

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 BUDGET MEETING MINUTES

A motion was made by Mr. Carberry, seconded by Mr. Smith to approve the Budget meeting workshop minutes of February 8, 2017 as submitted.

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

APPROVAL OF MINUTES

A motion was made by Mr. Smith, seconded by Ms. Dineen to approve the minutes of the Council Meeting held February 14, 2017.

Vote all ayes
Motion carried

APPROVAL OF EXECUTIVE SESSION MINUTES

A motion was made by Mr. Carberry, seconded by Ms. Sosidka, to approve the minutes of the Executive Session held February 14, 2017.

Vote all ayes
Motion carried

APPROVAL OF MONTHLY REPORTS – JANUARY

A motion was made by Mr. Carberry seconded by Mr. Pendergast to approve the Treasurer’s Report for the month of January as submitted.

Vote all ayes
Motion carried

PUBLIC COMMENT- NONE

MAYOR’S COMMENTS

1. A letter of resignation received from Dave Sosidka stepping down from the Historic Commission. A motion was made by Mr. Carberry seconded by Mr. Rylak to accept his resignation with regrets.

Vote all ayes
Motion carried

2. New Jersey Futures is hosting a Redevelopment Conference in New Brunswick to be held March 10, 2017 at 11:00 a.m. Mayor Kovach will be on the panel discussing affordable housing and the issues facing municipalities.

VERIZON WIRELESS

The item has been removed from the agenda as Verizon notified the Town that they will not be doing any work in the Town at this time.

WATER REFUND

Water Collector, Nancy Burgess, is requesting a water refund to be issued in the amount of \$17.40. A motion was made by Mr. Smith, seconded by Ms. Sosidka, to approve the request.

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

Vote all ayes
Motion carried

RESOLUTION #54-17 – DEPUTY EMERGENCY MANAGEMENT COORDINATOR

A motion was made by Mr. Carberry, seconded by Mr. Pendergast, to adopt Resolution #54-17 as submitted:

RESOLUTION # 54-17

APPOINTMENT OF DEPUTY EMERGENCY MANAGEMENT COORDINATOR

WHEREAS, the Town of Clinton is currently in need of an Deputy Emergency Management Coordinator;

WHEREAS, John K. Daniels is qualified for this position;

NOW, THEREFORE BE IT RESOLVED by the Common Council of the Town of Clinton to appoint John K. Daniels to the position of Deputy Emergency Management Coordinator, for a 1 year term beginning January 1, 2017 to December 31, 2017.

Vote all ayes
Motion carried

RESOLUTION #55-17 – TRANSFER OF FUNDS

A motion was made by Mr. Carberry, seconded by Mr. Pendergast, to adopt Resolution #55-17 as submitted:

RESOLUTION #55-17

WHEREAS, various 2016 bills have been presented for payment this year, which bills were not covered by order number and/or recorded at the time of transfers between the 2016 Budget Appropriation Reserve in the last two months of 2016; and

WHEREAS, N.J.S. 40A:4-59 provides that all unexpended balances carried forward after the close of the year are available, until lapsed at the close of the succeeding year, to meet specific claims, commitments or contracts incurred during the preceding fiscal year, and allow transfers to be made from unexpended balances which are expected to be insufficient during the first three months of the succeeding year;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Town of Clinton that transfers in the amount of \$38,500.00 be made between the 2016 Budget Appropriation Reserves as follows:

	<u>FROM</u>	<u>TO</u>
Police		
Salary & Wages	\$ 3,500.00	
Water Utility		
Salary & Wages	\$ 5,000.00	
Sewer Utility		
Salary & Wages	\$30,000.00	
Police		
Other Expenses		\$ 3,500.00
Water Utility		
Other Expenses		\$ 5,000.00
Sewer Utility		
Other Expenses		\$30,000.00
TOTALS	<u>\$ 38,500.00</u>	<u>\$38,500.00</u>

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

Vote all ayes
Motion carried

PUBLIC HEARING OF ORDINANCE #17-02 – WATER RATES

A motion was made by Mr. Pendergast, seconded by Mr. Carberry, to open the public hearing of Ordinance #17-02:

ORDINANCE #17-02

AN ORDINANCE AMENDING THE RATE SCHEDULE OF THE WATER DEPARTMENT OF THE TOWN OF CLINTON, COUNTY OF HUNTERDON, NEW JERSEY

Vote all ayes
Motion carried

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

Vote all ayes
Motion carried

A motion was made by Mr. Pendergast, seconded by Ms. Dineen, to adopt Ordinance #17-02 on final reading.

