

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

Flag Salute.

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

Councilman Pendergast requested the minutes be approved with a correction to Resolution #151-15 Transfer of Funds. The “To” column does not add up to the \$17500 transfer.

AMENDED RESOLUTION – #151-15

WHEREAS, it has been determined that there will be excesses in certain appropriations over and above the amount deemed to be necessary to fulfill the purpose of such appropriations for the year 2015, and it has also been determined that certain appropriations are deemed to be insufficient to fulfill the purposes of such appropriations; and

WHEREAS, N.J.S.A. 40A:4-58 provides for the transfer of the amount of such appropriations as may be deemed in excess to such appropriations as may be deemed to be insufficient; and

WHEREAS, the transfers about to be authorized do not affect any appropriations, to which or from which transfer are prohibited under the statutes;

NOW, THEREFORE, BE IT RESOLVED that the following transfers between 2015 appropriations be authorized pursuant to N.J.S.A. 40A:4-58:

	<u>From</u>	<u>To</u>
Gasoline – Other Expenses	\$ 9,500.00	
Municipal Clerk – Salary & Wages	\$ 3,600.00	
Planning Board – Other Expenses	\$ 1,900.00	
Streets & Roads – Salary & Wages	<u>\$ 2,500.00</u>	
TOTALS	\$ 17,500.00	
Employee Group Insurance – Other Expenses		\$ 2,000.00
Police – Salary & Wages		<u>\$ 15,500.00</u>
TOTALS		\$ 17,500.00

Sewer Utility – Salary & Wages \$ 32,000.00

Sewer Utility – Operating Expenses \$ 32,000.00

A motion was made by Mr. Carberry, seconded by Ms. Sosidka, to approve the council meeting minutes of December 22, 2015 noting the correction to Resolution #151-15 as submitted.

Vote all ayes
Motion carried

A motion was made by Mr. Carberry, seconded by Mr. Pendergast, to approve the executive session minutes of December 22, 2015 as submitted.

Vote all ayes
Motion carried

APPROVAL OF MONTHLY REPORTS – DECEMBER

A motion was made by Mr. Carberry, seconded by Mr. Sosidka, to accept the Monthly Reports for the month of December as submitted: Administrator's Report, Clerk's Account, Cat and 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.

Vote all ayes
Motion carried

PUBLIC COMMENT

Mr. Mark Desire, Mayor of High Bridge, addressed Mayor and Council concerning the resolution which was passed to cancel the sewer contract between High Bridge and the Town of Clinton five years from the date of resolution. Mr. Desire was not aware of this since it was not on the agenda. He said he did not feel there was enough sunshine notice. He stated he would have attended that council meeting if he would have known. Mr. Desire said the Town of Clinton refused to have their attorney look at the records on how the billing is determined. The people affected by this are the High Bridge residents, the two High Bridge schools, Voorhees High School, NJ Water Authority, Spruce Run Recreation area and Voorhees State Park. All part of the High Bridge capacity. High Bridge does not have the space to build their own sewer treatment plant and the Department of Environmental Protection may not approve it anyway. With the spirit of cooperation we should all work together. It takes both sides. He brought two members of their council with him tonight. They were Chris Zappa and Karen Scarcia. All members very much would like to work this out He asked Mayor and Council to discuss other options in this matter to come to a resolution.

Mayor Kovach commented that the Town does not disagree. Mayor Kovach explained to Mr. Desire the Town did not want to pass the resolution however there have been many meetings with High Bridge members to discuss the issues going on with how the Town of Clinton was billing High Bridge for the service of using the Town's sewer treatment plant. The Town's books have always been open for High Bridge to review. The Town auditor came in and did a full audit of the files. High Bridge has received a copy of the audit each year. Mayor Kovach has had conversations with Clinton Township Sewerage

Authority and we are now in a better understanding with them. Our Attorney reached out to High Bridge attorney to resolve this. She explained that High Bridge's business administrator and their attorney gave the impression there was no conversation to be had. Message was nothing was going to be discussed. One meeting was scheduled and was only cancelled the night before the meeting was to take place. The Town has been trying to work with the representatives of High Bridge for over three years on this subject. The Town has done all they could at this point which lead up to passing the resolution to cancel their contract.

Mr. Desire was not aware of that cancellation. Mr. Desire has said he has not received any of those audits.

