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

Flag Salute.

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

**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. Rylak to approve the minutes of the Special Council Meeting held July 26 2016.

Vote all ayes  
2 Abstentions (Dineen & Sosidka)  
Motion carried

**APPROVAL OF EXECUTIVE SESSION MINUTES**

A motion was made by Mr. Carberry, seconded by Mr. Rylak to approve the Executive Session Meeting minutes of July 12, 2016.

Vote all ayes  
1 Abstention (Dineen)  
Motion carried

**APPROVAL OF MONTHLY REPORTS – JULY**

A motion was made by Mr. Carberry seconded by Mr. Rylak to approve the monthly reports for the month of July 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**

Whitney Wetherill, 36 West Main Street, questioned item # 8 on the agenda referring to Resolution #95-16 and asked what specific area is being considered for a redevelopment area? Mayor Kovach explained several properties on West Main Street that have become vacant and the Music Hall which recently was destroyed by fire will be considered for a preliminary investigation to determine whether the area could be a redevelopment area and to include the Wargo Tract on Old Highway 22 next to Krauszer’s.

Zachary Sinkiewicz and Robby Cahill, both from Pittstown and students of Rutgers University, came this evening to ask about environmental problems that they have recognized. Mentioning tree branches, traffic cones and debris in the South Branch. They asked how they could volunteer to help. The two went into the river by the Red Mill recently to remove some large tree branches. Mr. Carberry suggested

they reach out to the Green Team and possibly attend the in-river clean up the third Thursday of August, the 18<sup>th</sup>. There will be three boats doing a cleanup in the river. Mr. Carberry also suggested contacting Raritan Headwaters, an active association that focuses on protecting water and much more. The young men will reach out for contact information from the clerk.

**MAYOR'S COMMENTS**

1. Mayor Kovach sent a letter of support on behalf of the Red Mill Museum Village in their efforts to obtain funding in the amount of \$121,000 to make repairs and reconditioning of the iconic water wheel through the Historic Preservation Grant Program. The Historic Commission will be copied on the letter sent.
2. A letter of resignation was received from Dan Mahony, stepping down after 20+ years on the Board of Recreation Commission. A motion was made by Mr. Pendergast, seconded by Mr. Carberry to accept his resignation with regrets.

Vote all ayes  
Motion carried

**WATER REFUND**

Nancy Burgess, Water Collector, is requesting a refund of \$17.66 be made to Raafat Barsoon and Evan Said. A motion was made by Mr. Carberry, seconded by Mr. Pendergast to grant the refund requested.

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

Vote all ayes  
Motion carried

**BANNER REQUEST**

A banner application has been received to promote Running of the Lions, October 9, 2016. The sponsoring organization is North Hunterdon Education Foundation. A motion was made by Mr. Carberry, seconded by Ms. Sosidka, to grant the request as submitted.

Vote all ayes  
Motion carried

**SPECIAL EVENT APPLICATION – HUNTERDON ART MUSEUM**

Donna Huron and Cathy Ahart attended this evening to address their application to extend music hours for an event they are planning, "Ghouls, Gremlins & Goblins...Eat, Drink and be Scary!" The party is scheduled for Saturday, October 29, 2016. They would like the music to continue from 8:00 pm until 12 midnight. Chief Matheis said it will be a busy night with the Haunted Mill and the line that forms along Lower Center Street and continues over the bridge, but did not feel it would affect the event or be a problem for the police. There will be a tent on the patio of the museum that will house the food and the party itself, the sides will be down as well. Mr. Pendergast said he would like to hear from the Fire Department Chief or President before making a decision to vote on. Ms. Huron contacted all entities and left messages at the fire department but never hear back from them. Mr. Pendergast said he would reach out. A motion was made to approve the event pending the Fire Department approval, moved by Ms. Sosidka and seconded by Ms. Dineen. A request to lower the volume of music at 11:00 p.m. was made. This will be a ticketed event with food provided.

Vote all ayes  
1 Abstention (Pendergast)  
Motion carried

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Following the meeting, Mr. Pendergast did reach Chief Dorf and confirmed the Fire Department did not object to the party. Ms. Huron was contacted at advised that the event was approved by all.