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

Vote all ayes
Motion carried

INTRODUCTION OF ORDINANCE #17-03 – BUCKET DROP

Mr. Phelan explained that the New Jersey Department of Transportation requires permitting of a state highway and requires the Chief of Police to sign off allowing bucket drops.

A motion was made by Mr. Carberry, seconded by Mr. Rylak, to introduce Ordinance #17-03 on first reading as submitted:

ORDINANCE # 17-03

**AN ORDINANCE AMENDING CHAPTER 107 OF THE CODE OF
THE TOWN OF CLINTON REGARDING PEDDLING AND SOLICITING**

WHEREAS, Chapter 107 of the Code of the Town of Clinton regulates peddling and soliciting;
and

WHEREAS, N.J.S.A. 39:4-60 prohibits solicitation of charitable contributions from motorists on roadways in the State of New Jersey unless authorized by ordinance of the municipality in which said roadways are situate; and

WHEREAS, the Town desires to permit charitable organizations to solicit contributions within the Town subject to certain restrictions and conditions, pursuant to a roadway charitable solicitation permit issued by the Town; and

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Town of Clinton that Chapter 107 of the Code of the Town of Clinton is hereby amended as follows:

SECTION 1. Chapter 107 of the Code of the Town of Clinton is amended by adding the following:

ARTICLE II. CHARITABLE SOLICITATIONS IN ROADWAYS

§107-15. Solicitations in Roadways Permitted.

The Town of Clinton shall permit charitable organizations as defined in N.J.S.A. 45:17A-20 to solicit contributions in roadways, commonly referred to as “coin drops,” situated in the Town of Clinton in accordance with the provisions contained herein.

§107-16. Permit Required; Application Requirements.

All charitable organizations, as defined in N.J.S.A. 45:17A-20, which desire to solicit such contributions in roadways located in the Town shall file an application for a permit with the Town Clerk on a form supplied by the Town Clerk, specifying the following information:

- A. Name of applicant organization.
- B. Address of applicant organization
- C. Telephone number of applicant organization
- D. Contact person for applicant organization
- E. Specific location(s) of proposed charitable solicitation

F. Date(s) and time of operation of proposed charitable solicitation, any potential rain or inclement weather substitution dates must also be listed on all applications to the municipal, county, and state government organizations.

G. If the request involves a county roadway, the request shall include a copy of the proposed authorization from the Hunterdon County Board of Chosen Freeholders to permit the charitable solicitation.

H. If the request involves a state roadway and/or highway, the request shall include a copy of the authorization from the Commissioner of Transportation of the State of New Jersey to permit such charitable solicitation or a copy of the appropriate application thereto.

I. All proposed safety regulations, safety devices and training for individuals who shall participate in the charitable solicitation and/or a report as to the procedures to be used to ensure the safety of the members of the public who will be traversing the roadways within the Town.

J. A certificate of insurance issued by an insurance company duly licensed in the State of New Jersey. The certificate of insurance must provide general liability insurance in an amount of not less than \$1,000,000. The Town shall be listed as an additional insured on the certificate and an endorsement to the insurance policy.

K. A signed, dated and notarized release and indemnification agreement, signed by the organization sponsor or responsible party, legally binding the organization participant, which shall release and agree to indemnify and hold harmless the Town of Clinton, County of Hunterdon, State of New Jersey, its agents, servants, employees and elected and appointed officials from any and all liability of any kind from injury or physical harm, including death, and damage to property occurring from or alleged to arise out of the event.

This application must be submitted a minimum of 90 days prior to the planned event date for the fundraiser.

§107-17. Limit on Number and Duration of Coin Drops; Hours of Operation

A. No permits will be granted by the Town for more than one event, three consecutive days maximum, per calendar month, per location for any organization.

B. No approved coin drop solicitation shall be permitted for longer than three consecutive days.

C. No permits shall be granted by the Town for more than a maximum of two coin drop solicitations per calendar month at a specific location. The coin drops events shall not be scheduled on back to back calendar weeks. Permits may be granted on a first come, first serve basis.

D. All approved coin drop solicitations shall be conducted only during daylight hours and shall commence no earlier than 9:00 a.m. and be concluded no later than 6:00 p.m.

§107-18. Conditions of Approval.

