

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 August 22, 2017.

Vote all ayes
1 Abstention (Sosidka)
Motion carried

APPROVAL OF EXECUTIVE SESSION MINUTES

A motion was made by Mr. Carberry, seconded by Mr. Rylak, to approve the executive session minutes of August 22, 2017 as submitted.

Vote all ayes
1 Abstention (Sosidka)
Motion carried

APPROVAL OF MONTHLY REPORTS – AUGUST

A motion was made by Mr. Carberry, seconded by Ms. Sosidka, to approve the monthly reports for the month of August 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 - NONE

MAYOR’S COMMENTS

1. Raritan Headwaters hosting a seminar informing residents of the health effects of arsenic in drinking water and the need to test and treat private wells on September 14 from 3 -5 pm at the Flemington public library.
2. A letter of resignation and retirement has been received from Wayne Smith, DPW and Road Foreman employed for 38 years with the Town of Clinton. Mr. Carberry commented that there will be a “huge hole” left to fill. A motion was made by Mr. Smith, seconded by Mr. Pendergast to accept his letter with regrets.

Vote all ayes
Motion carried

SPECIAL EVENT APPLICATION – APPLE ‘N PUMPKIN HARVEST FESTIVAL

Harvey Finkel submitted event application for the 3rd annual Apple ‘n Pumpkin Harvest Festival to be held Sunday, October 1, 2017 from 9:00 a.m. to 5:00 p.m. Family fun street fair, food trucks, music, kid’s activities, beer/wine tent and vendors! A motion was made by Mr. Carberry, seconded by Mr. Rylak, to approve the request.

Vote all ayes
Motion carried

LYMES AWARENESS

A request to help raise awareness to Lymes Disease by hanging green ribbons on Main Street in Clinton for the weekend of September 29 and 30, 2017 was made by Haley Johnson. An educational summit focusing on neurological tick infections, mental illness and suicide prevention will be held at the Clinton Holiday Inn on Friday and Saturday, September 29 and 30th. A motion was made by Ms. Sosidka, seconded by Mr. Carberry, to approve the request and to notify Ms. Johnson that ribbons be removed by midnight Sunday.

Vote all ayes
Motion carried

INTRODUCTION OF ORDINANCE #17-06 – ENERGY AGGREGATION PROGRAM

Stacia Scaduto, business development consultant for Commercial Utility Consultants, Inc. attended the meeting to follow up on her original presentation promoting a Government Energy Aggregation program which would allow residents of Clinton to get lower electric rates in a risk free approach. Council discussed the program and questions were posed. Councilmen Smith and Carberry were both concerned supporting a private business. Lower rates may be obtained through an auction process in which energy providers and customers would be charged if their rate is less than what JCP&L is charging. JCP&L will continue to provide electric service but would be required to charge customers the lower rate. Councilwoman Sosidka said the ordinance allows the Town to enter into an agreement with GEA and only creates the GEA to offer residents a new opportunity without committing anyone to join. There are no fees and there is no penalty if a resident chooses to opt out of the program. GEA assures the Town that they will be available 24/7 to answer questions and phone calls from the public and would prepare a statement to notify residents of the ordinance and the program which would be sent in an email blast to residents via Town media. A Town meeting will be held before any changes take place and an agreement/contract will be prepared by GEA and forwarded to the town for review. Included in the agreement will be language that the price will never exceed JCP&L rates. Mr. Rylak made a motion to proceed with this ordinance, with a public hearing on October 10, 2017 at 7:30 p.m., and confirmation that a guarantee be noted in the contract to be made with Commercial Utility Consultants, Inc. that the price will never exceed JCP&L rates. This motion was seconded by Mr. Pendergast.

