

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 Re-organization Council Meeting held January 5, 2016.

Vote all ayes
Motion carried

APPROVAL OF MINUTES

A motion was made by Mr. Smith, seconded by Ms. Dineen to approve the Regular Council Meeting minutes of January 12, 2016.

Vote all ayes
1 Abstention (Rylak)
Motion carried

APPROVAL OF MONTHLY REPORTS – JANUARY

A motion was made by Mr. Carberry seconded by Mr. Smith, to approve the monthly reports for January as submitted:

Administrator’s Report, Clerk’s Account, Cat & Dog Licensing Accounts, Clerk’s Account, Construction Control/ Inspection Report, Police Report, Road Foreman’s Report, Sewer Collector’s Report, Tax Collector’s Report, Water Collector’s Report, Zoning Officer Report.

Vote all ayes
Motion carried

PUBLIC COMMENT

Amy DeVita, 17 Halstead Street, came before Council to address two pedestrians that were recently hit in the crosswalk on the corner of Leigh and Center Street on two separate occasions in the past two months. Ms. DeVita recognizes a safety problem and is asking Council to have the Town Planner examine the intersection and attempt to make it safer. Winnie Scuteri, 3 Haver Farm Road and a member of the Smart Growth Committee, echoed Ms. DeVita’s concern. Mayor Kovach said she will discuss this with the Police Chief and have the Roads Committee address it as well as the County. Mr. Rylak commented that the bank on the corner of Center and Leigh has an ATM and cars tend to park in the “No Parking Zone” and trucks occasionally park on the corner obstructing the view for vehicles.

MAYOR’S COMMENTS

Mayor Kovach apologized to Council for forgetting to update them at the last council meeting, January 26, regarding the January 12, 2016 meeting when Mayor Mark Desire from High Bridge and the two

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council members attended the meeting saying that Clinton has not been willing to discuss the sewer matter. The morning following that meeting, Mayor Kovach immediately called Mayor Desire and gave him a couple dates for setting up a meeting to discuss the on-going litigation. After waiting for a return phone call or a response to Mayor Kovach's several follow up emails, she finally heard from High Bridge saying they are not going to meet with Clinton and would rather go through the arbitration process following the advice of their counsel.

PROCLAMATION – JAMES E. VAN NATTA SR.

Mayor Kovach surprised Mr. Van Natta by calling him to the center of the room to present him with an impressive proclamation! Mr. Van Natta was recently named to the Moravian College Hall of Fame and has led an extremely active life. Mr. Van Natta's family kept the secret and joined him this evening for the surprise!

RESOLUTION #41-16 – CANCELLATION OF LIEN

A motion was made by Mr. Pendergast, seconded by Mr. Carberry, to adopt Resolution #41-16 as submitted:

RESOLUTION # 41-16

WHEREAS, the Tax Collector of the Town of Clinton has been paid \$3,260.61, the amount necessary to redeem Tax Sale Certificate #2015-6 on Block 22, Lot 7, assessed to Dean & Valerie Romagnolo, and purchased by US Bank Cust for Pro Capital 4 & Crdtrs.

NOW THEREFORE BE IT RESOLVED, on this 9th day of February 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 \$3,260.61 (certificate) & \$1,000.00 (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 #2015-6 on Block 22 Lot 7, assessed to Dean & Valerie Romagnolo, from the Town of Clinton Tax Records.

Vote all ayes
Motion carried

RESOLUTION #42-16 – CANCELLATION OF LIEN

A motion was made by Mr. Carberry, seconded by Mr. Pendergast, to adopt Resolution #42-16 as submitted:

RESOLUTION # 42-16

WHEREAS, the Tax Collector of the Town of Clinton has been paid \$989.79, the amount necessary to redeem Tax Sale Certificate #2015-4 on Block 5, Lot 17, assessed to Federal Natl Mortgage Assoc, and purchased by US Bank Cust for Pro Capital 4 & Crdtrs.

NOW THEREFORE BE IT RESOLVED, on this 9th day of February 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 \$989.79 (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 #2015-4 on Block 5 Lot 17, assessed to Federal Natl Mortgage Assoc., from the Town of Clinton Tax Records.

