

COMPLETE AUDIO OF MEETING IS AVAILABLE www.clintonnj.gov

Mayor Kovach called the joint meeting of the Council and Land Use Board to order at 7:30 p.m. at the Clinton Fire Department.

Flag Salute.

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

Land Use Board: Present – Feldman, Sailer, Maher, Mellick, Smith, Healy, Viotto
Absent – Blanco, Maher, Schaumburg

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 October 23, 2017.

Vote all ayes
Motion carried

APPROVAL OF MINUTES

A motion was made by Mr. Carberry seconded by Ms. Sosidka to approve the minutes of the Council Meeting held November 7, 2017.

Vote all ayes
Motion carried

APPROVAL OF EXECUTIVE SESSION MINUTES

A motion was made by Mr. Carberry seconded by Mr. Sosidka, to approve the minutes of the Council Meeting held November 7, 2017.

Vote all ayes
Motion carried

APPROVAL OF MONTHLY REPORTS

A motion was made by Mr. Carberry seconded by Ms. Sosidka to approve the monthly reports for the month of October as submitted.

Administrator’s Report, Clerk’s Account, Cat & Dog Licensing Accounts, Construction Control/ Inspection Report, Police Reports September and October, Road Foreman’s Report, Sewer Collector’s Report, Tax Collector’s Report, Water Collector’s Report, Wastewater Treatment Plant, September and October, Zoning Officer Report.

Vote all ayes
Motion carried

PUBLIC COMMENT - NONE

MAYOR'S COMMENTS - NONE

1. Mayor Kovach shared an invitation to join the second graders at 12:15 on December 7, 2017 to talk about government.
2. A gentleman contacted the Town to express his thanks for a town employee finding his wallet recently. DPW, Kevin Hallinger found Richard Tortora's wallet and turned it in to the police department. The wallet was returned with \$200 in it. Mr. Hallinger was said to be a honest and responsible employee.

HUNTERDON COUNTY PROSECUTOR – DRUG EPIDEMIC

Hunterdon County Prosecutor, Tony Kearns, accompanied by Detective Bryan Hanley, Detective Sgt. Paul Approvato and Detective Brian Jados presented a brief documentary to show the seriousness of the current drug epidemic hitting Hunterdon County. Mr. Kearns explained that the problem is getting worse in this area due to technology, GPS, Facebook, Twitter, etc. This is an area that was once difficult to navigate but with GPS devices Clinton is an easy target with access to I78, Newark, New York and Easton. The presentation was aimed to the large assembly this evening, urging parents to be aware of their children's interactions and to open dialogue with them, no matter of their ages.

Resident, Jack Wayser 5 Alexandra Way, said he is a member of a men's team out of Milford, willing to help wherever needed. The gentlemen will exchange information>

Councilwoman Sosidka asked what programs seem to work the best and Mr. Kearns said the holistic approach and faith based programs. Mayor Kovach asked how the Town of Clinton can help, and Mr. Kearns commended the good work of Chief Brett Matheis and the Clinton Police Department and asked Council to continue to encourage and support them. Councilman Pendergast echoed the sentiments of Clinton's hometown feel and encouraged parents to talk to their children and to support the families that are dealing with drug abuse in their homes.

For more information contact the Hunterdon County Prosecutor's Office at 908-788-1129 or contact the coalition of Hunterdon and Somerset Counties.

WATER REFUND

Water collector, Nancy Burgess, is requesting a water refund be issued in the amount of \$170.36 to Charles Most. A motion was made by Ms. Sosidka, seconded by Mr. Rylak, to refund the amount requested.

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

Vote all ayes
Motion carried

PUBLIC HEARING – ORDINANCE #17-08

A motion was made by Mr. Pendergast, seconded by Mr. Carberry, to open the public hearing of Ordinance #17-08:

ORDINANCE #17-08
AN ORDINANCE ACCEPTING A PUBLIC PEDESTRIAN ACCESS EASEMENT OVER A
PORTION OF BLOCK 10, LOT 13

Vote all ayes
Motion carried

There being no questions from the public, a motion was made by Mr. Pendergast, seconded by Ms. Dineen, 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 #17-08 on final reading.

