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

Flag Salute.

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

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. Karsh, seconded by Ms. Sosidka, to approve the Council minutes of February 13, 2018 as submitted.

Vote all ayes
Abstention 1 (Kovach)
Motion carried

APPROVAL OF BUDGET MEETING MINUTES

A motion was made by Mr. Smith, seconded by Ms. Karsh, to approve to Budget meeting minutes of February 20, 2018 as submitted.

PUBLIC COMMENTS

Dr. Jonathan Wall wished to express his appreciation to the Clinton Police Department in helping for the safe return of his dogs.

MAYOR’S COMMENTS

1. Resignation received from Don Berkman who plans to be moving out of Clinton with his wife, Monica. Mr. Berkman ran the tennis program for 18 years and will be sorely missed. A motion was made by Mr. Rylak, seconded by Ms. Dineen to accept the resignation with regrets.
2. Three appointments have been recommended by Council liaisons:

Steven Kalleser – Shade Tree – Motion made by Mr. Smith, seconded by Ms. Karsh to accept.

Vote all ayes
Motion carried

Jeremy Padmos – Board of Recreation – Motion made by Ms. Johnson, seconded by Mr. Smith to accept.

Vote all ayes
Motion carried

David Kelleher – Board of Recreation – Motion made by Ms. Dineen, seconded by Mr. Rylak to accept.

Vote all ayes
Motion carried

- Clinton Police Department was visited by a Cub Scout Pack who sent several handmade thank you cards addressed to Chief Mathies and Patrolman Robbins.

EXECUTIVE SESSION

Council excused themselves from the Regular Council meeting and left the room. Mr. Rylak and Ms. Karsh were recused from the session due to a conflict of interest.

RESOLUTION #58-18 – EXECUTIVE SESSION

A motion was made by Ms. Dineen, seconded by Mr. Smith to enter into executive session at 7:34 p.m. to discuss matters unrelated to affordable housing.

RESOLUTION # 58-18

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

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;

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_____ 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: _____)

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

Council returned to the regular meeting at 7:45 p.m.

PUBLIC HEARING OF ORDINANCE #18-01

A motion was made by Mr. Smith, seconded by Mr. Rylak, to open the public hearing of Ordinance #18-01:

ORDINANCE #18-01
BOND ORDINANCE AMENDING IN ITS ENTIRETY
ORDINANCE #17-09 OF THE TOWN OF CLINTON,
PROVIDING FOR THE ACQUISITION OF
PROPERTY, FINALLY ADOPTED NOVEMBER 27,
2017 IN ORDER TO PROVIDE FOR THE
PREVIOUSLY AUTHORIZED ACQUISITION OF
PROPERTY, THE INCREASE OF THE
APPROPRIATION AMOUNT AND THE ISSUANCE
OF BONDS OR NOTES TO FINANCE THE COST
THEREOF

Vote all ayes
Motion carried

There being no public comment, a motion was made by Mr. Smith, seconded by Mr. Rylak to close the public hearing of Ordinance #18-01.

Vote all ayes
Motion carried

A motion was made by Ms. Dineen, seconded by Mr. Smith to adopt Ordinance #18-01 on final reading.

ROLL CALL: Ayes: Dineen, Johnson, Karsh, Rylak, Smith, Mayor Kovach

Vote all ayes
Motion carried

BANNER REQUEST

Council is in receipt of a banner request for the Red Mill Museum Village to display a banner July 29 through August 6, 2018. The event is Kid's Day and will be held August 5. A motion was made by Ms. Dineen, seconded by Ms. Karsh to approve the request as submitted.

Vote all ayes
Motion carried

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SPECIAL EVENT APPLICATION

A request has been received from the Hunterdon Art Museum sponsoring the Secret Garden – ArtParty Gala 2018, on Saturday, April 28, 2018 from 6:00 to 10:00 p.m. A partial road closure is being requested as well. Chief Mathies recommends approval with one officer and Lower Center Street one-way south to Main Street, no left turn off the Pony Truss Bridge. A motion was made by Mr. Smith, seconded by Mr. Rylak to approve the request.

