

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

Flag Salute.

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

STATEMENT OF ADEQUATE NOTICE:

Mayor Kovach read the following statement: “Adequate notice of this meeting has been provided, indicating the time and place of the meeting and the proposed agenda, which notice was posted, made available to newspapers, and filed with the Clerk of the Town of Clinton in accordance with Section 3(d) of Chapter 231 of the Public Laws of 1975.”

APPROVAL OF COUNCIL MINUTES

A motion was made by Ms. Johnson seconded by Mr. Smith to approve the Council minutes of March 13, 2018 as submitted.

Vote all ayes
1 Abstention (Rylak)
Motion carried

APPROVAL OF EXECUTIVE MINUTES

A motion was made by Ms. Dineen seconded by Mr. Rylak, to approve the executive session minutes of March 13, 2018 as submitted.

Vote all ayes
1 Abstention (Rylak)
Motion carried

APPROVAL OF BUDGET MEETING MINUTES

A motion was made by Ms. Karsh, seconded by Mr. Smith to approve the budget meeting minutes of March 15, 2018 as submitted.

Vote all ayes
1 Abstention (Rylak)
Motion carried

APPROVAL OF MONTHLY REPORTS – MARCH

A motion was made by Mr. Smith, seconded by Ms. Dineen, to approve the Treasurer’s monthly report for the month of March as submitted.

Vote all ayes
Motion carried

PUBLIC COMMENTS

Nancie Greaney, 58 Halstead Street, began by thanking Mayor and Council for all they do. The reason for attending this evening was to express concerns as to the way snow plowing is done on Halstead Street. Curb to curb plowing is pushing street snow, heavy, wet and treated snow, onto sidewalks making for repeated shoveling and the speed of a plow even pushed the snow onto her front porch. Alan Van Natta, 52 Halstead Street, echoed Ms. Greaney’s complaints. Luis Granados, 36 Halstead Street, “standing in solidarity” also agreed with Ms. Greaney. Mayor Kovach thanked the residents for sharing their concerns

and asked Councilman Smith to have the Roads Committee discuss the problem and come back to the town Council with recommendations on how to help the residents.

MAYOR'S COMMENTS - NONE

RESOLUTION #65-18 TOWN PICNIC FIREWORKS

A motion was made by Ms. Sosidka seconded by Mr. Rylak, to adopt Resolution #65-18 as submitted:

RESOLUTION # 65-18

WHEREAS, the Town of Clinton Board of Recreation Commission has requested permission from the Mayor and Council of the Town of Clinton to have a Fireworks Display at the Town Picnic to be held on June 9, 2018, rain date June 16, 2018, at Hunts Mill Park, and

WHEREAS, Garden State Fireworks, Inc., has provided a Certificate of Insurance in the amount of \$5,000,000 naming the Town of Clinton as an additional insured, and

WHEREAS, the Town of Clinton Board of Recreation Commission will request the Clinton Fire Department and Clinton First Aid & Rescue Squad to standby at the scene;

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Town of Clinton that the Board of Recreation Commission's request for a fireworks display at the Town Picnic on Saturday, June 9, 2018, at dark, at the Hunts Mill Park, be approved.

Vote all ayes
Motion carried

RESOLUTION #66-18 – LINCOLN FINANCIAL – DEFERRED COMPENSATION PLAN

A motion was made by Mr. Smith, seconded by Ms. Dineen, to adopt Resolution #66-18 as submitted:

RESOLUTION #66-18

WHEREAS, the Town of Clinton by resolution previously adopted a Deferred Compensation Plan (hereinafter referred to as the "Plan") for the purpose of making available to eligible employees the accrual of tax benefits under a Section 457 Deferred Compensation Plan; and