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

Vote all ayes
Motion carried

PUBLIC HEARING OF ORDINANCE #17-09 – PURCHASE OF LAND

A motion was made by Mr. Smith, seconded by Mr. Pendergast to open the public hearing of Ordinance #17-09:

ORDINANCE #17-09

CAPITAL ORDINANCE OF THE TOWN OF CLINTON, AUTHORIZING THE MAKING OF IMPROVEMENTS IN, BY AND FOR THE TOWN OF CLINTON AND APPROPRIATING THEREFOR THE SUM OF \$40,000.00 FROM THE CAPITAL IMPROVEMENT FUND

Vote all ayes
Motion carried

Councilman Smith explained the breakdown of the \$40,000.00. \$25,000.00 would be used towards the purchase of the Music Hall property known as Block 25, Lot 19, and \$15,000.00 would be used for settlement costs.

Pat Hatalla, 3 Spruce Run Road, asked what is the property going to be used for? Mayor Kovach explained at the last meeting held November 7, 2017, Council and the Land Use Board discussed purchasing the property to build 29 - 100% affordable, age restricted apartments. A commitment to purchase has been signed by the current owner. The Town would not oversee the units, the land would be donated to a builder.

Other questions were posed by Jack Wayser, George Tiboni, West Main Street; Phil Franzone, Center Street; Paul Kipp, West Main Street; John Kashwick, Water Street.

John Madden, Fairview Avenue, expressed his enthusiasm and said the Town was getting a good deal and senior housing is fantastic! Mr. Madden applauded Council and Land Use Board for making this happen!

With no other public comments to be made, a motion was made by Mr. Pendergast, seconded by Mr. Carberry, to close the public portion of the meeting.

Vote all ayes
Motion carried

A motion was made by Mr. Carberry, seconded by Mr. Pendergast, to adopt Ordinance #17-09 on final reading.

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

Vote all ayes
Motion carried

BOND ORDINANCE #17-10 – WEST MAIN STREET WATER MAIN REPLACEMENT

A motion was made by Mr. Carberry, seconded by Mr. Pendergast to introduce Ordinance #17-10 on first reading as submitted:

ORDINANCE #17-10

BOND ORDINANCE PROVIDING FOR THE WEST MAIN STREET WATER MAIN REPLACEMENT PROJECT IN AND BY THE TOWN OF CLINTON, IN THE COUNTY OF HUNTERDON, NEW JERSEY, APPROPRIATING \$1,740,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,740,000 BONDS OR NOTES OF THE TOWN TO FINANCE THE COST THEREOF.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CLINTON, IN THE COUNTY OF HUNTERDON, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section 1. The improvement described in Section 3(a) of this bond ordinance is hereby authorized to be undertaken by the Town of Clinton, in the County of Hunterdon, New Jersey (the "Town") as a general improvement. For the improvement or purpose described in Section 3(a), there is hereby appropriated the sum of \$1,740,000. Pursuant to N.J.S.A. 40A:2-11(c) and contingent upon the approval of the Director of the Division of Local Government Services, no down payment is provided for the cost of the improvement since the project described in Section 3(a) hereof is being funded by the New Jersey Environmental Infrastructure Trust.

Section 2. In order to finance the cost of the improvement or purpose, negotiable bonds are hereby authorized to be issued in the principal amount of \$1,740,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvement hereby authorized and the purpose for the financing of which the bonds are to be issued is for the West Main Street Water Main Replacement Project, including a water main extension to reinforce the distribution system as well as the replacement of the critical river crossing and the installation of a new main along West Main Street and further including all work and materials necessary therefor and incidental thereto.

(b) The estimated maximum amount of bonds or bond anticipation notes to be issued for the improvement or purpose is as stated in Section 2 hereof.

(c) The estimated cost of the improvement or purpose is equal to the amount of the appropriation herein made therefor.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no bond anticipation note shall mature later than one year from its date, unless such bond anticipation notes are permitted to mature at such later date in accordance with applicable law. The bond anticipation notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with bond anticipation notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the bond anticipation notes shall be conclusive evidence as to all such determinations. All bond anticipation notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law or other applicable law. The chief financial officer is hereby authorized to sell part or all of the bond anticipation notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the

purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the bond anticipation notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained and the name of the purchaser.