Vote all ayes
Motion carried

A second request, Friendly Sons of St. Patric of Hunterdon County hosting St. Patrick's Day Parade, Sunday, March 11, 2018. Motion to approve made by Ms. Johnson, seconded by Ms. Karsh.

Vote all ayes
Motion carried

RESOLUTION #54-18- LOAN CLOSING FOR I-BANK

A motion was made by Mr. Smith, seconded by Ms. Dineen, to adopt Resolution #54-18 as submitted:

RESOLUTION # 54-18

**RESOLUTION DETERMINING THE FORM AND OTHER DETAILS OF NOT EXCEEDING
\$2,223,750 WATER UTILITY BONDS, SERIES 2018, OF THE TOWN OF CLINTON,
IN THE COUNTY OF HUNTERDON, NEW JERSEY, AND PROVIDING FOR THEIR SALE
TO**

**THE NEW JERSEY INFRASTRUCTURE BANK (F/K/A THE NEW JERSEY
ENVIRONMENTAL INFRASTRUCTURE TRUST)**

**AND THE STATE OF NEW JERSEY AND FURTHER AUTHORIZING THE EXECUTION OF
VARIOUS AGREEMENTS, ALL**

PURSUANT TO THE STATE FISCAL YEAR 2018 NEW JERSEY WATER BANK

WHEREAS, the Town of Clinton, in the County of Hunterdon, New Jersey (the "Local Unit"), has determined that there exists a need within the Local Unit to acquire, construct, renovate or install a project consisting of various improvements to Well #4 and Well #7 and the decommissioning of Well #14 and acquisition and installation of equipment and materials and work necessary therefor or related thereto (the "Project") as defined in each of that certain Loan Agreement (the "I-Bank Loan Agreement") to be entered into by and between the Local Unit and the New Jersey Infrastructure Bank (the "I-Bank") and that certain Loan Agreement (the "Fund Loan Agreement", and together with the I-Bank Loan Agreement, the "Loan Agreements") to be entered into by and between the Local Unit and the State of New Jersey, acting by and through the New Jersey Department of Environmental Protection (the "State"), all pursuant to the State Fiscal Year 2018 New Jersey Water Bank (the "Program");

WHEREAS, the Local Unit has determined to finance the acquisition, construction, renovation or installation of the Project with the proceeds of a loan to be made by each of the I-Bank (the "I-Bank Loan") and the State (the "Fund Loan", and together with the I-Bank Loan, the "Loans") pursuant to the I-Bank Loan Agreement and the Fund Loan Agreement, respectively;

WHEREAS, to evidence the Loans, each of the I-Bank and the State require the Local Unit to authorize, execute, attest and deliver the Local Unit's Water Utility Bonds, Series 2018, to the I-Bank (the "I-Bank Loan Bond") and Water Utility Bonds, Series 2018, to the State (the "Fund Loan Bond", and together with the I-Bank Loan Bond, the "Local Unit Bonds"), said Local Unit Bonds to be issued in an aggregate principal amount not to exceed \$2,223,750, pursuant to the terms of the Local Bond Law of the State of New Jersey, constituting Chapter 2 of Title 40A of the Revised Statutes of the State of New Jersey (the "Local Bond Law"), other applicable law and the Loan Agreements;

WHEREAS, N.J.S.A. 40A:2-27(a)(2) of the Local Bond Law allows for the sale of the I-Bank Loan Bond and the Fund Loan Bond to the I-Bank and the State, respectively, without any public offering, and N.J.S.A. 58:11B-9(a) allows for the sale of the I-Bank Loan Bond to the I-Bank without any public offering, all under the terms and conditions set forth herein;

WHEREAS, the I-Bank and the State have expressed their desire to close in escrow the making of the Loans, the issuance of the Local Unit Bonds and the execution and delivery of the Loan Agreements, all pursuant to the terms of an Escrow Agreement (the "Escrow Agreement") to be entered into by and among the I-Bank, the State, the Local Unit and the escrow agent named therein.

