

4330

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 Mr. Smith to approve minutes of the Regular Council Meeting held February 23, 2016.

Vote all ayes
Motion carried

A motion was made by Mr. Smith, seconded by Mr. Pendergast, to approve the Executive Session minutes of February 23, 2016 as submitted.

Vote all ayes
Motion carried

A motion was made by Mr. Pendergast, seconded by Mr. Carberry to approve the Budget Meeting minutes of March 1, 2016 as submitted.

Vote all ayes
Abstain (Pendergast)
Motion carried

A motion was made by Mr. Carberry, seconded by Mr. Rylak to approve the Regular Council meeting minutes of March 8, 2016 as submitted.

Vote all ayes
Motion carried

PUBLIC COMMENTS – NONE

MAYOR’S COMMENTS

1. Hunterdon County Freeholders adopted a Proclamation naming April as Autism Awareness Month. The Town of Clinton supports this action and will prepare same for April 12, 2016 meeting.

PRESENTATION – HUNTERDON COUNTY VETERAN SERVICES

Sabrina Baarda, Veterans Services Coordinator, attended this evening to educate Council and the public of the services offered. Ms. Baarda helps veterans and their families navigate through the VA system, helps caregivers coordinate services for veterans, sees to it that the cemetery plots have an American flag, works closely with George Wagner and the Hunterdon County Freeholders and the medal ceremonies for deserving veterans. Outreach programs with representatives from the Lyons Hospital are also very helpful. These are just a few of the works of Ms. Baarda and her department. Mr. Smith asked about veteran ID cards through the County Clerk's office and Ms. Baarda assured him they are available to vets. These ID cards can help vets get discounts at some big box stores and other locations. It is recommended when the vet gets a card that they register with the County Clerk in case the card is ever lost it can be reproduced easily. Information is posted on the Chamber of Commerce website and Mayor Kovach asked that a hyperlink be put on the Town's website directing folks in need.

INTRODUCTION OF ORDINANCE #16-02 – FEES – MAINTENANCE OF PRIVATE ROADS

A motion was made by Mr. Carberry, seconded by Mr. Smith, to introduce Ordinance #16-02 on first reading as submitted:

ORDINANCE #16-02

ORDINANCE AMENDING CHAPTER 73 ENTITLED “FEES” OF THE GENERAL ORDINANCES OF THE TOWN OF CLINTON, COUNTY OF HUNTERDON, AND THE STATE OF NEW JERSEY BY CREATING A NEW SECTION ENTITLED “PUBLIC MAINTENANCE OF PRIVATE ROADS”

WHEREAS, the Road Committee of the Town of Clinton has recommended to the Mayor and Council that Chapter 73 of the Code of the Town of Clinton be amended to include fees governing applications for private road maintenance and/or repairs to be conducted by municipal employees; and

WHEREAS, N.J.S.A. 40:67-23.1 permits the maintenance and/or repair of qualifying, private roads when certain conditions are met and memorialized via ordinance specific to the road(s) in question; and

WHEREAS, in an effort to assist owners of private roads while not adversely affecting the municipal budget, the Mayor and Council have decided to perform certain maintenance and/or repair work on private roads so long as all of the costs associated with said work is borne by the owner(s) of the private road(s).

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Town of Clinton, the County of Hunterdon, that Chapter 73 entitled “Fees” of the Code of the Town of Clinton (“Code”) is hereby amended as follows:

Section 73-3 of the Code of the Town of Clinton entitled, “Schedule of Fees and Charges” is hereby amended as follows:

L. Public Maintenance of Private Roads

Activity	Fee
Application for Maintenance and/or Repair	\$250.00

Vote all ayes
Motion carried

4332

A copy of this Ordinance will be published in the March 30, 2016 edition of the Hunterdon Review. A public hearing will be held April 26, 2016.

INTRODUCTION OF ORDINANCE #16-03 - GEORGES PLACE EXTENSION

A motion was made by Mr. Smith, seconded by Ms. Sosidka to adopt Ordinance #16-03 on first reading as submitted:

ORDINANCE #16-03

AN ORDINANCE AMENDING ORDINANCE #11-03 BY CHANGING THE CONDITIONS FOR MUNICIPAL MAINTENANCE OF GEORGES PLACE EXTENSION

WHEREAS, on February 22, 2011, the Mayor and Council of the Town of Clinton adopted Ordinance #11-03 which authorized the Town to perform maintenance and repair on Georges Place Extension, a private road under the jurisdiction of the Pine Ridge Homeowners Association, in accordance with N.J.S.A. 40:67-23.1; and

WHEREAS, this Ordinance #11-03 set the parameters and conditions of said maintenance and repair should the Town undertake these actions; and

WHEREAS, the Town of Clinton Road Committee has evaluated the cost and of maintaining and/or repairing Georges Place Extension and the potential costs of maintaining other private roads within the Town; and

