to assist with pedestrian traffic. Chief Matheis is on board with the plans and asked Mr.

4212

Finkel to file a special event application which Harvey has completed, a copy was then given to the clerk for distribution to Council. Stay tuned for updates!

PROCLAMATION – DON BERKMAN

Mayor Kovach called Don Berkman to the dais and invited Rosemary Pendergast, Chairwoman of the Board of Recreation to join them in presenting a proclamation to Mr. Berkman. Don has just completed his 16th years as organizer of the Clinton Tennis Program and has received accolades from children and parents every year! Mr. Berkman was surprised to receive the recognition this evening, he actually came prepared to give Council a review of this year's program, which he proceeded to do. Don reported that this year's program has 61 participants and just passed 1,000 children since the inception of the program! Great job, Don!

MAYOR'S COMMENTS

1. The State of New Jersey has sent an invitation to attend the 2015 New Jersey Complete Streets Summit in New Brunswick on October 26, 2015.
2. Mayor Kovach informed Council and the public that A & P has filed for bankruptcy and the local store will be closing the week of November 12-15, 2015 if it is not bought out. A Facebook post to vote for a Trader Joe's to come in to the space has been highly recognized, over 1,000 requests and over 22,000 views! Council discussed options for the site and Mayor Kovach said she has been in contact with A&P real estate office and is awaiting a return phone call.

RESOLUTION #121-15 – 1033 SURPLUS PROGRAM

Chief Matheis explained the 1033 program which is to allow law enforcement agencies to obtain surplus federal property that is in excess to the Department of Defense. A motion was made by Mr. Smith seconded by Mr. Rylak to adopt Resolution #121-15 as submitted:

**RESOLUTION # 121-15
RESOLUTION APPROVING PARTICIPATION IN 1033 PROGRAM FOR THE TOWN OF
CLINTON POLICE DEPARTMENT**

WHEREAS the Mayor and Council of the TOWN of CLINTON, in the County of HUNTERDON and STATE OF NEW JERSEY, desires to participate in what is known as the 1033 program which allows law enforcement agencies to obtain surplus federal property that is in excess to the Department of Defense; and

WHEREAS, the Mayor and Council recognizes that in the era of fiscal constraint, participation in the 1033 program allows local units to obtain equipment that they might not otherwise be able to afford, and to prepare for, respond to, and recover from incidents of terrorism and natural disasters, such as hurricanes, and other emergencies; and

WHEREAS, the Mayor and Council recognizes that although the equipment that may be obtained is usually at no cost to the local unit, the Town is responsible for the maintenance of the equipment and for any specialized training for its operation.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Town of Clinton, County of Hunterdon, State of New Jersey, hereby authorizes participation in the 1033 program as per the system of local oversight established by the State of New Jersey.

Vote all ayes
Motion carried

PUBLIC HEARING OF ORDINANCE #15-14 – ORDINANCE ACCEPTING EASEMENTS

A motion was made by Mr. Carberry, seconded by Ms. Sosidka to open the public hearing on Ordinance #15-14:

**ORDINANCE #15-14
AN ORDINANCE ACCEPTING CERTAIN EASEMENTS OVER PORTIONS OF BLOCK 29
LOTS 3.03 AND 3.04**

Vote all ayes
Motion carried

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

Vote all ayes
Motion carried

A motion was made by Mr. Pendergast, seconded by Mr. Carberry, to adopt Ordinance #15-14 on second reading.

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

Vote all ayes
Motion carried

INTRODUCTION OF ORDINANCE #15-15 – REPEALING ORDINANCE FOR MUNICIPAL MAINTENANCE OF GEORGES PLACE EXTENSION

A majority of the residents of Georges Place Extension and the Pine Ridge Homeowners Association attended the meeting this evening to discuss the proposed ordinance which would repeal Ordinance #11-03 regarding the municipal maintenance of the road known as “Georges Place Extension”. President of the Association, Richard Miller, acted as the spokesperson and asked if the Roads Committee read the letter sent requesting a meeting with the association? Mr. Miller said 9 of the 11 homeowners received a letter from Mr. Phelan advising them that the ordinance would be introduced this evening. Mr. Miller said the Pine Ridge Homeowners Association itself did not receive a letter. Mr. Rylak, by way of a motion, asked Council to allow the residents to speak out tonight and possibly table the introduction of the ordinance for two weeks and have the homeowners submit all documentation gathered to support their request to continue maintaining the road. Mr. Carberry seconded the motion.

Vote all ayes
Motion carried

Mayor Kovach asked Mr. Miller is there is additional information? Mr. Miller replied yes and would like a small delegation to meet with the Roads Committee and discuss the 40 years of historical data that has taken place in regards to the road. Mayor Kovach offered Mr. Miller to present testimony this evening. Mr. Miller proceeded to explain the 11 homes were built in the late 60’s, early 70’s and this Association has been in existence since the beginning. Two of the original homeowners still live there and can provide historical information to the Roads Committee. At the time the houses were built and the permit was issued for building Georges Place extension, the developer did not provide adequate road surface nor curbing. The Town was obligated to enforce the permit that was issued, the developer went bankrupt and subsequently passed away. The Town used the money in escrow to enforce the permit and used the money to complete the paving of the Town road, Georges Place, out to Route 31. Pine Ridge Association at the time, felt that the Town should have used part of the money to enforce the permit and use some of the funds to complete the Georges Place Extension to specifications. This is the reason for the “strange

4214

relationship” between Georges Place Extension and the Town. Mr. Miller stated that the Association has had dealings with several Business Administrators over the years and that they have all felt that the Town had an obligation to occasionally patch the pot holes in the road. Mr. Miller read in the Hunterdon Review that concerns of Mr. Smith and Mr. Carberry are essentially over insurance. The Association may have some suggestions and if a meeting could be arranged with the Road Committee, maybe resolution can be made. Mr. Rylak reiterated the importance of getting all pertinent information in prior to the next meeting for council’s review. Mr. Miller thanked Council for their consideration and looks forward to a meeting to be arranged.