Section 5. The Town hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Town is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvement or purpose described in Section 3(a) of this bond ordinance is not a current expense. It is an improvement or purpose that the Town may lawfully undertake as a general improvement and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The period of usefulness of the improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 40 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Town as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$1,740,000, and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$435,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement.

Section 7. The Town hereby declares the intent of the Town to issue bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use the proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3(a) of this bond ordinance. This Section 7 is a declaration of intent within the meaning and for purposes of Treasury Regulations.

Section 8. Any grant moneys received for the purpose described in Section 3(a) hereof shall be applied either to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 9. The chief financial officer of the Town is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Town and to execute such disclosure document on behalf of the Town. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Town pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Town and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally

recognized bond counsel, consistent with the requirements of the Rule. In the event that the Town fails to comply with its undertaking, the Town shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 10. The full faith and credit of the Town are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Town, and the Town shall be obligated to levy *ad valorem* taxes upon all the taxable real property within the Town for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 11. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

Vote all ayes
Motion carried

A copy of this ordinance will be published in the Courier News on November 30, 2017. A public hearing will be held December 12, 2017.

BOND ORDINANCE #17-11 – FOSTER WHEELER BOOSTER PUMP STATION IMPROVEMENTS

A motion was made by Mr. Smith, seconded by Ms. Sosidka, to introduce Ordinance #17-11 on first reading as submitted:

ORDINANCE # 17-11

BOND ORDINANCE PROVIDING FOR THE FOSTER WHEELER BOOSTER PUMP STATION IMPROVEMENTS PROJECT IN AND BY THE TOWN OF CLINTON, IN THE COUNTY OF HUNTERDON, NEW JERSEY, APPROPRIATING \$1,200,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,200,000 BONDS OR NOTES OF THE TOWN TO FINANCE THE COST THEREOF.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CLINTON, IN THE COUNTY OF HUNTERDON, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section 1. The improvement described in Section 3(a) of this bond ordinance is hereby authorized to be undertaken by the Town of Clinton, in the County of Hunterdon, New Jersey (the "Town") as a general improvement. For the improvement or purpose described in Section 3(a), there is hereby appropriated the sum of \$1,200,000. Pursuant to N.J.S.A. 40A:2-11(c) and contingent upon the approval of the Director of the Division of Local Government Services, no down payment is provided for the cost of the improvement since the project described in Section 3(a) hereof is being funded by the New Jersey Environmental Infrastructure Trust.

Section 2. In order to finance the cost of the improvement or purpose, negotiable bonds are hereby authorized to be issued in the principal amount of \$1,200,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvement hereby authorized and the purpose for the financing of which the bonds are to be issued is for the Foster Wheeler Booster Pump Station Improvements, which shall include demolition of the existing hydro-pneumatic tanks, removal and replacement of electrical power and control wiring, replacement and reconfiguration of the finished water piping and valves,

installation of new booster pumps addition of flow meter, pressure transmitter and gauges, installation of remote communications for SCADA and related equipment and further including all work and materials necessary therefor and incidental thereto.

(b) The estimated maximum amount of bonds or bond anticipation notes to be issued for the improvement or purpose is as stated in Section 2 hereof.

(c) The estimated cost of the improvement or purpose is equal to the amount of the appropriation herein made therefor.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no bond anticipation note shall mature later than one year from its date, unless such bond anticipation notes are permitted to mature at such later date in accordance with applicable law. The bond anticipation notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with bond anticipation notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the bond anticipation notes shall be conclusive evidence as to all such determinations. All bond anticipation notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law or other applicable law. The chief financial officer is hereby authorized to sell part or all of the bond anticipation notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the bond anticipation notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained and the name of the purchaser.

Section 5. The Town hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Town is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvement or purpose described in Section 3(a) of this bond ordinance is not a current expense. It is an improvement or purpose that the Town may lawfully undertake as a general improvement and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The period of usefulness of the improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 20 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Town as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$1,200,000, and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$240,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement.

