

Mayor Janice 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**

After a correction per Mr. Smith of spelling on page 4351 “Shad” to “Shade” a motion was made by Mr. Rylak, seconded by Ms. Dineen, to approve the council meeting minutes of April 12, 2016 submitted.

Vote all ayes  
Motion carried

**PUBLIC COMMENT**

1. Mr. Stan Prater, Jersey Central Power and Light representative, addressed Mayor and Council to see how things were going in the Town and if there were any issues. Mr. Prater was happy to hear there were not any and he can be reached at any time if anything comes up.
2. Ms. Mary Lou Carhart, Clinton Guild representative, stated the Guild is having “Taste of Clinton” this weekend for three days.

**MAYOR’S COMMENTS** - None

**PUBLIC HEARING OF ORDINANCE # 16-02 – FEES**

A motion was made by Mr. Pendergast, seconded by Mr. Carberry, to open the public hearing of Ordinance 16-02:

Vote all ayes  
Motion carried

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”

No public comment.

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

Vote all ayes  
Motion carried

A motion was made by Mr. Rylak, seconded by Mr. Smith to adopt Ordinance #16-02 on second reading as submitted.

Vote all ayes  
Motion carried

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

Vote all ayes  
Motion carried

**PUBLIC HEARING OF ORDINANCE # 16-03 – GEORGES PLACE**

A motion was made by Mr. Carberry, seconded by Mr. Pendergast, to open the public hearing of Ordinance 16-03:

Vote all ayes  
Motion carried

ORDINANCE #16-03

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

Mayor Kovach stated that council and herself has heard a lot of testimony in the past on this subject.

Mr. John Madden from 9 Fairview Avenue and president of the Pond Ridge Association addressed his concerns with the ordinance. Mr. Madden does not believe this is a satisfactory solution to the issue of taking care of the private road. He feels the ordinance has excessive costs that would be put on the association. There are four homes that are dependent on the need of maintaining the safety of this road. The Town in the past was taking care of the road. Periodic patching was being done with Ordinance #11-03.

Mr. Carberry stated this is a private road and is not the responsibility of the Town to maintain private property. We may have in the past but it is not the obligation of the Town to maintain the private road.

Richard Cushing, Town Attorney, said it is not a legal obligation to take care of a private road. There can be a moral obligation if the Town choses but no legal responsibility.

Mr. Smith stated for the record that the road committee has talked about this ordinance for five months to come up with a solution. The current ordinance is a compromise. The Town cannot have other private roads come forward to take care of their roads.

Ms. Sosidka said safety is an issue. However the Town should not be out money for taking care of a private road.

Mr. Rylak said he does not feel the Town should use public funds to take care of private roads. He agrees with the new ordinance and also feels this is a compromise with the Home Owners Association. This may be more costly for the Association but it is not as vague as the old ordinance.

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

Vote all ayes  
Motion carried

A motion was made by Mr. Carberry, seconded by Mr. Smith to adopt Ordinance #16-03 on second reading as submitted.

Vote all ayes  
Motion carried

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

Vote all ayes  
Motion carried

**INTRODUCTION OF ORDINANCE #16-04 – LOCK BOX**

This ordinance was previous called Knox Box and is being changed to say the “Lock Box”. Authorize the Town of Clinton to require the installation of rapid access key boxes to allow entry to structures for fire and/or life safety purposes.

**ORDINANCE # 16-04**

**ORDINANCE REQUIRING THE INSTALLATION OF RAPID ACCESS KEY BOXES TO ALLOW ENTRY TO STRUCTURES FOR FIRE AND/OR LIFE SAFETY PURPOSES**

**WHEREAS**, the Town of Clinton Volunteer Fire Department (the “Department”) is an independent volunteer fire company that provides fire suppression and emergency services in and around the Town of Clinton (the “Town”); and

**WHEREAS**, pursuant to Section 506 of the International Fire Code (which was adopted as New Jersey’s Uniform Fire Code pursuant to N.J.A.C. 5:70-3.1) certain structures, as determined by the fire official, are required to have installed a key box system;

**WHEREAS**, N.J.A.C. 5:71-2.8(a) provides that a municipality may, by ordinance, make its fire code more restrictive than the Uniform Fire Code; and

**WHEREAS**, Council of the Town of Clinton has determined that the health, safety, and welfare of the citizens and business owners of the Town of Clinton are promoted and safeguarded by encouraging the owners of certain structures to have a key box installed on the exterior of the structure to aid the Clinton Volunteer Fire Department to gain access to the structure when the same is not occupied or when the occupants are unable to grant ingress to the Fire Department; and

