

4685

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

Flag Salute.

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

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 Council Meeting held September 26, 2017.

Vote all ayes
Motion carried

APPROVAL OF EXECUTIVE SESSION MINUTES

A motion was made by Mr. Smith seconded by Ms. Sosidka, to approve the executive session minutes of September 26, 2017 as submitted.

Vote all ayes
Motion carried

APPROVAL OF MONTHLY REPORTS – SEPTEMBER

A motion was made by Mr. Carberry, seconded by Ms. Sosidka, to approve the monthly reports for the month of September 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, Water Collector’s Report, Zoning Officer Report.

Vote all ayes
Motion carried

PUBLIC COMMENT

Mary Jo Kurtiak, 5 Busher Place, thanked Mayor Kovach for her assistance in getting the graffiti cleaned up under the bridge located on the Lansdown Trail. Mayor Kovach gave thanks to the County and a Boy Scout for getting the graffiti removed. Unfortunately, graffiti is a common occurrence under the bridge and can return quickly after being cleaned up. Mr. Pendergast suggested a trail cam be installed if possible, which would have to have County approval before installation. Kathy Olsen recommended that council talk to Sgt Kubinak for more information.

MAYOR’S COMMENTS

1. The second graders of Clinton Public School are collecting new socks for the homeless and their goal is to collect 1,000 pairs. Mayor Kovach offered to host a pizza party if they reach their goal and Councilmen Carberry and Pendergast will host the dessert! Good luck second graders!

2. Mayor Kovach announced a change in council meeting schedule for October. The regular meeting for October 24 is cancelled and rescheduled for a joint Council / Land Use Board meeting, Monday, October 23, 2017 at 6:00 p.m. at the Clinton Fire Department. The main topic of the special town hall meeting will be to discuss affordable housing obligations. A brief council meeting will follow.

WATER REFUND

A request has been made by Nancy Burgess, Water Collector, to refund \$72.48 to Anthony Savage who inadvertently paid his water bill twice. A motion was made by Mr. Pendergast, seconded by Ms. Dineen, to approve the refund as requested.

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

Vote all ayes
Motion carried

RESOLUTION #121-17 – RENEW THE STATEWIDE INSURANCE FUND

A motion was made by Mr. Carberry, seconded by Mr. Smith, to adopt Resolution #121-17 as submitted:

RESOLUTION 121-17 STATEWIDE INSURANCE FUND

RESOLUTION TO JOIN (RENEW) THE FUND

WHEREAS, a number of local units have joined together to form the Statewide Insurance Fund (“FUND”), a joint insurance fund, as permitted by N.J.S.A. 40A:10-36, *et seq.*; and

WHEREAS, the Town of Clinton (“LOCAL UNIT”) has complied with relevant law with regard to the acquisition of insurance; and

WHEREAS, the statutes and regulations governing the creation and operation of joint insurance funds contain elaborate restrictions and safeguards concerning the safe and efficient administration of such funds; and

WHEREAS, the LOCAL UNIT has determined that membership in the FUND is in the best interest of the LOCAL UNIT.

WHEREAS, the LOCAL UNIT agrees to be a member of the FUND for a period of three (3) years, effective from **January 1, 2018** terminating on **January 1, 2021** at 12:01 a.m. standard time; and

WHEREAS, the LOCAL UNIT has never defaulted on claims, if self-insured, and has not been canceled for non-payment of insurance premiums for two (2) years prior to the date of this Resolution.

NOW, THEREFORE, BE IT RESOLVED that the LOCAL UNIT does hereby agree to join the Statewide Insurance Fund; and

BE IT FURTHER RESOLVED that to the extent required by law, the Local Unit shall provide notice of the Indemnity and Trust Agreement to the Office of the State Comptroller; and

BE IT FURTHER RESOLVED that the LOCAL UNIT will be afforded the following coverage(s) :

Workers' Compensation & Employer's Liability
Comprehensive General Liability
Automobile Liability and Physical Damage
Public Officials and Employment Practices Liability
Pollution Liability
Property
Inland Marine Boiler and Machinery
Crime-Faithful Performance and Fidelity
Cyber Liability
Non Owned Aircraft

BE IT FURTHER RESOLVED that Richard D. Phelan is hereby appointed as the LOCAL UNIT's Fund Commissioner and is authorized to execute the application for membership and the accompanying certification on behalf of the LOCAL UNIT; and Cecilia Covino is hereby appointed as the LOCAL UNIT's Alternate Fund Commissioner.

