

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

Flag Salute.

Roll Call: Present – Dineen, Karsh, Pendergast, 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 COUNCIL MINUTES**

A motion was made by Ms. Sosidka seconded by Mr. Pendergast to approve the Council minutes of August 14, 2018 as submitted.

Vote all ayes  
Motion carried

**APPROVAL OF MONTHLY REPORTS – JULY**

A motion was made by Mr. Smith seconded by Ms. Sosidka to approve the Treasurer’s Report for the month of July as submitted.

Vote all ayes  
Motion carried

**PUBLIC COMMENTS - NONE**

**MAYOR’S COMMENT**

1. A letter of resignation was received from crossing guard, Deb Schaeffer. A motion to accept was made by Ms. Sosidka, seconded by Mr. Smith.

Vote all ayes  
Motion carried

A recommendation was made by Chief Matheis to offer employment to Jennifer Frohlick who submitted an application for crossing guard. A motion was made by Mr. Smith, seconded by Ms. Sosidka to hire Ms. Frohlick as the new crossing guard.

Vote all ayes  
Motion carried

2. Rodney and Marge Hendricksen of Leigh Street have decided to move out of town after 41 years. The Hendricksen’s are requesting a temporary lane detour on Leigh Street south side, directing traffic through Haver Farm to allow the moving truck to load up in early September. A motion was made by Mr. Smith, seconded by Ms. Dineen, to approve the request. Mayor Kovach expressed warm wishes to the couple who have volunteered many years to the Board of Adjustment and the Planning Board, wished them good luck and said they will be missed. Rod and Marge in turn expressed their sadness

to be leaving Clinton and wished everyone well, especially the town and the boards that continue to address applications.

Vote all ayes  
Motion carried

**RESOLUTION # 126-18 – EXECUTIVE SESSION**

A motion was made by Ms. Sosidka seconded by Ms. Dineen, to enter into Executive Session to discuss a matter of litigation at 7:37 p.m. Action to be taken upon returning to council meeting.

**RESOLUTION # 126-18**

**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

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**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 purpose, lease or acquisition of real property with public funds, the setting of bank rates or investment of public funds where it could adversely affect the public interest if discussion of such matters were disclosed;

\_\_\_\_\_ Tactics and techniques utilized in protecting the safety and property of the public provided that their disclosure could impair such protection;

\_\_\_\_\_ Investigations of violations or possible violations of the law;

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

Upon returning from Executive Session at 7:46 p.m., a motion was made by Ms. Dineen, seconded by Ms. Sosidka to adopt Resolution #127-18, the amended agreement with Northgate West Condominium Association.

**RESOLUTION #127-18**

**AUTHORIZING EXECUTION OF AMENDED AGREEMENT WITH  
NORTHGATE WEST CONDOMINIUM ASSOCIATION**

**WHERE, Northgate West Condominium Association, Inc., (the “Association”) filed a Petition with the Board of Public Utilities (“BPU”), OAL DOCKET NO. PUC 06947-2017S , seeking a determination by the Court that the Town of Clinton (the “Town”) failed to comply with N.J.A.C. 14:9-2.2 with regard to certain fire hydrants located within the Association; and**

**WHEREAS, parties appeared with counsel for a hearing before Judge Jacob Gertsman, ALJ on February 13, 2018 and placed a settlement on the record, which was approved by Resolution #59-18 of the Town Council dated February 27, 2018; and**

**WHEREAS, pursuant to a conference call amongst Judge Gertsman and counsel for the Association and the Town on March 29, 2018, Judge Gertsman advised that the proposed settlement did not meet the requirements of the BPU, which would ultimately have to approve the settlement; and**

**WHEREAS, the parties engaged in negotiations and on August 20, 2018 appeared before Judge Gertsman again and signed and placed a revised settlement on the record (subject to approval by the Town Council), which is attached hereto; and**

**WHEREAS, Judge Gertsman advised that, in his opinion, such revised settlement would meet the requirements of the BPU; and**

**WHEREAS, it is in the best interests of the Town of Clinton to enter into an agreement with Association in the form attached hereto in order to resolve the above-referenced action; and**

**NOW THEREFORE BE IT RESOLVED** by the Mayor and Council of the Town of Clinton, Hunterdon County that the Mayor is authorized to execute the agreement in the form attached hereto. This lengthy document is available in the clerk’s office for review.