Section 7. The Town hereby declares the intent of the Town to issue bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use the proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3(a) of this bond ordinance. This Section 7 is a declaration of intent within the meaning and for purposes of Treasury Regulations.

Section 8. Any grant moneys received for the purpose described in Section 3(a) hereof shall be applied either to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 9. The chief financial officer of the Town is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Town and to execute such disclosure document on behalf of the Town. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Town pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Town and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Town fails to comply with its undertaking, the Town shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 10. The full faith and credit of the Town are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Town, and the Town shall be obligated to levy *ad valorem* taxes upon all the taxable real property within the Town for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 11. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

Vote all ayes
Motion carried

A notice of this ordinance will be published in the Courier News edition of November 30, 2017. A public hearing will be held December 12, 2017.

INTRODUCTION OF ORDINANCE #17-12 – WATER MAIN REPLACEMENTS

A motion was made by Mr. Pendergast, seconded by Ms. Dineen, to introduce Ordinance #17-12 on first reading as submitted:

**ORDINANCE #17-12
BOND ORDINANCE PROVIDING FOR THE GLEN EAGLES DRIVE,
MUIRFIELD LANE AND HEATHER HILL WAY WATER MAIN REPLACEMENT
PROJECT IN AND BY THE TOWN OF CLINTON, IN THE COUNTY OF
HUNTERDON, NEW JERSEY, APPROPRIATING \$1,350,000 THEREFOR
AND AUTHORIZING THE ISSUANCE OF \$1,350,000 BONDS OR NOTES OF
THE TOWN TO FINANCE THE COST THEREOF.**

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CLINTON, IN THE COUNTY OF HUNTERDON, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section 1. The improvement described in Section 3(a) of this bond ordinance is hereby authorized to be undertaken by the Town of Clinton, in the County of Hunterdon, New Jersey (the "Town") as a general improvement. For the improvement or purpose described in Section 3(a), there is hereby appropriated the sum of \$1,350,000. Pursuant to N.J.S.A. 40A:2-11(c) and contingent upon the approval of the Director of the Division of Local Government Services, no down payment is provided for the cost of the improvement since the project described in Section 3(a) hereof is being funded by the New Jersey Environmental Infrastructure Trust.

Section 2. In order to finance the cost of the improvement or purpose, negotiable bonds are hereby authorized to be issued in the principal amount of \$1,350,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvement hereby authorized and the purpose for the financing of which the bonds are to be issued is for the Glen Eagles Drive, Muirfield Lane and Heather Hill Way Water Main Replacement Project, including the replacement of mains along Glen Eagles Drive, Muirfield Lane and Heather Hill Way, with associated hydrants, services, valves and fittings and the extension of the existing water main along Heather Hill Way and further including all work and materials necessary therefor and incidental thereto.

(b) The estimated maximum amount of bonds or bond anticipation notes to be issued for the improvement or purpose is as stated in Section 2 hereof.

(c) The estimated cost of the improvement or purpose is equal to the amount of the appropriation herein made therefor.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no bond anticipation note shall mature later than one year from its date, unless such bond anticipation notes are permitted to mature at such later date in accordance with applicable law. The bond anticipation notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with bond anticipation notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the bond anticipation notes shall be conclusive evidence as to all such determinations. All bond anticipation notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law or other applicable law. The chief financial officer is hereby authorized to sell part or all of the bond anticipation notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the bond anticipation notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained and the name of the purchaser.

Section 5. The Town hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Town is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvement or purpose described in Section 3(a) of this bond ordinance is not a current expense. It is an improvement or purpose that the Town may lawfully undertake as a general improvement and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The period of usefulness of the improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 40 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Town as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$1,350,000, and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$337,500 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement.

Section 7. The Town hereby declares the intent of the Town to issue bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use the proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3(a) of this bond ordinance. This Section 7 is a declaration of intent within the meaning and for purposes of Treasury Regulations.

