

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. Smith, to approve the minutes of the Council Meeting held November 22, 2016.

Vote all ayes
Motion carried

APPROVAL OF EXECUTIVE SESSION MINUTES

A motion was made by Mr. Carberry seconded by Ms. Dineen to approve the Executive Session Meeting minutes of November 22, 2016.

Vote all ayes
Motion carried

APPROVAL OF MONTHLY REPORTS – NOVEMBER

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

Dave Kurtiak, 5 Busher Place, came to thank Mayor Kovach for reaching out to Comcast cable provider to address the issues on the West End of Town. After coordinating Comcast and the Power and Light Company, Comcast spent approximately three weeks with a bucket truck and replaced many cables. Internet speed has increased significantly.

MAYOR’S COMMENTS

1. Mayor Kovach shared a wonderful experience, visiting Adele Dunlap at Country Arches. Mrs. Dunlap turned 114 years old on Monday, December 12, 2016, and is the oldest living person in North America. Mayor Kovach presented Adele with a proclamation and a birthday card.

PROCLAMATION – FRANK SETNICKY

Councilman Smith invited Frank Stenicky to stand while he read and presented Frank with the proclamation. Frank was awarded outstanding EMT of the year in the State of New Jersey 2016! A huge honor! The room was packed with members from the Clinton Fire Department and The Clinton First Aid & Rescue Squad to show their support for Frank. Photos, a standing ovation and a round of applause!

RESOLUTION #124-16 – CANCELLATION OF TAXES

A motion was made by Mr. Carberry, seconded by Mr. Rylak, to adopt Resolution #124-16 as submitted:

**RESOLUTION #124-16
CANCELLATION OF TAXES**

WHEREAS, Block 31, Lot 37 was never assessed until 2013;

WHEREAS, the Tax Assessor shows the ownership as “Unknown” and states that the property should be considered as an “Uncollectible”;

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Town of Clinton, County of Hunterdon and State of New Jersey, that the taxes due on Block 31, Lot 37 in the amount of \$63.10 for the year 2016 be cancelled, and

BE IT FURTHER RESOLVED that the Tax Collector be relieved from the obligation to collect that assessment.

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

Vote all ayes
Motion carried

RECOMMENDATION OF THE LAND USE BOARD – AREA IN NEED OF REDEVELOPMENT

Council has received a resolution of the land use board recommending to the Governing Body that a certain area within the town is an area in need of redevelopment.

RESOLUTION #125-16- AREA IN NEED OF REDEVELOPMENT

A motion was made Mr. Carberry, seconded by Mr. Rylak, to adopt Resolution #125-16 as submitted:

**RESOLUTION #125-16
RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF CLINTON, COUNTY OF HUNTERDON, STATE OF NEW JERSEY, FINDING THAT PROPERTY KNOWN 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, IS AN AREA IN NEED OF REDEVELOPMENT UNDER THE CRITERIA SET FORTH IN THE NEW JERSEY LOCAL REDEVELOPMENT AND HOUSING LAW, N.J.S.A. 40A:12A-1, ET SEQ., AS AMENDED**

WHEREAS the Mayor and Council, with the adoption of Resolution #115-16, directed the Land Use Board, in accordance with the provisions of the New Jersey Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-5, to conduct a preliminary investigation relative to certain properties known as Block 11, Lots 15.01 and 17; Bock 23, Lots 13 and 13.01; Block 24, Lots 1,2,3,6,8 and 10, and 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, and

WHEREAS Town Planner, James T. Kyle PP/AICP, assisted the Land Use Board in preparing a “Preliminary Investigation for Determination of a “Non-condemnation Area in Need of Redevelopment” dated October 26, 2016, which included a map of the parcels investigated and the basis for such investigation; and

WHEREAS the Land Use Board of the Town of Clinton, in accordance with the public notice requirements contained in the New Jersey Local Redevelopment and Housing Law, held a public hearing on November 8, 2016; and

WHEREAS at the public hearing, testimony was provided by the Town Planner regarding the conditions in the area studied, and whether conditions warranted a finding that the area qualified as a “Non-condemnation Area in Need of Redevelopment” under the New Jersey Local Redevelopment and Housing Law, and members of the public were provided the opportunity to submit written and oral testimony supporting, objecting to or providing comments about the potential designation of the area studied as a “Non-condemnation Area in Need of Redevelopment”; and

WHEREAS once the public hearing was completed, the Land Use Board adopted a resolution recommending that Mayor and Council designate the area studied as a “Non-condemnation Area in Need of Redevelopment” in accordance with the New Jersey Local Redevelopment and Housing Law; and