WATER REFUND

Water Collector, Nancy Burgess, is requesting two water refunds. 41 Quarry Ridge Road in the amount of \$62.99, a motion was made by Mr. Carberry, seconded by Mr. Pendergast, to grant the refund as requested.

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

Vote all ayes
Motion carried

The second request was for 54 Kinter Street in the amount of \$112.54, motion made by Mr. Pendergast, seconded by Ms. Sosidka, to grant the refund as requested.

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

Vote all ayes
Motion carried

CORRESPONDENCE

1. A request has been received from Clinton Presbyterian Church, a non-profit organization, for waiving fire permit fees of \$42 each. The Church has movies, Scout Troop 121 and a variety of other outdoor activities planned for the Clinton community. Council had several questions and would like someone from the Church to come to Council and explain the type of fire pit and the location of it. There were also questions for Fire Official, Jack Daniels. In recent past, Council stopped issuing fee waivers for all organizations. Mr. Cushing talked about policy and the necessity to follow same. The Church will be asked to have someone attend an upcoming council meeting and Mr. Daniels will be asked for input.

REPORTS FROM COUNCIL

Kathy Olsen, CFO

Ms. Olsen asked council members who are attending the League of Municipalities in November, who are interested in attending the League Luncheon and the Women in Government Breakfast. Ms. Olsen needs to make the reservations.

Councilman Smith

1. **Rescue Squad** – calls for August were 242 calls, 10% over last year and July calls were 256, 22% increase over last year’s call.
2. **Roads Committee** discussed scheduling for municipal lot repairs.

Improving lighting in front of the Clinton House.

Winnie Scuteri of the Smart Growth Committee made a presentation to the Roads committee.

2015 NJDOT local aid application has been filed by Robert Clerico, PE.

Councilwoman Dineen

Shade Tree the tree in front of the Fire House on the corner of New and Old 22 has been taken down.

Councilwoman Sosidka

Board of Recreation – Town Picnic in Saturday, September 12. If folks are interested in the Canoe Races, reach out to Sean Rogan, funding is needed and help in organizing the event. Once again, congratulations and thank you to Don Berkman for another successful tennis program!

Councilman Pendergast

1. Clinton Fire Department will be hosting the next Grill Night September 18, 2015 and the fire department will also be cooking burgers and dogs at the Town Picnic.
The fire department will be having a coin toss on Black Friday weekend at Exit 15.
Patriot's Point will have a one hour tribute to 9/11 on Friday, September 11 at 8:00 a.m.
The new Engine 45 has arrived at the fire house! They are currently outfitting the new truck. It was a great turnout for the arrival!
2. Two weeks ago, August 30, 2015, Town resident Lori Altamirano organized a Overdose Awareness Day which drew 200 parents, kids, dignitaries and more. Unfortunately, Mrs. Altamirano lost her daughter to a drug overdose last year, and felt it was necessary to bring more attention to the cause.

Councilman Carberry

1. Board of Recreation would like to welcome a new member, Dan Melillo of Union Road. A motion was made by Mr. Carberry, seconded by Mr. Rylak, to appoint Mr. Melillo to the Board.

Vote all ayes
Motion carried

Councilman Rylak

1. Smart Growth "great reveal" will be held at 7:30 p.m. on September 21, 2015 at the Clinton Fire Department.

PUBLIC COMMENT

Liz Scannell, representative from the Clinton Guild, reported that the Come Together Music Festivals will be coming to an end at the end of September. It brought out so many people this year and it was wonderful! Mr. Carberry said having it in five locations worked out better than four. Mayor Kovach said the flier describing which bands were playing where was an excellent idea!

The Guild is getting busy preparing for the Pumpkin Festival and asked Council to spread the word! Friday, October 23rd will be the night!

STANDBY AND OVERTIME

A motion was made by Mr. Smith, seconded by Mr. Carberry to approve the standby and overtime submitted for August 14 through August 27, 2015 attached to these minutes.

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

4216

Vote all ayes
Motion carried

PAYMENT OF BILLS

A motion was made by Mr. Smith seconded by Ms. Sosidka, 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 # 122--15 – EXECUTIVE SESSION

A motion was made by Mr. Carberry seconded by Ms. Sosidka to enter into Executive Session at 8:16 p.m. to discuss Litigation and COAH.

RESOLUTION #122--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.

4218

Vote all ayes
Motion carried

Prior to entering into Executive Session, Mr. Rylak addressed the student/scout in the audience and explained the reason Council enters Executive Sessions. Matters that are sensitive matters possibly regarding litigation or similar reasons must be discussed in private. No action is taken in Executive Sessions.

ADJOURNMENT: Upon returning from Executive Session at 8:50 p.m. and there being no further business, a motion was made by Ms. Sosidka seconded by Mr. Pendergast to adjourn the meeting at 8:51p.m.

Cecilia Covino, RMC/CMC
Town Clerk

Mayor Janice Kovach