

Regular Council Meeting
August 23, 2016

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

Flag Salute.

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

STATEMENT OF ADEQUATE NOTICE:

Mayor Kovach read the following statement: “Adequate notice of this meeting has been provided, indicating the time and place of the meeting and the proposed agenda, which notice was posted, made available to newspapers, and filed with the Clerk of the Town of Clinton in accordance with Section 3(d) of Chapter 231 of the Public Laws of 1975.”

APPROVAL OF MINUTES

A motion was made by Mr. Pendergast, seconded by Mr. Rylak, to approve the council meeting minutes of August 9, 2016 submitted.

Vote all ayes
Motion carried

A motion was made by Mr. Carberry, seconded by Ms. Dineen, to approve the executive meeting minutes of August 9, 2016 submitted.

Vote all ayes
Motion carried

PUBLIC COMMENT

1. Ms. Diane Race, President of the Clinton Guild and owner of Valerie Wilson Travel, informed the Mayor and Council that Downtown Clinton was named one of the top three “2016 Great Places in New Jersey. The Guild is meeting to plan a celebration for this honor. More information will be forthcoming. Ms. Race also gave an update of the events that will be taking place in the Town of Clinton. The Come Together Music will be ending on September 30, 2016, The Pumpkin Fest will be on October 21, 2016, Dickens Days will take place on November 25, 26, 27, and Small Business Saturday will be on November 26, 2016.

PRESENTATION – JAMES IZLAR – EAGLE SCOUT PROJECT – MAP MAIN STREET

Councilman Smith explained to the Council that an Eagle Scout Project has three components. Planning, implementation and completion. The scout must show leadership throughout the whole project.

Mr. James Izlar, 58 Blane Court, Asbury from Clinton #121 Boy Scout Troop presented to the Mayor and Council his Eagle Scout Project to map Main Street. He is planning to put up three Clinton Map Kiosks around Town showing the businesses with the help from the Clinton Guild. The Clinton Guild will

supply the map and Mr. Izlar will build the stands. It will be a wooden structure that can be seen on two sides with a small roof to overhang to protect against weather. There will be plexi-glass over the map. Mr. Izlar said he will be contacting Fox Lumber to see if they would be interested in donating the material. The three locations he is looking at are by the Community Center, the parking lot leading to Main Street by Alley's Way, and by the Water Street parking lot. Ms. Diane Race said the Clinton Guild will be making up the maps for Mr. Izlar and will assist him with any other issues. Mr. Izlar will be starting around September 10, 2016 and complete project before the winter arrives.

Councilman Pendergast said other possible locations can be the Clinton Fire Department or the municipal building parking lot. Other council members agreed. If possible to do more than two or three that would be great.

Mayor and Council agreed this is a great project and thanked Mr. Izlar for choosing this project. It will benefit the Town tremendously and will bring more people to the downtown area.

MAYOR'S COMMENTS

1. The Board of Chosen Freeholders on August 24, 2016 at 4pm will be holding a medal presentation for the annual Hunterdon County Veterans Medal Ceremony. It will be part of the opening ceremony for the 4-H and Agricultural Fair at the south County Park located on Route 179 in East Amwell Township.
2. Rite Aid is holding their annual flu clinic.
3. The Riding with Heart's Farm to Stable 2016 fundraiser will take place on Saturday, September 10, 2016 if anyone is interested in going. Mayor Kovach said she will not be able to attend.

RESOLUTION #98-16 – AWARD OF CONTRACT SEWER PIPE LINING PROJECT

A motion was made by Mr. Pendergast, seconded by Mr. Carberry to adopt Resolution #98-16 as submitted:

RESOLUTION 98-16 **RESOLUTION AWARDED A NEGOTIATED CONTRACT FOR THE** **HALSTEAD STREET SANITARY SEWER PIPE LINING PROJECT**

WHEREAS, the Town of Clinton advertised, and subsequently received bids for the Halstead Street Sanitary Sewer Pipe Lining Project on two separate occasions; and

WHEREAS, the submissions received the first time were deemed deficient and rejected as the low bidder did not provide a properly executed Bid Bond, which was cause for rejection in accordance with NJSA 40A:11-23.2a, and the second bidder's cost substantially exceeded the cost estimates for the project, which is cause for rejection in accordance with NJSA 11-13.2a; and

WHEREAS, the all bid proposals received the second time substantially exceed the cost estimates for the project, which is cause for rejection in accordance with NJSA 11-13.2a; and

