

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

Flag Salute.

Roll Call: Present – Carberry, Dineen, Pendergast, Rylak, Smith, Mayor Kovach  
Absent - 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. Smith to approve the minutes of the Regular council meeting October 13, 2015 as submitted.

Vote all ayes  
Motion carried

**APPROVAL OF MONTHLY REPORTS – SEPTEMBER**

A motion was made by Mr. Pendergast, seconded by Mr. Carberry to approve the monthly Wastewater Treatment Plant report for September as submitted.

Vote all ayes  
Motion carried

**PUBLIC COMMENT - NONE**

**MAYOR’S COMMENTS**

1. A save the date card for Raritan Headwaters, State of our Watershed Conference, passed on to Mr. Carberry to share with the Environmental Commission.
2. Thomas Edison State College holding an informational session and breakfast at the League of Municipalities on Wednesday, November 18, 2015 7:30 to 9 a.m. Admissions application clinic will be held 9 a.m. to 10 a.m. following the breakfast.
3. New Jersey Youth ChalleNGe Academy offering tuition free opportunity, information with the clerk for anyone interested.
4. Holiday Inn is hosting a dinner for EMT and firefighters of Clinton November 5, 2015 at 6:00 p.m. Council has been invited, however, Mayor Kovach stated that if Council members are attending, they should cover the cost of the meal, Clerk will find out the cost.

**RESOLUTION #129-15 – DISCHARGE OF MORTGAGE**

A motion was made by Mr. Carberry, seconded by Mr. Smith, to adopt Resolution #129-15 as submitted:

**RESOLUTION #129-15**

**RESOLUTION AUTHORIZING DISCHARGE OF MORTGAGE**

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**WHEREAS**, the Hunterdon Art Museum, formerly known as the Hunterdon County Art center (“Mortgagor”), with an address at 7 Lower Center Street, Clinton, New Jersey 08809, executed a mortgage in favor of the Town of Clinton to secure a Guaranty of Performance of Loan Agreement dated November 29, 2012 and a Loan Agreement between the Mortgagor and the New Jersey Department of Environmental Protection (“NJDEP”) dated March 25, 2008 in the amount of not to exceed \$450,000.00, which mortgage was recorded in Book 3701, Page 885, in the Office of the Hunterdon County Clerk on December 5, 2012 (the “Second Mortgage”); and

**WHEREAS**, NJDEP has confirmed that Mortgagor has fully performed under the Loan Agreement and that the Second Mortgage can be deemed satisfied.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Town of Clinton, County of Hunterdon, State of New Jersey that the Second Mortgage is hereby deemed satisfied and shall be cancelled as a matter of record with the Hunterdon County Clerk; and

**BE IT FURTHER RESOLVED** that the Mayor and Clerk are authorized to execute on behalf of the Towns of Clinton a Discharge of Mortgage in the form attached hereto and the Town Attorney is authorized to record or arrange for its recording, and

**BE IT FURTHER RESOLVED** that all other officials of the Town of Clinton are authorized to take the necessary steps to effectuate in every way the purpose of this resolution.

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

Vote all ayes  
Motion carried

**RESOLUTION #130-15 – AUTHORIZATION REGARDING SURPLUS PROPERTY VIA PUBLIC AUCTION**

A motion was made by Mr. Carberry, seconded by Mr. Pendergast to adopt Resolution #130-15 as submitted:

**RESOLUTION # 130-15**

**RESOLUTION AMENDING PREVIOUS AUTHORIZATION REGARDING THE SALE OF SURPLUS PROPERTY VIA PUBLIC AUCTION**

**WHEREAS**, N.J.S.A. 40A:11-36 permits a municipality sell personal property not needed for public use to via public auction; and

**WHEREAS**, on April 14, 2015, the Mayor and Council authorized certain items be sold via public auction; and

**WHEREAS**, the N.J.S.A. 40A:11-12 allows municipalities to purchase any goods or services under any contract or contracts for such goods or services entered into on behalf of the State by the Division of Purchase and Property in the Department of the Treasury; and

**WHEREAS**, GovDeals has been awarded Contract T-2581 from the State by the Division of Purchase and Property in the Department of the Treasury for the provision of internet-based auctioneering services in order to dispose of public property; and

**WHEREAS**, the Town of Clinton desires to utilize the services provided by GovDeals, in accordance with the terms and conditions of their State Contract for purposes of expanding the visibility of their auction.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Town of Clinton, Hunterdon County, New Jersey, that it hereby authorizes the following:

1. Public auction of the amended items listed in the attached exhibit in accordance with the Local Public Contracts Law.
2. Use of State Contract T-2581 for the provision of internet-based auctioneering services.