Vote all ayes  
1 Abstention (Karsh)  
Motion carried

**PRESENTATION – HUNTERDON COUNTY ECONOMIC DEVELOPMENT**

Director, Marc Saluk, gave a project overview of what the committee has been focusing on, namely the direction of Hunterdon County. A seated committee, made up of officials along the corridor, has been formed “78-22 coalition” which meets regularly to discuss the potential of bringing businesses and

tourism to the area. Stockton University, Lloyd D. Levenson Institute of Gaming, Hospitality & Tourism, has prepared a review of Hunterdon County and a survey for visitors to learn who comes to the area and why? A Hunterdon sticker pack is being designed by students, overseen by adults, to get all ages involved. Mr. Saluk provided copies of "The Economic Impact of Tourism in Hunterdon County" along with his business card and encourages the large audience in attendance this evening to take a copy and feel free to contact him for additional information. Mr. Saluk left at 8:00 p.m.

### **WATER REFUNDS**

Water Collector, Nancy Burgess, is requesting water refunds for the following properties:

Richard Leone -	\$11.76
Estate of Jeannette Fritsche -	\$82.10
Dana Company, LLC -	\$300.00

A motion was made by Mr. Smith, seconded by Ms. Karsh, to refund the amounts requested.

ROLL CALL: Ayes: Dineen, Karsh, Smith, Sosidka, Mayor Kovach

Vote all ayes  
1 Abstention (Pendergast)  
Motion carried

### **RESOLUTION #123-18 – SPECIAL APPRAISER**

A motion was made by Mr. Pendergast, seconded by Ms. Sosidka, to adopt Resolution #123-18 as submitted:

#### **RESOLUTION # 123-18**

#### **RESOLUTION AUTHORIZING THE HIRING OF A SPECIAL APPRAISER**

**WHEREAS**, there exists a need for the engagement of an Appraiser for the Town of Clinton in connection with the value of liquor licenses; and

**WHEREAS**, funds are or will be made available for this purpose to be certified by the Treasurer; and

**WHEREAS**, the Local Public Contracts Law, N.J.S.A. 40A:11-1, *et seq.*, authorizes engaging an Appraiser without competitive bidding providing that the Resolution authorizing the award of contracts for "Professional Services" without competitive bidding and the contracts be available for public inspection.

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

1. Eric Arnold of The Liquor License Company is hereby appointed to serve as Appraiser for the Town of Clinton.
2. The Mayor and Council shall enter into a mutually agreeable written compensation agreement with said Special Appraiser within thirty (30) days of the date of this Resolution.
3. This Agreement is awarded without competitive bidding as a "Professional Service" under the provision of the Local Public Contracts Law, N.J.S.A. 40A:11-5.

ROLL CALL: Ayes: Dineen, Karsh, Pendergast, Smith, Sosidka, Mayor Kovach

Vote all ayes  
Motion carried

**RESOLUTION #124-18 - WATER RESERVATION**

A motion was made by Ms. Sosidka, seconded by Mr. Pendergast, to adopt Resolution #124-18 as submitted:

**RESOLUTION # 124-18**

**RESOLUTION APPROVING WATER CAPACITY RESERVATION APPLICATION # L18-04**

**WHEREAS**, on March 24, 2015, the Mayor and Council of the Town of Clinton adopted Ordinance 15-1, which amended Chapter 142 of the General Ordinances of the Town of Clinton by creating procedures for applying for and receiving approval for water reservations; and

**WHEREAS**, the Town has received a completed Water Reservation Application # L18-04, dated July 17, 2018, submitted in the name of Zinn Realty, LLC (Township of Clinton Block 74, Lots 16, 18 & 19 – 1 Gray Rock Road); and

**WHEREAS**, on July 24, 2018 the Town's Water Consulting Engineer, Suburban Consulting Engineers, informed the Town of their recommendation of approval of the afore-mentioned application which proposes development of one (1) building comprised of 12,376 square feet of office space; and

**WHEREAS**, the Town's Water Committee have reviewed and approved said application and deemed it complete, to which they have granted final approval.

**NOW, THEREFORE BE IT RESOLVED**, that in accordance with Chapter 142, Section 1, Sub-section J(3) of the Town's Ordinances, the Mayor and Council hereby approved Water Reservation Application # L18-04 in the amount of 1,547 GPD.

**BE IT FURTHER RESOLVED**, that certified copies of this resolution be provided to the Applicant, Suburban Consulting Engineers, and the Town of Clinton Superintendent of Water.