**WHEREAS**, pursuant to Section 506.1 of the Uniform Fire Code, the Town Fire Official has deemed certain types of structures to meet criteria requiring installation of a key box; and

**WHEREAS**, the key box system will reduce the need for forced entry into structures and should avoid costly and time-consuming efforts in gaining access to locked structures during an emergency; and

**WHEREAS**, the Council has determined that property owners should have options provided regarding installation of a key box system; however, if certain property owners choose not to install a key box system, the property owners must release the Town and Department of all liability for any damage caused by accessing such property in the event of an emergency; and

**WHEREAS**, there are existing key box systems on certain structures within the Town for which the Fire Department maintains a single key to open such key boxes; and

**WHEREAS**, in order to provide fire protection services in the most efficient manner possible, the Fire Department requires that such key be usable in all key box systems installed within the Town; and

**WHEREAS**, any property owner that is subject to this Ordinance and / or Section 506 of the Uniform Fire Code believes that it cannot comply with the requirement install a key box, is entitled to file a Uniform Fire Code Variance Request pursuant to N.J.S.A.C. 5:70-2.14 on a form provided by the Town; and

**WHEREAS**, for a period of time following passage of this Ordinance, the \$50 application fee for a variance from the requirements of this Ordinance and / or Section 506 of the Uniform Fire Code as set forth in Town Ordinance Section 77-8(D) shall be waived.

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Council of the Town of Clinton, the County of Hunterdon, that Chapter 10 entitled "Fire Department" of the Code of the Town of Clinton ("Code") is hereby amended as follows:

**SECTION 1.** Chapter 10 of the Code entitled "Fire Department" is amended by adding section 10-24 as follows:

§10-24 **Key Box Entry System**

**A. PURPOSE**

Council of the Town of Clinton determined that the health welfare and safety of the citizens and business owners of the Town of Clinton are promoted by encouraging certain structures to have a key box installed on the exterior of the structure to aid the Clinton Volunteer Fire Department in gaining access to or within a structure when responding to calls for emergency service, and to aid access into or within a building that is secured or is unduly difficult to gain entry due to being either unoccupied or the occupants being unable to respond.

**B. DEFINITIONS**

As used in this article, the following terms shall have the meanings set forth below:

**DEPARTMENT**

The Town of Clinton Volunteer Department

**FIRE CHIEF**

The Chief of the Town of Clinton Volunteer Fire Department.

**FIRE OFFICIAL**

The Fire Official of the Town of Clinton appointed in accordance with Chapter 77 of the Code of the Town of Clinton.

**MIXED-USE BUILDING**

A building that contains at least one floor devoted to allowed nonresidential uses and at least one devoted to allowed residential uses.

**COMMERCIAL STRUCTURE**

A building which is or is intended to be occupied by a single individual, corporation, company, association, society, firm, partnership or joint stock company, and used for non-residential purposes.

**INDUSTRIAL STRUCTURE**

A building intended for or incidental to use as a factory, mill, shop, processing plant, assembly plant, fabricating plant, warehouse, or a research and development facility; engineering, architectural or designing facilities.

**UNIFORM FIRE CODE**

The State of New Jersey Code regarding fire code regulations contained within N.J.A.C. 5:70 *et seq.* promulgated by N.J.S.A. 52:27D-192 *et seq.*

**C. KEY BOX SYSTEM**

1. Pursuant to Section 506.1 of the Uniform Fire Code, the Town Fire Official has determined that the following types of structures are subject to the requirement of installing a key box system:

(a) Commercial or industrial structures;

(b) Schools, whether public or private;

(c) Governmental structures;

(d) Nursing care facilities;

(e) Daycare or childcare facilities; and

(f) Any structure or part thereof that contains any of the uses listed in C(1)(a) through (e) above.

2. All commercial buildings under construction are encouraged to provide a temporary key box or other approved means for emergency access before construction begins. Approval shall be given by the Fire Chief or his/her designated agent.

**D. INSTALLATION**

1. If a property owner chooses to install a key box, it shall be of a type approved by the Department. The size and model of the key box installed shall be determined by the

number of keys to be placed in the box and the specifications set forth by the key box manufacturer. The key box must be keyed to open with the key that the Department uses to access existing key boxes within the Town.