NOW, THEREFORE, BE IT RESOLVED by a 2/3 vote of the full membership of the governing body of the Local Unit as follows:

Section 1. The I-Bank Loan Agreement, the Fund Loan Agreement and the Escrow Agreement (collectively, the "Financing Documents") are hereby authorized to be executed and delivered on behalf of the Local Unit by either the Mayor or the Chief Financial Officer in substantially the forms on file with the Clerk, with such changes as the Mayor or the Chief Financial Officer (each an "Authorized Officer"), in their respective sole discretion, after consultation with counsel and any advisors to the Local Unit (collectively, the "Local Unit Consultants") and after further consultation with the I-Bank, the State and their representatives, agents, counsel and advisors (collectively, the "Program Consultants", and together with the Local Unit Consultants, the "Consultants"), shall determine, such determination to be conclusively evidenced by the execution of such Financing Documents by an Authorized Officer as determined hereunder. The Local Unit Clerk is hereby authorized to attest to the execution of the Financing Documents by an Authorized Officer of the Local Unit as determined hereunder and to affix the corporate seal of the Local Unit to such Financing Documents.

Section 2. The Authorized Officers of the Local Unit are hereby further severally authorized to (i) execute and deliver, and the Local Unit Clerk is hereby further authorized to attest to such execution and to affix the corporate seal of the Local Unit to, any document, instrument or closing certificate deemed necessary, desirable or convenient by the Authorized Officers or the Local Unit Clerk, as applicable, in their respective sole discretion, after consultation with the Consultants, to be executed in connection with the execution and delivery of the Financing Documents and the consummation of the transactions contemplated thereby, which determination shall be conclusively evidenced by the execution of each such certificate or other document by the party authorized hereunder to execute such certificate or other

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document, and (ii) perform such other actions as the Authorized Officers deem necessary, desirable or convenient in relation to the execution and delivery thereof.

Section 3. In accordance with N.J.S.A. 40A:2-27(a)(2) of the Local Bond Law and N.J.S.A. 58:11B-9(a), the Local Unit hereby sells and awards its I-Bank Loan Bond to the I-Bank and its Fund Loan Bond to the State, in a total aggregate principal amount not to exceed 2,223,750, all in accordance with the provisions hereof. The Local Unit Bonds have been referred to and are described in bond ordinance #15-03, which bond ordinance is entitled "Bond Ordinance Providing for Well #7 Improvements and Well #14 Decommissioning for the Water Utility in and by the Town of Clinton, in the County of Hunterdon, New Jersey, Appropriating \$1,025,000 Therefor and Authorizing the Issuance of \$973,750 Bonds or Notes of the Town to Finance Part of the Cost Thereof" and bond ordinance #15-04, which bond ordinance is entitled "Bond Ordinance Providing for Improvements to Well #4 for the Water Utility of the Town of Clinton, Appropriating \$1,250,000 Therefore and Authorizing the Issuance of \$1,250,000 Bonds or Notes of the Town for Financing the Cost Thereof". The aforementioned ordinances were finally adopted by the Local Unit at a meeting duly called and held on March 24, 2015, at which time a quorum was present and acted throughout, all pursuant to the terms of the Local Bond Law and other applicable law.

Section 4. The Chief Financial Officer of the Local Unit (the "Chief Financial Officer") is hereby authorized to determine, in accordance with the Local Bond Law and pursuant to the terms and conditions established by the I-Bank and the State under the Loan Agreements and the terms and conditions hereof, the following items with respect to the I-Bank Loan Bond and the Fund Loan Bond:

- (a) The aggregate principal amounts of the I-Bank Loan Bond and the Fund Loan Bond to be issued;
- (b) The maturity and annual principal installments of the Local Unit Bonds, which maturity shall not exceed 30 years;
- (c) The date of the Local Unit Bonds;
- (d) The interest rates of the Local Unit Bonds;
- (e) The purchase price for the Local Unit Bonds; and
- (f) The terms and conditions under which the Local Unit Bonds shall be subject to redemption prior to their stated maturities.

Section 5. Any determination made by the Chief Financial Officer pursuant to the terms hereof shall be conclusively evidenced by the execution and attestation of the Local Unit Bonds by the parties authorized under Section 4(c) hereof.

