

Mayor 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. Carberry, seconded by Mr. Pendergast, to approve the minutes of the Council Meeting held November 8, 2016.

Vote all ayes
Motion carried

APPROVAL OF MONTHLY REPORTS – NOVEMBER

A motion was made by Mr. Carberry seconded by Mr. Smith to approve the monthly reports for the month of November as submitted:

Administrator’s Report, Clerk’s Account, Cat & Dog Licensing Accounts, Construction Control/ Inspection Report, Police Report, Road Foreman’s Report, Sewer Collector’s Report, Tax Collector’s Report, Treasurer’s Report, Water Collector’s Report, Wastewater Treatment Plant Superintendent’s Report, Zoning Officer Report.

Vote all ayes
Motion carried

PUBLIC COMMENT - NONE

MAYOR’S COMMENTS

1. The Personnel Committee has been meeting to discuss policy changes and has distributed a proposed personnel policy. A motion was made by Mr. Carberry, seconded by Mr. Smith, for the new policy to be effective January 1, 2017.

Vote all ayes
Motion carried

2. A renewal contract for Animal Control Services has been submitted by Nate Barson, Animal Control & Investigative Services, LLC. Chief Matheis recommends renewing with Mr. Barson. A motion was made by Mr. Carberry, seconded by Mr. Rylak, authorizing the Mayor to sign the contract for services 2017.

Vote all ayes
Motion carried

3. Mayor Kovach asked Council if they would be willing to change the meeting time for the December 27, 2016 meeting from 7:30 p.m. to 8:00 a.m. Council agreed and a notice will be published in the December 7, 2016 edition of the Hunterdon Review.

Vote all ayes
Motion carried

4. Re-Organization meeting date, Council decided Tuesday, January 3, 2017 at 6:00 p.m.
5. A letter of thanks received from the Manghisi family addressed to Chief Matheis and his department for the “wonderful presence the department provided in honor of their father, Joseph Manghisi”. Joe Manghisi was a former Chief of Police of Clinton and a long time resident of the Town of Clinton.

PRESENTATION OF PROCLAMATION

Mayor Kovach invited John Paul “JP” Hepp to the foreground. JP, a Belgium-born chocolatier and owner of Chocodiem in Clinton, has been named one of the 2016’s Top 10 Chocolatiers in North America. Mayor Kovach read the proclamation congratulating JP, a round of applause and then a special treat! JP distributed pieces of award winning chocolate! Delicious!

WATER REFUND

Water collector, Nancy Burgess, requesting a refund to Adrienne Diebold in the amount of \$23.57. A motion was made by Mr. Carberry, seconded by Mr. Rylak, to approve the request.

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

Vote all ayes
Motion carried

SPECIAL EVENT – CLINTON GUILD 30TH CHRISTMAS PARADE

An application has been submitted to hold the 30th Annual Clinton Guild Christmas Parade on Friday, December 2, 2016. The application has been reviewed by Chief Matheis and all details remain the same as previous years. A motion was made by Mr. Carberry, seconded by Mr. Pendergast, to approve the event.

Vote all ayes
Motion carried

RESOLUTION #119-16 – HIRING OF LABORER

A motion was made by Mr. Smith, seconded by Mr. Pendergast, to adopt Resolution #119-16 as submitted:

RESOLUTION # 119-16

WHEREAS, the Town of Clinton Water Utility requires the hiring of one new laborer, and;

WHEREAS, the position was advertised for, applications accepted and interviews performed, and;

WHEREAS, the Public Works/Business Administrator and the Water Committee recommend that the following person be hired to fill the open position at a rate of \$16.00 per hour;

Richard Rinehart

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Town of Clinton hire Richard Rinehart to fill the open position at the Town of Clinton Water Utility.

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

Vote all ayes
Motion carried

RESOLUTION #120-16 – RELEASE OF PERFORMANCE BOND

A motion was made by Mr. Smith, seconded by Ms. Dineen, to adopt Resolution #120-16 approving the request of Eastern Hill, LLC for the return of their original Performance Bond in the amount of \$16,734.00 which has been replaced with a bond in the amount of \$64,013.04.

