

4656

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 August 8, 2017.

Vote all ayes
2 Abstentions (Rylak, Kovach)
Motion carried

APPROVAL OF EXECUTIVE SESSION MINUTES

A motion was made by Mr. Smith seconded by Ms. Dineen to approve the executive session minutes of August 8, 2017 as submitted.

Vote all ayes
2 Abstentions (Rylak, Kovach)
Motion carried

APPROVAL OF MONTHLY REPORTS – JULY

A motion was made by Mr. Pendergast, seconded by Mr. Carberry to approve the monthly reports for the month of July for the Wastewater Treatment Plant and Treasurer’s Reports.

Vote all ayes
Motion carried

PUBLIC COMMENT

Harvey Finkel, of Clinton Book Shop and Farmers Market, came this evening to update council on how well plans are coming along for the third annual Apple and Pumpkin Festival! The festival will be held October 1, 2017 from 12 – 5:00 pm following the regularly scheduled weekly farmers market. Excitement is building and participants are stepping up, such as the 4H Club, Hunterdon County Parks System, food trucks, entertainment and the Clinton Fire Department also plan to sell hot dogs and burgers this year!

MAYOR’S COMMENTS

1. Mayor Kovach distributed a memo from Marc Saluk, Director of Hunterdon County Economic Development Division. The memo was a summary and proposal geared towards bringing business and developers to the area. Two experts will be hired, a professional planner (or firm) to submit a plan to examine policies, procedures and ordinances in each town then to make recommendations to better align those items to support the economic development goals of the

participating entities and a land use attorney to provide legal advice on the project on as needed basis. The RFP will be approved by the Freeholder Board. Clinton Town and Township mayors, Kovach and Higgins, have agreed to the initial parameters and goals of this pilot project. The two participating municipalities would combine to fund approximately 20-25% of the project and the county will fund the balance. Mayor Kovach asked Council to consider a \$2,000 to \$3,000 investment to cover our share of the initial investment.

2. New Jersey State League of Municipalities ticketed events for Women in Government and League Delegates Luncheon. Mayor Kovach asked Council if interested to let the clerk know so tickets can be purchased.
3. Notification from Meals on Wheels seeking donations.
4. December 5, 2017, Spirit of Daytop New Jersey will be holding their 25th Anniversary Gala 2017. Anyone interested should contact the clerk.
5. Hunterdon County Business Hall of Fame Induction Ceremony September 14, 2017 at the Ryland Inn. Contact clerk if interested in attending.
6. The League of Municipalities is held November 14 through 16, 2017. November 14 would be a Council night, therefore Council decided to cancel the meeting. A motion was made by Mr. Carberry, seconded by Mr. Rylak to authorize Kathy Olsen, CFO permission to pay the bills.

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

Vote all ayes
Motion carried

SPECIAL EVENT – 2nd Annual Clinton Fire Department Craft Beer Fest

Council is in receipt of a special event application from the Clinton Fire Department to hold the 2nd annual craft beer fest on Saturday, September 23, 2017 at the fire house from noon to 5:00 p.m.

A motion was made by Mr. Pendergast, seconded by Mr. Carberry to approve the request as submitted.

Vote all ayes
Motion carried

SPECIAL EVENT – Run O’the Mill 5K

A motion was made by Mr. Carberry, seconded by Ms. Dineen, to approve the Run O’the Mill 5K scheduled for Saturday, March 10, 2018 as submitted. Chief Matheis signed off on the event to be held as prior years from 6:00 a.m. to 10:00 a.m.

Vote all ayes
Motion carried

SPECIAL EVENT – Street Fair Celebrating Main Street ½ Marathon of Hunterdon

Clinton Guild member, Annie Rossi, President Bill Healy, and event planner, Venetia Weeks are planning an event to be held the day before the marathon to celebrate the first annual ½ marathon from Main Street, Clinton to Main Street, Flemington. 400 participants are expected to come into town on Saturday, the day before the run to pick up their packets and thought having a street fair with tents down the middle

4658

of the street, activities and food would showcase Clinton as the great downtown it truly is. The event would be held October 7 from noon to 6:00 p.m. The request is to have Main Street closed to vehicular traffic and Police Chief Matheis recommends closing the Pony Truss bridge as well. Lower Center Street will be closed just below the parking lot, the parking lot will remain open. A motion to approve the request was made by Mr. Carberry, seconded by Ms. Dineen.

Vote all ayes
Motion carried

RESOLUTION #102-17 – AUTHORIZATION FOR ENGINEER TO SUBMIT APPLICATION TO SHPO FOR PEDESTRIAN IMPROVEMENTS

A motion was made by Mr. Carberry, seconded by Mr. Smith, to adopt Resolution #102-17 as submitted:

RESOLUTION #102-17

Resolution Authorizing Robert Clerico to Submit an Application to the State Historic Preservation Office for the Route 173 Intersection & Main Street Improvement Project

WHEREAS, the Town of Clinton has employed the services of Robert Clerico, Van Cleef Engineering Associates, for the preparation of construction documents for the Route 173 Intersection & Main Street Improvement Project; and

WHEREAS, these plans require approval by the State Historic Preservation Office;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Town of Clinton hereby authorize Robert Clerico, P.E., to submit the application for the Route 173 Intersection & Main Street Improvement Project and fully supports the application being made to the State Historic Preservation Office for approval.

