

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 Mr. Smith seconded by Ms. Sosidka to approve the Council minutes of April 10, 2018 as submitted.

Vote all ayes
Motion carried

APPROVAL OF MONTHLY REPORTS – MARCH

A motion was made by Ms. Dineen, seconded by Ms. Karsh to approve the Wastewater Treatment Plant and Treasurer’s Report for the month of March as submitted.

Vote all ayes
Motion carried

PUBLIC COMMENTS

Amy DeVita, 17 Halstead Street, representing the Red Mill Museum Village, came to promote the Red Mill Retro Ride to be held Saturday, May 19, 2018 from 10:00 a.m. to 4:00 p.m. A leisurely ride through town on vintage bikes. Following this event, the British Invasion will perform on the patio of the Art Museum beginning at 4:00 p.m.

Ms. DeVita also promoted April 29, Wheel for the Wheels fund raiser and a hat making party for the Kentucky Derby event to be held May 5 at the Holiday Inn! A milliner will be available to assist in the hat making. The Red Mill is also adding summer camps to their event schedule this year! Lots of wonderful events planned and volunteers are being sought. Check out their website at www.RedMill.org for more information.

Councilman Rylak wished to express a new-found appreciation for the Art Museum patio! Mr. Rylak’s grandson was visiting and an afternoon spent in town, the four year old had a wonderful time drawing with chalk on the museum patio!

MAYOR’S COMMENTS

1. Invitations were received for the Hunterdon Art Museum ArtParty Gala, The Secret Garden, which is the museum’s signature fund raiser, April 28, 2018
2. Hunterdon Healthcare, public officials’ forum at Hunterdon Medical Center, May 11, 2018.

3. Mayor Kovach referred two issues to the Roads Committee: a location of a handicap parking spot and a sidewalk issue on Center Street.
4. Arbor Day celebration will be held Friday, April 27, 2018 at 10 a.m. at 6 East Main Street. Third graders will be attending.
5. Relay for Life will be held May 11, 12, 2018 at the Roger K. Everitt Fairgrounds in Lambertville. The Town of Clinton presented a proclamation as in years past.

RESOLUTION # 72-18 – CONDUCTING ANNUAL BUDGET EXAMINATION

A motion was made by Mr. Smith, seconded by Mr. Rylak to adopt Resolution #72-18 as submitted:

RESOLUTION #72-18

RESOLUTION FOR CONDUCTING ANNUAL BUDGET EXAMINATION

WHEREAS, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination, and

WHEREAS, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997, and

WHEREAS, pursuant to N.J.A.C. 5:30-7.2 thru 7.5 the Town of Clinton been declared eligible to participate in the program by the Division of Local Government Services, and the Chief Financial Officer has determined that the Town meets the necessary conditions to participate in the program for the 2018 budget year, so now therefore

BE IT RESOLVED, by the Mayor and Council of the Town of Clinton that in accordance with N.J.A.C. 5:30-7.6a & b and based upon the Chief Financial Officers certification. The governing body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:
 - a. Payment of interest and debt redemption charges
 - b. Deferred charges and statutory expenditures
 - c. Cash deficit of preceding year
 - d. Reserve for uncollected taxes
 - e. Other reserves and non-disbursement items
 - f. Any inclusions of amounts required for school purposes
2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at 40A:4-45.3 et seq. are fully met. (Complies with the "CAP" law.)
3. That the budget is in such form arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.

4. That pursuant to the Local Budget Law:
 - a. All estimates of revenue are reasonable, accurate, and correctly stated
 - b. Items of appropriation are properly set forth
 - c. In itemization, form, arrangement, and content the budget will permit the exercise of the comptroller function within the municipality.
5. The budget and associated amendments have been introduced, publicly advertised, and adopted in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.
6. That all other applicable statutory requirements have been fulfilled.

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Director of the Division of Local Government Services.

Vote all ayes
Motion carried

PUBLIC HEARING OF CAP ORDINANCE #18-03

A motion was made by Ms. Sosidka, seconded by Ms. Dineen, to open the public hearing of Ordinance #18-03:

ORDINANCE #18-03

CALENDAR YEAR 2018
ORDINANCE TO ESTABLISH A CAP BANK
(N.J.S.A. 40A:4-45.14)

Vote all ayes
Motion carried

There being no public comment or discussion, a motion was made by Mr. Smith, seconded by Ms. Sosidka, to close the public portion of the meeting.

Vote all ayes
Motion carried

A motion was made by Ms. Sosidka, seconded by Ms. Dineen, to adopt Ordinance #18-03 on final reading. A copy of this ordinance will be sent to the Division of Local Government Services along with the 2018 Municipal Budget.

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

Vote all ayes
Motion carried

2018 MUNICIPAL BUDGET

A motion was made by Mr. Smith, seconded by Ms. Sosidka, to open the public hearing of the 2018 Municipal Budget.