Section 8. Any grant moneys received for the purpose described in Section 3(a) hereof shall be applied either to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 9. The chief financial officer of the Town is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Town and to execute such disclosure document on behalf of the Town. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Town pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Town and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Town fails to comply with its undertaking, the Town shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 10. The full faith and credit of the Town are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Town, and the Town shall be obligated to levy *ad valorem* taxes upon all the taxable real property within the Town for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 11. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

Vote all ayes

Motion carried

A notice of this ordinance will be published in the Courier News edition of November 30, 2017. A public hearing will be held December 12, 2017.

RESOLUTION #130-17 – CANCELLATION OF LIEN

A motion was made by Ms. Sosidka, seconded by Mr. Carberry, to adopt Resolution #130-17 as submitted:

RESOLUTION # 130-17

WHEREAS, the Tax Collector of the Town of Clinton has been paid \$84.24, the amount necessary to redeem Tax Sale Certificate #2017-1 on Block 29.01, Lot 17, assessed to Marilyn Mroz, and purchased by Henry Hansch, Jr..

NOW THEREFORE BE IT RESOLVED, on this 27th day of November 2017 by the Mayor and Council of the Town of Clinton, County of Hunterdon, that the Chief Financial Officer be authorized to issue a check in the amount of \$84.24 and \$300.00 Premium, to Henry Hansch, Jr., 504 Chandler Lane, Whippany, NJ 07981 upon receipt of the Original Tax Sale Certificate endorsed for cancellation, and

BE IT FURTHER RESOLVED that the Tax Collector be authorized to cancel Lien #2017-1 on Block 29.01, Lot 17, assessed to Marilyn Mroz, from the Town of Clinton Tax Records.

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

Vote all ayes
Motion carried

RESOLUTION #131-17 – OVERPAYMENT REFUND

A motion was made by Mr. Carberry, seconded by Ms. Sosidka, to adopt Resolution #131-17 as submitted:

RESOLUTION # 131-17

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

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 BSI Financial, c/o Lereta, LLC for the following account:

<u>BLOCK</u>	<u>LOT</u>	<u>OWNER</u>	<u>AMOUNT</u>
19	12.07	Michael & Kim Nolan	\$2,745.18

BE IT FURTHER RESOLVED that the Tax Collector remove the overpayment on the above block and lot for the 4th quarter 2017.

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

Vote all ayes
Motion carried

RESOLUTION #132-17 – CANCELLATION OF TAXES

A motion was made by Mr. Carberry, seconded by Ms. Dineen, to adopt Resolution #132-17 as submitted:

**RESOLUTION #132-17
CANCELLATION OF TAXES**

WHEREAS, Block 31, Lot 37 was never assessed until 2013;

WHEREAS, the Tax Assessor shows the ownership as “Unknown” and states that the property should be considered as an “Uncollectible”;

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Town of Clinton, County of Hunterdon and State of New Jersey, that the taxes due on Block 31, Lot 37 in the amount of \$63.14 for the year 2017 be cancelled, and

BE IT FURTHER RESOLVED that the Tax Collector be relieved from the obligation to collect that assessment.

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

Vote all ayes
Motion carried

RESOLUTION #133-17 – CANCELLATION OF LIEN

A motion was made by Mr. Carberry, seconded by Ms. Dineen, to adopt Resolution #133-17 as submitted:

RESOLUTION # 133-17

WHEREAS, the Tax Collector of the Town of Clinton has been paid \$744.90, the amount necessary to redeem Tax Sale Certificate #2017-2 on Block 1, Lot 19, assessed to US Bank Natl Assoc. Trustee, and purchased by US Bankcust for Pro Capital 7.

NOW THEREFORE BE IT RESOLVED, on this 27th day of November 2017 by the Mayor and Council of the Town of Clinton, County of Hunterdon, that the Chief Financial Officer be authorized to issue a check in the amount of \$744.90 to US Bankcust for PC 7 Firsttrust Bank, 50 South 16th Street, Suite 2050, Philadelphia, PA 19102 upon receipt of the Original Tax Sale Certificate endorsed for cancellation, and

BE IT FURTHER RESOLVED that the Tax Collector be authorized to cancel Lien #2017-2 on Block 1, Lot 19, assessed US Bank Natl Assoc. Trustee, from the Town of Clinton Tax Records.