WHEREAS, the Economic Growth and Tax Relief Reconciliation Act of 2001, the 2005 final regulations issued under the Uniformed Services Employment and Reemployment Rights Act of 1994, the Pension Protection Act of 2006, final Treasury Regulation §1.457-4, the Heroes Earnings Assistance and Relief Tax Act of 2008, the Worker, Retiree and Employer Recovery Act of 2008 and the Small Business Act of 2010 amended sections of the Internal Revenue Code (the "Code") and the rules and/or regulations issued thereunder affecting Section 457 Deferred Compensation Plans (cumulatively referred to as the "Acts and Regulations");

WHEREAS, the Employer desires its Plan to conform with the changes in the Code and Treasury regulations brought about by the Acts and Regulations;

WHEREAS, the Employer desires to adopt a restated Plan that conforms with the changes in the Code and Treasury regulations resulting from the Acts and Regulations;

WHEREAS, such revised Plan shall supersede the previously adopted Plan;

NOW, THEREFORE BE IT RESOLVED that the Employer hereby adopts a revised Plan 92-PD-Lincoln-121316.

BE IT FURTHER RESOLVED that Lincoln Retirement Services, LLC (hereinafter referred to as “Lincoln” has agreed to continue to be the provider of the Deferred Compensation Program for employees and elected officials; and

BE IT FURTHER RESOLVED that Lincoln will continue to provide, for the benefit of the participants the Multi-Fund Variable Annuity contract; and or Alliance account; and

BE IT FURTHER RESOLVED that there has been no collusion, or evidence or appearance of collusion, between any local official and a representative of Lincoln in the selection of a provider pursuant to N.J.A.C. 5:37 - 5.7.

BE IT FURTHER RESOLVED that the Finance Officer or Business Administrator is authorized to execute an Administrative Services Agreement with Lincoln (94-SA-Lincoln-112017 & 92-SA-Lincoln-121316) and such other agreements as are necessary to implement the Deferred Compensation Program. It is implicitly understood that there is to be no cost or contribution by the Employer to the program; and

BE IT FURTHER RESOLVED that the Finance Officer or Business Administrator is authorized to serve as the “Administrator” of the plan, represent the Employer, and execute individual deferred compensation agreements with each said employee; and

BE IT FURTHER RESOLVED by the Employer that the Clerk forward a certified true copy of this resolution to the Finance Officer and Business Administrator; and

BE IT FURTHER RESOLVED that a certified copy of this resolution shall be forwarded to the Director of the Division of Local Government Services at P.O. Box 803; Trenton, NJ 08625-0803.

Vote all ayes
Motion carried

RESOLUTION #67-18 – HIRING OF DPW EMPLOYEES

A motion was made by Ms. Dineen, seconded by Ms. Karsh, to adopt Resolution #67-18 as submitted:

RESOLUTION # 67-18

WHEREAS, the Town of Clinton Water Utility and Department of Public Works requires the hiring of two new laborers, and;

WHEREAS, the positions were advertised for, applications accepted and interviews performed, and;

WHEREAS, the Public Works/Business Administrator and the Water Committee recommend that the following persons be hired to fill the open positions at a rate of \$18.40 per hour;

Timothy Srnka

Tyler Stanbro

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Town of Clinton hire Timothy Srnka and Tyler Stanbro to fill the open positions at the Town of Clinton Water Utility and Department of Public Works.

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

Vote all ayes
Motion carried

RESOLUTION #68-18 – RECYCLING GRANT APPLICATION

A motion was made by Ms. Dineen, seconded by Mr. Smith, to adopt Resolution #68-18 as submitted:

RESOLUTION #68-18

**RESOLUTION AUTHORIZING THE SUBMISSION OF THE
RECYCLING TONNAGE GRANT APPLICATION**

WHEREAS, The Mandatory Source Separation and Recycling Act, P.L.1987, c.102, has established a recycling fund from which tonnage grant may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, It is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and

WHEREAS, The New Jersey Department of Environmental Protection has promulgated recycling regulations to Implement the Mandatory Source Separation and Recycling Act; and