RESOLUTION # 120-16

**RESOLUTION AUTHORIZING RELEASE OF PERFORMANCE BOND
OF EASTERN HILL, LLC (BLOCK 16, LOT 22.02)**

WHEREAS, Eastern Hill, LLC received final site plan approval from the Town on or about April 1, 2008 to construct an office building on the property known as Block 16, Lot 22.02 on the Town of Clinton's Tax Maps; and

WHEREAS, Eastern Hill, LLC has requested the refund of the Performance Guarantee for this site improvement; and

WHEREAS, the Land Use Board Engineer recommended release of the Performance Guarantee;

WHEREAS a replacement bond has been posted for the 36 residential units on the same Lot and Block in the amount of \$64,013.04 approved by the Land Use Board November, 2015;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Town of Clinton, County of Hunterdon, State of New Jersey hereby authorize a refund of the initial Performance Bond for Block 16, Lot 22.02 in the amount of \$16,734.00 based upon the recommendations of the Land Use Board Engineer.

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

Vote all ayes
Motion carried

RESOLUTION #121-16 – WATER CAPACITY RESERVATION

A motion was made by Mr. Carberry, seconded by Mr. Smith, to adopt Resolution #121-16 as submitted:

RESOLUTION # 121-16

**RESOLUTION APPROVING WATER CAPACITY RESERVATION
APPLICATION # L16-06**

WHEREAS, on March 24, 2015, the Mayor and Council of the Town of Clinton adopted Ordinance 15-1, which amended Chapter 142 of the General Ordinances of the Town of Clinton by creating procedures for applying for and receiving approval for water reservations: and

WHEREAS, the Town has received Water Reservation Application # L16-06, dated September 13, 2016, submitted in the name of Eastern Hill – Halstead Apartments (Town of Clinton Block 16, Lot 22.02, Tax Map Page 6), and

WHEREAS, on October 26, 2016, the Town's Water Consulting Engineer, Suburban Consulting Engineers, informed the Town of Clinton Water Committee at their monthly meeting that they have

reviewed and approved the afore-mentioned application and deemed it complete, and recommends approval.

NOW, THEREFORE BE IT RESOLVED, that in accordance with Chapter 142, Section 1, Sub-section J(3) of the Town's Ordinances, the Mayor and Council hereby approved Water Reservation Application # L16-06.

BE IT FURTHER RESOLVED, that certified copies of this resolution be provided to the Applicant, Suburban Consulting Engineers, and the Town of Clinton Superintendent of Water.

Vote all ayes
Motion carried

RESOLUTION #122-16 – ADDITIONAL ANGIOPLASTY FACILITIES

A motion was made by Mr. Smith, seconded by Mr. Carberry, to adopt Resolution #122-16 as submitted:

RESOLUTION #122-16

Resolution Urging the State Legislature to approve A-1834/S-178 which requires the Department of Health to license additional angioplasty facilities, with at least one in each county

WHEREAS, heart disease remains the number one cause of death in Hunterdon County; and

WHEREAS, Hunterdon Medical Center is the sole hospital in Hunterdon County providing healthcare services to 26 municipalities and surrounding communities in Mercer, Somerset, and Warren Counties; and

WHEREAS, Hunterdon Medical Center has expert Cardiologists and state-of-the-art facilities where non-elective emergency angioplasty procedures are performed with great success and excellent outcomes; and

WHEREAS, Hunterdon Medical Center does not have state approval to conduct elective angioplasty, a scheduled treatment to open narrowed arteries of the heart, therefore exposing cardiac patients to severe risk; and

WHEREAS, Although national studies have concluded that performing elective angioplasty at facilities without surgical back-up is safe, Hunterdon Medical Center cardiac patients must go to alternate and out of state facilities when the procedure can be conducted successfully at the medical center; and

WHEREAS, New Jersey is one of only a small number of states nationally without regulations allowing for the safe conduction of elective angioplasty at qualified facilities without on-site cardiac surgery; and

WHEREAS; New Jersey has a responsibility to provide comprehensive, preventive cardiac healthcare resources with equal access to all of the state's citizens and

WHEREAS, Assemblymen Herbert Conaway and Jack Ciattarelli and Senators Christopher Bateman and Jeff Van Drew have introduced A-1834/S-178, which requires the Department of Health to license additional angioplasty facilities, with at least one facility in each county;

NOW, THEREFORE, BE IT RESOLVED, that the Clinton Town Council urges the legislature to approve A-1834/S-178 as swiftly as possible, and

BE IT FURTHER RESOLVED, that a copy of this Resolution be forwarded to the members of the New Jersey General Assembly, the New Jersey State Senate, the Commissioner of the Department of Health, the Lieutenant Governor and the Governor of State of New Jersey.