WHEREAS, NJSA 40A:11-5(3) states that "Any contract the amount of which exceeds the bid threshold, may be negotiated and awarded by the governing body without public advertising for bids and bidding therefor and shall be awarded by resolution of the governing body if bids have been advertised pursuant

to section 4 of P.L.1971, c.198 (C.40A:11-4) on two occasions and (a) no bids have been received on both occasions in response to the advertisement, or (b) the governing body has rejected such bids on two occasions because it has determined that they are not reasonable as to price, on the basis of cost estimates prepared for or by the contracting agent prior to the advertising therefor, or have not been independently arrived at in open competition, or (c) on one occasion no bids were received pursuant to (a) and on one occasion all bids were rejected pursuant to (b), in whatever sequence; any such contract may then be negotiated and may be awarded upon adoption of a resolution by a two-thirds affirmative vote of the authorized membership of the governing body authorizing such contract.”; and

WHEREAS, the Mayor and Council of the Town of Clinton previously authorized via resolution the Public Works/Business Administrator, Sewer Superintendent and/or Sewer Engineer to negotiate bids for the above-referenced project in accordance with NJSA 40A:11-5(3); and

WHEREAS, by e-mail dated August 9, 2016, the Sewer Engineer has advised that he has successfully obtained pricing from Reivax Contracting Corp. to provide the services needed within the Town’s budgetary allotment and recommends that a contract be award for same; and

WHEREAS, the Town’s Chief Financial Officer has certified that sufficient funds are available for this project.

NOW, THEREFORE BE IT RESOLVED, that in accordance with the recommendation of the Sewer Engineer, the Mayor and Council of the Town of Clinton, County of Hunterdon, hereby award a contract to Reivax Contracting Corp. in accordance with the terms and conditions of the previous 2 bid specifications in accordance with the above-referenced statutes in the amount of \$100,000.

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to Reivax Contracting along with a copy of the contract for execution.

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

Vote all ayes
Motion carried

RESOLUTION #99-16 – AWARD OF POLICE SPORT UTILITY VEHICLE

A motion was made by Mr. Carberry, seconded by Mr. Pendergast to adopt Resolution #99-16 as submitted:

RESOLUTION 99-16

WHEREAS, the Town of Clinton wishes to purchase A 2017 Police Interceptor Utility Vehicle and Emergency/Security Equipment from authorized venders under the New Jersey State Contract;

WHEREAS, the purchase of goods and services by local contracting units is authorized by the Local Public Contracts Law, N.J.S.A. 40A:11-12; and

WHEREAS, Winner Ford and Triangle Communications have been awarded the State Contract #88728 effective March 16, 2015 to March 15, 2017 and State Contract #81343 effective May 1, 2012 to October 31, 2016, respectively; and

WHEREAS, the purchasing agent recommends the utilization of these contracts on the grounds that they represent the best prices available; and

WHEREAS, the actual cost for the Police Interceptor Utility Vehicle and Emergency/Security Equipment is expected not to exceed \$40,479.93; and

WHEREAS, the Chief Financial Officer has certified the availability of \$40,479.93 under the General Capital Budget;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Town Council of the Town of Clinton, that Winner Ford and Triangle Communications be awarded a contract for the purchase of a Police Interceptor Utility Vehicle and Emergency/Security Equipment.

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

Vote all ayes
Motion carried

RESOLUTION #100-16 – AWARD OF TWO PICKUP TRUCKS

A motion was made by Mr. Smith, seconded by Mr. Pendergast to adopt Resolution #100-16 as submitted:

RESOLUTION # 100-16

WHEREAS, the Town of Clinton wishes to purchase two 2017 Ford F350 Pickup Trucks from an authorized vender under the Morris County Cooperative Pricing Council (MCCPC);

WHEREAS, the purchase of goods and services by local contracting units is authorized by the Local Public Contracts Law, N.J.S.A. 40A:11-12; and

WHEREAS, Ditschman/Flemington Ford has been awarded the MCCPC Contract #15-C, Item #21 effective November 1, 2015 to October 31, 2016; and

WHEREAS, the purchasing agent recommends the utilization of this contract on the grounds that it represents the best price available; and

WHEREAS, the actual cost for the Pickup Trucks is expected not to exceed \$71,176.00; and

WHEREAS, the Chief Financial Officer has certified the availability of \$71,176.00 under the General Capital Budget and Water Utility Budget;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Town Council of the Town of Clinton, that Ditschman/Flemington Ford be awarded a contract for the purchase of two Pickup Trucks.

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

Vote all ayes
Motion carried

RESOLUTION #101-16 – APPOINTMENT OF WATER UTILITY LABORER

A motion was made by Mr. Carberry, seconded by Ms. Dineen to adopt Resolution #101-16 as submitted:

**TOWN OF CLINTON
HUNTERDON COUNTY, NEW JERSEY
RESOLUTION #101-16
RESOLUTION APPOINTING WATER UTILITY LABORER**

WHEREAS, the Town of Clinton has a need to appoint a laborer within the Water Utility in light of a recent employee resignation, and;

WHEREAS, the Water Superintendent has recommended Kevin Hallinger be appointed to fill this position;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Town of Clinton hereby appoint Kevin Hallinger as a laborer within the Water Utility at a prorated salary of \$33,280 for the year 2016, effective August 29, 2016.