The following conditions shall be placed on all approvals for coin drops:

- A. Solicitation shall only be permitted at controlled intersections (i.e. those with a stop sign or traffic signal) during daylight hours.
- B. Solicitation may not substantially impede the flow of vehicular or pedestrian traffic. However, traffic must be stopped for a sufficient period of time to ensure the safety of persons soliciting in the roadway. Flagmen are not permitted to be utilized to control or regulate traffic movement.
- C. Signs and traffic control devices must be in accordance with the latest edition of the Manual on Uniform Traffic Control Devices. Signs advertising the solicitation may be placed approximately 500 feet in advance. Signs must be temporary, break-away, and a maximum of 16 square feet.
- D. Persons soliciting in the roadway, or within 15 feet of the roadway, must wear properly sized, ANSI 107-2004 (or later) Class 2 or 3 high visibility apparel. Wearing non-ANSI approved apparel will be reason for immediate cessation of the event.
- E. Individuals under the age of 18 years may be present but must be at a safe distance and location from the street. Decisions of the Town Police Department will be final in determining such safe location.
- F. Solicitors may not harass the motorists or public.
- H. Solicitors shall not consume or be under the influence of alcohol or drugs.
- I. The charitable organization will be responsible for cleaning any debris, including any signage or advertisements associated with the roadway solicitation, from the solicitation site within two hours of the end of solicitation.
- J. In the event of severe weather, the charitable organization agrees to immediately cease its roadway solicitation activities and shall not resume such activities without first notifying the Town Police Department and receiving permission to resume such activities from the Town Police Department.
- K. In the event of a motor vehicle accident or injury to a person in the vicinity of the roadway solicitation, the charitable organization agrees to immediately cease its roadway solicitation activities and shall not resume such activities without first notifying the Town Police Department and receiving permission to resume such activities from the Town Police Department.

§107-19. Prohibition of solicitation by minors.

No applicant or organization seeking permission for a coin drop will use any individual under the age of 18 years to perform any function or task associated with the said charitable solicitation in any roadway.

§107-20. Approval or denial of application.

Upon filing of a complete application and completion of the required review by the Town Police Department, the applicant shall present the application to the Town Council a minimum of (90) days

prior to the proposed coin drop for its review and consideration, after which the Town Council shall grant or deny the applicant's request by resolution.

In the event the applicant's request is approved, the Town resolution shall be forwarded by the applicant to the state and/or county, if necessary. In the event that the coin drop is approved for a roadway which does not intersect or fall within the jurisdiction of the county or state, the resolution shall serve as the final approval for the coin drop.

The applicant shall follow and abide by all conditions imposed in the resolution adopted by the Town Council.

§107-21. Compliance with state statute.

Any charitable organization requesting authorization from the Town for a charitable solicitation shall comply with all the terms and conditions of N.J.S.A. 39:4-60, as same may be amended and supplemented and all other applicable state statutes.

§107-22. Compliance, revocation of approval or order to cease operations

Any charitable organization that is granted municipal, county, or state approval for a coin drop, understands that at any point prior to the event, during the event, or for future events; the Department of Transportation, Hunterdon County official, Clinton Town Municipal official, or any law enforcement officer can order the charitable organization to cease operations based upon, but not limited to: roadway issues, public safety concerns, weather conditions, or traffic conditions. This cease order does not transfer any liability or exposure to expenses to the official who is delaying or revoking the coin drop event.

§107-23. Penalties.

Any person engaged in solicitation activities found guilty of violating a provision of this section shall be liable for a fine not to exceed \$100 for each day of such violation. Tickets may be written by Town Police under N.J.S.A. 39:4-60 *et seq.*

SECTION 2. All Ordinances or parts of Ordinances inconsistent herewith are repealed as to such inconsistencies.

SECTION 3. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

SECTION 4. Any ordinance inconsistent with the terms of this Ordinance is hereby repealed.

SECTION 5. This Ordinance shall take effect upon final passage and publication according to law.

Vote all ayes
Motion carried

A copy of this ordinance will be published in the March 8, 2017 edition of the Hunterdon Review. A public hearing will be held March 28, 2017.