ORDINANCE # 17-06

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

WHEREAS, the State of New Jersey has been engaged in a process to establish a competitive market place through deregulation and restructuring the electric utility market and/or natural gas market; and

WHEREAS, the Government Energy Aggregation Act, N.J.S.A. 48:3-93.1 et seq., (the “Act”), governs the establishment of a government energy aggregation program (“GEA Program”), which is a government-operated purchasing cooperative through which multiple energy consumers purchase energy together under the auspices of a government aggregator; and

WHEREAS, the New Jersey Board of Public Utilities has promulgated rules, N.J.A.C. 14:4-6.1 et seq., for the implementation of GEA Programs (“BPU Rules”)

WHEREAS, the Act and BPU Rules permit the Town of Clinton (the “Town”) to participate in a GEA Program in order to provide electric generation service for use by residential and non-residential customers within the municipality’s geographic boundaries; and

WHEREAS, the establishment of a government aggregator and an energy aggregation program to purchase electric generation service and/or natural gas pursuant to N.J.S.A. 48:3-93.1 et seq. and N.J.A.C. 14:4-6.1 et seq. will increase competition for the provision of electric power and/or natural gas to residential and non-residential users, thereby increasing the likelihood of lower electric rates and/or natural gas rates for these users without causing any interruption in service; and

WHEREAS, under the aggregation process the residential and non-residential ratepayers may likely receive a direct reduction in their electric and/or gas bills; and

WHEREAS, residential customers shall be able to “opt-out” of the GEA program if they do not wish to participate (with no effect on any existing agreements they may have with an electrical generation service), and non-residential customers shall be able to “opt-in” if they wish to participate; and

WHEREAS, the realization of energy cost savings is in the economic and social interests of the health, safety and welfare of the residents and non-residents of the Town residents of Clinton (the “Town”); and

WHEREAS, the Town hereby finds that it is in the best interests of residential and non-residential ratepayers for the Town of Clinton to create the opportunity for them to enter into an aggregation agreement in order to seek substantial savings on electric and/or natural gas rates; and

NOW, THEREFORE BE IT ORDAINED, by the ~~Town Mayor and~~ Council of the Town of Clinton in the County of Hunterdon and the State of New Jersey, ~~duly assembled in public session~~, as follows:

1. The Town of Clinton publicly declares its intent to become an aggregator of electric power on behalf of its residential users of electricity pursuant to the Government Energy Act of 2003, N.J.S.A. 48:3-91.3 to -98, and implementing regulations.

2. The Town of Clinton will utilize approved vendors, Concord Engineering’s dba Concord Energy Services and Commercial Utility Consultants, Reverse Energy Auction Platform pursuant to the NJ E-PROCUREMENT Pilot program (P.L. 2001, c.30) under the NJ Department of Community Affairs. The Reverse Energy auction will seek bids from licensed and appropriate third party suppliers. If such winning bid is selected and agreement executed, individual residential consumers would retain the option not to participate and to choose any alternatives they desire.

3. The Mayor and Town Clerk are hereby authorized and directed to execute any documents

necessary to carry out the purpose of the Ordinance.

4. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.

5. If any portion of this ordinance shall be deemed invalid by any court of competent jurisdiction, the remainder shall survive in full force and effect.

6. This ordinance shall be effective immediately upon adoption and publication in accordance with law.

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

Vote 5 Ayes
Vote 2 Nays
Motion carried

A copy of this ordinance will be published in the September 20, 2017 edition of the Hunterdon Review. A public hearing will be held October 10, 2017 in the municipal building.

RESOLUTION #106-17 – HUNTERDON COUNTY FIRE CHIEF’S DAYTIME PROPOSAL

Continued discussions regarding Hunterdon County Fire Chief’s proposal to have Hunterdon County Freeholders hire paid firefighters to cover the lack of fire personnel available during the daytime hours and to further look into strategically placing staff at three locations in the county. Mayor and Council members expressed their opinions openly. Mr. Smith understands that though there may be a need for coverage, feasibility and cost remain an issue. Furthermore, Mr. Smith commented that the proposed resolution reads that the County of Hunterdon (Freeholders) are pursuing an interest, it should read that the Hunterdon County Fire Chief’s Association are expressing an interest in the creation of a County Daytime Fire Department. Mr. Carberry is not in support of pursuing this at all and feels it is a way to get paid firefighters and unionization for firefighters. Mr. Carberry would like to see an alternative plan. Mr. Rylak supports exploration of pursuing this option but would like to see a cost and feasibility study. Mayor Kovach expressed her concern and stated she would like to have a financial analysis completed. Short term projections are completely off when looking at long range, 10 years or more. Mayor Kovach has concerns that the Freeholders cannot service this for long range as proven by other county shared services in the past. Councilman Pendergast highly supports the fire chiefs and volunteers and that they have worked hard and long on preparing this proposal and asks how much more does council want to see? Councilwoman Dineen said the resolution should not read “supporting the creation” but should read “supporting an exploration” of County Daytime Fire Department.....