WHEREAS the Mayor and Council of the Town of Clinton have reviewed the Land Use Board’s recommendations and determined it is indeed appropriate to designate the area studied as a “Non-condemnation Area in Need of Redevelopment” in accordance with the New Jersey Local Redevelopment and Housing Law ; and

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

1. Mayor and Council hereby find and determine that for the reasons set forth more fully by the Land Use Board within the resolution it issued regarding its preliminary investigation of the study area, and as detailed in the document entitled “Preliminary Investigation for Determination of a “Non-Condensation” Area in Need of Redevelopment”, dated October 26, 2016, prepared with the assistance of the Town Planner, the properties designated 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, qualify and are hereby determined to constitute a “non-condemnation” area in need of redevelopment under the New Jersey Local Redevelopment and Housing Law.
2. Mayor and Council hereby authorize the Land Use Board to prepare a redevelopment plan.
3. The Town Clerk is hereby directed to transmit a certified copy of this resolution to the Commissioner of the New Jersey Department of Community Affairs for review in accordance with N.J.S.A. 40A:12A-6b(5)(c).
4. The Town Clerk is also directed to transmit a certified copy of this resolution to all record owners of property within the area in need of redevelopment, all persons or entities whose names are listed on the tax assessor’s records as having an interest in the property within the area in need of redevelopment, and upon each person or entity who filed a written objection to the preliminary investigation and stated in such written submission an address to which notice of determination may be sent.
5. This resolution shall take effect as provided within N.J.S.A. 40A:12A-6b (5)(c).

Vote all ayes
Motion carried

PUBLIC HEARING OF ORDINANCE #16-13 – HIGHLANDS CHECKLIST

A motion was made by Mr. Pendergast, seconded by Mr. Carberry, to open the public hearing of Ordinance #16-13:

ORDINANCE #16-13

**AN ORDINANCE AMENDING THE LAND USE ORDINANCE OF THE TOWN OF CLINTON
TO UPDATE SUBMISSION REQUIREMENTS FOR APPLICATIONS FOR DEVELOPMENT
AND ESTABLISH HIGHLANDS DISTRICTS**

Vote all ayes
Motion carried

There being no public comment, a motion was made by Mr. Smith, seconded by Mr. Pendergast, to close the public portion of the meeting.

Vote all ayes
Motion carried

A motion was made by Mr. Pendergast, seconded by Mr. Carberry, to adopt Ordinance #16-13 on final reading.

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

Vote all ayes
Motion carried

BANNER REQUEST

A banner request has been received from the Newcomers Club of North Hunterdon to display a banner April 10 through April 17, 2017. The event will be the Chili cook-off held at the Clinton First Aid & Rescue Squad on April 22, 2017. A motion was made by Mr. Carberry seconded by Ms. Dineen, to approve the request.

Vote all ayes
Motion carried

RESOLUTION #126-16 – TERMINATING SEWER AGREEMENT

A motion was made by Mr. Pendergast seconded by Mr. Carberry, to adopt Resolution #126-16 as presented:

RESOLUTION # 126-16

**RESOLUTION TERMINATING THE AGREEMENTS FOR SEWER TREATMENT SERVICES
BETWEEN THE TOWN OF CLINTON AND THE CLINTON TOWNSHIP SEWERAGE
AUTHORITY**

WHEREAS, the Town of Clinton entered into the following contracts with the Clinton Township Sewerage Authority (“CTSA”) or the Township of Clinton (“Agreements”) whereby the Town of Clinton agreed to treat certain sewage capacity originating from certain sections of the Township of Clinton:

- Annandale (Clinton Township)
 - August 24, 1976
 - June 27, 1978
- Country Club Drive Associates, LLC (Clinton Township)
 - Beaver Brook PUD – July 23, 2002

- Church of the Immaculate Conception, 5-Part Agreement – March 26, 2002 (Clinton Township)
- Clinton Ford – March 11, 1986 (Clinton Township - Currently TD Bank)
 - Block 69, Lot 2
- New Jersey Realty Company (Clinton Township)
 - Deer Meadow Tract – January 19, 1977
 - Harvest Hills – Deer Meadow – February 1, 1973
- Harrison Street (Clinton Township)
 - Block 74, Lot 6 (2A & 2B Harrison St.) - March 11, 1986
 - Block 74, Lot 2 (4 Harrison Street)
 - Block 73, Lot 1 (10 Harrison St.) – February 24, 1981
 - Block 74, Lot 1 (6 Harrison St.) – April 1, 1980
- Center Street (Clinton Township)
 - Block 74, Lot 3 (155 Center St.)
 - Block 74, Lot 6 (157 Center St.)
- Hamden Road (Clinton Township) 2004
- Block 82.18, Lot 49.20 (201 Hamden Rd.) 2004
- Country Club Road (Clinton Township)
 - Block 82.18, Lot 49.27 (43 Country Club Rd.) - 2004
- Lanid Corporation (Oak Knolls)
 - May 28, 1974
 - August 16, 1977
- Mews at Annandale (Clinton Township) – November 9, 2000
- Riverbend Associates, Inc. (Clinton Township) – July 28, 1997
- Round Valley, Inc. (Clinton Township)
 - March 28, 1978
 - August 27, 1984