2. Number of keys in the key box cannot exceed the maximum number recommended by the box manufacturer.
3. All key boxes shall be installed at a location and height above the ground mutually agreed upon by the property owner and the Fire Chief or his/her designated agent. Consideration regarding the placement of key boxes shall be given to whether the building is a historic structure or a contributing structure to a historic district, and / or to the historic character of the Town. The determination of the location and height of the key box shall be confirmed in writing by the Fire Chief or his/her designee.
4. All key boxes may have a Tamper Switch installed in the building as an intrusion/burglar alarm.
5. All property with an electronic security gate shall have the key box installed *outside* of the gate.
6. Purchase and installation of the key box will be the sole responsibility of the building owner or operator.

**E. MAINTENANCE**

The owner or operator of the building shall immediately notify the Fire Chief, or his/her designated agent when any locks are added, changed, or rekeyed which cannot currently be opened by the current key set in the key box. Additional keys shall be added to the key box immediately. The owner and operator of the building shall be responsible for the key box to be in proper working condition and to replace or make repairs as may be necessary.

The owner or operator of the building shall immediately notify the Fire Chief or his / her designee if any changes in the location of the key box are to be made and such changes must be approved by the Fire Chief or his / her designee.

**F. CONTENTS OF KEY BOX**

The contents of the key box shall include at least the following:

1. Keys to locked points of ingress or egress, whether on the interior or exterior of such buildings.
2. Keys to all mechanical rooms.
3. Keys to all locked electrical and utility rooms.
4. Keys to elevator and their control rooms.
5. Keys to the Fire Alarm panels and Fire Suppression Systems.
6. Keys to re-set pull stations or other Fire Protective devices.

7. Building or Security Access Cards, as needed.
8. Keys to any other areas as requested by the Fire Official or Fire Chief.
9. Any other items reasonably required by the Fire Official or Fire Chief.

**G. VARIANCE AND RELEASE OF TOWN**

The owner of any of the types of properties enumerated in subsection C hereunder that elects not to install a key box, shall apply for a variance pursuant to N.J.A.C. 5:70-2.14 and execute a Release Agreement which shall release the Town and the Department for all liability for any damages resulting from the Town or the Department gaining access to such property in the case of an emergency. Additionally, such agreement shall state that the Department and the Town are not responsible for securing such property after entry is made. The Agreement shall be a form to be provided by the Town and available from the Town Fire Official.

The fee for a variance application from this Ordinance and Section 506 of the Uniform Fire Code is set forth in Town Ordinance Section 77-8(D). However, the Town shall waive the variance application fee for any application made pursuant to this Ordinance within six months of the adoption of this Ordinance.

**H. EXCEPTIONS TO REQUIREMENT TO APPLY FOR A VARIANCE AND EXECUTE RELEASE AGREEMENT**

The following structures are exempt from the mandate of subsection C hereunder to apply for a variance and execute a release agreement in the event the property owner does not install a key box system:

1. Structures occupied by the Town of Clinton Fire Department, First Aid and Rescue Squad, and Police Department; and
2. Rental storage facilities where there is a single lock on the separate storage pods that are renter supplied; provided, however, the entry security gates(s) have a key box if electronically controlled, or locked with a master key issued by the landlord to all tenants.
3. Mixed-Use Buildings that are occupied by the owner or operator as a primary residence.

**I. TIME FOR COMPLIANCE**

All new construction and new occupancies by tenants subject to this Ordinance shall have a key box installed and operational or execute the agreement required by subsection G hereunder prior to occupancy. All structures in existence on the effective date of this section and subject to this Ordinance shall have ninety (90) days from enactment date of this ordinance to have a key box installed and operational or execute the agreement required by subsection G hereunder.

**J. VIOLATIONS AND PENALTIES**

The Fire Chief are authorized to issue summonses for violations of this Ordinance. Nothing hereunder shall limit the power of the Fire Official to issue violation notices pursuant applicable codes and regulations. Violations shall be abated within 30 days of service of the notice on the owner, owner's designated agent, or tenant of the structure in question.

Any person who is found to be in violation of any portion of this ordinance or any order of the Fire Official, or Fire Chief shall be subject to a penalty and/or fine of \$300. Failure to install the required key box within 30 days of the date of the violation notice enables the Town to install the

required device or equipment at the owner's expense. Each day that such violation shall continue after notification shall be considered separate violation.