Section 6. The Local Unit hereby determines that certain terms of the Local Unit Bonds shall be as follows:

- (a) The I-Bank Loan Bond shall be issued in a single denomination and shall be numbered R-1. The Fund Loan Bond shall be issued in a single denomination and shall be numbered R-2;
- (b) The Local Unit Bonds shall be issued in fully registered form and shall be payable to the registered owners thereof as to both principal and interest in lawful money of the United States of America; and

(c) The Local Unit Bonds shall be executed by the manual or facsimile signatures of the Mayor and the Chief Financial Officer under official seal or facsimile thereof affixed, printed, engraved or reproduced thereon and attested by the manual signature of the Local Unit Clerk.

Section 7. The I-Bank Loan Bond and the Fund Loan Bond shall be substantially in the form set forth in the I-Bank Loan Agreement and the Fund Loan Agreement, respectively.

Section 8. The law firm of McManimon, Scotland & Baumann, LLC is hereby authorized to arrange for the printing of the Local Unit Bonds, which law firm may authorize McCarter & English, LLP, bond counsel to the I-Bank and the State for the Program, to arrange for same. The Local Unit auditor is hereby authorized to prepare the financial information necessary in connection with the issuance of the Local Unit Bonds. The Mayor, the Chief Financial Officer and the Local Unit Clerk are hereby authorized to execute any certificates necessary or desirable in connection with the financial and other information.

Section 9. The terms of the Local Unit Bonds authorized to be set forth by the Chief Financial Officer in accordance with Section 2 hereof shall be ratified by the affirmative vote of 2/3 of the full membership of the governing body of the Local Unit.

Section 10. The Mayor and the Chief Financial Officer are hereby severally authorized to execute any certificates or documents necessary or desirable in connection with the sale of the Local Unit Bonds, and are further authorized to deliver same to the I-Bank and the State upon delivery of the Local Unit Bonds and the receipt of payment therefor in accordance with the Loan Agreements.

Section 11. This resolution shall take effect immediately.

Section 12. Upon the adoption hereof, the Local Unit Clerk shall forward certified copies of this resolution to McManimon, Scotland & Baumann, LLC, bond counsel to the Local Unit, and Richard T. Nolan, Esq., McCarter & English, LLP, bond counsel to the I-Bank.

ROLL CALL: Ayes: Dineen, Johnson, Karsh, Rylak, Smith, Mayor Kovach

Vote all ayes
Motion carried

RESOLUTION #55-18 – LOAN CLOSING FOR I-BANK

A motion was made by Mr. Smith, seconded by Ms. Dineen, to adopt Resolution #55-18 as submitted:

RESOLUTION #55-18

**RESOLUTION PROVIDING FOR THE COMBINATION OF CERTAIN ISSUES OF WATER
UTILITY BONDS OF THE TOWN OF CLINTON, IN THE COUNTY OF HUNTERDON, NEW
JERSEY INTO A SINGLE ISSUE OF BONDS AGGREGATING NOT TO EXCEED \$2,223,750
IN PRINCIPAL AMOUNT FOR SALE TO THE NEW JERSEY WATER BANK.**

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BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF CLINTON, IN THE COUNTY OF HUNTERDON, NEW JERSEY AS FOLLOWS:

Section 1. Pursuant to the provisions of N.J.S.A. 40A:2-26(f), the Bonds of the Town of Clinton, in the County of Hunterdon, New Jersey (the "Town") authorized pursuant to the bond ordinances of the Town heretofore adopted and described in Section 2 hereof shall be combined into a single and combined issue of Water Utility Bonds in the principal amount of \$2,223,750 for sale to the New Jersey Infrastructure Bank and the State of New Jersey, acting by and through the New Jersey Department of Environmental Protection pursuant to the State Fiscal Year 2018 New Jersey Water Bank.