Vote all ayes
1 Abstention (Rylak)
Motion carried

MUNICIPAL ALLIANCE RENEWAL 2017

A motion was made by Mr. Carberry, seconded by Mr. Smith, authorizing the Mayor to complete the Municipal Alliance Renewal application for the Grant Year: July 1, 2017 to June 30, 2018.

Vote all ayes
Motion carried

CORRESPONDENCE - NONE

REPORTS FROM COUNCIL

Kathy Olsen, CFO

Ms. Olsen asked Council if the \$700 transfer should be made to the Historic Commission following their request of October 11, 2016, whereas Council replied yes.

Councilman Smith

1. Rescue Squad – Frank Setnicky, Clinton First Aid & Rescue Squad Chief, has been named New Jersey’s Outstanding EMT of the Year 2016 Award! Congratulations!
Squad calls for November were 291, up 44 calls from 2015 for the month.
2. Buildings & Grounds – Electric panel at the Hunterdon Art Museum has been fixed.
Tree removal at De Mott Pond has been completed
Railings have been installed at the Lower Center Street parking lot stairway.
Audio/visual system for the council room is being considered and half will be paid for with an insurance grant. The system will accommodate classes or presentations for employees and council.
3. Water Department – New Jersey Department of Environmental Protection has issued drought restrictions.
The Water Committee is working with the engineer in reviewing water rates and waiting for recommendations.
Review of new NJDOT road opening permits which will require a set of plans for work areas, proposed lane closure and traffic control measures.
4. Roads Committee – discussed parking lot improvements at the Lower Center, Municipal Building and Water Street, awaiting property lines to be defined and deeds to be provided. It may be possible to pick up six additional parking spots on Lower Center.
NJDOT approved \$174,000 grant for West Main Street Pedestrian Safety project by the Clinton House. Research be undertaken to determine who owns the triangle and certain pieces of the roadway.

Councilwoman Dineen

1. Shade Tree Commission will be meeting next week, a chairperson needs to be decided.

Councilman Pendergast

1. Sewer Committee – discussed the sewer relining project and it should be scheduled shortly.
2. Clinton Fire Department – Santa will be arriving the night of the tree lighting on Friday, November 25, 2016 at 6:30 p.m.

Mayor Kovach

Reminder: Dicken's Days are also this coming weekend and remember to Shop Small Business!
Interfaith Christmas Concert will be held on Sunday, November 27, 2016 at 5pm at Immaculate Conception Church.

Councilman Carberry

1. Environmental Commission / Green Teams efforts have been completed and will be receiving a Sustainable New Jersey Plaque.

Councilman Rylak

Mr. Rylak wants to compliment Kathy Madden once again for taken the Clinton Conservancy to a new level. An incredible person!

While Mr. Rylak was out of the country for a month, he was amazed at the improvements on the Leigh Street property, purchased by Tom Borkowski. The property looks great.

Still a problem, Mr. Rylak commented on the people that continue to cross at night from the Clinton House to the parking area across the street in dark clothing.

STANDBY AND OVERTIME

A motion was made by Mr. Carberry seconded by Mr. Rylak to approve the standby and overtime submitted for the period of November 4 through November 17, 2016 attached to these minutes.

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

Vote all ayes
Motion carried

PAYMENT OF BILLS

A motion was made by Mr. Smith seconded by Mr. Pendergast to approve the voucher list attached to these minutes.

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

Vote all ayes
Motion carried

RESOLUTION #123-16 – EXECUTIVE SESSION

A motion was made by Mr. Carberry seconded by Mr. Smith, to enter into Executive Session to discuss a matter of on-going litigation at 7:55 p.m.

RESOLUTION #123-16

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;

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: Upon returning to the Regular Council Meeting at 8:28 and there being no further business, a motion was made by Mr. Pendergast, seconded by Ms. Dineen to adjourn the meeting at 8:29 p.m.

Cecilia Covino, RMC/CMC
Municipal Clerk

Janice Kovach, Mayor