Vote all ayes  
Motion carried

**PUBLIC HEARING OF ORDINANCE #15-15 – RESCINDING ORDINANCE #11-03 –  
GEORGES PLACE EXTENSION**

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

**ORDINANCE # 15-15  
ORDINANCE REPEALING ORDINANCE NO. 11-03 WHICH AUTHORIZED  
MUNICIPAL MAINTENANCE OF GEORGES PLACE EXTENSION**

**WHEREAS**, Ordinance No. 11-03 authorized the Department of Public Works to perform certain maintenance on Georges Place Extension, a private road; and

**WHEREAS**, the Road Committee has evaluated the cost of maintaining Georges Place Extension and the potential costs of maintaining other private roads; and

**WHEREAS**, the funds available for municipal operations have been significantly curbed at the same time the municipal costs have increased significantly, thereby reducing the funds available for municipal operations; and

**WHEREAS**, the Mayor and Council have concluded that it is in the public interest to terminate maintenance activities on Georges Place Extension.

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Council of the Town of Clinton, Hunterdon County, New Jersey, that Ordinance No. 11-03 is repealed and the Town of Clinton will no longer provide maintenance to Georges Place Extension.

This Ordinance will become effective upon passage in accordance with law.

Vote all ayes  
Motion carried

Richard Miller, resident of 18 Georges Place and President of the Pine Ridge Homeowners Association gave a brief overview of the 11 homes that were built during the 1960's and 1970's that make up the Association and the private road, Georges Place Extension, in question. Mr. Miller introduced John Madden, a 37 year resident of the Association as the spokesperson for this evening.

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Mr. Madden began by asking Council not to vote for Ordinance #15-15 and asked to speak about the Georges Place Extension, a private road to four homes. It has been repaired three times in 37 years by the Town. Mr. Madden said the developer died before the road was done and “the Town took the remaining funds to complete Georges Place, leaving the extension a substandard road”. Mr. Madden said the Town did a poor job of mismanaging the bond. Mr. Madden continued by stating reasons the current Road Committee would like to rescind Ordinance #11-03 being cost, insurance and manpower. Mr. Madden said the Pine Ridge Association would pay for the asphalt needed to repair the road when necessary and the Association would provide insurance to cover workers. Residents of the Extension have to bring garbage and recycling to Georges Place because the road is not capable of handling the garbage trucks. Mr. Madden said the four homes need safe access. Councilman Smith asked Mr. Madden if he had proof of the money that was spent to complete Georges Place by the Town as stated. Mr. Madden said the “improvement bond” should have been insurance in getting the road done correctly. Mr. Pendergast asked if the Association has a copy of the bond? Catherine Madden said she called the Town requesting information about the bonds and was told it was burned in the Municipal Building fire of the 1970’s. Tracy Ivie, 28 Georges Place Extension said she has a letter from 1975 from the attorney’s Thatcher & Thatcher that talks about the bond amount and may shed some light on the matter. Mr. Madden said if we are going to explore this, this should be taken off the agenda and present further evidence. Mr. Pendergast said there are no facts in this case, everything is supposition. Councilman Rylak questioned Hillcrest Park as a private road but Mr. Madden said “that’s actually a private driveway”. Councilman Carberry said the Town should not do work on private property. A 1973 letter from the Town to the Association stated the Town would fix the road for garbage pick up. Mr. Cushing asked if the developer intended for the road to remain private and Mr. Madden said yes. Mr. Cushing said a bond would be for a public road. Councilman Smith suggested Council to wait two weeks to further review Planning Board files of 1973.

A motion was made by Mr. Pendergast, seconded by Mr. Smith, to close the public portion of the meeting and re-open in a couple weeks.

Vote all ayes  
Motion carried

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

Vote all ayes  
Motion carried  
8:26 p.m.

**PUBLIC HEARING OF ORDINANCE #15-17 – IMPROVEMENTS TO THE MUNICIPAL BUILDING**

A motion was made by Mr. Pendergast, seconded by Ms. Dineen, to open the public hearing of Ordinance #15-17:

CAPITAL ORDINANCE # 15-17

CAPITAL ORDINANCE OF THE TOWN OF CLINTON IN THE COUNTY OF HUNTERDON, STATE OF NEW JERSEY, AUTHORIZING THE MAKING OF IMPROVEMENTS IN, BY AND FOR THE TOWN OF CLINTON AND APPROPRIATING THEREFOR THE SUM OF \$52,952.00 FROM THE CAPITAL RESERVES FOR IMPROVEMENTS TO MUNICIPAL PROPERTY

Vote all ayes  
Motion carried

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There being no public comment, a motion was made by Mr. Pendergast, seconded by Ms. Dineen, 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 #15-17 on second reading.