**RESOLUTION #95-16 – PRELIMINARY INVESTIGATION OF REDEVELOPMENT AREA**

Mayor Kovach informed Council and the public that she asked Town Planner, Jim Kyle, to attend the Land Use Board meeting on August 2, 2016 to explain re-development. Ms. Sosidka asked what exactly is the process of creating a re-development area? Mayor Kovach explained she would like the Land Use Board to consider tying two properties, the Agway location and the Music Hall. Following this route, it would authorize the Land Use Board to create the plan and submit it to the Town Council. The cost would be the planner's fees which may be offset with a grant from the NJ Highlands Council. The Mayor explained that a re-development area is a formal plan accepted by Town Council regarding specific pieces of property, namely 17 properties in question. Parcels being addressed are listed in the following resolution. Attorney, Tara St. Angelo, further explained the process and said it is most beneficial to a municipality to have power to develop the properties in an appealing way. Incentives can be made to developers to make developing the area more attractive. During the creation of the draft and ultimately the final plan, there will be at least two public hearings that will be publicized to let the public know about the process as well as to provide public comment. Properties located within 200' of the designated area will be notified by certified mail. This process will be incorporated into the Master Plan. A motion was made by Mr. Rylak, seconded by Mr. Rylak to adopt Resolution #95-16 as presented.

Walter Wilson addressed Council regarding the Agway property. Mr. Wilson is working with developers and is pursuing purchasing the property with other investors and is hoping to retain title within 60 – 90 days. Their vision is retail and residential, the removal of two out buildings on the property and pocket parks.

Whitney Wetherill thanked Mayor Kovach and Council for the detailed explanation and said all her questions have been answered. Ms. Wetherill would like to update her Facebook page that she has been using to spread the word about the properties. She will prepare a statement and forward it to Mr. Phelan for review before posting.

**RESOLUTION #95-16**

**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 23, Lots 13 and 13.01, A PORTION OF Block 24, Lot 2, Block 24, Lots 1, 3, 6 and 8, A PORTION OF Block 25, Lot 8, and Block 25, Lots 12, 13, 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**

**Councilwoman Dineen**

1. Newsletter / Website Committee met and are planning on moving forward to improving the website.
2. As Guild liaison, Ms. Dineen reported that she attended a conference focused on improving the shopping district.

**Councilwoman Sosidka**

1. Historic Commission – Christie Wood is resigning as chair and Richard Miller is now the acting chairperson.

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2. A thank you to Clinton's finest for locating the stolen Rubber Ducky! Also good police work on finding the person that hit the cyclist of the corner of East Main and Leigh Street. On a personal note, Ms. Sosidka thanked the police once again for handling a personal matter in an extremely diplomatic and professional manner.

**Councilman Pendergast**

Clinton Fire Department hosting Grill Night on August 19 and the annual Clam Bake on August 20, 2016!

**Councilman Carberry**

1. Environmental Commission – The Green Team held their meeting and scheduled the third Thursday in August for the in-river clean up. The Sustainable program continues moving forward.
2. Mr. Carberry presented the following proclamation / resolution to the Police Department:

**RESOLUTION #96-16**

The Common Council of the Town of Clinton does hereby proclaim that we wish to commend the Town of Clinton Police Department for their exemplary performance;

In an age where police forces are continually attacked, discredited and maligned, we wish to cite the Clinton Police Department and its' officers for their unswerving duty to protect and serve the Town of Clinton and it's citizenry.

A motion was made by Mr. Carberry, seconded by Mr. Rylak to adopt Resolution #96-16 as presented.

Vote all ayes  
Motion carried

**Councilman Rylak**

1. Smart Growth / Clinton Conservancy (an independent body) continues to meet and thanks again to Kathy Madden for her utmost contributions. Mr. Rylak complimented the two young men in the audience for their interest in helping with the environment of Clinton. Mr. Rylak invited them to join the Green Team and the Clinton Conservancy to help beautify the Town! Meetings are usually the first Monday of the month but with the holiday in September the next meeting will be September 12, 2016 at 7:00 p.m.

**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 July 15 through July 28, 2016 attached to these minutes.

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

Vote all ayes  
Motion carried

**RESOLUTION #97-16 - EXECUTIVE SESSION – LITIGATION**

A motion was made by Mr. Rylak, seconded by Mr. Pendergast to enter into Executive Session to discuss a matter of litigation at 8:28 p.m.

**RESOLUTION #97-16**

**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;

**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;

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  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: 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:** Council returned to the regular meeting at 8:31 p.m. There being no further business, a motion was made by Mr. Carberry, seconded by Mr. Rylak to adjourn the meeting at 8:32p.m.

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Cecilia Covino, RMC/CMC  
Town Clerk

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Mayor Janice Kovach