WHEREAS, the funds available for municipal operations have been significantly curbed while the actual costs for municipal operations have significantly increased, thereby providing a reduction of funds available for discretionary municipal operations; and

WHEREAS, it is the desire of both the Pine Ridge Homeowners Association and the Town of Clinton to further clarify the roles and responsibilities of each party should road maintenance and repairs actions need to occur; and

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Town of Clinton, County of Hunterdon and State of New Jersey hereby amend Ordinance #11-03 as follows:

1. Only when approval is granted by the Town of Clinton Road Committee, the Department of Public Works is authorized to maintain and/or repair Georges Place Extension by spreading asphalt on the road as needed to prevent erosion. Said repairs and maintenance will be provided only when the following requirements are met:
 - a. An application requesting maintenance and/or repair to the road must be submitted by the Pine Ridge Homeowners Association to the Town of Clinton Road Committee along with the applicable application fee as dictated in Chapter 73 of the Town of Clinton Municipal Ordinances, for their review and approval. The form of application will be created by the Town of Clinton and provided to the Pine Ride Homeowners Association for their use. No requests for repair and/or maintenance services will be considered/or provided on Georges Place Extension without express written consent from the Pine Ride Homeowners Association. Only after approval is granted by the Road Committee can work proceed.

- i. A certificate of insurance meeting the minimum coverage limits must be provided along with the application. Additionally, the Town of Clinton must be named as an additional insured on said certificate.
 - ii. The Pine Ridge Homeowners Association and its members must indemnify and hold harmless Town of Clinton, and provide proof of such action in writing along with the application requesting maintenance and/or repair. This indemnification obligation shall survive the expiration of the work being performed.
- b. The total hourly compensation costs for all employees assigned by the Public Works/Business Administrator to the road repair and/or maintenance request will be borne by the Pine Ridge Homeowners Association. This includes, but is not limited to current salary, health insurance, pension, and other applicable fringe benefit costs.
 - c. The total hourly vehicle and/or equipment charges for all vehicles and/or equipment utilized to perform the maintenance and/or repair will be borne by the Pine Ridge Homeowners Association. Said rates will be based off of the Federal Emergency Management Agency's (FEMA) "Schedule of Equipment Rates", as amended, which can be viewed directly on FEMA's website at <https://www.fema.gov/schedule-equipment-rates>.
 - d. The total material cost for all materials needed to perform the maintenance and/or repair will be borne by the Pine Ridge Homeowners Association. Said materials can include, but not be limited to, asphalt (cost per ton), "tac-coat", crack sealer, and the like.
 - e. Upon completion of the work, the Town of Clinton will provide a detailed invoice of the costs listed above. The Pine Ridge Homeowners Association agrees to make payment to the Town within thirty (30) days after receiving said invoice.
2. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.
 3. This Ordinance shall take effect upon final passage and publication according to law.

Vote all ayes
Motion carried

A copy of this Ordinance will be published in the March 30, 2016 edition of the Hunterdon Review. A public hearing will be held April 26, 2016.

RESOLUTION #51-16 – TRANSFER OF FUNDS

A motion was made by Mr. Carberry, seconded by Mr. Pendergast, to adopt Resolution #51-16 as submitted:

RESOLUTION # 51-16

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

4334

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 \$3,000.00 be made between the 2015 Budget Appropriation Reserves as follows:

	<u>FROM</u>	<u>TO</u>
Streets & Roads		
Other Expenses	\$3,000.00	
Legal		
Other Expenses		\$3,000.00
TOTALS	<u>\$3,000.00</u>	<u>\$3,000.00</u>

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

Vote all ayes
Motion carried

RESOLUTION #52-16 – CANCELLATION OF TAX LIEN

A motion was made by Mr. Smith, seconded by Mr. Carberry, to adopt Resolution #52-16 as submitted:

RESOLUTION # 52-16

WHEREAS, the Tax Collector of the Town of Clinton has been paid \$901,703.87 amount necessary to redeem Tax Sale Certificate #2012-14 on Block 14, Lot 32 and Block 14, Lot 32, QFarm, assessed to Hunterdon Realty LLC and purchased by FWDSL & Associates LP and assigned to 65 ½ Center Street LLC on April 25, 2012.

NOW THEREFORE BE IT RESOLVED, on this 22nd day of March 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 \$901,703.87 payable to 65 ½ Center Street LLC, 5 Cold Hill Road, Suite 11, Mendham, NJ, 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 #2012-14 on Block 14, Lot 32 and Block 14 Lot 32 QFarm, assessed to Hunterdon Realty LLC, from the Town of Clinton Tax Records.

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

Vote all ayes
Motion carried

RESOLUTION #53-16 – CANCELLATION OF LIEN

A motion was made by Mr. Carberry, seconded by Mr. Rylak, to adopt Resolution #53-16 as submitted:

RESOLUTION # 53-16

WHEREAS, the Tax Collector of the Town of Clinton has been paid \$55,599.71 amount necessary to redeem Tax Sale Certificate #2013-1 on Block 5, Lot 5 assessed to Robert J and Lisa A Etals, Muldowney and purchased by FWDSL & Associates LP.