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Vote all ayes
Motion carried

RESOLUTION #43-16 – APPOINTMENT OF SEWER ENGINEER

A motion was made by Mr. Pendergast, seconded by Mr. Smith, to appoint Robert Martucci, PE of Van Cleef Engineering to perform municipal services as Sewer Engineer for the year 2016:

RESOLUTION # 43-16

RESOLUTION APPOINTING A SEWER ENGINEER

WHEREAS, the Town of Clinton has a need to retain and hire an engineering firm for waste water engineering services; and

WHEREAS, through a fair-a-open process, proposals were received by the Town on Wednesday, January 20, 2016 for this professional service; and

WHEREAS, after careful review of the proposals submitted, the Sewer Committee recommend that said contract be awarded to Van Cleef Engineers, Inc.; and

WHEREAS, funds are or will be made for this purpose, as provided in the 2016 municipal budget and certified to their availability by the Chief Financial Officer, and

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 must be publicly advertised,

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

1. That Robert Martucci P.E.. of the firm of Van Cleef Engineering Associates is hereby appointed as Sewer engineer to perform municipal services for the Town of Clinton during the period encompassed in the 2016 municipal budget, the amount of said contract not to exceed the amount budgeted for engineering services.
2. The Mayor and Town Clerk are hereby authorized and directed to execute agreements with:
Robert Martucci, P.E. of the firm Van Cleef Engineering Associates
3. This contract is awarded as a professional service under the provisions of the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.).
4. A copy of this resolution and the contract between the Town of Clinton and Van Cleef Engineering Associates will be made available for public inspection in the offices of the Town Clerk during normal business hours.
5. Notice of these appointments shall be published in the Hunterdon Review as required by law.

Vote all ayes
Motion carried

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RESOLUTION #44-16 – APPOINTMENT OF ALTERNATE SEWER ENGINEER

A motion was made by Mr. Carberry, seconded by Mr. Pendergast, to adopt Resolution #44-16 as submitted:

**RESOLUTION # 44-16
RESOLUTION APPOINTING AN ALTERNATE SEWER ENGINEER**

WHEREAS, the Town of Clinton has a need to retain and hire an engineering firm for alternate waste water engineering services; and

WHEREAS, through a fair-a-open process, proposals were received by the Town on Wednesday, January 20, 2016 for this professional service; and

WHEREAS, after careful review of the proposals submitted, the Sewer Committee recommend that said contract be awarded to Suburban Consulting Engineers, Inc.; and

WHEREAS, funds are or will be made for this purpose, as provided in the 2016 municipal budget and certified to their availability by the Chief Financial Officer, and

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 must be publicly advertised,

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

1. That Andrew S. Holt, P.E., P.P. of the firm of Suburban Consulting Engineers, Inc. is hereby appointed as alternate waste water consulting engineer to perform municipal services for the Town of Clinton during the period encompassed in the 2016 municipal budget, the amount of said contract not to exceed the amount budgeted for engineering services.
2. The Mayor and Town Clerk are hereby authorized and directed to execute agreements with:

Andrew S. Holt, P.E., P.P. of the firm of Suburban Consulting Engineers
3. This contract is awarded as a professional service under the provisions of the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.).
4. A copy of this resolution and the contract between the Town of Clinton and Van Cleef Engineering Associates will be made available for public inspection in the offices of the Town Clerk during normal business hours.
5. Notice of these appointments shall be published in the Hunterdon Review as required by law.

Vote all ayes
Motion carried

RESOLUTION #45-16 – APPOINTMENT OF ALTERNATE WATER ENGINEER

A motion was made by Mr. Rylak, seconded by Mr. Carberry to adopt Resolution #45-16 as submitted:

RESOLUTION # 45-16

RESOLUTION APPOINTING AN ALTERNATE WATER ENGINEER

WHEREAS, the Town of Clinton has a need to retain and hire an engineering firm for alternate water engineering services; and

WHEREAS, through a fair-a-open process, proposals were received by the Town on Wednesday, January 20, 2016 for this professional service; and

WHEREAS, after careful review of the proposals submitted, the Water Committee recommend that said contract be awarded to Van Cleef Engineering Associates; and

WHEREAS, funds are or will be made for this purpose, as provided in the 2016 municipal budget and certified to their availability by the Chief Financial Officer, and

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 must be publicly advertised,

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

1. That Robert Martucci, P.E., of the firm of Van Cleef Engineering Associates is hereby appointed as alternate water consulting engineer to perform municipal services for the Town of Clinton during the period encompassed in the 2016 municipal budget, the amount of said contract not to exceed the amount budgeted for engineering services.

2. The Mayor and Town Clerk are hereby authorized and directed to execute agreements with:

Robert Martucci, P.E. of the firm of Van Cleef Engineering Associates

3. This contract is awarded as a professional service under the provisions of the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.).

4. A copy of this resolution and the contract between the Town of Clinton and Van Cleef Engineering Associates will be made available for public inspection in the offices of the Town Clerk during normal business hours.

