

4444

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 September 13, 2016.

Vote all ayes  
Abstention (Rylak)  
Motion carried

**APPROVAL OF MONTHLY REPORTS – AUGUST**

A motion was made by Ms. Sosidka seconded by Mr. Pendergast, to accept the Wastewater Treatment Plant and Treasurer’s Report as submitted for the month of August.

Vote all ayes  
Motion carried

**PUBLIC COMMENTS**

North Hunterdon-Voorhees Regional High School District Board Member, Francis Goger, attended this evening’s meeting to address Council and any concerns they may have regarding the \$9.7 million referendum question of the November 8, 2016 ballot question for the district. Mr. Goger’s presentation was very informative and addressed the projects being presented such as window replacements, bleachers, HVAC upgrades and other renovations. Council did have questions for Mr. Goger and will seek clarification from the School Board superintendent. The School Board is seeking support of the Mayor and Council. A resolution may be on the October 11, 2016 agenda.

**MAYOR’S COMMENTS**

1. Mayor Kovach announced that Governor Chris Christie will be holding a Town Hall meeting on Friday, September 30, 2016 at the Annandale Fire House on Beaver Avenue. The meeting will begin at 11:30 a.m. and the doors will open at 10:30 a.m. RSVP to [FairnessFormula.Clint@nj.gov](mailto:FairnessFormula.Clint@nj.gov) if interested in attending.
2. Thank you to Mary Lou Carhart who organized the downtown clean up on Sunday, September 25, 2016. Approximately 22 bags of garbage and debris were gathered. It was a great day with a hard working crew of confirmation students from Immaculate Conception and others. A thank you to the Guild for supplying water, coffee and donuts. The downtown looks great and ready for the Fireball Run to be held Wednesday, September 28, and the award presentation for the Great Downtown Award on October 16, 2016.

**PRESENTATION OF PROCLAMATION FOR WALTER HETZEL**

Friends and family of Walter Hetzel attended this evening to celebrate with him the presentation of a proclamation made by the Mayor and Council. Anthony and Nicole Piazza along with Zinnia, their 6 month old daughter, Mary Lou Carhart of Amaryllyis, Pam Bacon of Made to Order, Veronica Dale of the Clinton Pharmacy and of course, Whitney, Walter's wife. Mayor Kovach read the proclamation and a round of applause and best wishes for a happy, healthy retirement. Walter is closing the doors to Hetzel's Framing and Art Supplies after 35 years of a successful business on Main Street! Walter's sweatshirt said it all "HUNG IT UP"!

**RESOLUTION #108-16 – AWARD OF CONTRACT FOR WELL #4**

A motion was made by Mr. Carberry, seconded by Mr. Pendergast, to adopt Resolution #108-16 awarding the Well #4 contract to DeMaio Electrical Company, Inc. for an amount not to exceed \$577,000.00 as presented:

**RESOLUTION #108-16**

**RESOLUTION TO AWARD CONTRACT FOR WELL #4**

**WHEREAS**, the Town of Clinton ("Town") received and opened bids for the Well #4 project on August 10, 2016 pursuant to the authority of N.J.S.A. 40A:11-1 et seq.; and

**WHEREAS**, the following bids were received;

**Well #4**

DeMaio Electric	\$577,000.00
CFM Construction	\$582,875.00
Ray Palmer Associates	\$943,000.00

**WHEREAS**, after review by the Purchasing Agent and the Town Attorney, DeMaio Electric has been determined to be the lowest responsible bidder; and

**WHEREAS**, a certificate of available funding has been presented;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Town of Clinton, County of Hunterdon, State of New Jersey, that a contract is hereby awarded to DeMaio Electric, in the amount of \$577,000.00 for the Well #4 project, and that the Mayor and Town Clerk of the Town of Clinton are hereby authorized, respectively, to execute and attest to an agreement with DeMaio Electric, pursuant to bid specifications, and subject to approval by the Town Attorney.

**TAKE NOTICE**, that the foregoing Resolution was adopted by the Mayor and Council of the Town of Clinton, County of Hunterdon, at a regular meeting held on September 27, 2016.

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

Vote all ayes  
Motion carried

4446

**ORDINANCE #16-12 – CREATING UNIFIED ELECTRONIC REPORTING SYSTEM FOR DEALERS IN PRECIOUS METALS, JEWELRY AND PAWNBROKERS**

A brief discussion regarding the draft that Council received this evening from Chief Matheis and following up on a discussion from a recent Council meeting, it was decided that some changes be made to the ordinance and a motion was made by Mr. Pendergast, seconded by Ms. Dineen, to amend the ordinance and withdraw it at this time. Attorney to review and introduce at the October 11, 2016 meeting. Mr. Rylak voiced opposition to this ordinance.

Vote all ayes  
1 Nay (Rylak)  
Motion carried

**WATER REFUND**

Water Collector, Nancy Burgess, is requesting a water refund in the amount of \$224.59 be refunded to owner, Laura Freda. A motion was made by Mr. Carberry seconded by Mr. Rylak, to issue the refund as requested.

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

Vote all ayes  
Motion carried

**CORRESPONDENCE - NONE**

**REPORTS FROM COUNCIL**

**Councilman Smith**

1. Water Department – Phase I of cyber security has been completed and the 2<sup>nd</sup> phase in will be completed before the end of the year. The Town is working with a consultant.

Well #14 has been sealed and decommissioned and work is currently taking place on Well #7.

The Water Department is reviewing the capital improvement plan for the infrastructure.

2. Buildings and Grounds – the staircase leading from the Lower Center Street parking lot to Main street has been completed as of today, railings on order and will be installed soon.

**Councilwoman Sosidka**

1. Historic Commission has named member, Roger Mellick, as the chairman. The Commission is down one member. A request is forthcoming from the Commission to request an extra \$700 to undertake a joint project, the Town and the Red Mill Museum Village. They may be attending the next Council meeting to make their request.

Board of Recreation – The Girl Scouts held four movie nights that were attended by 30 kids each, and then followed up with ice cream on Main Street. The question is how will they continue going forward?

**Councilman Pendergast**

1. Sewer Committee – the sewer pipe lining project on Halstead Street will be conducted during the overnight hours beginning October 11, 2016. There may be noise but the project should be completed within 3 – 5 days.
2. Clinton Fire Department held their Oktoberfest on September 24, 2016, approximately 100 people were in attendance. The Fire Department cleared about \$2,000. It was well run by planner, Mark, who is a writer for a beer magazine and is associated with Brooks Brewery in Manville, NJ. Mark educated the attendees on making beer which was great! Looking forward to having another beer night possibly before Christmas or around Dicken’s Days and possibly doing pairings.

**STANDBY AND OVERTIME – Not available for this meeting**

**PAYMENT OF BILLS**

A motion was made by Mr. Carberry seconded by Mr. Pendergast 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

**RESOLUTION # 109-16 – LITIGATION**

A motion was made by Ms. Dineen seconded by Ms. Sosidka, to enter into Executive Session to discuss a matter of litigation at 8:10 p.m.

**RESOLUTION #109-16**

**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*:

4448

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: 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;

4449

**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.

Vote all ayes  
Motion carried

**ADJOURNMENT:** Following Council's return to the Regular Council Meeting at 8:37 p.m. and there being no further business, a motion was made by Mr. Carberry seconded by Ms. Dineen to adjourn the meeting at 8:38 p.m.

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Cecilia Covino, RMC/CMC, Municipal Clerk

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Mayor Janice Kovach