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

Vote all ayes
Motion carried

RESOLUTION #134-17 – OVERPAYMENT OF TAXES

A motion was made by Ms. Sosidka, seconded by Mr. Rylak, to adopt Resolution #134-17 as submitted:

RESOLUTION #134-17

WHEREAS, the Tax Collector of the Town of Clinton has received overpayments for the following block and lots due to a closing or veterans deduction allowed,

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 overpayments to Corelogic Real Estate Tax Service c/o Centralized Refunds, P.O. Box 9202, Coppell, Texas, 75019-9978, for the following accounts:

<u>BLOCK</u>	<u>LOT</u>	<u>OWNER</u>	<u>AMOUNT</u>
14	10	Anthony Piazza & Nicole	2,536.62
31	7 C1309	Frank Bonnani	250.00

BE IT FURTHER RESOLVED that the Tax Collector remove the overpayments on the above block and lots for the 4th quarter 2017.

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

Vote all ayes
Motion carried

RESOLUTION #135-17 – TRANSFER OF FUNDS

A motion was made by Mr. Carberry, seconded by Ms. Dineen, to adopt resolution #135-17 as submitted:

RESOLUTION – #135-17

WHEREAS, it has been determined that there will be excesses in certain appropriations over and above the amount deemed to be necessary to fulfill the purpose of such appropriations for the year 2017, and it has also been determined that certain appropriations are deemed to be insufficient to fulfill the purposes of such appropriations; and

WHEREAS, N.J.S.A. 40A:4-58 provides for the transfer of the amount of such appropriations as may be deemed in excess to such appropriations as may be deemed to be insufficient; and

WHEREAS, the transfers about to be authorized do not affect any appropriations, to which or from which transfer are prohibited under the statutes;

NOW, THEREFORE, BE IT RESOLVED that the following transfers between 2017 appropriations be authorized pursuant to N.J.S.A. 40A:4-58:

	<u>From</u>	<u>To</u>
Municipal Clerk – Other Expenses	\$ 3,000.00	
Streets & Roads – S&W	500.00	
Solid Waste Disposal – Other Expenses	8,000.00	
Municipal Clerk – S&W		\$ 3,000.00
Buildings & Grounds – S&W		500.00
Social Security – Other Expenses		8,000.00

TOTALS	\$ 11,500.00	\$ 11,500.00
<u>Water Utility</u>		
NJEIT - Interest	\$ 400.00	
PERS		\$ 220.00
Bond Interest		\$ 180.00
Salary & Wages	\$ 40,000.00	
Other Expenses		\$ 40,000.00
TOTALS	\$ 40,400.00	\$ 40,400.00
<u>Sewer Utility</u>		
NJEIT – Interest	\$ 220.00	
PERS		\$ 220.00
TOTALS	\$ 220.00	\$ 220.00

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

Vote all ayes
Motion carried

RESOLUTION #136-17 – APPOINTMENT OF PROPERTY APPRAISER

A motion was made by Mr. Smith, seconded by Mr. Carberry, to adopt Resolution #136-17 as submitted:

RESOLUTION # 136-17

RESOLUTION APPOINTING PROPERTY APPRAISER

WHEREAS, The Town of Clinton has the need to appoint an Appraiser for the property located at 23 West Main Street; and

WHEREAS, Norman J. Goldberg of 44 Leigh Street, Clinton, NJ has been recommended by Town Counsel;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Town of Clinton hereby appoints Norman J. Goldberg as the Appraiser for 23 West Main Street at an amount not to exceed \$2,000.00.

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

Vote all ayes
Motion carried

MUNICIPAL ALLIANCE PROGRAM

A motion was made by Mr. Pendergast, seconded by Mr. Carberry, to support the Hunterdon County Education Services Commission for processing expenditures for all five municipal alliance consortiums thus removing this responsibility from the individual municipalities.

Vote all ayes
Motion carried

REPORTS FROM COUNCIL

Councilman Smith – Water Committee submitted plans to the State Historic Preservation Office for their review. SHPO confirmed there is no encroachment on historic property. This is the West Main Street Pedestrian Project located in front of the Clinton House.