Mr. Richard Cushing, Town Attorney, thanked and welcomed Mr. Desire for coming. Mr. Cushing said it would be in every ones best interest to resolve the dispute. If interested the Town would be very interested. Both sides would pay many legal fees if not. He went on to explain to Mr. Desire that was not the correct facts of the events leading up to the cancellation of the sewer contract. Mr. Cushing went on to explain the details that occurred for the period of about three years. During that time High Bridge decided to bring suit to the Town of Clinton. Arbitration was also started. This action caused the Town to endure extra costs which could have been avoided. What the Town was saying is if you do not want to work with the Town then you can go on your own way. Mr. Cushing told Mr. Desire he was very glad he was here and that he is willing to try to get this problem resolved. Mayor and Council would like to do the same. Mr. Cushing said let's get a commitment to get together to start the process. Mr. Desire agreed.

Mayor Kovach added the arbitration cost the Town \$7000.00 which could have been avoided if High Bridge would have worked with the Town to come to some type of agreement. Mayor Kovach also said she was very happy to see Mr. Desire here and looks forward to working with him and his staff to try to work to an agreement.

Councilman Smith stated these problems were created by a prior administration. Three years since Mr. Smith has been on the administration the Town has worked diligently to get this resolved.

Mr. Chris Zappa introduced himself to Mayor and Council. He said he is new to the council at High Bridge. This is his second year. He ran for office to help with issues such as this and to serve the people. This problem existed before he came on council but wants to get it resolved before his term is up. Mr. Zappa said he would very much also like to work this out. Mr. Zappa stated he will be involved in the meetings and help come to an agreement.

Mayor Kovach, Council, and Mr. Cushing thanked Mr. Desire, Mr. Zappa, and Ms. Scarcia for attending tonight's meeting and look forward to meeting with them to resolve this.

MAYOR'S COMMENTS - None

RESOLUTION #14-16 – COUNCIL APPOINTMENTS (carried from re-org meeting)

A motion was made by Mr. Smith, seconded by Ms. Dineen to adopt Resolution #14-16 as submitted:

RESOLUTION #14-16
RESOLUTION FOR COUNCIL COMMITTEE APPOINTMENTS

<u>2016</u>	<u>Mayor Kovach</u>	<u>Carberry</u>	<u>Dineen</u>	<u>Pendergast</u>	<u>Rylak</u>	<u>Smith</u>	<u>Sosidka</u>
Affordable Housing ***		X			X		
Board of Assistance **	X						
Board of Recreation		X					X
Board of Health							X
Buildings and Grounds				X	X	X*	
Cable TV	X						
Clinton Guild Liaison			X				
Environmental Commission		X					
Film Commission	X						
Finance	X			X		X	
Fire Commissioner				X			
Grants Committee			X*		X		X
Historical Commission							X
Insurance	X	X					X
Land Use Board	X	X					
Newsletter/Website			X				
Personnel	X			X		X	
Police Commission	X			X		X	
Rescue Squad						X	
Road Committee		X				X*	X
Sanitation					X		
School Board			X				
Sewer Committee	X			X*		X	
Shade Tree Commission			X				
Smart Growth Committee			X		X		X
Water Committee	X			X		X*	
County: S.W.A.C.*****							
* Denotes Chair							
** Denotes C. Covino							
*** Denotes PW/BA							
***** Denotes D. Shea							

Vote all ayes
Motion carried

RESOLUTION #33-16 – APPOINTMENT OF MUNICIPAL PLANNER

A motion was made by Ms. Sosidka, seconded by Mr. Carberry to adopt Resolution #33-16 as submitted:

RESOLUTION # 33-16
APPOINTMENT OF MUNICIPAL PLANNER

BE IT RESOLVED, that James T. Kyle, PP/AICP, of the Firm of Kyle Planning and Design, be and is hereby appointed to serve as Municipal Planner for the Town of Clinton, in the County of Hunterdon, for the calendar year 2016, and

BE IT RESOLVED, that pursuant to the requirements for the statutory services for the year 2016 for the Town of Clinton, in the County of Hunterdon, and the requirements under the Local Public Contracts Law, the following resolution is hereby adopted:

WHEREAS, the Local Public Contracts Law (N.J.S.A.40A:11-1 et seq.) requires that the resolution authorizing the award of contracts for “Professional Services” and the contract itself must be available for public inspection; and