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

Vote all ayes  
Motion carried

**RESOLUTION #131-15 – CHANGE ORDER FOR MUNICIPAL BUILDING REPAIRS**

A motion was made by Mr. Smith, seconded by Mr. Carberry to adopt Resolution #131-15 as submitted:

**RESOLUTION 131-15**

**RESOLUTION AUTHORIZING A CHANGE ORDER FOR THE MUNICIPAL BUILDING EXTERIOR MAINTENANCE AND REPAIR PROJECT**

**WHEREAS**, on June 23, 2015 the Town of Clinton awarded a contract to R. J. Doerr Company a contract for the Municipal Building Exterior Maintenance and Repair Project via Resolution # 92-15; and

**WHEREAS**, during the repair of the building, it was discovered that additional work is needed to repair damage that was undetectable during the preparation of the plans and specifications due to the location of the damage as identified in R. J. Doerr's September 21, 2015 letter ; and

**WHEREAS**, the need has arisen for a Change Orders to be approved, and

**WHEREAS**, the Buildings and Grounds Committee and the Town Administrator recommend that a Change Order be approved in accordance with the Administrator's October 2, 2015 letter as follows:

Base Bid	\$257,900.00
Alternate Bid Item #1 (Masonry Repointing)	\$2,150.00
<b>TOTAL BASE PLUS ALTERNATE #1</b>	<b>\$260,050.00</b>

**DEDUCTIONS (CREDITS)**

Storm Windows (WD 8.3)	-\$3,520.00
Shrub Removal (WD 31.1, 31.2 & 31.3)	-\$3,800.00
Eliminations in Gutters and Downspouts & Modifications (WD 7.1, 7.2, 7.3 & 7.4)	-\$4,600.00
<b>TOTAL DEDUCTIONS</b>	<b>-\$11,920.00</b>

**CHANGE ORDER INCREASES**

North East Corner Leigh Mansion	\$3,720.00
Leigh Mansion North and South Cornice	\$9,700.00

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South East Corner Leigh Mansion	\$24,720.00
1991 Section - Soffit	\$10,200.00
1991 Section - 4 cracked drop tubes	\$2,620.00
North Elevation Porch Leigh Mansion	\$6,100.00
Leigh Mansion West Elevation Porch South West corner porch post	\$1,470.00
Leigh Mansion West Elevation and East Elevation Porch roofs	\$13,800.00
<b>TOTAL CHANGE ORDER INCREASES</b>	<b>\$72,330.00</b>

**NET CHANGE IN CONTRACT AMOUNT**      **\$60,410.00**  
(Base Bid +Alternate #1 - Credits + CO Increases)

**NEW CONTRACT TOTAL**      **\$320,460.00**

**WHEREAS**, the Chief Financial Officer has certified that sufficient funds are available.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Town of Clinton that Change Order Number 1 for the Municipal Building Exterior Maintenance and Repair Project be approved.

**BE IT FURTHER RESOLVED**, that copies of this resolution are forwarded to R. J. Doerr Company and Eclectic Architecture.

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

Vote all ayes  
Motion carried

**INTRODUCTION OF ORDINANCE 15-19 – SALE OF SUPPLUS PROPERTY TO CLINTON  
FIRE DEPARTMENT**

A motion was made by Mr. Pendergast, seconded by Mr. Carberry, to introduce Ordinance #15-19 on first reading as submitted:

**ORDINANCE #15-19  
AN ORDINANCE AUTHORIZING THE SALE OF SURPLUS PERSONAL  
PROPERTY TO THE CLINTON FIRE DEPARTMENT  
FOR NOMINAL CONSIDERATION**

WHEREAS, the Town of Clinton is authorized by N.J.S.A. 40A: 12-21.1 to sell personal property not needed for municipal purposes to certain organizations or associations identified in N.J.S.A. 40A:12-21 for nominal consideration; and

WHEREAS, volunteer fire companies are one of the organizations identified in N.J.S.A. 40A:12-21 to which such transfers may be made; and

WHEREAS, the Town of Clinton owns an old-model vehicle, which is no longer needed for municipal use, can no longer be operated, and is of no practical use or value to the Town; and

WHEREAS, the Clinton Fire Department has indicated an interest in acquiring this vehicle for use in training its members;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Town of Clinton, County of Hunterdon that:

1. Ownership of the vehicles listed below is hereby transferred to the Clinton Fire Department for \$1.00 and other good and valuable consideration:
  - 2006 Ford Crown Victoria  
VIN # 2FAFP71W56X118725
2. The vehicle identified above can only be used by the Clinton Fire Department for the purposes of providing training and not for commercial business or trade. In the event that the vehicle is not used in accordance with this limitation; ownership in the vehicle shall revert to the municipality.
3. The vehicle identified above shall be sold in an “as is” condition without express or implied warranties.