Councilman Carberry suggested that in lieu of supporting the proposed resolution to explore the cost factor and the feasibility study, a letter be sent to the Freeholders. Mayor Kovach expressed her concerns as being with the Freeholders. Councilwoman Sosidka said she supports the concept but would like to see the exploration of paid staff. Mr. Phelan said he would prepare a letter with a request to outline costs and send it to council for their review prior to mailing to the Freeholders and asked that council members respond to him directly with their concerns. Motion was made by Mr. Carberry, seconded by Mr. Rylak, to proceed with sending a letter to the Hunterdon County Freeholders as discussed.

ROLL CALL: AYES: Carberry, Dineen, Rylak, Smith, Mayor Kovach
NAYS: Pendergast
ABSTAIN: Sosidka

Vote Ayes: 5
Nays: 1
Abstain (1) Sosidka
Motion carried

RESOLUTION #107-17 – OVERPAYMENT OF TAXES

A motion was made by Mr. Smith, seconded by Mr. Rylak, to adopt Resolution #107-17 as submitted:

RESOLUTION # 107-17

WHEREAS, the Tax Collector of the Town of Clinton has received an overpayment for the following block and lot due to refinance,

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Town of Clinton that the Chief Financial Officer be authorized to refund the overpayment to Corelogic Real Estate Tax Service c/o Centralized Refunds, P.O. Box 9202, Coppell, Texas, 75019-9978, for the following account:

<u>BLOCK</u>	<u>LOT</u>	<u>OWNER</u>	<u>AMOUNT</u>
31.01	7.01 C2912	Patricia McGinley	\$ 567.12

BE IT FURTHER RESOLVED that the Tax Collector remove the overpayment on the above block and lot for the 3rd quarter 2017.

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

Vote all ayes
Motion carried

RESOLUTION #108-17 – OVERPAYMENT OF TAXES

A motion was made by Mr. Carberry seconded by Ms. Dineen, to adopt Resolution #108-17 as submitted:

RESOLUTION # 108-17

WHEREAS, the Tax Collector of the Town of Clinton has received overpayments for following blocks and lots due to incorrect amounts paid,

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Town of Clinton that the Chief Financial Officer be authorized to refund the overpayment to the following accounts:

<u>BLOCK</u>	<u>LOT</u>	<u>OWNER</u>	<u>AMOUNT</u>
1	60.02	Park Valley Clinton LLC	\$ 49.70
17.01	3	Saranna LLC	\$ 18.42
31.01	7.01 C2901	Kathy Doyle	\$ 149.45

BE IT FURTHER RESOLVED that the Tax Collector remove the overpayments on the above block and lots for the 3rd quarter of 2017.

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

Vote all ayes
Motion carried

RESOLUTION #109-17 – AWARD OF GARBAGE CONTRACT

A motion was made by Mr. Smith, seconded by Mr. Rylak, to adopt Resolution #109-17 as submitted:

RESOLUTION #109-17

AUTHORIZING CONTRACT WITH PREMIER DISPOSAL, INC.

FOR SOLID WASTE & RECYCLING COLLECTION AND DISPOSAL

WHEREAS, the Town of Clinton (“Town”) received and opened sealed bids for Solid Waste & Recycling Collection & Disposal on Wednesday, August 23, 2017 at 10:00AM pursuant to the authority of N.J.S.A. 40A:11-1 et seq; and

WHEREAS, the Town solicited bids for periods of one, three and five years; and

WHEREAS, the following three (3) bids were received for the five-year contract term:

- | | |
|---|--------------|
| • Premier Disposal | \$462,770.00 |
| • Raritan Valley Disposal d/b/a Republic Services | \$606,988.00 |
| • LMR Disposal | \$708,200.00 |

WHEREAS, the Town has determined that it is in the best interest of the Town to award a five year contract; and

WHEREAS, Premier Disposal, Inc. submitted the lowest bid for a five year contract in the total amount of \$462,770 for collection of solid waste and recycling and collection;

WHEREAS, the bids from the second and third bidders exceeded the amount anticipated to be budgeted for garbage collection services for the period of the award.