INTRODUCTION OF ORDINANCE #17-04 – CAP INDEX

A motion was made by Mr. Pendergast, seconded by Mr. Carberry, to introduce Ordinance #17-04 on first reading as submitted:

ORDINANCE #17-04
CALENDAR YEAR 2017
ORDINANCE TO ESTABLISH A CAP BANK
(N.J.S.A. 40A:4-45.14)

WHEREAS, the Local Government Cap Law, N.J.S. 40A:4-45.1 et.seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said final budget appropriations to 0.50% unless authorized by ordinance to increase it to 3.5% over the previous years final appropriations; and,

WHEREAS, a municipality may, by ordinance, bank the difference between its final budget appropriations and the 3.5% increase authorized by this ordinance when said difference is not appropriated as part of the final budget; and,

WHEREAS, the Town Council of the Town of Clinton, County of Hunterdon, hereby determines that this difference in the amount of \$96,143.16 that is not appropriated as part of the final budget shall be retained as an exception to the final appropriations in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, that any amount authorized herein above that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

Vote all ayes
Motion carried

A copy of this ordinance will be published in the March 8, 2017 edition of the Hunterdon Review. A public hearing will be held March 28, 2017.

INTRODUCTION OF 2017 MUNICIPAL BUDGET

A motion was made by Mr. Carberry, seconded by Ms. Sosidka, to introduce the 2017 Municipal Budget on first reading. A summary of the budget will be published in the Hunterdon Review on March 8, 2017. A public hearing will be held at the March 28, 2017 meeting. Mr. Carberry commended Ms. Olsen and Mr. Phelan for a great job!

Vote all ayes
Motion carried

Summary published:

2017 Municipal Budget

TOWN OF CLINTON, COUNTY OF HUNTERDON

FOR THE CALENDAR YEAR ENDED DECEMBER 31, 2017

Revenue and Appropriation Summaries

Summary of Revenues - Current Fund	Anticipated	
	2017	2016
1. Surplus	330,000.00	320,000.00
2. Total Miscellaneous Revenues	826,726.90	855,904.84
3. Receipts from Delinquent Taxes	190,000.00	190,000.00
4. Local Tax for Municipal Purposes	2,946,379.00	2,823,738.00
Total General Revenues	4,293,105.90	4,189,642.84

Summary of Appropriations - Current Fund	2017 Budget	Final 2016 Budget
1. Operating Expenses: Salaries & Wages	1,611,173.00	1,474,832.00
Other Expenses	1,555,593.90	1,563,869.84
2. Deferred Charges & Other Appropriations	476,969.00	470,221.00
3. Capital Improvements	55,000.00	100,000.00
4. Debt Service	284,370.00	245,720.00
5. Judgments	0.00	0.00
6. Reserve for Uncollected Taxes	310,000.00	335,000.00
Total General Appropriations	4,293,105.90	4,189,642.84
Total Number of Employees - Full & Part Time	31	31

2017 Dedicated Water Utility Budget	
Summary of Revenues	Anticipated

	2017	2016
1. Surplus	100,000.00	225,000.00
2. Miscellaneous Revenues	2,784,000.00	2,734,000.00
Total Revenues	2,884,000.00	2,959,000.00
Summary of Appropriations		
	2017 Budget	Final 2016 Budget
1. Operating Expenses: Salaries & Wages	683,515.00	723,500.00
Other Expenses	1,010,347.99	1,121,178.00
2. Capital Improvements	25,000.00	25,000.00
3. Debt Service	997,453.00	978,455.00
4. Deferred Charges & Other Appropriations	167,684.01	110,867.00
5. Deficit in Operations	0.00	0.00
Total Appropriations	2,884,000.00	2,959,000.00
Total Number of Employees - Full & Part Time	9	9

2017 Dedicated Sewer Utility Budget		
Summary of Revenues	Anticipated	
	2017	2016
1. Surplus	129,950.00	62,617.00
2. Miscellaneous Revenues	1,875,000.00	1,880,300.00
Total Revenues	2,004,950.00	1,942,917.00
Summary of Appropriations		
	2017 Budget	Final 2016 Budget
1. Operating Expenses: Salaries & Wages	585,000.00	581,500.00
Other Expenses	1,135,050.00	1,076,850.00
2. Capital Improvements	10,000.00	10,000.00
3. Debt Service	173,825.00	176,325.00
4. Deferred Charges & Other Appropriations	101,075.00	98,242.00
Total Appropriations	2,004,950.00	1,942,917.00
Total Number of Employees - Full & Part Time	7	7

Balance of Outstanding Debt @12/31/16		
	General	Water & Sewer
Interest	98,420.00	457,703.00
Principal	3,386,000.00	14,155,284.00
Outstanding Balance	3,484,420.00	14,612,987.00

Notice is hereby given that the budget and tax resolution was approved by the Town Council of the Town of Clinton, County of Hunterdon on February 28, 2017.