BE IT FURTHER RESOLVED that the LOCAL UNIT's Fund Commissioner is authorized and directed to execute the Indemnity and Trust Agreement and such other documents signifying the membership in the FUND as required by the FUND's Bylaws and to deliver same to the Administrator of the FUND with the express reservation that said documents shall become effective only upon the LOCAL UNIT's admissions to the FUND following approval of the FUND by the New Jersey Department of Banking and Insurance.

Vote all ayes
Motion carried

RESOLUTION #122-17 – ANNUAL HOLIDAY CURFEW

Councilman Rylak questioned the wording in the original resolution which constitutes that all children under the age are mischievous and therefore declaring a curfew. Mr. Rylak suggested changing the wording in the first paragraph to read "some" children; "may" engage in mischief. This resolution is enforced as a precaution to prevent juvenile delinquency within the Town. A motion was made by Mr. Pendergast, seconded by Mr. Carberry to adopt Resolution #122-17 with the language changes suggested.

RESOLUTION # 122-17

WHEREAS, the period immediately prior and subsequent to Halloween, and the holiday time period commencing October 10 and continuing through November 10, 2017, a time when some persons under the age of eighteen and others may engage in mischief, acts of vandalism, and other petty disorderly offenses which are harmful to and interfere with the rights of citizens to use the streets and public areas of the Town of Clinton; and

WHEREAS, the Chief of Police of the Town of Clinton has determined, after due investigation and deliberation, that the incidence of juvenile delinquency within the Town will or may reach such a level of

frequency or severity so as to present a clear and present danger to the public peace, safety, health, morals and welfare of the Town; and

WHEREAS, the Chief of Police has studied and evaluated the question of the public safety and health in the Town of Clinton and has determined that the safety of the public and the welfare of juveniles will be enhanced if a nocturnal curfew is imposed limiting the ability of persons under the age of eighteen to use the streets and public areas of the Town of Clinton.

WHEREAS, Chapter 60 of the Ordinance of the Town of Clinton authorizes the imposition of a curfew.

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

- (A) Based on an oral report submitted to the Mayor and Council by the Chief of Police, the Mayor and Council hereby declare that a temporary emergency exists in the Town of Clinton during the period from Tuesday, October 10, 2017, up to and including Friday, November 10, 2017; and
- (B) The Mayor and Council do hereby declare a curfew commencing at 9:00 p.m. October 10, 2017, up to and including 6:00 a.m. November 10, 2017. The terms of the curfew shall be consistent with Chapter 60 of the Code of the Town of Clinton.
- (C) Notice of this curfew shall be posted in accordance with Section 60-8 of the Ordinance of the Town of Clinton in such places as may be designated by the Chief of Police so as to give all interested parties notice of the imposition of the curfew.

Vote all ayes
Motion carried

PUBLIC HEARING OF ORDINANCE #17-06 – ENERGY AGGREGATION PROGRAM

Stacia Scaduto, business development consultant for Commercial Utility Consultants, Inc. attended the meeting to answer questions of council and concerned residents that may come about during the public hearing of Ordinance #17-06. Ms. Scaduto quickly presented the original power point presentation that she originally shared with Council at the July 25, 2017 meeting, explaining the process of going out for Basic Generation Service (BGS) auction. Ms. Scaduto invited Stan Prater of JCP&L and Arif Welcher, Government Representative of the Board of Public Utilities, to be available to answer questions as well.

A motion was made by Mr. Carberry, seconded by Mr. Rylak, to open the public hearing of Ordinance #17-06:

**ORDINANCE #17-06
AN ORDINANCE OF THE TOWN OF CLINTON
ESTABLISHING AN ELECTRIC AND/OR NATURAL GAS AGGREGATION PROGRAM**

Vote all ayes
Motion carried

Dave Kurtiak, 5 Busher Court, has been following 3rd party companies for quite some time and commented on their short comings. Mr. Kurtiak talked about residential rates depending on the time of day rate of service. Mr. Kurtiak also asked if providers have an environmental disclosure once a supplier is selected. Ms. Scaduto said she can ask for a disclosure. When asked, Stan Prater said nothing changes with service, repairs, meter readings, or billing. Councilman Smith asked how much will be expected of office staff to answer questions of the public and Ms. Scaduto insured Mr. Smith that she will be stationed

for a few days at the municipal building to answer questions of the public and that staff is spending a lot of time on behalf of the changes, the Town could be refunded for time spent.