WHEREAS, The recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

WHEREAS, A resolution authorizing this municipality to apply for the **2017 Recycling Tonnage Grant** will memorialize the commitment of this municipality to recycling and to indicate the assent of Mayor and Council of the Town of Clinton to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

WHEREAS, Such a resolution should designate the individual authorized to ensure the application is properly completed and timely filed.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Town of Clinton hereby endorses the submission of the recycling tonnage grant application to the New Jersey Department of Environmental Protection and designates Richard Phelan to ensure that the application is properly filed; and

BE IT FURTHER RESOLVED that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.

Vote all ayes
Motion carried

RESOLUTION #69-18 – EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

A motion was made by Mr. Smith, seconded by Ms. Karsh, to adopt Resolution #69-18 as submitted and to obtain the original signatures of Council prior to sending to the Division of Local Government Services and prior to adopting the 2018 Municipal Budget.

RESOLUTION # 69-18
GOVERNING BODY CERTIFICATION PURSUANT TO P.L. 2017, C.183 OF COMPLIANCE WITH THE UNITED STATES EQUAL EMPLOYMENT OPPORTUNITY COMMISSION'S
"Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964"

GROUP AFFIDAVIT FORM FOR MUNICIPALITIES AND COUNTIES
NO PHOTO COPIES OF SIGNATURES

STATE OF NEW JERSEY

COUNTY OF HUNTERDON

We, members of the governing body of the Clinton Town Council being duly sworn according to law, upon our oath depose and say:

1. We are duly elected members of the Clinton Town Council of the Town of Clinton in the county of Hunterdon;
2. Pursuant to P.L. 2017, c.183, we have familiarized ourselves with the contents of the United States Equal Employment Opportunity Commission's "Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964," *as amended*, 42 U.S.C. § 2000e *et seq.*, (April 25, 2012);
3. We are familiar with the local unit's hiring practices as they pertain to the consideration of an individual's criminal history;
4. We certify that the local unit's hiring practices comply with the above-referenced enforcement guidance.

(L.S.)

(L.S.)

(L.S.)

(L.S.)

(L.S.)	(L.S.)
(L.S.)	(L.S.)
(L.S.)	(L.S.)

The Municipal Clerk shall set forth the reason for the absence of signature of any members of the governing body.

**GOVERNING BODY CERTIFICATION OF COMPLIANCE WITH THE
UNITED STATES EQUAL EMPLOYMENT OPPORTUNITY COMMISSION'S
"Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment
Decisions Under Title VII of the Civil Rights Act of 1964"**

FORM OF RESOLUTION

WHEREAS, N.J.S.A. 40A:4-5 as amended by P.L. 2017, c.183 requires the governing body of each municipality and county to certify that their local unit's hiring practices comply with the United States Equal Employment Opportunity Commission's "Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964," *as amended*, 42 U.S.C. § 2000e *et seq.*, (April 25, 2012) before submitting its approved annual budget to the Division of Local Government Services in the New Jersey Department of Community Affairs; and

WHEREAS, the members of the governing body have familiarized themselves with the contents of the above-referenced enforcement guidance and with their local unit's hiring practices as they pertain to the consideration of an individual's criminal history, as evidenced by the group affidavit form of the governing body attached hereto.

NOW, THEREFORE BE IT RESOLVED, That the Clinton Town Council of the Town of Clinton, hereby states that it has complied with N.J.S.A. 40A:4-5, as amended by P.L. 2017, c.183, by certifying that the local unit's hiring practices comply with the above-referenced enforcement guidance and hereby directs the Clerk to cause to be maintained and available for inspection a certified copy of this resolution and the required affidavit to show evidence of said compliance.