Section 2. The principal amount of Bonds authorized by each ordinance to be combined into a single issue as above provided, the bond ordinances authorizing the Bonds described by reference to the number, the improvement description and the date of adoption, and the period or average period of usefulness determined in each of the bond ordinances are respectively as follows:

Principal Amount of Bonds	Number of Ordinance	Description of Improvement and Date of Adoption of Ordinance	Useful Life
\$973,750	15-03	Well #7 Improvements and Well #14 Decommissioning, finally adopted March 24, 2015.	40 years
\$1,250,000	15-04	Well #4 Improvements, finally adopted March 24, 2015.	40 years

Section 3. The following matters are hereby determined with respect to the combined issue of Bonds:

a. The average period of usefulness, computed on the basis of the respective amounts of Bonds presently authorized to be issued pursuant to each of the bond ordinances and the respective periods or average period of usefulness therein determined, is not less than 40 years.

b. The Bonds of the combined issue shall be designated "Water Utility Bonds" and shall mature within the average period of usefulness herein determined.

c. The Bonds of the combined issue shall be sold and issued in accordance with the provisions of the Local Bond Law applicable to the sale and the issuance of bonds authorized by a single bond ordinance and accordingly may be sold with other issues of bonds.

Section 4. The following additional matters are hereby determined, declared, recited and stated:

a. None of the Bonds described in Section 2 hereof has been sold or issued heretofore, and the several bond ordinances described in Section 2 have not been rescinded and now remain in full force and effect as authorizations for the respective amounts of Bonds set opposite the descriptions of the bond ordinances in Section 2.

b. The several purposes or improvements authorized by the respective bond ordinances described in Section 2 hereof are purposes for which bonds may be issued lawfully pursuant to the Local Bond Law and are all purposes for which a deduction may be taken in any annual or supplemental debt statement.

Section 5. This resolution shall take effect immediately.

ROLL CALL: AYES: Dineen, Johnson, Karsh, Rylak, Smith, Mayor Kovach

Vote all ayes
Motion carried

RESOLUTION #56-18 – CLOSE OUT ESCROW ACCOUNT

A motion was made by Ms. Dineen, seconded by Ms. Karsh, to adopt Resolution #56-18 as submitted:

RESOLUTION #56-18

WHEREAS, on March 10, 2011, Jim Stryker provided Escrow Funds to be deposited in a Town of Clinton escrow account in the amount of \$1,000.00, for work associated with 2-4 Leigh Street,

WHEREAS, the project was cancelled and never heard by the Land Use Board,

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Town of Clinton, to authorize the Chief Financial Officer to issue a check to Jim Stryker in the amount of \$1,000.00 to close the current escrow account.

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ROLL CALL: Ayes: Dineen, Johnson, Karsh, Rylak, Smith, Mayor Kovach

Vote all ayes
Motion carried

RESOLUTION #57-18 – CANCELLATION OF LIEN

A motion was made by Mr. Smith, seconded by Ms. Karsh, to adopt Resolution #57-18 as submitted:

RESOLUTION # 57-18

WHEREAS, the Tax Collector of the Town of Clinton has been paid \$3,196.59, the amount necessary to redeem Tax Sale Certificate #2016-11 on Block 31.01, Lot 7.01 C2911, assessed to TAI LAP LLC (was Mary Carmody), and purchased by FWDSL & Associates LP.

NOW THEREFORE BE IT RESOLVED, on this 27th day of February 2018 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 \$3,196.59 (certificate) & \$1,000.00 (premium) to FWDSL & Associates LP, 17 West Cliff Street, Somerville, NJ, 08876, 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 #2016-11 on Block 31.01, Lot 7.01 C2911, assessed to TAI LAP LLC (was Mary Carmody), from the Town of Clinton Tax Records.

ROLL CALL: Ayes: Dineen, Johnson, Karsh, Rylak, Smith, Mayor Kovach

Vote all ayes
Motion carried

RESOLUTION #59-18 – NORTHGATE WEST CONDO ASSOCIATION AGREEMENT

A motion was made by Ms. Dineen, seconded by Mr. Smith, to adopt Resolution #59-18 as submitted:

RESOLUTION #59-18

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

WHEREAS, 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 in substantially the same form as attached hereto; 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

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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. (Agreement on file in Clerk's office)

ROLL CALL: Ayes: Dineen, Johnson, Karsh, Rylak, Smith, Mayor Kovach

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

CORRESPONDENCE

1. Valerie Jordan, Fayetteville, Pa, former resident of High Bridge, sent a letter to the editor regarding sewer litigation and asked that it be made part of Clinton's meeting minutes.
2. Meals on Wheels – March for Meals campaign is March 19 – 23, 2018. If anyone is interested in delivering meals, see Clerk for more information.
3. Raritan Headwaters continues seminar series, Watershed Tools for Local Leaders for a winter / spring 2018 season.
4. Hunterdon Land Trust seeking donation of \$500 to support land preservation in Hunterdon County.
5. New Jersey Highlands Council regarding public notice requirements for any applicant for land development located in the preservation area.
6. Four letters from resident regarding affordable housing. Dr. Jonathan Wall, John Kashwick, Patrick McGuire, John Madden.

