

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

Flag Salute.

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

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 October 11, 2016.

Vote all ayes
Abstention (Dineen)
Motion carried

PUBLIC COMMENTS

MAYOR’S COMMENTS

1. Mayor Kovach asked for a moment of silence for former Clinton Police Chief, Joe Manghisi, who passed away October 20, 2016 on his 92nd birthday. Joe was a long time resident and friend of the Town of Clinton. His service will be held Friday, October 28 at 10:00 am at Immaculate Conception Church, Annandale, NJ.
2. The Town of Clinton hosted a group of New Jersey Planning Officials, residents and friends on October 16, 2016. The Town of Clinton was named one of New Jersey’s Greatest Downtowns by the NJ Chapter of the American Planning Association and was presented with the award following a walking tour highlighting the past, present and the future. Guests enjoyed samples from local merchants throughout Town and accepted the award on the patio of the Hunterdon Art Museum. A wonderful day! Thank you for Meredith Hyland, owner of Fourchette, for submitting the award winning application! Thank you to Municipal Clerk, Cecilia Covino, for organizing the day!

BANNER REQUESTS

A banner request has been received from the Clinton Guild, to display their Holiday Season banner from November 14 through January 2, 2017. Motion made by Mr. Carberry seconded by Ms. Dineen, to approve the request as submitted.

Vote all ayes
Motion carried

A second banner request has been received for the Clinton Town Picnic which will be held June 10, (rain date June 17) 2017. The dates to display the banner will be May 28 through June 10, 2017. Motion made by Mr. Carberry, seconded by Ms. Sosidka, to approve the request as submitted.

Vote all ayes
Motion carried

A third request this evening for a banner for the Unity Bank Car Show to be held June 25, 2017, banner dates June 19 through June 26, 2017. Motion made by Mr. Smith seconded by Ms. Dineen, to approve the request as submitted.

Vote all ayes
Motion carried

RESOLUTION #115-16 – AMENDED REDEVELOPMENT AREA

Mayor Kovach read the title and asked for a motion to adopt Resolution #115-16 amending the previous resolution and to incorporate the Fox property as the property owner has asked to be included in the plan. Ms. Sosidka asked if the A&P property was being included and Mayor Kovach said it has been. Misunderstanding Ms. Sosidka's question about the A&P, Ms. Sosidka was asking if the store property where the A&P was located on Old Highway 22, Mayor Kovach said the town is focusing on this side of the traffic light located at the corner of Leigh Street and Old 22. Contiguous properties at this time and the A&P property will be addressed at another time. The A&P property already included is also known as the Wargo Tract located next to the Krauszers. A motion was made by Mr. Carberry, seconded by Mr. Smith to adopt Resolution #115-16 as submitted:

RESOLUTION #115-16

RESOLUTION AUTHORIZING AND DIRECTING THE LAND USE BOARD OF THE TOWN OF CLINTON TO UNDERTAKE A PRELIMINARY INVESTIGATION TO DETERMINE WHETHER A CERTAIN AREA WITHIN THE TOWN IS A REDEVELOPMENT AREA

WHEREAS, pursuant to N.J.S.A. 40A:12A-6, the governing body of the Town of Clinton ("Town") is authorized to direct the Land Use Board of the Town of Clinton ("Land Use Board") to undertake a preliminary investigation in order to determine whether a certain area within the Town would qualify as an area in need of redevelopment pursuant to the criteria set forth in N.J.S.A. 40A:12A-5; and

WHEREAS, the Legislature amended the Local Redevelopment and Housing Law on September 6, 2013 to expand and clarify various provisions of same; and

WHEREAS, as a provision of the amendment to N.J.S.A. 40A:12-6, the Legislature has directed that the resolution authorizing the planning board to undertake a preliminary investigation shall state whether the redevelopment area determination shall authorize the municipality to use all those powers provided by the Legislature for use in a redevelopment area other than the use of eminent domain ("Non-Condensation Redevelopment Area") or whether the redevelopment area determination shall authorize the municipality to use all those powers provided by the Legislature for use in a redevelopment area, including the powers of eminent domain ("Condensation Redevelopment Area"); and