Vote all ayes
Motion carried

INTRODUCTION OF ORDINANCE #18-03 – CAP ORDINANCE

A motion was made by Mr. Smith, seconded by Ms. Dineen, to introduce Ordinance #18-03 of first reading:

ORDINANCE #18-03

CALENDAR YEAR 2018

ORDINANCE TO ESTABLISH A CAP BANK

(N.J.S.A. 40A:4-45.14)

WHEREAS, the Local Government Cap Law, N.J.S. 40A:4-45.1 et.seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said final budget appropriations to 2.50% unless authorized by ordinance to increase it to 3.5% over the previous years final appropriations; and,

WHEREAS, a municipality may, by ordinance, bank the difference between its final budget appropriations and the 3.5% increase authorized by this ordinance when said difference is not appropriated as part of the final budget; and,

WHEREAS, the Town Council of the Town of Clinton, County of Hunterdon, hereby determines that this difference in the amount of \$33,522.24 that is not appropriated as part of the final budget shall be retained as an exception to the final appropriations in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, that any amount authorized herein above that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

Vote all ayes
Motion carried

A copy of this ordinance will be published in the April 4, 2018 edition of the Hunterdon Review. A public hearing will be held April 24, 2018.

INTRODUCTION OF 2018 MUNICIPAL BUDGET

A motion was made by Ms. Johnson, seconded by Ms. Dineen, to introduce the 2018 municipal budget as presented. A summary of the budget will be published in the April 4, 2018 edition of the Hunterdon Review. A second reading will be held April 24, 2018.

Vote all ayes
Motion carried

BANNER REQUEST

A request has been made by Fox Lumber to display a banner from May 7 through May 14, 2018 announcing their Open House event on Saturday, May 19 from 12 to 3:00 p.m. A motion was made by Mr. Rylak, seconded by Ms. Karsh, to approve the request. Mr. Rylak said this is a fantastic event and everyone should try to attend!!

Vote all ayes
Motion carried

A request received from the Clinton Guild to display a banner at three different times through the summer promoting Clinton's Come Together Musical Festivals. Motion made by Mr. Rylak, seconded by Ms. Dineen, to approve the request.

Vote all ayes
Motion carried

Last request of the evening was from the Red Mill Museum Village to display the Haunted Village banner from October 8 through the 29th. Motion made by Ms. Dineen, seconded by Mr. Smith to approve the request.

Vote all ayes
Motion carried

CORRESPONDENCE

Citizen involvement application received from Christine Adornetto interested in the opening on the Environmental Commission. Councilwoman Sosidka, liaison to the Commission made a motion to appoint Christine, seconded by Mr. Rylak.

Vote all ayes
Motion carried

Letters received from residents Jonathan Wall and Patrick McGuire regarding affordable housing.

REPORTS FROM COUNCIL

Councilman Smith

1. Sewer Committee – awarded a 5 year sludge contract. Re-design is in initial phase for the filter building. Plan is to go out for bid in June or July to retro fit the building which is close to 40 years old.

Andrew Mileto, employee at the Treatment Plant has given his resignation to follow his dreams. Andrew will be attend an academy to become a police officer. He was a good employee and wished well. He will be leaving as of March 31, 2018.

Councilwoman Sosidka

1. Board of Recreation – happy to announce that Jack Amabile will be taking over the tennis program for Don Berkman. Summer Rec is scheduled for June 25 through July 20 and will be followed by the tennis program.
Senior luncheon Sunday, May 6 at the Clinton Fire House.
Food trucks are being considered for the Town Picnic and events at the Community Center.
2. Historic Commission meeting was cancelled due to inclement weather.
3. Clinton Conservancy has a full calendar for plantings at Water Street and Hunts Mill. The Conservancy has educational sessions planned as well as yoga in the park along the fitness trail. The Conservancy would also like to come before council to describe some of the activities planned and are anxious for volunteers to join them.

Councilman Rylak

1. Clinton Fire Department received a membership application for Timothy Hagan of Annandale. Mr. Rylak made a motion, seconded by Mr. Smith, to accept Mr. Hagan as a member of the fire department.