ROLL CALL: AYES: Dineen, Karsh, Pendergast, Smith, Sosidka, Mayor Kovach

Vote all ayes  
Motion carried

**RESOLUTION #125-18 – OVERPAYMENT**

A motion was made by Mr. Pendergast, seconded by Ms. Dineen, to adopt Resolution #125-18 as submitted:

**RESOLUTION # 125-18**

**WHEREAS**, the Tax Collector of the Town of Clinton has received an overpayment for following block and lot due to Homestead Rebate Credit,

**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:

<b><u>BLOCK</u></b>	<b><u>LOT</u></b>	<b><u>OWNER</u></b>	<b><u>AMOUNT</u></b>
1	12	Gloria Cunningham	\$378.69

**BE IT FURTHER RESOLVED** that the Tax Collector remove the overpayment on the above block and lot for the 3<sup>rd</sup> quarter 2018.

ROLL CALL: AYES: Dineen, Karsh, Pendergast, Smith, Sosidka, Mayor Kovach

Vote all ayes  
Motion carried

### **CORRESPONDENCE**

1. The Clinton Land Use Board has endorsed the Settlement Agreement for Fair Share Housing and Clinton Moebus 34, LLC.
2. State of New Jersey, Highlands Water Protection and Planning Council has hired a new Executive Director, Lisa J. Plevin and Chairman, Carl J. Richko.

### **REPORTS FROM COUNCIL**

#### **Councilwoman Sosidka**

Board of Recreation holding two more movie nights at Gebhardt Field: September 14 will feature Wonder and September 28, 2018, Paddington Bear. September 16 on the patio of the Hunterdon Art Museum, Whitehouse Wind Symphony at 3:00 p.m.

### **STANDBY AND OVERTIME**

A motion was made by Mr. Pendergast seconded by Ms. Sosidka, to approve the standby and overtime submitted for the period of August 10 through August 23, 2018 attached to these minutes.

ROLL CALL: Ayes: Dineen, Karsh, Pendergast, 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 bill list attached to these minutes as submitted.

ROLL CALL: Ayes: Dineen, Karsh, Pendergast, Smith, Sosidka, Mayor Kovach

Vote all ayes  
Motion carried

### **PUBLIC COMMENT – AFFORDABLE HOUSING – CLINTON TOWNSHIP/ALTON PLACE**

At 8:06 p.m., Mayor Kovach opened the meeting to the public after explaining this proposal is being made by Clinton Township. At this time, nothing has been received from Clinton Township with any information or requests for water. The Township has its own sewage authority which controls how the sewer capacity allotment previously purchased from the town is to be distributed within their own boundaries. The town could not be forced to expand the sewer treatment plant based solely on the needs of another community. No commitments have been made for any services. The letters that property owners located within 200 feet of this proposal is for a change to zoning, to allow for affordable housing in order for Clinton Township to meet their housing obligations. The public hearing is September 12, 2018 at 7:00 p.m. in the Clinton Township Council Chambers, Route 31 North and attendees here this evening are urged to attend that meeting. Mayor Kovach had details of the proposal. The lot is 16.17 acres, 2.3 acres water protection buffers to the North, 140 units with 20% affordable. Remainder will be town homes, not sure if they will be for sale or rentals. 2 apartment buildings, 2 ½ stories and a 40 foot buffer, Town of Clinton will recommend a 50 foot buffer and trees to be planted for a 85% screening in 5 years.

The Town of Clinton is limited as to what they can do but will be sending a letter and will be sharing thoughts, questions, concerns and suggestions with the Township. Mayor Kovach will be attending the meeting on September 12, 2018 at 7:00 p.m.

Approximately 80 residents attended this meeting to speak of their concerns. Residents were asked to state their names and addresses and to sign a tablet being passed around if they wished. The audio of this council meeting is available on the clintonnj.gov website for anyone interested in hearing the comments in full.

Angela Lombardi, Clinton Township resident  
Ray Bahto 47 Alexandra Way  
Phillip Morris, 8 Old Orchard Court  
Chesley Snider, 10 Hickory Court  
Peter Walsh, 6 Hickory Court  
Nora Klippstein, 32 Marudy Drive  
Nick Corcodolis, 73 Old Mountain Road, Clinton Township resident  
Susan Adair, 8 Alexandra Way  
Sandra Schuler, 8 Willow Court  
Corey Klein, 2 Cypress Court  
Frances Fabrizio, 22 Mountain View Road  
Norma James, Clinton Township

Most of the questions raised expressed concern of the ability of the water and sewer utilities to service any new developments in the township. Councilman Smith, Water and Sewer Committee Chairman, assured residents that the Town of Clinton is the water department's first priority.

Mayor Kovach thanked everyone for coming and will see them again on September 12, 2018.

**ADJOURNMENT:** There being no further business, a motion was made by Mr. Pendergast seconded by Ms. Dineen to adjourn the meeting at 8:52 p.m.

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Cecilia Covino, RMC/CMC, Municipal Clerk

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Mayor Janice Kovach