WHEREAS, pursuant to the attached document, the Chief Financial Officer has certified that funding is available in the 2017 budget, and will be made available in subsequent years of this contract.

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

1. The Town of Clinton approves the award of a five year contract to Premier Disposal, Inc. for a total contract amount of \$462,770.00 for the collection of solid waste and recycling
2. The contract to be entered between the Town of Clinton and Premier Disposal, Inc. shall be substantially in the form attached hereto.
3. The Mayor and Clerk are hereby authorized to sign the contract and all other documents necessary for the transactions contemplated by this Resolution.

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

Vote all ayes
Motion carried

CORRESPONDENCE

1. Announcement received from Gebhardt & Kiefer Law Offices that Richard P. Cushing has been named to the 2017 Super Lawyers list of Municipal Law and Tara A. St. Angelo has been named to the 2017 Super Lawyers Rising Stars list of Municipal Law. Congratulations to both!

REPORTS FROM COUNCIL

Councilman Smith

1. Buildings and Grounds – Town is still awaiting word from State as to allowing the annual bonfire to proceed. Mayor Kovach stated she will be headed to Trenton soon and will reach out to Department of Environmental Protection to get answers.

Mr. Phelan is working on an agreement with an electronics recycling outfit to start up recycling again at the treatment plant. Clean Communities grant money will pay for the signage and a container.

The Sunrise Rotary is interested in installing two bikes racks in separate locations in the Main Street area.

2. PBA negotiations will be held Wednesday, September 13, 2017 at 8:00 a.m.

Councilwoman Sosidka

1. Recreation Commission – held meeting with representative of the Hunterdon Soccer Club who annually uses the fields at Hunts Mill Park. The Club is interested in re-surfacing the fields, re-grading, and restoring sod. This project will not cost the Town anything, however, their annual fee will be cut in half for the work being done. The Recreation Committee supports the proposition made by the Club. The fields are in need of restoration. The work is estimated to cost the Club \$5,000 and their annual fee to use the fields is \$1,000, therefore, 2018 season will cost them \$500.
2. The 911 ceremony was held Monday, September 11, 2017 at Patriots Point, across from the Clinton House. It was well attended and organized by Ruthann Disotell. Thanks to emergency services, police and everyone for their participation.

Councilman Pendergast

1. Sewer Committee will be meeting Friday, September 15, 2017.
2. Clinton Fire Department will be having their second annual Beer Fest Fund Raiser on Saturday, September 23, 2017 from 1:00 pm to 5:00 pm. VIP tickets are available for an early start including beer and food. Mr. Carberry commented that last year it was a fun event and even though it was a “beer fest”, no one got intoxicated and it was run very well. Mr. Pendergast stated that the event is being supervised by a beer master from Manville.

Mayor Kovach and Mr. Pendergast met with members of the fire department and discussed having their parking lot milled down two inches and repaved. The fire department is seeking three quotes and has received the first of three to date. Mr. Pendergast reached out to Mr. Smith as chair of the Roads Department to ask the Town Engineer for an unbiased opinion of the condition of their parking lot and is currently awaiting his opinion.

Councilman Carberry

1. The Environmental Commission will now be having quarterly meetings instead of monthly meetings. The Green Team is more active and will be scheduling their own meetings in conjunction with working with the Clinton Conservancy.

Councilman Rylak

1. Clinton Conservancy – Kathy Madden continues to be an intrepid leader and joined in the planting with the help of the Country Garden Club and the Boy Scouts led by Hunter Kovach. Plants have been labeled, shrubs have been planted and a garden has been designed by Denise Birmingham. Girl Scouts will be planting 1,370 bulbs on October 7 and on October 21 from 9:00 to noon, the Sierra Club and other volunteers will be planting sedges, a monarch way station and a perennial butterfly garden at the far end of Water Street. Anyone interested in helping may go on the website clintonconservancygardens.com
2. Congratulations to Mr. Smith for a successful surgery and wishing him a speedy recovery.

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 August 11 through August 24, 2017 attached to these minutes.

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

Vote all ayes
Motion carried

STANDBY AND OVERTIME

A motion was made by Mr. Carberry, seconded by Ms. Dineen to approve the standby and overtime submitted for the period of August 25 through September 7, 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 8:46 p.m.

Cecilia Covino, RMC/CMC, Municipal Clerk

Mayor Janice Kovach