WHEREAS, funds are or will be made available for the purpose to be certified by the local finance office;

NOW, THEREFORE BE IT RESOLVED by the Common Council of the Town of Clinton, in the County of Hunterdon, as follows:

1. The Mayor and Clerk are hereby authorized and directed to execute an agreement with:

James T. Kyle, PP/AICP of the Firm of Kyle Planning and Design.
2. This contract is awarded as a “Professional Service” under the provisions of the Local Public Contracts Law, subject to N.J.S.A. 40A:5-11, which states that “No local unit shall be required to advertise for bids for any of the work performed pursuant to 40A:5-4.”
3. A notice of the action shall be printed once in the Hunterdon Review.

Vote all ayes
Motion carried

RESOLUTION #34-16 – RESOLUTION CONFIRMING EXECUTIVE SESSION FOR PERSONEL MATTER

A motion was made by Ms. Dineen, seconded by Mr. Carberry to adopt Resolution #34-16 as submitted:

RESOLUTION # 34-16
CONFIRMING EXECUTIVE SESSION FOR PERSONNEL MATTER

WHEREAS, an employee was the subject of certain employment related issues’ and

WHEREAS, the Mayor and Council met on December 11, 2015 to discuss the matter with the employee; and

WHEREAS, the employee later requested that the matter be considered as having been held in Executive Session because it involved issues, relating to employment and privacy matters relating to the employee; and

WHEREAS, the meeting was properly advertised and no member of the public attended; and

WHEREAS, it is in the public interest to protect privacy and employment matters of employees when there is no countervailing public policy that would require the disclosure of matters properly that can and should be considered in Executive Session.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Town of Clinton as follows:

1. It is hereby moved that Mayor and Council are hereby authorized retroactively to go into Executive Session on December 11, 2015, at the request of an employee, in order to discuss a matter of personnel with the employee;
2. The clerk is hereby directed to consider the minutes of the meeting of December 11, 2015 to be minutes of an executive session and to preserve those minutes as Executive Session minutes in accordance with law.
3. All information disclosed at the meeting of December 11, 2015 shall and is hereby determined to be confidential employment records which shall not be disclose except in accordance with law.

Vote all ayes
Motion carried

RESOLUTION #35-16 – CANCELLATION OF LIEN – BLOCK 31.01, LOT 7.01

A motion was made by Mr. Carberry, seconded by Mr. Smith to adopt Resolution #35-16 as submitted:

RESOLUTION # 35-16

WHEREAS, the Tax Collector of the Town of Clinton has been paid \$1,284.50, the amount necessary to redeem Tax Sale Certificate #2015-7 on Block 31.01, Lot 7.01 C2915, assessed to Rhonda Ranae Pellegrino, and purchased by US Bank Cust for Pro Capital 4 & Crdtrs.

NOW THEREFORE BE IT RESOLVED, on this 12th day of January 2016 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 \$1,284.50 (certificate) & \$1,200.00 (premium) to US Bank Cust/Pro Capital 4 & Crdtrs, 2 Liberty Place, 50th South 16th 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 #2015-7 on Block 31.01 Lot 7.01 C2915, assessed to Rhonda Ranae Pellegrino, from the Town of Clinton Tax Records.

Vote all ayes
Motion carried

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

Vote all ayes
Motion carried

RESOLUTION #36-16 – CANCELLATION OF LIEN – BLOCK 8.04, LOT 6

A motion was made by Mr. Smith, seconded by Mr. Carberry to adopt Resolution #36-16 as submitted:

RESOLUTION #36-16

WHEREAS, the Tax Collector of the Town of Clinton has been paid \$19,085.07, the amount necessary to redeem Tax Sale Certificate #2013-6 on Block 8.04, Lot 6, assessed to Michael Hup and Vandana Parikh, and purchased by US Bank Cust/Pro Capital III, LLC.

NOW THEREFORE BE IT RESOLVED, on this 12th day of January 2016 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 \$19,085.07 (certificate) & \$1,000.00 (premium) to US Bank Cust/Pro Capital III, LLC, 2 Liberty Place, 50th South 16th Street, Suite 1950, 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 #2013-6 on Block 8.04 Lot 6, assessed to Michael Hup and Vandana Parikh, from the Town of Clinton Tax Records.