A hearing on the budget and tax resolution will be held at the Municipal Building on March 28 ,2017 at 7:30 o'clock (PM) at which time and place objections to the Budget and Tax Resolution for the year 2017 may be presented by taxpayers or other interested persons.

Copies of the detailed budget are available in the office of Cecilia Covino, Town Clerk, at the Municipal Building, 43 Leigh Street, Clinton, New Jersey 08809,(908) 735-8616, during the hours of 9:00(A.M.) to 4:30(P.M.).

SPECIAL EVENT APPLICATION – HUNTERDON ART MUSEUM

A motion was made by Ms. Dineen, seconded by Mr. Smith to approve the RED Art Party Gala for the Hunterdon Art Museum to be held Saturday, April 29, 2017. The museum is requesting the closure of Lower Center Street. Mr. Pendergast questioned the street closure as the diagram does not show the event will venture into the street. Mayor Kovach said it is expected that overflow from the patio will be in the street, hence the request.

Vote all ayes
 1 Nay (Pendergast)
 Motion carried

SPECIAL EVENT APPLICATION – CFD/CFARS PARADE

A motion was made by Mr. Carberry, seconded by Mr. Rylak, to approve the Clinton Fire Department / Clinton First Aid and Rescue Squad anniversary parade for Saturday, May 20, 2017.

Vote all ayes
 Motion carried

CORRESPONDENCE

1. A letter received from a Scotch Plains Fanwood High School student, Noah Samms, addressing the declining bee population as a result of pesticides being used. Mayor Kovach directed the letter to Mr. Carberry and the Environmental Commission to address.

2. Received an update from the New Jersey League of Municipalities regarding Governor Christie's proposed fiscal year 2018 budget. Addressed in the State budget are new health benefit reforms and pension reforms, as well as transportation funding.

REPORTS FROM COUNCIL

Kathy Olsen, CFO

Ms. Olsen reiterated segments of the Governor's proposed budget and stated that State Aid will remain flat and health benefit reform. The pension reform will benefit from revenues from the lottery. The contribution would have the immediate effect of reducing the unfunded liability of the pension system by approximately \$13 billion and would increase the funded ratio of the pension system by almost 15 percentage points in one fell swoop from 49% to 64%

Councilman Smith

1. Water – next meeting Wednesday, March 8, 2017 at 8:00 a.m.
2. Roads – next meeting Friday March 3, 2017 at 8:00 a.m.
3. Buildings and Grounds – next meeting Monday, March 6, 2017 at 8:00 a.m.

Councilwoman Dineen

1. Shade Tree Commission has changed their meeting night and time to the second Monday of the month at 7:00 p.m. The Commission is asking for Arbor Day suggestions for a tree dedication. A suggestion was made to dedicate a tree to the Clinton Fire Department and Clinton First Aid and Rescue Squad on their 125 years and 50 years anniversaries.

Councilwoman Sosidka

1. Historic Commission has been discussing ideas and are interested in making a video of the history of Clinton. Mark from Citispot has been asked to do the filming and a list of questions and people to interview is being developed.

The Commission is also asking for names of people that may have died in WWI in connection with the upcoming Historic Commission and the Red Mill event on WWI. Mr. Smith suggested walking through the local cemeteries and Claire Knapp, Reporter from the Review, suggested contacting a VFW, a local American Legion Post or check in at the State level with the Department of Military and Veteran Affairs.

Discussion about the Commission elaborating on the Clinton Fire is also taking place.

Councilman Pendergast

1. Clinton Fire Department has a membership application from Tony P. Watts Jr, 81 Overlook Drive, Clinton, NJ Mr. Pendergast made a motion to accept the application, seconded by Mr. Rylak.

Vote all ayes
Motion carried

2. Sewer Department - the Halstead re-lining project is nearing completion, two laterals to be corrected and downstream cleanup.

Eleni Giannikopoulos, Suburban Consulting, made a calendar for Mr. Smith with some funny ad libs!
Nice job!

STANDBY AND OVERTIME

A motion was made by Mr. Rylak seconded by Mr. Pendergast to approve the standby and overtime as amended for the period of February 10 through February 23, 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 Ms. Dineen, seconded by Ms. Sosidka to adjourn the meeting at 7:59 p.m.

Cecilia Covino, RMC/CMC
Municipal Clerk

Janice Kovach, Mayor