REPORTS OF COUNCIL

Councilman Smith

Water Committee – discussed the Glen Eagles water main replacement project before Clinton Township re-paves the road. Plan is to award in August, 2018 and have our phase completed by November, 2018.

Councilman Rylak

Clinton Fire Department next meeting is Monday, March 5, 2018.

Councilwoman Karsh

Clinton Guild – Re-organization meeting will be February 28, 2018 at 6:00 pm at the Hunterdon Art Museum. Election of officers is on their agenda.

Councilwoman Johnson

Clinton Public School February projects are wrapping up at the end of the month. Soles for souls and the pet supply drive went very well.

Shade Tree Commission continues taking bids for an arborist.

Board of Recreation – senior Luncheon scheduled for Sunday May 6, 2018 at the Clinton Fire Department

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STANDBY AND OVERTIME

A motion was made by Ms. Dineen, seconded by Mr. Smith to approve the standby and overtime for the period January 26, 2018 through February 8, 2018 attached to these minutes.

ROLL CALL: Ayes: Dineen, Johnson, Karsh, Rylak, Smith, Mayor Kovach

Vote all ayes
Motion carried

STANDBY AND OVERTIME

A motion was made by Mr. Smith, seconded by Ms. Karsh to approve the standby and overtime for the period February 9, 2018 through February 22, 2018 attached to these minutes.

ROLL CALL: Ayes: Dineen, Johnson, Karsh, Rylak, Smith, Mayor Kovach

Vote all ayes
Motion carried

PAYMENT OF BILLS

A motion was made by Ms. Dineen, seconded by Mr. Rylak, to approve the bill list attached to these minutes.

ROLL CALL: Ayes: Dineen, Johnson, Karsh, Rylak, Smith, Mayor Kovach

Vote all ayes
Motion carried

PUBLIC COMMENT

Mayor Kovach opened the floor to the public for comments regarding affordable housing. The meeting room was filled to capacity with residents interested in speaking about the topic. The following residents made comments. All letters are available for review in the clerk's office and the audio is available as well.

Dr. Jonathan Wall, 21 Water Street
John Madden, 9 Fairview Avenue
Ron Panko, 2 Georges Place
Sara Brown, 4 Rachel Court
Jennifer Smith, 67 Center Street
Kelly Boyd, 23 Center Street
John Kashwick, 21 Water Street
Richard Woodman, 46 Center Street
Vince Contessa, 101 Center Street
Mark DiRienz, 69 Center Street
Patrick McGuire, 94 Center Street
Kathy Madden, 9 Fairview Avenue
John Sansky, 137 Center Street
Rebecca Walters, 23 Georges Place
Vince Cardarelli, 11 Fairview Avenue
Gene Robbins, 121 Leigh Street
Christine Adornetto, 56 Halstead Street

Mayor Kovach thanked everyone for their input and suggested calling Fair Share Housing and legislators for support.

RESOLUTION #58-18 – EXECUTIVE SESSION – LITIGATION

A motion was made by Ms. Karsh, seconded by Ms. Dineen, to enter into Executive Session to discuss litigation at 10:25 p.m.

RESOLUTION # 58-18

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

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;

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 X 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: _____

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.

4809

Vote all ayes
Motion carried

Upon returning from Executive Session to the regular meeting at 10:50 pm the following action was taken by Council.