Vote all ayes
Motion carried

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

Vote all ayes
Motion carried

SPECIAL EVENT & BANNER REQUESTS:

BANNER REQUEST – 5K RUN/ST. PATRICK’S PARADE

An application has been received from the Friendly Sons of St. Patrick to display a banner for the 5K Run / St. Patrick’s Parade to be held March 12 and March 13, 2016. A motion was made by Mr. Carberry, seconded by Ms. Dineen to approve the banner request.

Vote all ayes
Motion carried

BANNER REQUEST – HAM IT UP

An application has been received from the Hunterdon Art Museum to display a banner for the HAM It UP to be held May 1, 2016. A motion was made by Mr. Carberry, seconded by Ms. Sosidka to approve the banner request.

Vote all ayes
Motion carried

BANNER REQUEST – SUMMER CAMP

An application has been received from the Hunterdon Art Museum to display a banner for the Summer Camp to be held June 20 through August 19, 2016. A motion was made by Mr. Carberry, seconded by Ms. Dineen to approve the banner request.

Vote all ayes
Motion carried

BANNER REQUEST – ART ON TAP

An application has been received from the Hunterdon Art Museum to display a banner for the Art On Tap to be held June 5, 2016. A motion was made by Mr. Carberry, seconded by Ms. Sosidka to approve the banner request.

Vote all ayes
Motion carried

BANNER REQUEST – FISHING DERBY

An application has been received from the Clinton Sunrise Rotary to display a banner for the Clinton Fishing Derby to be held April 23, 2016. A motion was made by Mr. Carberry, seconded by Ms. Dineen to approve the banner request.

Vote all ayes
Motion carried

BANNER REQUEST – SPRINTIN CLINTON / RUBBER DUCKY RACE

An application has been received from the Clinton Sunrise Rotary to display a banner for the Sprintin Clinton / Rubber Ducky Race to be held July 17, 2016. A motion was made by Mr. Carberry, seconded by Mr. Pendergast to approve the banner request.

Vote all ayes
Motion carried

SPECIAL EVENT REQUEST – THE RUN OF THE MILL 5K

An application has been received from the Ms. Julie Culley to conduct a 5K Run in the Town of Clinton to be held March 12, 2016.

Councilman Carberry asked Chief Matheis if the logistics have been worked out with Ms. Culley to use the Water Authority property and the route through the Town. Chief Matheis responded saying he has discussed the issues with Ms. Culley and all has been resolved. Chief Matheis stated if there are any other concerns council can direct them to him.

A motion was made by Mr. Carberry, seconded by Mr. Pendergast to approve the special event request.

Vote all ayes
Motion carried

RESOLUTION #37-16 – WATER RESERVATION APPLICATION APPROVAL - NENNA

A motion was made by Mr. Smith, seconded by Mr. Carberry to adopt Resolution #37-16 as submitted:

**RESOLUTION # 37-16
WATER RESERVATION APPLICATION #15-04 APPROVAL - NENNA**

WHEREAS, on March 24, 2015, the Mayor and Council of the Town of Clinton adopted Ordinance 15-1, which amended Chapter 142 of the General Ordinances of the Town of Clinton by creating procedures for applying for and receiving approval for water reservations: and

WHEREAS, the Town has received Water Reservation Application # 15-04, dated May 28, 2015, submitted in the name of LBP Clinton LLC (“Applicant”); and

WHEREAS, by e-mail dated January 6, 2016, the Town’s Water Consulting Engineer, Suburban Consulting Engineers, has reviewed and approved the afore-mentioned application and deemed it complete, and recommends approval, a copy of which is attached hereto.

NOW, THEREFORE BE IT RESOLVED, that in accordance with Chapter 142, Section 1, Sub-section J(3) of the Town’s Ordinances, the Mayor and Council hereby approved Water Reservation Application # 15-04.

BE IT FURTHER RESOLVED that certified copies of this resolution be provided to the Applicant, Suburban Consulting Engineers, and the Town of Clinton Superintendent of Water.