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 November 4, 2015 edition of the Hunterdon Review. A public hearing is scheduled for November 24, 2015.

**RESOLUTION #132-15 – RELEASE OF PERFORMANCE BOND**

A motion was made by Mr. Carberry, seconded by Mr. Smith, to adopt Resolution #132-15 as submitted:

**RESOLUTION #132-15  
RESOLUTION AUTHORIZING RELEASE OF PERFORMANCE BOND  
OF HUNTERDON ART MUSEUM (BLOCK 9, LOT 1)**

**WHEREAS**, the Hunterdon Art Museum received preliminary and final site plan approval from the Town on or about October 2, 2012 to construct an outdoor patio and delineated parking spaces on property designated as Block 9, Lot 1 on the Town of Clinton’s Tax Maps; and

**WHEREAS**, Hunterdon Art Museum has requested the refund of the Performance Guarantee for this site improvement; and

**WHEREAS**, by letter dated August 12, 2015 the Land Use Board Engineer recommended release of the Performance Guarantee conditioned upon the installation of certain “no parking” signage; and

**WHEREAS**, by letter dated October 19, 2015, the Town Administrator confirmed that the required signage had been installed and that all conditions of the Engineer’s August 12, 2015 letter had been met.

**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor and Council of the Town of Clinton, County of Hunterdon, State of New Jersey hereby authorize a refund of the cash portion of the Performance Bond for Block 9, Lot 1 in the amount of \$115,200.00 based upon the recommendations of the Land Use Board Engineer and Town Administrator; and

**BE IT FURTHER RESOLVED**, that upon a certification of availability of funds, the Chief Financial Officer is hereby instructed to refund \$115,200.00 to the Hunterdon Art Museum

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

Vote all ayes  
Motion carried

**CORRESPONDENCE – None**

**REPORTS FROM COUNCIL**

**Kathy Olsen, CFO**

1. Tax sale will be held Wednesday, October 28, 2015 at 9:00 a.m.

**Councilman Smith**

1. Water Committee will meet on Wednesday October 28, 2015 at 8:00 a.m.

**Councilman Pendergast**

1. Sewer Committee – as previously discussed, the Treatment Plant has contacted GenServe, the company that maintains the transfer switch and other parts. GenServe has suggested an upgrade which may cost approximately \$32,000.

**Councilman Carberry**

1. The New Jersey Water Supply Authority will be removing the invasive Russian Olive trees located behind the proposed apartment building on Halstead Street.

**Councilman Rylak**

1. Smart Growth Committee will be hosting an informal public input meeting at the Clinton Fire Department Thursday, November 12, 2015 at 7:30 p.m. This meeting will be advertised in the newspaper and the Town website. The public is encouraged to attend.

**STANDBY AND OVERTIME**

A motion was made by Mr. Pendergast, seconded by Mr. Smith to approve the standby and overtime submitted for the period of October 9 through October 22, 2015 attached to these minutes.

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

Vote all ayes  
Motion carried

**PAYMENT OF BILLS**

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

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

Vote all ayes  
Motion carried

**PUBLIC COMMENT**

Reporter Claire Knapp questioned the proposed Ordinance #15-16 regarding Pawnbrokers and Dealers” and creating a unified electronic reporting system for dealers in precious metals and other secondhand goods. Mayor Kovach explained that Chief Matheis is discussing with the Hunterdon County Prosecutor and will be introduced at another time. Chief Matheis was not in attendance this evening.



**RESOLUTION # 133-15 – EXECUTIVE SESSION**

A motion was made by Mr. Pendergast seconded by Ms. Dineen to enter into Executive Session at 8: 34 p.m. to discuss Pending Litigation.

**RESOLUTION #133-15**

**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

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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:** There being no further business, a motion was made by Ms. Dineen seconded by Mr. Smith to adjourn the meeting at 8:46 p.m.

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