5. Notice of these appointments shall be published in the Hunterdon Review as required by law.

Vote all ayes
Motion carried

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RESOLUTION #46-16 – AMENDING DEVELOPERS AGREEMENT

A motion was made by Mr. Pendergast, seconded by Mr. Smith, to adopt Resolution #46-16 as submitted:

RESOLUTION # 46-16

**RESOLUTION AMENDING DEVELOPERS AGREEMENT AND AUTHORIZING
DEVELOPER TO ENTER INTO A CONTRACT WITH AN ADMINISTRATIVE AGENT
FOR THE ADMINISTRATION OF AFFORDABLE UNITS**

WHEREAS, the Town of Clinton Planning Board (now the Land Use Board) adopted a Third Round Housing Element and Fair Share Plan on May 4, 2010 and, as authorized by the New Jersey Fair Housing Act (FHA), N.J.S.A. 52:27D-301, et. seq., petitioned COAH for substantive certification on June 8, 2010; and

WHEREAS, the Town of Clinton’s Fair Share Plan promotes an affordable housing program pursuant to the New Jersey Fair Housing Act (FHA), N.J.S.A. 52:27D-301, et. seq., and COAH’s Third Round Substantive Rules, N.J.A.C. 5:94-1, et. seq.; and

WHEREAS, a Developers Agreement between Park Valley Clinton, LLC (Developer) and the Town of Clinton (Town) regarding the construction of the “Twin Ponds” apartment complex was entered into on June 12, 2014; and

WHEREAS, the FHA required the construction of twelve (12) affordable housing units of various bedroom sizes at Twin Ponds; and

WHEREAS, according to the Uniform Housing Affordability Controls (UHAC), N.J.A.C. 5:80-26.1 et seq., an Affordable Housing Administrator must be assigned to oversee the marketing and rental of the affordable housing units; and

WHEREAS, the responsibility to provide a qualified Affordable Housing Administrator will be assumed by the Developer in accordance with the regulations set forth in the UHAC; and

WHEREAS, the Town and Developer wish to amend approved Developers Agreement in order to memorialize the Developer’s responsibility for the administration and the enforcement of affordability controls and the Affirmative Marketing Plan of Twin Ponds in accordance with the regulations set forth by the Council on Affordable Housing (pursuant to N.J.A.C. 5:94 et.seq.) and the UHAC; and

WHEREAS, the amended Developers Agreement authorizes the Developer to hire a qualified Administrative Agent to oversee all twelve (12) of the affordable housing units in question in accordance with all requirements of the UHAC; and

WHEREAS, the Developer has submitted to the Town a proposal from Affordable Housing Administrators (AHA) providing for AHA to act as the administrative agent for the Twin Ponds development and perform all duties thereof required by the FHA and UHAC; and

WHEREAS, AHA is an experienced firm that provides affordable housing services and proposes to function as the Administrative Agent for the Affordable Units, pursuant to N.J.A.C. 5:80-26.1 et seq.; and

WHEREAS, the Developer has requested that the Town approve the selection of AHA as the Administrative Agent and its duties and obligations as set forth in proposal submitted to the Town.

NOW THEREFORE BE IT RESOLVED, that the Mayor and Council of the Town of Clinton hereby authorize the following:

1. Amend the Developers Agreement between Park Valley Clinton, LLC and the Town of Clinton in accordance with “Addendum A” attached, and authorize the Mayor to execute said amendment.
2. The selection of Affordable Housing Administrators as Administrative Agent for the Twin Ponds development is hereby approved.
3. Forward a copy of this resolution, along with a signed copy of the Agreement between Park Valley Clinton, LLC and the Affordable Housing Administrator the select, to the Council on Affordable Housing.

BE IT FURTHER RESOLVED, this agreement is hereby attached to the original of this resolution.

ADDENDUM “A”

AMENDMENT TO THE DEVELOPERS AGREEMENT BETWEEN PARK VALLEY CLINTON, LLC AND THE TOWN OF CLINTON

The Developers Agreement between Park Valley Clinton, LLC (“Developer”) and the Town of Clinton (“Town”) entered into on June 12, 2014 is hereby amended to include the following:

1. **Obligation To Bear All Expenses Associated With Creating and Maintaining Creditworthy Units.**
 - a. The Town shall have no financial obligations under this provision to assure the creditworthiness of the units, and all associated expenses shall be solely borne by the Developer, its successors, or assigns, which expenses include, but are not limited to providing an Administrative Agent at its exclusive expense to perform all administrative tasks. The administrative tasks include those responsibilities as set forth in N.J.A.C. 5:80-26.14 including, but not limited to, conducting an outreach process, conducting interviews with interested households, creating and maintaining a list of eligible households, determining income eligibility and all other activities to ensure that restricted units are rented to low- and moderate-income households. Developer shall also be responsible for the costs of all funding applications initiated by the developer, including, but not limited to, low income housing tax credits, special needs trust funds, County HOME funds, Federal Home Loan Bank financing, construction and permanent financing.
2. **Obligation To Cooperate With the Town in its Efforts To Monitor the Units**

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- a. The Parties acknowledge that the Town may have the obligation from time to time to generate information necessary to demonstrate the creditworthiness of the units. Developer will cooperate with the Town and provide all monitoring and reporting requirements within fifteen (15) business days of the request.

