

5012

Mayor Kovach called the meeting to order at .m.

Flag Salute.

Roll Call: Present – Dineen, Karsh, Smith, Sosidka, Mayor Kovach
Absent – Johnson

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.”

RESOLUTION #165-18 – SETTLEMENT AGREEMENT

A motion was made by Ms. Dineen, seconded by Mr. Humphrey, to move Resolution #165-18. Council began discussing the agreement and Mr. Cushing explained that Ms. Karsh found an error in Paragraph 7.

Mr. Cushing referred to Paragraph 7 and the change that will be made will read, 3rd sentence.
2% compounded annually.

Change: After January 1, 2040, any party dissatisfied with the 2% increase shall have the right to challenge it by mediation as set forth in paragraph 5 above.

RESOLUTION # 165-18

RESOLUTION AUTHORIZING THE MAYOR AND CLERK TO EXECUTE A SETTLEMENT AGREEMENT IN CONNECTION WITH THE DISPUTE AMONG THE TOWN OF CLINTON, BOROUGH OF HIGH BRIDGE AND THE CLINTON TOWNSHIP SEWER AUTHORITY REGARDING SEWER RATES

WHEREAS, the Town of Clinton is involved in litigation/arbitration with the Borough of High Bridge (“High Bridge”) and the Clinton Township Sewage Authority (“CTSA”), jointly referred to as “Parties”, regarding sewer rates and other issues; and

WHEREAS, the Parties agreed to participation in mediation of the dispute before the Hon. Jerome St. John (ret.) and

WHEREAS, the Parties have had negotiations over the past several months through the office of Judge St. John and have made substantial progress in connection with those negotiations and

WHEREAS, Judge St. John has prepared, with input from the parties, a form of Settlement Agreement, with some modifications suggested by the Town, that is acceptable to the Town of Clinton; and

WHEREAS, a form of that agreement is attached hereto; and

WHEREAS, that agreement requires action to be taken by the parties by December 21, 2018 and thereafter by December 27, 2018; and

WHEREAS, because of the holiday season, the Town of Clinton will not be able to hold another meeting during 2018 year due to lack of quorum;

WHEREAS, High Bridge and the CTSA have not signed the Settlement Agreement.

NOW THEREFORE BE IT RESOLVED, that the Mayor and Council of the Town of Clinton hereby authorize the Mayor and Clerk to execute the form of Settlement Agreement attached hereto, provided that High Bridge and the CTSA have: (1) delivered to the Town of Clinton a payment of \$750,000 in accordance with the terms of the Settlement Agreement by noon on December 21, 2018 and (2) delivered to the Town the properly executed Settlement Agreement by no later than noon on December 26, at 2018.

NOW BE IT FURTHER RESOLVED, that the Mayor and Council hereby authorize the Municipal Attorney, with the permission of the Sewer Negotiating Subcommittee, composed of the Mayor and Councilman Smith, to make minor language changes to the Settlement Agreement, upon the recommendation of Judge St. John and for the Mayor and Clerk to sign the modified Settlement Agreement, provided that High Bridge and the CTSA have: (1) delivered to the Town of Clinton a payment of \$750,000 in accordance with the terms of the Settlement Agreement by noon on December 21, 2018 and (2) delivered to the Town the properly executed Settlement Agreement by no later than noon on December 26, at 2018.

NOW BE IT FURTHER RESOLVED, High Bridge and the CTSA have not : (1) delivered to the Town of Clinton a payment of \$750,000 in accordance with the terms of the Settlement Agreement by noon on December 21, 2018 and (2) delivered to the Town the properly executed Settlement Agreement by no later than noon on December 26, 2018, the authority granted by the Resolution is hereby revoked.

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

Votes all ayes
! Nay (Sosidka)
Motion carried

Ms. Sosidka explained her vote, that she appreciated all the time and efforts put into mediation and likes the deal structured going forward and it is fair to all parties. Ms. Sosidka's main concern is dividing up escrow for the past and believes the Town should have received more but feels fairer ways are in going forward.

ADJOURNMENT: There being no further business, a motion was made by Ms. Karsh seconded by Ms. Dineen to adjourn the meeting at 8:47 a.m.

Cecilia Covino, RMC/CMC, Municipal Clerk

Mayor Janice Kovach