Any other agreements between the CTSA and the Town of Clinton regarding the treatment of sewage from the Township of Clinton

WHEREAS, all of the agreements reference and incorporate certain provisions contained in the September 10, 1968 Agreement between the Town of Clinton and the Borough of High Bridge; and

WHEREAS the Agreements provide that their terms continues until the maturity of certain bonds or December 31, 2010, whichever occurred sooner, but would be automatically renewed unless one party opts to terminate it; and

WHEREAS, the Agreements further provided that either party may terminate after their expiration by providing the other party with five year's written notice; and

WHEREAS, certain disagreements have arisen between the Town of Clinton and the Clinton Township Sewerage Authority in connection with the operation of the Town's Sewer Plant; and

WHEREAS, it is in the best interest of the parties to terminate the Agreement effective December 31, 2016 so that either new agreements can be entered into, or other arrangements can be made for sewage originating from the CTSA to be treated at a different facility.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Town of Clinton, that the Municipal Attorney is authorized and directed to prepare a notice to the Clinton Township Sewerage

Authority exercising the Town's right to terminate the Agreements effective December 31, 2021 and to serve that notice upon the Clinton Township Sewerage Authority prior to December 31, 2016.

Vote all ayes
Motion carried

Mr. Cushing, Town Attorney, explained that these agreements were created in 1968 and the scope needs to be reevaluated. The terms have not been followed or are inconsistent with the parties. The agreements need to be refreshed and the financial interpretations need to be clarified. The Town of Clinton is looking to make a better relationship with users. There is a five year provision to give notice of termination so this resolution officially notifies Clinton Township Sewerage Authority that they will be terminated on December 31, 2021.

Resident, Dave Kurtiak, 5 Busher Place, asked if the Town would suffer financially if High Bridge follows through on a threat to build their own treatment plant and withdraws from Clinton? Mayor Kovach said "not a chance" there will be no problem to get rid of excess usage, with all the developments, requests are made frequently. This gets the clock ticking and hopefully gets things moving.

RESOLUTION #127-16 – GAP – FAIR HOUSING ACT

A motion was made by Mr. Rylak, seconded by Mr. Carberry, to adopt Resolution #127-16 as submitted.

**RESOLUTION #127-16
SUPPORT OF SENATE BILL S-2254 AND ASSEMBLY BILL A-3821 WHICH AFFIRMS THE
LEGISLATIVE INTENT
OF THE FAIR HOUSING ACT**

WHEREAS, the Town of Clinton supports the provision of affordable housing in a reasonable, rational and achievable way, consistent with economic realities and sound planning; and

WHEREAS, pursuant to the March 2015 New Jersey Supreme Court order which transferred oversight of the Fair Housing Act (FHA) to the courts, hundreds of municipalities filed declaratory judgment actions to voluntarily comply with their State imposed affordable housing requirements; and

WHEREAS, recently the Ocean County Superior Court included a distinct "gap period" analysis retroactively over an additional 16 year period, separate and apart from the normal 10 year present and prospective need; and

WHEREAS the Fair Housing Act (FHA) and existing case law, requires that "present and prospective fair share of the housing need in a given region ... shall be computed for a 10-year period." [N.J.S.A. 52:27D-307(c)]; and

WHEREAS, the "gap issue" arises out of COAH's inability to promulgate third round regulations from 1999 to the present or make any final determination as to state and regional housing need, as well as constant litigation by certain groups; and

WHEREAS, any retroactive "gap" obligations could have significant and unfunded impacts on municipalities, may double count households under both present and prospective need and will likely result in forcing municipalities and their property taxpayers to subsidize development; and

WHEREAS, Senate Bill S-2254 sponsored by Senators Greenstein and Bateman and Assembly Bill A-3821, sponsored by Assemblymen DeAngelo and Benson, re-affirm the legislative intent of the Fair Housing Act so as to preclude significant, unfair impacts and instead progress toward a more rational statewide housing policy, including reasonable and achievable obligations for municipalities, facilitate municipal compliance and the provision of affordable housing.