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 October 20 through November 2, 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. Pendergast seconded by Mr. Carberry to approve the standby and overtime submitted for the period of November 3 through November 16, 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. Carberry seconded by Ms. Dineen, to approve the voucher lists attached to these minutes.

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

Vote all ayes
Motion carried

RESOLUTION #137-17 – EXECUTIVE SESSION

A motion was made by Mr. Carberry, seconded by Mr. Pendergast, to enter into Executive Session to discuss a matter of negotiations at 8:27 p.m.

Vote all ayes
Motion carried

RESOLUTION #137-17

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

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 purchase, 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 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

Mayor, Council and the Land Use Board returned from Executive session at 9:08 pm.

Town Planner, Jim Kyle, gave the public an overview of the affordable housing litigation and the affordable housing obligation estimations made by two different experts: 1) the consortium consultant and 2) the Fair Share Housing Center. The Planner continued that Fair Share Housing Center has offered to settle the affordable housing litigation, with the town agreeing to meet a certain affordable housing obligation. Council and the Board have decided

to move forward with the settlement offer with the Fair Share Housing Center. The Town has a plan to move forward with the 167 affordable housing credits that does not include the need to build any units on the Moebus tract. This will take the intervenor and owner of the Moebus Tract out of the process. The settlement will buy the Town time to examine the zoning on the Moebus tract and the Board will be re-examining the Master Plan in 2018 as scheduled to do so.

The meeting was opened to the public at 9:17 p.m. Several resident spoke and posed questions of the Attorney, Planner, Land Use Board and Council. Residents were pleased to hear that Town will be purchasing the Music Hall property in order to construct 29 affordable, age-restricted units. (audio available at www.clintonnj.gov)

A motion was made by Mr. Carberry, seconded by Mr. Rylak, to authorize the Town Attorney to convey the below stated settlement offer to Fair Share Housing Center and to authorize the Town Attorney and Town Planner to take all steps to negotiate a Settlement Agreement with Fair Share Housing Center, pending approval by the Mayor and Council of the final language of such settlement agreement.

PROJECT	CREDITS	NOTES
Alton Place	44	Completed; for sale units; prior round credit
Nami House	4	Prior Round credit
Accessory Apartments (existing)	4	Completed
Twin Ponds	12	Rental units; Completed and occupied
Twin Ponds Rental Bonus	12	---
Eastern Hill	7	Rental units; Completed and CO's issued
Eastern Hill Rental Bonus	7	---
Holiday Inn (proposed)	10	Rental Units; Concept Plan received
Holiday Inn Rental Bonus	10	---
Music Hall Property (proposed) (Block 25, Lot 19) (100% Affordable, age-restricted)	29 (estimate from Michael's)	The Town has entered into a letter of intent with the owner and has signed a contract to purchase the property. The planner has received estimates from affordable housing developers (such as Michael's) for the project.

Redevelopment Zone (proposed) (Block 25, Lot 20)	17	Letter from developer regarding intentions to develop the site indicating an intent to do 15 affordable units and a possibility of 2 group home bedrooms (see attached); the planner is currently working with the owner and his professionals on an updated concept plan.
Accessory Apartments	10	The planner is developing an estimate of anticipated developer's fees. However, the Town intends to bond to fund this program if they do not receive adequate developer's fees. As per the two Town Hall meetings held over the last two months, there appears to be interest in such a program.
59 Old Highway (proposed)	1	Owner is converting second floor from offices to residential apartments and has a preliminary agreement to provide 1 affordable unit.
Total	167	---
Shortfall	0	---

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

Vote all ayes
Motion carried

Mayor Kovach thanked the audience for attending, the Land Use Board for their input and for working closely with the Town Council. Land Use Chair, Craig Sailer, thanked Council for including them in the process.

ADJOURNMENT: There being no further business, a motion was made by Mr. Carberry seconded by Mr. Rylak to adjourn the meeting at 10:04 p.m.

Cecilia Covino, RMC/CMC
Municipal Clerk

Mayor Janice Kovach