**SECTION 2.** All Ordinances or parts of Ordinances inconsistent herewith are repealed as to such inconsistencies.

**SECTION 3.** If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

**SECTION 4.** This Ordinance shall take effect upon final passage and publication according to law.

A motion was made by Mr. Smith, seconded by Mr. Pendergast to adopt Ordinance #16-04 on first reading as submitted.

Vote all ayes  
Motion carried

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

Vote all ayes  
Motion carried

Second Reading will be held on May 24, 2016.

**RESOLUTION #65-16 – CHANGE ORDER – MUNICIPAL BUILDING**

A motion was made by Mr. Carberry, seconded by Ms. Dineen to adopt Resolution #65-16 as submitted:

**RESOLUTION #65-16**

**RESOLUTION AUTHORIZING A CHANGE ORDER AND FINAL ACCEPTANCE 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, which resulted in Change Order #1 being approved by the Mayor and Council on October 27, 2015, and

**WHEREAS**, during the construction it was determined that one of the cornices did not need to be replaced as previously approved in Change Order #1, which will result in a reduction in the final project cost; and

**WHEREAS**, the Town's Administrator is requesting that the Mayor and Council approve Change Order #2, which will result in a reduction of the final contract amount of \$1,055; and



**WHEREAS**, the project has been completed and all requisite inspections been approved by the Town's Construction Department.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Town of Clinton that Change Order Number 2 for the Municipal Building Exterior Maintenance and Repair Project be approved, as well as accept the project as complete.

**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, Sosidka, Mayor Kovach

Vote all ayes  
Motion carried

**BANNER REQUEST – 3<sup>RD</sup> ANNUAL OUTDOOR SUMMER YOGA**

A banner request has been received from Gist Fininley of OM Clinton Yoga to have free yoga classes on Mondays and Fridays starting June 6<sup>th</sup> through Labor Day.

A motion was made by Mr. Smith, seconded by Ms. Dineen to approve the banner request.

Vote all ayes  
Motion carried

**CORRESPONDENCE**

1. Mayor Kovach received a letter from the Clinton Boy Scout Troop 121 asking to have the fire permit fee waived in the amount of \$42.00 for the US Flag Retirement ceremony they are hosting on Friday, June 10, 2016.

A motion was made by Mr. Smith seconded by Mr. Rylak to waive the fire permit fee.

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

Vote all ayes  
Motion carried

2. Mayor Kovach presented a notice she received from the Hunterdon County YMCA. The letter is giving discounts on the monthly membership rates for all active members of all County First Aid, Fire and Police Departments effective May 1, 2016.

3. Mayor Kovach said she received a letter from the Red Cross explaining how they respond and their assistance is available when needed.

4. Mayor Kovach received a letter from the Department of Transportation saying they received our application but is unable to provide any aid from the 2016 Municipal Aid for the Helen and Hunts Mill Roads.

5. Mayor Kovach said the prosecutor's office is doing a presentation on heroin at North Hunterdon High School on Tuesday, May 3, 2016. If anyone can attend that would be great.

## **REPORTS FROM COUNCIL & TOWN OFFICIALS**

### **Chief Brett Matheis**

1. Chief Matheis informed Mayor and Council that the two new officers are acclimating well and their training is going well.

### **Councilwoman Dineen**

1. Councilwoman Dineen reported Arbor Day is this Friday, April 29, 2016. The tree is being dedicated to Town resident, Joe Manghisi. The Clinton Public School 3<sup>rd</sup> graders will be present and Dan Shea, member of the Shade Tree Commission will be reading his annual poem.

### **Councilwoman Sosidka**

1. Councilwoman Sosidka reported the Senior Luncheon will be held this Sunday, May 1, 2016 at 1:00pm at the Clinton Fire Department. Volunteers are to arrive an hour earlier.

2. The Town Picnic will be held on June 4<sup>th</sup>. Plans are coming along nicely. The date is the same as the Town Wide Garage Sale but there will be no conflict having the two events the same day.

3. For the Girl Scout's Silver Award they will be hosting a "Girl Scout's Movie Night" on Friday, May 13, 2016 at the community center. The movie has not been determined as of tonight. More information will be announced.

4. Councilwoman Sosidka reported the Historic Commission had a lively and rich meeting. John Leonard, a long-time resident attended. He would like to participate more and become a member on the commission. The clerk, Cecilia Covino, is looking into whether there is an open position on the commission. The Historic Commission talked about giving out recognition plaques for historic renovations. The "Clinton Then and Now" pictures have been posted on the Town's web site. The Historic Commission has been getting a lot of positive feedback from people. The members also talked about framing them putting some of the pictures around the municipal building. Christie Wood, Chairwoman, met with Mr. Bonnell owner of the Bonnell Tavern located by the Route 78 underpass toward the Walmart Plaza asked if there was anything the Historic Commission could do to help in the renovation of the building.