Vote all ayes
Motion carried

RESOLUTION #38-16 – TRANSFER OF FUNDS

A motion was made by Mr. Carberry, seconded by Ms. Dineen to adopt Resolution #38-16 as submitted:

RESOLUTION #38-16

WHEREAS, various 2015 bills have been presented for payment this year, which bills were not covered by order number and/or recorded at the time of transfers between the 2015 Budget Appropriation Reserve in the last two months of 2015; and

WHEREAS, N.J.S. 40A:4-59 provides that all unexpended balances carried forward after the close of the year are available, until lapsed at the close of the succeeding year, to meet specific claims, commitments or contracts incurred during the preceding fiscal year, and allow transfers to be made from unexpended balances which are expected to be insufficient during the first three months of the succeeding year;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Town of Clinton that transfers in the amount of \$6,000.00 be made between the 2015 Budget Appropriation Reserves as follows:

	<u>FROM</u>	<u>TO</u>
Solid Waste Collection		
Other Expenses	\$5,000.00	
Municipal Clerk		
Other Expenses	\$1,000.00	
Police Department		
Salary & Wages		\$3,000.00
Legal		
Other Expenses		\$3,000.00
TOTALS	<u>\$6,000.00</u>	<u>\$6,000.00</u>

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

Vote 5 ayes
1 Abstention - Pendergast
Motion carried

CORRESPONDENCE - None

REPORTS FROM COUNCIL & TOWN OFFICIALS

Councilman Smith

1. Councilman Smith reported that as of January 1 there has been four water main breaks so far. With the dropping of temperatures we should expect more.
2. Councilman Smith stated he received in the mail a flyer from a company offering insurance for water line service. The flyer says it will cover the water service line from the house to the curb for normal wear and tear however will not cover things such as a rock or tree roots rupturing the line or anything else. Normal wear and tear takes years and years to occur which his recommendation was it is not worth receiving. Councilman Smith recommend putting a notice in the next newsletter to warn the public of this.
3. Councilman Smith reported the Town of Clinton Rescue Squad's responses were up by 15% in 2015 from the prior year. The calls were up by 395. The Rescue Squad has mailed out a flyer to recruit volunteers. The Rescue Squad is in need of more volunteers most of all the senior people. There are a lot of young people but they would benefit from the guidance of the older people.
4. Councilman Smith reported the Roads Committee met and decided as of this time to hold off on the issue of Georges Place extension. The Committee is looking into another approach.
5. Councilman Smith reported the Roads Committee discussed the Raritan River Stream Classification and the Wargo Property (A & P).

6. Councilman Smith stated that the Lower Center Street and the Municipal parking lots will be repaved sometime in the near future. The municipal parking lot is no problem. That can be done in sections and will not be a total rebuilt paving job. However, the Lower Center Street parking lot will have to be closed during the entire repaving job. The time frame for completion since it will be a complete overall will be about one week. Therefore the residents effected must have at least one month notice before the work is to be started.

Councilman Pendergast

1. Councilman Pendergast reported the Clinton Fire Department was wondering about the status of the Knox Box Ordinance.

2. Councilman Pendergast reported for Buildings and Grounds that the maintenance on the Municipal Building is 98% complete. The top step for the entrance of the building facing Leigh Street which is not used does not meet safety requirements. It will be fixed to meet code. Councilman Pendergast said the contractor has done a fantastic job. Mayor and Council all agree. The municipal building looks beautiful.

3. Councilman Pendergast reported the Roads Committee discussed the brush schedule for 2016 and decided to leave it the same for the public. However the Road's Department will make two swings through the neighborhood instead of one for those residents who put their brush out after they see the truck the first round.

Deputy Clerk Nancy Burgess

1. Ms. Burgess announced Cecilia Covino, Clerk, is a grandma again. Ms. Covino's daughter delivered a baby girl Monday night, January 11. Both mother and baby are doing fine.

MAYOR KOVACH

1. Mayor Kovach reminded the council the Annual Yuletide Bonfire is scheduled for Saturday, January 23, 2016 with a rain date of Saturday, January 30th. Christmas trees are being collected and dropped off at Hunts Mill Park.

APPROVAL OF STANDBY AND OVERTIME

A motion was made by Mr. Carberry, seconded by Ms. Sosidka, to approve the standby and overtime pay attached to these minutes for December 18, 2015 through December 31, 2015.

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

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, Smith, Sosidka, Mayor Kovach

Vote all ayes
Motion carried

ADJOURNMENT: There being no further business, a motion was made by Mr. Carberry, seconded by Ms. Sosidka to adjourn the meeting at 8:02 P.M.

Vote all ayes
Motion carried

Nancy A. Burgess, Deputy Clerk

Mayor Janice Kovach