RESOLUTION #60-18 – PRELIMINARY INVESTIGATION INTO REDEVELOPMENT AREA

A motion was made Mr. Rylak seconded by Ms. Johnson to adopt Resolution #60-18 as follows:

RESOLUTION #60-18

RESOLUTION AUTHORIZING AND DIRECTING THE LAND USE BOARD OF THE TOWN OF CLINTON TO UNDERTAKE A PRELIMINARY INVESTIGATION TO DETERMINE WHETHER A CERTAIN AREA WITHIN THE TOWN IS A REDEVELOPMENT AREA

WHEREAS, pursuant to N.J.S.A. 40A:12A-6, the governing body of the Town of Clinton ("Town") is authorized to direct the Land Use Board of the Town of Clinton ("Land Use Board") to undertake a preliminary investigation in order to determine whether a certain area within the Town would qualify as an area in need of redevelopment pursuant to the criteria set forth in N.J.S.A. 40A:12A-5; and

WHEREAS, the Legislature amended the Local Redevelopment and Housing Law on September 6, 2013 to expand and clarify various provisions of same; and

WHEREAS, as a provision of the amendment to N.J.S.A. 40A:12-6, the Legislature has directed that the resolution authorizing the planning board to undertake a preliminary investigation shall state whether the redevelopment area determination shall authorize the municipality to use all those powers provided by the Legislature for use in a redevelopment area other than the use of eminent domain ("Non-Condensation Redevelopment Area") or whether the redevelopment area determination shall authorize the municipality to use all those powers provided by the Legislature for use in a redevelopment area, including the powers of eminent domain ("Condensation Redevelopment Area"); and

WHEREAS, the Town of Clinton may desire to make use of all the powers provided by the Legislature for use in a redevelopment area, and specifically, the Town of Clinton may choose to utilize the power of eminent domain; and

WHEREAS, the Mayor and Council desire the Land Use Board to conduct such a preliminary investigation relative to certain properties located within the Town, more specifically identified as Block 21, Lots 6, 25, 26, 27, 28, 30, 30.01, 31, 32, 33 and 34 as shown on the Official Tax Map of the Town of Clinton (the "Property").

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Town of Clinton, they being the Governing Body thereof, as follows:

1. The Land Use Board of the Town of Clinton is hereby directed to conduct a preliminary investigation to determine whether the aforementioned property, or any portions thereof,

constitute an area in need of redevelopment according to the criteria set forth in N.J.S.A. 40A:12A-5;

2. The Land Use Board of the Town of Clinton is hereby directed to conduct a preliminary investigation of the aforementioned Property, in accordance with the requirements set forth in N.J.S.A. 40A: 12A-6, more specifically, to prepare a map showing the boundaries of the potential area in need of redevelopment and locations of the various parcels of property included therein, with a statement setting forth the basis for the investigation appended to the map; to specify a date for a public hearing for the purpose of hearing persons who are interested in, or would be affected by, the determination that the delineated area is an area in need of redevelopment; to give notice of said hearing pursuant to the hearing notice requirements set forth in N.J.S.A. 40A:12A-6(b)(3); to hear and receive into the record any objections to such a determination that the proposed property be designated an area in need of redevelopment; and
3. After completing its hearing on the matter, the Land Use Board shall recommend that the delineated area, or any part thereof, be determined, or not be determined, by the Municipal Governing Body to be an area in need of redevelopment.

BE FURTHER IT RESOLVED that this resolution shall take effect immediately.

ROLL CALL: Ayes: Dineen, Johnson, Karsh, Rylak, Smith, Mayor Kovach

Vote all ayes
Motion carried

SEWER LITIGATION

Mayor Kovach said there has been some movement regarding the sewer litigation and High Bridge Mayor Desire is working to pull everyone together, in concept only, and still pending all legal action and requirements that we would agree to settle all legal action with High Bridge Borough and Clinton Township Sewerage Authority and to cancel arbitration. Attorney St. Angelo said once a formal agreement is in place, it will come back to council for a vote. A motion was made by Mr. Smith, seconded by Ms. Karsh to vote to support to settle legal action and cancel arbitration.

ROLL CALL: Ayes: Dineen, Johnson, Karsh, Rylak, Smith, Mayor Kovach

Vote all ayes
Motion carried

ADJOURNMENT

There being no further business, a motion was made by Ms. Karsh, seconded by Ms. Johnson, to adjourn the meeting at 11:02 p.m.

Cecilia Covino, RMC/CMC
Municipal Clerk

Janice Kovach, Mayor