4335

NOW THEREFORE BE IT RESOLVED, on this 22nd day of March 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 \$55,599.71 and in the amount of \$42,000.00 for tax premium, payable to FWDSL & Associates LP, 5 Cold Hill Road, Suite 11, Mendham, NJ, 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 #2013-1 on Block 5, Lot 5, assessed to Robert J and Lisa A Etals, Muldowney, from the Town of Clinton Tax Records.

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

Vote all ayes
Motion carried

RESOLUTION #54-16 – FIREWORKS FOR THE TOWN PICNIC

A motion was made by Ms. Sosidka, seconded by Mr. Carberry, to adopt Resolution #54-16 as submitted:

RESOLUTION # 54-16

WHEREAS, the Town of Clinton Board of Recreation Commission has requested permission from the Mayor and Council of the Town of Clinton to have a Fireworks Display at the Town Picnic to be held on June 4, 2016, rain date June 11, 2016, at Hunts Mill Park, and

WHEREAS, Garden State Fireworks, Inc., has provided a Certificate of Insurance in the amount of \$5,000,000 naming the Town of Clinton as an additional insured, and

WHEREAS, the Town of Clinton Board of Recreation Commission will request the Clinton Fire Department and Clinton First Aid & Rescue Squad to standby at the scene;

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Town of Clinton that the Board of Recreation Commission's request for a fireworks display at the Town Picnic on Saturday, June 4, 2016, at dark, at the Hunts Mill Park, be approved.

Vote all ayes
Motion carried

CORRESPONDENCE

1. Josie Glynn from the Hunterdon County circulated an invitation to a Meet and Greet at the Hunterdon County Planning Board on March 24th from 11:00 a.m. to 2:00 pm. Folks are invited to meet Marc Saluk, the new Economic Development Director.
2. Bowl 4 Kids' Sake 2016, hosted by Big Brothers Big Sisters of Northern NJ. May 5, 2016, 6:30 p.m. at the West Hunterdon Lanes in Frenchtown. Mayor Kovach recruited Councilwomen Dineen and Sosidka and CFO, Kathy Olsen to team up with her once again for a fun night for a good cause.

3. Letter of resignation received from Drew Glaser of the wastewater treatment plant. Drew will be leaving the Town of Clinton as of March 31, 2016. A motion was made by Mr. Pendergast, seconded by Mr. Carberry to accept his resignation with regrets.

Vote all ayes
Motion carried

4336

4. A letter of resignation was also received from Crossing Guard, Victoria Flegg. Vicky's last day will be Thursday, March 24, 2016. A motion was made by Mr. Pendergast, seconded by Ms. Dineen to accept her resignation with regrets.

Vote all ayes
Motion carried

REPORTS FROM COUNCIL

Councilman Carberry

1. Environmental Commission's Green Team is an extension of the Environmental Commission and is flourishing! River Clean Up, April 16, 2016 at 8:00 a.m. near the Clinton House.

Councilman Pendergast

1. Sewer Committee – New Sewer Engineer, Robert Martucci, P.E. of Van Cleef Engineering is doing well getting familiar with the Wastewater Treatment Plant.
2. Department of Environmental Protection did their annual inspection and we passed!

Councilwoman Sosidka

1. Historic Commission is gathering before and after pictures of the Town of Clinton. Many pictures taken 50 years ago were found in a folder and Dave and Jon Sosidka are scanning pictures them and encouraging folks to forward pictures they may have to him. They will be displayed on the Clinton website under "photo album" Then & Now. Spread the word!!

Councilman Smith

1. Water Committee meeting Wednesday, March 23, 2016 at 8:00 a.m.
2. Clinton First Aid & Rescue Squad and the Clinton Fire Department have received their first shipment of T-Shirts for their anniversary to be celebrated in 2017. Shirts are available for \$20.00 in sizes Small to 3X! Get yours today!

STANDBY AND OVERTIME

A motion was made by Mr. Carberry seconded by Mr. Pendergast to approve the standby and overtime submitted for the period of February 26, 2016 through March 10, 2016 attached to these minutes.

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

Vote all ayes
Motion carried

PAYMENT OF BILLS

A motion was made by Mr. Pendergast seconded by Ms. Dineen 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

4337

RESOLUTION #55-16 – PERSONNEL

A motion was made by Mr. Pendergast, seconded by Ms. Dineen to enter into Executive Session to discuss a matter of Personnel at 7:57 p.m.

RESOLUTION # 55-16

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 the 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:

4338

_____ 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: Land Acquisition 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: Following Council's return to the Regular Council Meeting and there being no further business, a motion was made by Ms. Dineen seconded by Mr. Pendergast to adjourn the meeting at 8:40 p.m.

Cecilia Covino, RMC/CMC, Town Clerk

Mayor Janice Kovach