Vote all ayes
Motion carried

Clinton Fire Department is requesting a proclamation supporting shared services. This will be addressed at the next council meeting and someone from the fire department will be asked to attend.

2. Mr. Rylak pointed out an unsightly wood display with hook ups and JCP&L removed it and the area looks so much cleaner. Thank you to JCP&L.
3. Mr. Rylak reported that Hunterdon Medical Center had a study and states that by the year 2030, there will be more Hunterdon residents over the age of 65 and under 18.

Councilwoman Karsh

1. Clinton Guild meeting is Wednesday, March 28 at 8:30 a.m. they will be introducing Ross Traphagen who has joined with Ann Rossi from Addicted Jeans to help with the Music on Main. Ross explained that music will be on Friday evenings as in the past but will also include Saturday afternoons now. Ms. Sosidka wished to thank Ross for getting involved!

Mayor Kovach said Hunterdon Happenings has awarded Clinton the #1 Downtown award and the film festival was named #1 summer activity. Ms. Karsh also commented on the crowd at the Stone Bean at Riverside Coffee and Tea. Tuesday nights are open mike night! Good times!

Councilwoman Johnson

1. Clinton Public School held their play Quessicle and it was fantastic!
2. Shade tree will be hosting Arbor Day on Friday, April 27, 2018 on East Main Street.

Mayor Kovach

Mayor Kovach said plans for a microbrew are moving forward for two locations in Town. The old Garden Gourmet and the old Agway location.

STANDBY AND OVERTIME

A motion was made by Ms. Sosidka, seconded by MS. Dineen, to approve the standby and overtime submitted for the period of March 9, 2018 through March 22, 2018 attached to these minutes.

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

Vote all ayes
Motion carried

PAYMENT OF BILLS

A motion was made by Mr. Smith seconded by Ms. Johnson to approve the bill list attached to these minutes as submitted.

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

Vote all ayes
Motion carried

RESOLUTION #70-18 – EXECUTIVE SESSION

A motion was made by Ms. Johnson seconded by Ms. Karsh, to enter into Executive Session to discuss affordable housing HNT-L-304-15 at 8:05 p.m.

RESOLUTION # 70-18

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 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;

Vote all ayes
Motion carried

Upon returning to the regular council meeting at 8:57 p.m., modifications to a settlement agreement with Clinton Management 34, developer of the Moebus tract was addressed.

Mayor Kovach asked for a motion to amend the affordable housing settlement agreement that we had approved under Resolution #46-18 (January 23, 2018) amending the settlement agreement with Clinton Management 34 and Fair Share Housing to include 14 age restricted affordable housing units to be built on the Music Hall property to be paid for by Clinton Management 34. Motion was moved and seconded by Mr. Smith and Ms. Dineen. Prior to acting on the motion, Ms. Sosidka asked that the motion be amended to include the final affordable housing numbers required by Fair Share housing, which would be 116 units. Mayor Kovach stated that another developer in the redevelopment area also agreed to build a minimum of 15 additional housing units in the redevelopment area but that is not part of the agreement with Clinton Management 34 and Fair Share Housing and was stated for informational purposes only. An amended motion was made to include the information requested by Ms. Sosidka made by Mr. Smith, seconded by Ms. Karsh.

Vote all ayes
Motion carried

A motion was made by Mr. Smith, seconded by Ms. Dineen, to adopt the motion in full as presented.

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

Vote all ayes
1 Nay (Sosidka)
Motion carried

Ms. Sosidka explained that she is not clear on the settlement and would like additional information before voting, therefore, she is voting no.

ADJOURNMENT: Upon returning from Executive Session and there being no further business, a motion was made by Ms. Johnson, seconded by Ms. Karsh, to adjourn the meeting at 9:03 p.m.

Cecilia Covino, RMC/CMC, Municipal Clerk

Mayor Janice Kovach