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

Vote all ayes
Motion carried

BANNER REQUEST – HAM – GHOULS! GREMLINS! GOBLINS!

A banner request has been received from Hunterdon Art Museum for a Halloween dance party. Display dates are October 3 to October 10, 2016.

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

Vote all ayes
Motion carried

TURN THE TOWNS TEAL – RIBBON REQUEST

An annual request to “Turn the Towns Teal” has been received for a national Awareness Campaign for Ovarian Cancer to tie teal colored ribbons on poles along main and East Main Street. A motion was made by Mr. Carberry, seconded by Ms. Dineen to grant the request.

Vote all ayes
Motion carried

CORRESPONDENCE- none

REPORTS FROM COUNCIL & TOWN OFFICIALS

Kathy Olsen, CFO

1. Ms. Olsen informed the Mayor and Council the property located at 31 West Main Street went to sheriff's sale last week. The current lienholder won the bid. The property owner next door is interested in purchasing the lot from him.

Councilman Smith

1. The water committee decided due to problems with the infrastructure of the water mains in Clinton Township and West Main Street they will be changing priorities on what water main projects need to be done. Mr. Smith will report back to Mayor and Council on what the committee's decision will be. This is all part of the long range infrastructure planning anyway just shifting to the needs that must be done first.

Councilwoman Dineen

1. Councilwoman Dineen updated council on the schools. There will be a referendum in November requested \$9.7 million to make improvements to the libraries and windows at both North Hunterdon High School and Voorhees High School. They do not anticipate it to be a tax increase.

Councilman Pendergast

1. Eli Pieretti, sewer employee, is past his probationary period and is now a permanent employee. He is working out very well, motivated and reliable.

A motion was made by Mr. Pendergast, seconded by Mr. Carberry to accept Eli Pieretti coming off probationary status to a permanent employee.

Vote all ayes
Motion carried

2. Councilman Pendergast reported the fly problem at the Waste Water Treatment Plant is under control. The minnows helped out with that. Due to the standing water the plant had a problem with flies. The sewer plant has tried pesticides and did not work. Minnows was recommended to use and the population of the flies are down 95%.

3. Councilman Pendergast said the Reivax Halstead Street Sanitary Sewer Pipe Lining Project's pre-con meeting will be held the first week of September. Hopefully the entire project will be completed by the end of the year.

Councilman Carberry

1. Councilman Carberry reported that the Clinton Fire Department's Clam Bake went very well on the past Saturday. Everyone had a terrific time.

Councilman Rylak

1. Councilman Rylak reported he will be away one week in September and the whole month of October traveling.
2. Councilman Rylak wanted to compliment the Conservancy on the butterfly plants. There are butterflies everywhere. Mr. Rylak and the Conservancy will go to private citizens and encourage them to plant butterfly bushes.
3. Councilman Rylak wanted to bring to everyone's attention the section of the Town that needs to be cleaned up. At the end of Route 173 by the professional building and down towards the A & P the grass needs to be cut and cleaned up. The whole area there is a mess. Across the street at the STS now Mavis and the Unity Bank that section looks very nice and is very well maintained. Jack Daniels the code official should be notified to get after the owners of those properties to clean up the area.

APPROVAL OF STANDBY AND OVERTIME

A motion was made by Mr. Carberry, seconded by Mr. Pendergast, to approve the standby and overtime pay attached to these minutes for July 29, 2016 through August 11, 2016.

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

Vote all ayes
Motion carried

PAYMENT OF BILLS

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

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

Vote all ayes
Motion carried

RESOLUTION #102-16 - EXECUTIVE SESSION - LITIGATION

A motion was made by Mr. Carberry, seconded by Ms. Dineen, to enter into Executive Session at 7:56 p.m. to discuss litigation.

Vote all ayes
Motion carried

RESOLUTION #102-16

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;

 X 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);

 X 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.

A motion was made by Mr. Pendergast, seconded by Ms. Dineen to return to the Regular Meeting with no action to be taken at 8:06 p.m.

Vote all ayes
Motion carried

ADJOURNMENT: There being no further business, a motion was made by Mr. Pendergast, seconded by Ms. Dineen to adjourn the meeting at 8:08 P.M.

Vote all ayes
Motion carried

Nancy A. Burgess, Deputy Clerk

Mayor Janice Kovach