NOW, THEREFORE, BE IT RESOLVED, by the Town Council of the Town of Clinton, in the County of Hunterdon, State of New Jersey, that:

1. Town of Clinton strongly urges the New Jersey Legislators to reaffirm the legislative intent of the Fair Housing Act (FHA) immediately and **clarify** that affordable housing need is the sum of present and prospective need for a ten year period.
2. Town of Clinton supports Senate Bill S-2254 and Assembly Bill A-3821.
3. Copies of this resolution be distributed to the Governor and Lieutenant Governor, the President of the New Jersey Senate, the Speaker of the New Jersey General Assembly, the Legislative Sponsors, State Senator Linda Greenstein, Senator Christopher “Kip” Bateman, Assemblyman Wayne DeAngelo and Assemblyman Daniel Benson, Senator Jeff Van Drew, Senator Ronald Rice, Assemblyman Jerry Green and Assemblywoman Mila Jasey as well as the Twenty-third Legislative District representatives, Senator Michael J. Doherty, Assemblyman John DiMaio and Assemblyman Erik C. Peterson and the New Jersey League of Municipalities.

Vote all ayes
Motion carried

RESOLUTION #128-16 – HAZARD MITIGATION PLAN

Police Chief Matheis explained that we participate with Hunterdon County and must pass this resolution. A motion was made by Mr. Carberry, seconded by Mr. Rylak to adopt Resolution #128-16 and send a certified copy to Hunterdon County Office of Emergency Management.

RESOLUTION # 128-16

WHEREAS the Town of Clinton, New Jersey, has experienced natural hazards that result in public safety hazards and damage to private and public property;

WHEREAS the hazard mitigation planning process set forth by the State of New Jersey and the Federal Emergency Management Agency offers the opportunity to consider natural hazards and risks, and to identify mitigation actions to reduce future risk;

WHEREAS the New Jersey Office of Emergency Management is providing federal mitigation funds to support development of the mitigation plan;

WHEREAS a *Hazard Mitigation Plan* (HMP) has been developed by the Mitigation Steering and Planning Committees;

WHEREAS the *Hazard Mitigation Plan* includes a prioritized list of mitigation actions including activities that, over time, will help minimize and reduce safety threats and damage to private and public property, and

WHEREAS the draft plan was provided to each participating jurisdiction and was posted on the Hunterdon County website so as to introduce the planning concept and to solicit questions and comments; and to present the HMP and request comments, as required by law, and

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Town of Clinton:

1. The *Hunterdon County Multi-Jurisdictional Hazard Mitigation Plan, as submitted to the New Jersey Office of Emergency Management and the Federal Emergency Management Agency on May 20, 2016* by the Hunterdon County Office of Emergency Management, is hereby adopted as an official plan of the Town of Clinton; minor revisions recommended by the Federal Emergency

Management Agency and/or the New Jersey Office of Emergency Management may be incorporated without further action.

- 2. The Town of Clinton departments identified in the HMP are hereby directed to pursue implementation of the recommended high priority activities that are assigned to their departments.
- 3. Any action proposed by the HMP shall be subject to and contingent upon budget approval, if required, which shall be at the discretion of the Town of Clinton, and this resolution shall not be interpreted so as to mandate any such appropriations.
- 4. The Hunterdon County OEM Coordinator is designated to coordinate with other offices and shall periodically report on the activities, accomplishments, and progress, and shall prepare an annual progress report to be submitted to the Hunterdon County Office of Emergency Management. The status reports shall be submitted on a yearly basis by a predetermined date as agreed upon by all stakeholders.

Vote all ayes
Motion carried

RESOLUTION #129-16 – TRANSFER OF FUNDS

A motion was made by Mr. Carberry, seconded by Mr. Pendergast, to adopt Resolution #129-16 as submitted:

RESOLUTION – #129-16

WHEREAS, it has been determined that there will be excesses in certain appropriations over and above the amount deemed to be necessary to fulfill the purpose of such appropriations for the year 2016, and it has also been determined that certain appropriations are deemed to be insufficient to fulfill the purposes of such appropriations; and

WHEREAS, N.J.S.A. 40A:4-58 provides for the transfer of the amount of such appropriations as may be deemed in excess to such appropriations as may be deemed to be insufficient; and

WHEREAS, the transfers about to be authorized do not affect any appropriations, to which or from which transfer are prohibited under the statutes;

NOW, THEREFORE, BE IT RESOLVED that the following transfers between 2016 appropriations be authorized pursuant to N.J.S.A. 40A:4-58:

	<u>From</u>	<u>To</u>
Electricity – Other Expenses	\$ 2,500.00	
Liability Insurance – Other Expenses	3,000.00	
Board of Health – Other Expenses	700.00	
Streets & Roads – Other Expenses	5,000.00	
Fire Prevention – Other Expenses		\$ 500.00
Historic Commission – Other Expenses		700.00
Recycling – Other Expenses		1,000.00
Mayor & Council – Other Expenses		1,500.00
Engineering – Other Expenses		1,000.00
Vehicle Maintenance – Other Expenses		5,000.00
Telephone – Other Expenses		1,000.00
Water – Other Expenses		500.00
TOTALS	\$ 11,200.00	\$ 11,200.00

Water Utility

NJEIT - Principal	\$ 2,800.00	
NJEIT - Interest		\$ 2,800.00
TOTALS	\$ 2,800.00	\$ 2,800.00

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

Vote all ayes
Motion carried

CORRESPONDENCE

1. Chief Matheis received correspondence from North Jersey Transportation Planning Authority congratulating him with a certificate of award for his contribution to making pedestrian safety a priority in our community and for promoting Street Smart.

REPORTS FROM COUNCIL

Councilman Smith

1. Rescue Squad – up 57 calls for November from the prior year and year to date a total of 3,084.
2. Roads Committee – Town Engineer, Robert Clerico, has done extensive research on the project in front of the Clinton House. Researching deeds to determine who owns the lands there, whether it be the Town, the Clinton House or the State of New Jersey. Now that all deed issues have been resolved, the next step is to focus on design work.

Mr. Clerico has also spend a considerable amount of time researching deeds on the municipal parking lots and all property lines have been determined. While at the League of Municipalities, Mr. Clerico and Mr. Smith visited a booth with a new material for paving. The material is thinner than asphalt and holds up to heavy traffic but it has not been determined if it can hold up to turning radius in lots. Mr. Clerico will contact the company and ask for demonstration.

3. Buildings and Grounds worked on the budget and future planning on Town owned facilities
4. Finance – discussed budget requirements for work on the Master Plan for next year and four subsequent years.

Councilwoman Dineen

1. Shade Tree – last meeting was postponed and will be held Thursday, December 15 at 7:30 pm Shade Tree Commission is seeking a chair, if anyone knows of someone interested, please direct them to Ms. Dineen.
2. Clinton Guild – on-going problem of the overflow of garbage on Main Street. DPW will not be called in to empty trash and paid double time. If there is a youth group or anyone looking to volunteer, that may be a solution. Mr. Pendergast said the shops that are generating the garbage should take control of changing out the bags on the weekends. Mayor Kovach said during the summer there was a scout troop that volunteered, that worked out well. More cans have been provided but the problem continues.

Councilman Pendergast

1. Clinton Fire Department held a coin toss on Wednesday before Thanksgiving for 2 ½ hours and on Friday for three hours and cleared over \$5,000. CFD had 30 calls in November including seven structure fires and 276 calls year to date. CFD purchased a used special services vehicle with their own funds. Set up for motor vehicle accidents and incidents where a large truck is not conducive.

The new Knox Box system is going well, the Hunterdon County Library and the laundry on Old 22 have recently had it installed.

There is the very early start of a possible change in the law that would allow the State to be billed on calls made to State owned properties. As they are tax exempt, they do not fund emergency services. As everyone is well aware, calls to the State facilities are made frequently.

CFD and CFARS parade is scheduled for May 20, 2017, ads are \$200 full page, \$150 ½ page and \$50 for ¼ page. If anyone has a business or someone that does, encourage ads. Mayor Kovach asked about have a Mayor and Council float! We shall see!!

Councilman Carberry

1. The Board of Recreation Commission has received interest from two residents to be on the Commission, Brad Cohen and Catherine Clendennen. Mayor Kovach said they will be appointed at the re-organization meeting on January 3, 2017.

STANDBY AND OVERTIME

A motion was made by Mr. Carberry seconded by Mr. Smith to approve the standby and overtime submitted for the period of November 18 through December 1, 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. Carberry 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 #130-16 – EXECUTIVE SESSION

A motion was made by Mr. Carberry seconded by Mr. Pendergast to enter into Executive Session to discuss a matter of on-going litigation with Clinton Township/ High Bridge and matters of Affordable Housing at 8:06 p.m.

RESOLUTION #130-16

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 from Executive Session and there being no further business, a motion was made by Mr. Carberry, seconded by Mr. Smith to adjourn the meeting at 9:10 p.m.

Cecilia Covino, RMC/CMC
Municipal Clerk

Janice Kovach, Mayor