Vote all ayes
Motion carried

CORRESPONDENCE

1. Open Cupboard Food Pantry, Inc. sent a letter of thanks for the 105 pounds of food and \$46.00 donated to the Pantry following the 2016 Town of Clinton bonfire.
2. COMCAST sent a letter to Mayor and Council requesting the start of renewal proceedings for the franchise agreement.
3. Barbara Hartsell, Lab Manager and Supervisor at the Wastewater Treatment Plant, has received an award from the New Jersey Water Environment Association for contributions to the advancement of wastewater treatment and/or collection system. This is Barbara's fourth year to receive this prestigious award. Congratulations!

REPORTS FROM COUNCIL

R. Phelan, Business Administrator

Will be attending the re-organization meeting at Statewide Insurance on February 11, 2016. Mr. Phelan is hoping that improvements made by the Town will be reflected at the meeting.

Kathy Olsen, CFO

Finance meeting 8:00 a.m. on Thursday, February 11, 2016 at 47 Leigh Street.

Councilman Smith

1. Clinton First Aid & Rescue Squad held their 2016 Installation Dinner on January 30, 2016. 2016 Line Officers: Chief, Frank Setnick; Deputy Chief of Rescue, Matthew Stiff; Deputy Chief of EMS, Bucky Buchanan; Rescue Captain, Chris Miller; ENS Captain, Douglas Gimson; Rescue Lt, Paul Smith; EMS Lt., Michelle Gardner; EMS Lt. Joseph Olivo. 2016 Administrative Officers: President, Sharon Burham; Vice President Rebecca Setnick; Treasurer, Emily Engel; Secretary Laura Adamcik.

The Squad is in receipt of a letter from United States Senator, Cory Booker, that he has endorsed the squads grant application. They plan to apply for a gurney lift.

2. Buildings and Grounds have been discussing a salt bin for quite some time. Consideration is being given to relocate the current salt shed and making improvements to it to store equipment inside rather than leaving them in the elements. The Engineer is looking into flood plain requirements for possible locations.
3. Roads Committee discussed having the municipal lot redone this year and paving and striping in stages. The rough estimate for the municipal lot is \$270,000; \$134,000 for Lower Center Street and \$145,000 for the Halstead Street and include \$21,000 as a contingency. A bond for \$470,000 may be likely.

Councilwoman Sosidka

1. Historic Commission – continues to discuss their plan to be more involved with applications coming before the Land Use Board and to only offer advice and guidance. Ms. Sosidka gave background regarding the Historic Preservation Commission which was established “to promote conservation of historic areas and to promote a preservation of cultural, social and architectural history.” Further in the commission’s responsibilities, “coordinate with the Land Use Board as appropriate on historic sites.” Therefore the law is already in place and the Land Use Board just needs to establish the procedures outlined in NJ Land Use Law Sec. 40:55D-110. Accordingly,

the Commission is requesting completed applications or those scheduled for hearing to be forwarded to the Commission for oral comment at the hearing or through a written report to offer advice only and to recommend keeping the historic nature.

Mayor Kovach said she will ask Land Use chair, Craig Sailer, to work with the Historic Commission.

Former Councilman, Dan Shea, has an acquaintance that has a used grove truck for sale for \$4,000.00. It has a bucket that could be useful to our public works department. Ms. Sosidka presented this to council for consideration.

Councilman Pendergast

1. Water Department discussed an article regarding a hydrant snow-clearing bill that mandates property owners to clear snow from hydrants near their homes within 24 hours of snowfall. A newspaper’s opinion is that the property owners should not be responsible for doing so in addition to clearing their driveways, sidewalks, mailboxes, etc.
2. Clinton Fire Department – an application for membership has been received from Scott DeGasperis, 6 Spruce Run Road, Clinton, NJ. A motion was made by Mr. Pendergast seconded by Mr. Carberry to accept Scott as a member of the Clinton Fire Department.

Vote all ayes
Motion carried

Mr. Pendergast wished to thank Sean Rogan for organizing another wonderful Bonfire held January 30, 2016!

Councilman Carberry

1. Roads Committee – Mr. Smith is to prepare a draft ordinance for the Georges Place Extension.

STANDBY AND OVERTIME

A motion was made by Mr. Pendergast, seconded by Mr. Carberry to approve the standby and overtime submitted for the period of January 15 through January 28, 2016 attached to these minutes.

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

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, Smith, Sosidka, Mayor Kovach

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Vote all ayes
Motion carried

ADJOURNMENT: There being no further business, a motion was made by Mr. Rylak seconded by Mr. Carberry to adjourn the meeting at 8:01 p.m.

Cecilia Covino, RMC/CMC
Town Clerk

Mayor Janice Kovach