### **Councilman Rylak**

1. Councilman Rylak reported the next meeting for the Smart Growth Committee will be the second Monday of the month at 7pm in the municipal building. A number of issues will be discussed. For instance Kathy Madding, 9 Fairview Avenue, will be present to discuss plantings and other matters. Discussion will take place about drawing a mural on the walls under the Route 78 underpass on Leigh Street. There also will be talk on doing something with butterflies.

### **Richard Cushing, Town Attorney**

Mr. Cushing presented two resolutions he recommends the Mayor and Council adopt tonight concerning Affordable Housing. The Town participated in a statewide group through a Municipal Shared Services Defense Agreement with 250 municipalities to establish the Town's affordable housing obligations. The original expert had health issues and a second was appointed. Resolution #66-06 allows the Town to use the second expert which was appointed to take over all the Fair Share Housing issue. Additional sums are needed to continue.

Resolution #67-06 is to fund additional monies to the group called Vicinage 13 Municipal Group. This group is more on the municipal level which we are a part of as well as the Statewide Group. Mr. Richard Cushing strongly recommends adoption of these two resolutions. He was told if towns do not participate in these groups you cannot get the benefits of the results of these two groups through any legal proceedings. With the Town's exposure it is in their best interest to pass these resolutions.

**RESOLUTION #66-16 – AUTHORIZING EXECUTION OF SHARED SERVICES  
DEFENSE AGREEMENT – CONSORTIUM**

A motion was made by Mr. Carberry, seconded by Mr. Smith to adopt Resolution #66-16 as submitted:

**RESOLUTION #66-16**

**AUTHORIZING EXECUTION OF SHARED SERVICES  
DEFENSE AGREEMENT – CONSORTIUM**

**WHEREAS**, the Town of Clinton (the "Town") has filed a Declaratory Judgment Action in the Superior Court of New Jersey Hunterdon County in furtherance of the Supreme Court's March 10, 2015 decision captioned In re Adoption of N.J.A.C. 5:96 & 5:97 by N.J. Council on Affordable Housing, 221 N.J. 1 (2015) (the "Supreme Court Decision"); and

**WHEREAS**, the Town entered into a Municipal Shared Services Defense Agreement (hereinafter "MSSDA") in order to hire Econsult Solutions, LLC to produce an expert report in order to establish the Town's affordable housing obligation; and

**WHEREAS**, approximately 250 municipalities within the State also entered into the MSSDA and collectively refer to themselves as the "Consortium;" and

**WHEREAS**, the Consortium also hired Carl Woodward, Esq. in order to defend a case regarding release of a draft expert report (Docket No. A-002471-15T2); and

**WHEREAS**, due to the overwhelming opposition and challenges received from opponents in the Declaratory Judgment Action, including Fair Share Housing Center, the New Jersey Builder's Association, and other intervenors, the municipalities constituting the Consortium are required to contribute \$2,000 more under the MSSDA.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Town of Clinton, Hunterdon County, New Jersey, as follows:

1. The amount of \$2,000 is hereby authorized to be expended by the Town for Econsult Solutions, LLC and other experts or attorneys retained by the Consortium.
2. A certification of funds authorizing the aforesaid expenditure has been signed by the Chief Financial Officer of the Town and is appended hereto.
3. This Resolution shall take effect immediately.

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

Vote all ayes  
Motion carried

**RESOLUTION #67-16 – AUTHORIZING EXECUTION OF SHARED SERVICES  
DEFENSE AGREEMENT – VICINAGE 13**

A motion was made by Mr. Carberry, seconded by Mr. Smith to adopt Resolution #66-16 as submitted:

**RESOLUTION #67-16**

**AUTHORIZING EXECUTION OF  
SHARED SERVICES DEFENSE AGREEMENT**

**WHEREAS**, the Town of Clinton has filed a Declaratory Judgment Action in the Superior Court of New Jersey, Hunterdon County, in furtherance of the Supreme Court’s March 10, 2015, decision captioned In re Adoption of N.J.A.C. 5:96 & 5:97 by N.J. Council on Affordable Housing, 221 N.J. 1 (2015) (the “Supreme Court Decision”), which was assigned to the Honorable Thomas C. Miller P.J. Cv.; and