WHEREAS, the Town of Clinton does not intend to use all the powers provided by the Legislature for use in a redevelopment area, and specifically, the Town of Clinton will not use eminent domain; and

WHEREAS, the Mayor and Council desire the Land Use Board to conduct such a preliminary investigation relative to certain properties located within the Town, more specifically identified as Block 11, Lots 15.01 and 17, Block 23, Lots 13 and 13.01, Block 24, Lots 1, 2, 3, 6, 8 and 10, A PORTION OF Block 25, Lot 8, and Block 25, Lots 15, 16, 17, 18, 19 and 20, as shown on the Official Tax Map of the Town of Clinton (the "Property").

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Town of Clinton, they being the Governing Body thereof, as follows:

1. The Land Use Board of the Town of Clinton is hereby directed to conduct a preliminary investigation to determine whether the aforementioned property, or any portions thereof, constitute an area in need of redevelopment according to the criteria set forth in N.J.S.A. 40A:12A-5;
2. The Land Use Board of the Town of Clinton is hereby directed to conduct a preliminary investigation of the aforementioned Property, in accordance with the requirements set forth in N.J.S.A. 40A: 12A-6, more specifically, to prepare a map showing the boundaries of the potential area in need of redevelopment and locations of the various parcels of property included therein, with a statement setting forth the basis for the investigation appended to the map; to specify a date for a public hearing for the purpose of hearing persons who are interested in, or would be affected by, the determination that the delineated area is an area in need of redevelopment; to give notice of said hearing pursuant to the hearing notice requirements set forth in N.J.S.A. 40A:12A-6(b)(3); to hear and receive into the record any objections to such a determination that the proposed property be designated an area in need of redevelopment; and
3. After completing its hearing on the matter, the Land Use Board shall recommend that the delineated area, or any part thereof, be determined, or not be determined, by the Municipal Governing Body to be an area in need of redevelopment.

BE FURTHER IT RESOLVED that this resolution shall take effect immediately.

Vote all ayes
Motion carried

CORRESPONDENCE - NONE

REPORTS FROM COUNCIL

Councilman Smith

1. Roads Committee – Mr. Smith read a letter received from the Department of Transportation advising the municipality that the suspension of projects has been lifted. Projects financed using the Transportation Trust Fund Authority funds may proceed so the pedestrian crosswalk project may again be reviewed and get started.
2. Water Committee will be meeting Wednesday, October 26, 2016 at 8:00 a.m.

Councilwoman Dineen

1. Shade Tree Commission has had all the cherry trees pruned on Main and East Main Street, the two remaining trees on East Main are Hawthorne trees and will be trimmed or replaced next year.
2. Ms. Dineen, liaison to the Clinton Guild, has been meeting with merchants. Meredith Hyland, Fouchette, attended a seminar and learned beneficial information to dressing front windows of shops.

Councilwoman Sosidka

1. Recreation Commission has a few people considering stepping down and the commission is desperately seeking new members. Ms. Sosidka requested an email blast be sent out to encourage new members.

Councilman Pendergast

1. Clinton Fire Department – as discussed at the last meeting, the fire department is considering posting placards on abandoned buildings. The department continues to seek sample ordinances.
2. Sewer Committee – the sewer pipe lining project on Halstead Street was halted due to equipment problems but is currently planning to reschedule the work.

STANDBY AND OVERTIME

A motion was made by Mr. Carberry, seconded by Mr. Smith to approve the standby and overtime for October 7 through October 20, 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 Mr. Pendergast to approve the voucher list attached to these minutes.

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

Vote all ayes
Motion carried

RESOLUTION # 116-16 – LITIGATION

A motion was made by Mr. Smith seconded by Mr. Smith, to enter into Executive Session to discuss a matter of collective bargaining at 7:57 p.m.

RESOLUTION #116-16

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*:

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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;

___X

___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;

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 at 8:07 p.m. and there being no further business, a motion was made by Mr. Carberry seconded by Ms. Dineen to adjourn the meeting at 8:08 p.m.

Cecilia Covino, RMC/CMC, Municipal Clerk

Mayor Janice Kovach