Mr. Kurtiak asked how is Commercial Utility Consultants being paid and Ms. Scaduto said through the supplier. Ms. Dineen asked Mr. Prater if there have been any problems with 3rd party suppliers and Mr. Prater said no, not with this company. Mr. Prater said there are several other 3rd party suppliers, at least 13 he knows of, but has never had a problem with this company.

There being no further questions, a motion was made by Mr. Carberry, 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 #17-06 as presented.

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

Vote all ayes
1 Nay (Smith)
Motion carried

CORRESPONDENCE

1. Hunterdon Land Trust sent a letter of thanks for allowing Ken Carberry to attend the 2017 Farm to Table dinner which is a fund raiser with all proceeds going to preserve acres of fields, forests and farmlands.
2. New Jersey General Assembly has adopted Assembly Resolution No. 216 which encourages NJ homeowners to plant native plants that support bee populations and creates a habitat for all pollinators. Mr. Rylak shared the resolution with Kathy Madden of the Clinton Conservancy who has been diligently working towards a butterfly community with all the plantings. Ms. Madden suggested that possibly the Land Use Board would consider encouraging developers during site plan review to incorporate this into their design standards. A copy of the resolution will be forwarded to the Land Use Board for their consideration. Mr. Rylak wished to express his thanks once again to the Clinton Fire Department for their assistance in keeping plantings watered; as a result, they continue to thrive.

REPORTS FROM COUNCIL

Councilman Smith

1. Rescue Squad reported 258 calls for the month of September with a running time of 5 minutes, 2 seconds for an in Town call.

Timothy Shanahan of the CFARS left for the Virgin Islands to assist hurricane victims. 50 first-responders left from New Jersey.
2. Buildings and Grounds – Binsky has been awarded the HVAC contract.
Ice guards have been placed on the roof of 47 Leigh

Electronics recycling will be returning to the Treatment Plant location following a few minor details.

Councilwoman Dineen

1. Shade Tree – members of the commission will be taking webinars to gain continuing education units needed for certification before year's end.
2. Economic Development committee met with Marc Saluk, Executive Director for Hunterdon County Economic Development. A mission statement is being developed and our goals line up with the County initiative to bring light industrial, job opportunities and tourism to the Town. The next meeting is October 17, 2017 at 4:00 p.m.

Councilwoman Sosidka

1. Recreation Commission has been approached by a group interested in holding an event on Saturday, October 28, 2017 from noon to 4:00 pm at Gebhardt Field. GAGA Ball Pit is an event for all ages, donations will be accepted to benefit the Community Center and the Red Mill Museum Village. GAGA Ball is safe dodgeball.

Councilman Pendergast

1. Clinton Fire Department- Craft Beer Festival was held September 23, 2017 and was a well-run event.
2. Applications for membership have been received:

Karen Mealy, Associate member, 162 Leigh Street
Braedon Monticello, Junior member, 11 Cypress Court

A motion was made by Mr. Pendergast seconded by Mr. Smith to accept the new members as recommended.

Vote all ayes
Motion carried

Councilman Rylak

Councilman Rylak expressed his concern over children dying from the drug epidemic in our area as well as all over, and asked Council "what can we do"? Anthony Kearns, Hunterdon County Prosecutor, made a presentation to Council and stressed the signs to watch for and the help that is available. Mayor Kovach said presentations are made to parents at the high school but understands that the prosecutor's office was denied making presentations to students during the day. The school said they make their own presentations. Mayor Kovach would like Council to reach out to the high school again. Councilman Pendergast said parents should be mindful of their own medicine cabinets. When prescriptions are not being used anymore, dispose of them properly. In many cases that medicine cabinet is the first place drug abuse starts. Councilman Smith said we need to address all groups, soccer kids, scouts, etc. At a recent scout meeting, Vanessa, who made a public address with Governor Christie, was very effective speaking of her drug addiction. Megan Johnson, 4 Hillside Drive, is a social worker and would be willing to volunteer her services and work with small groups as young as grammar school age. Smaller groups are much more effective than auditorium setting. Mayor Kovach will reach out to Dr. Cohen to connect with Ms. Johnson.

STANDBY AND OVERTIME

A motion was made by Mr. Carberry, seconded by Ms. Sosidka to approve the standby and overtime submitted for the period of September 22 through October 5, 2017 attached to these minutes.

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

Vote all ayes
Motion carried

PAYMENT OF BILLS

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

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

Vote all ayes
Motion carried

ADJOURNMENT: There being no further business, a motion was made by Mr. Carberry, seconded by Mr. Rylak, to adjourn the meeting at 8:42 p.m.

Cecilia Covino, RMC/CMC, Municipal Clerk

Mayor Janice Kovach