**WHEREAS**, 57 similar Declaratory Judgment Actions are before Judge Miller in Vicinage 13;

**WHEREAS**, many of these municipalities (collectively the “Vicinage 13 Municipal Group”) wish to cooperate collectively regarding the strategy and development of discovery, motions, briefs, and trial practice that may be used in the above-referenced Declaratory Judgment Actions, thereby saving time and monies for individual municipalities;

**WHEREAS**, the Town desires to participate in the Vicinage 13 Municipal Group; and

**WHEREAS**, it is anticipated that if each municipality contributes \$1,500, there will be sufficient monies to pay the anticipated trial and discovery costs; and

**WHEREAS**, a Municipal Shared Services Defense Agreement for Vicinage 13 (hereinafter Vicinage 13 MSSDA”), has been prepared (attached hereto) (a) so that monies can be collected; and (b) so that the rights and responsibilities of each municipality that wishes to sign the agreement are defined; and

**WHEREAS**, the Vicinage 13 MSSDA provides that the John P. Belardo, Esq., will serve as the administrator of the Vicinage 13 Municipal Group; and

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Town of Clinton, Hunterdon County, New Jersey, as follows

1. The terms and conditions of the Vicinage 13 MSSDA attached hereto are hereby approved, ratified and confirmed.
2. The amount of \$1,500 is hereby authorized to be expended by the Town.
3. A certification of funds authorizing the aforesaid expenditure has been signed by the Chief Financial Officer of the Town and is appended hereto.

4. The Mayor be and is hereby authorized to execute the aforesaid Vicinage 13 MSSDA to memorialize the participation of the Town and to take any and all actions reasonably required to effectuate said Agreement.
5. This Resolution shall take effect immediately.

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

Vote all ayes  
Motion carried

**APPROVAL OF STANDBY AND OVERTIME**

A motion was made by Mr. Carberry, seconded by Ms. Dineen, to approve the standby and overtime pay attached to these minutes for April 8, 2016 through April 21, 2016.

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. Carberry, seconded by Ms. Dineen to approve the voucher list as attached to these minutes.

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

Vote all ayes  
Motion carried

**RESOLUTION # 68-16 - EXECUTIVE SESSION - LITIGATION**

A motion was made by Mr. Smith, seconded by Ms. Dineen, to enter into Executive Session at 8:16 p.m. to discuss litigation.

Vote all ayes  
Motion carried

**RESOLUTION # 68-16**

**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:

\_\_\_\_\_ OR \_\_\_\_\_ the public disclosure of such information at this time would have a potentially negative impact on the municipality's position in the litigation or negotiation; therefore this information will be withheld until such time as the matter is concluded or the potential for negative impact no longer exists.)

\_\_\_\_\_ Matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his or her ethical duties as a lawyer; (The general nature of the matter is: \_\_\_\_\_ OR \_\_\_\_\_ the public disclosure of such information at this time would have a potentially negative impact on the municipality's position with respect to the matter being discussed; therefore this information will be withheld until such time as the matter is concluded or the potential for negative impact no longer exists);

Matters involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance, promotion or disciplining of any

specific prospective or current public officer or employee of the public body, where all individual employees or appointees whose rights could be adversely affected have not requested in writing that the matter(s) be discussed at a public meeting; (The employee(s) and/or general nature of discussion is \_\_\_\_\_ OR \_\_\_\_\_ the public disclosure of such information at this time would violate the employee(s) privacy rights; therefore this information will be withheld until such time as the matter is concluded or the threat to privacy rights no longer exists.;

\_\_\_\_\_ Deliberation occurring after a public hearing that may result in the imposition of a specific civil penalty or loss of a license or permit;

**BE IT FURTHER RESOLVED** that the Mayor and Council hereby declare that their discussion of the subject(s) identified above may be made public at a time when the Town Attorney advises them that the disclosure of the discussion will not detrimentally affect any right, interest or duty of the Town or any other entity with respect to said discussion. That time is currently estimated to be: (estimated length of time) OR upon the occurrence of

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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.

A motion was made by Mr. Carberry, seconded by Mr. Rylak to return to the Regular Meeting with no action to be taken at 8:23 p.m.

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 8:24 P.M.

Vote all ayes  
Motion carried

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Nancy A. Burgess, Deputy Clerk

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Mayor Janice Kovach