Vote all ayes
Motion carried

RESOLUTION #103-17 – RELEASE CASH PORTION OF EASTERN HILL'S BOND

A motion was made by Mr. Carberry, seconded by Mr. Smith, to adopt Resolution #103-17 as submitted:

RESOLUTION #103-17

WHEREAS, on September 13, 2016 Halstead Place at Clinton deposited funds in the amount of \$64,013.04 representing a 10% Cash Bond with the Town of Clinton,

WHEREAS, they have requested a reduction in that bond, and

WHEREAS, the Town's Engineer has reviewed the bond and advised that we can reduce said bond by 48.53% representing \$31,089.00,

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Town of Clinton, to authorize the Chief Financial Officer to issue a check to Halstead Place at Clinton in the amount of \$31,089.00 to reduce the cash bond.

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

4659

Vote all ayes
Motion carried

RESOLUTION #104-17 – PERFORMANCE BOND – EASTERN HILL

A motion was made by Mr. Carberry, seconded by Ms. Dineen, to adopt Resolution #104-17 as submitted:

**RESOLUTION § 104-17
RESOLUTION AUTHORIZING PARTIAL RELEASE OF PERFORMANCE BOND OF
EASTERN HILL, LLC (BLOCK 16, LOT 22.02)**

WHEREAS, the Eastern Hill, LLC received amended preliminary major site plan approval with variances and design waivers from the Town on or about September 1, 2015 to construct an multi-family residential units 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 these site improvements; and

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

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 partial refund of the cash portion of the Performance Bond for Block 16, Lot 22.02 in the amount of \$31,063.20 (leaving the amount of \$32,949.84) based upon the recommendations of the Land Use Board Engineer;

BE IT FURTHER RESOLVED, that upon a certification of availability of funds, the Chief Financial Officer is hereby instructed to refund \$31,063.20 to Eastern Hill, LLC.

BE IT FURTHER RESOLVED, that the surety portion of the performance bond shall be reduced to \$296,548.56, subject to review of the new bond by the Town Attorney.

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

Vote all ayes
Motion carried

BANNER REQUEST – HUNTERDON COUNTY CHAMBER OF COMMERCE

A motion was made by Ms. Dineen, seconded by Mr. Rylak, to approve the banner request for the Hunterdon County Chamber of Commerce to display a banner from October 30 through November 6, 2017 for the Hunterdon County Business and Home Expo event to be held November 9, 2017.

Vote all ayes
Motion carried

CORRESPONDENCE

1. Letter of thanks received from resident Johnathan D. Wall, Psy.D. in regards to an incident that occurred on Lower Center Street one evening in August. Mayor Kovach and the Clinton Police were thoughtful, professional and prompt in responding to Dr. Wall's wellbeing.
2. New Jersey Historic Trust has notified the Town that our letter of support for the Red Mill Museum Village has been received and applications will be voted on October 4, 2017.

4660

3. Hunterdon County Board of Chosen Freeholders recognizing County residents who have served in the military on August 23, 2017.

REPORTS FROM COUNCIL

Councilman Smith

Water Committee – 91% of all hydrants have been tests and will be completed before the end of the year. Seven hydrants are to be repaired. Will forward information to Attorney Tara St. Angelo.

Councilwoman Dineen

Clinton Guild will be attending their next meeting Thursday, August 24, 2017.

Shade Tree Commission in the process of reviewing the ordinance.

Economic Development working with Marc Saluk, Director.

Councilman Pendergast

Sewer Committee – Sewer engineer has presented an estimate for the filter building repairs and the Structure. The estimate came in at \$1.76M and will be a two year project.

Councilman Carberry

Meeting to take place with Mayor Kovach to discuss the Moebus Tract.

STANDBY AND OVERTIME

A motion was made by Mr. Smith seconded by Ms. Dineen to approve the standby and overtime submitted for the period of July 28 through August 10, 2017 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 #105-17 – EXECUTIVE SESSION – LITIGATION

A motion was made by Mr. Pendergast, seconded by Mr. Carberry to enter into Executive Session at 7:58 p.m. to discuss a matters of litigation.

RESOLUTION #105-17

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
4632

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;

Pending or anticipated litigation or contract negotiation in which the public body is or may become 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

4662

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 at 8:24 p.m. and there being no further business, a motion was made by Ms. Dineen seconded by Mr. Rylak to adjourn the meeting at 8:25 p.m.

Cecilia Covino, RMC/CMC
Municipal Clerk

Mayor Janice Kovach