Vote all ayes
Motion carried

Ken Carberry, 62 Halstead Street, asked if there was money in the budget to fund accessory apartments and Mayor Kovach responded no, as it is not part of the town's affordable housing plan.

There being no further questions, a motion was made by Mr. Smith, seconded by Mr. Rylak to close the public portion of the meeting.

Vote all ayes
Motion carried

A motion was made by Ms. Johnson, seconded by Ms. Dineen, to adopt the 2018 municipal budget.
ROLL CALL: Ayes: Dineen, Johnson, Karsh, Rylak, Smith, Sosidka, Mayor Kovach

Vote all ayes
Motion carried

RESOLUTION # 73-18 - REFUND OF OVERPAYMENTS

A motion was made by Ms. Sosidka, seconded by Mr. Rylak to adopt Resolution #73-18 as submitted:

RESOLUTION # 73-18

WHEREAS, the Tax Collector of the Town of Clinton has received overpayments for following blocks and lots 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:

<u>BLOCK</u>	<u>LOT</u>	<u>OWNER</u>	<u>AMOUNT</u>
8	8	Cagno, Lorenzo	\$ 396.98
8.03	16	Polaski, Alexandra & Kristen	\$ 268.69
31	7 C0106	Pfeffer, Gretchen	\$ 102.63
31	7 C0226	Simpson, Sally	\$ 350.46
31	7.15	Riggio, Giedre	\$ 500.00
31	15	Vannatta, James	\$ 139.49

BE IT FURTHER RESOLVED that the Tax Collector remove the overpayments on the above block and lots for the 2nd quarter 2018.

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

Vote all ayes
Motion carried

RESOLUTION #74-18 – WATER RESERVATION

A motion was made by Mr. Smith, seconded by Ms. Dineen, to adopt Resolution #74-18 as submitted:

RESOLUTION # 74-18

RESOLUTION APPROVING WATER CAPACITY RESERVATION APPLICATION # L18-03

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 Water Reservation Application # L18-03, dated February 20, 2018, submitted in the name of Willows at Annandale Village (Township of Clinton Block 60.03, Lot 16, Tax Map Page 13, located at 70 Beaver Avenue); and

WHEREAS, on March 7, 2018, the Town's Water Consulting Engineer, Suburban Consulting Engineers, informed the Town of Clinton Water Committee of their recommendation of approval of the aforementioned application which proposes development of 66-100% affordable housing residential units and community building; and

WHEREAS, on April 18, 2018, the Town's Water Committee held their monthly meeting in which they 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 # L18-03 in the amount of 12,984 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, Johnson, Karsh, Rylak, Smith, Sosidka, Mayor Kovach

Vote all ayes
Motion carried

RESOLUTION #75-18 – TOWN ARBORIST

A motion was made by Ms. Johnson, seconded by Ms. Dineen, to adopt Resolution 375-18 as submitted:

RESOLUTION # 75 -18

APPOINTMENT OF TOWN ARBORIST

BE IT RESOLVED, that Lou Spanner of Spanner Shrub & Tree Care is hereby appointed to serve as the Town of Clinton's Tree Expert for the 2018 calendar year, and

BE IT FURTHER RESOLVED, that pursuant to the requirements under the Local Public contracts Act, the following resolution is hereby adopted:

WHEREAS the Town of Clinton has many specimen and ornamental trees in its right of ways that require the services of a highly trained tree expert to diagnose problems, the cause of their diseases and preventative care necessary for the trees in the Town, and

WHEREAS these services cannot readily be put out to bid because they are extraordinary and unique and require an individual with great skill, knowledge and experience in the diagnosis of tree-related problems, and

WHEREAS Louis Spanner has extensive expertise diagnosing such problems and has a well-deserved reputation as a tree expert, and has spent many years advising the Town in the care and maintenance of its trees and

WHEREAS funds are or will be made available for this purpose to be certified by the Local Finance Officer;

NOW THEREFORE BE IT RESOLVED by the Town Council of the Town of Clinton as follows:

1. That the Mayor and Clerk are hereby authorized and directed to execute a contract without competitive bidding, with Lou Spanner of Spanner Shrub & Tree Care, for tree diagnostic and rehabilitation services.
2. The work to be performed by Mr. Spanner shall be in accordance with proposals approved by the Mayor and Council.
3. A notice of this action shall be printed once in the Hunterdon Review.

Vote all ayes
Motion carried

RESOLUTION #76-18 – CHANGE ORDER NO. 2

A motion was made by Mr. Smith, seconded by Ms. Sosidka, to adopt Resolution #76-18 as submitted:

RESOLUTION # 76-18

CHANGE ORDER NO. 2

WHEREAS, the need has arisen for a change order to the Well #4 Improvements and,

WHEREAS, according to the Water Engineer, there was a need to extend the allowable contract duration, and,

WHEREAS, the Water Engineer has recommended a no cost time extension of 170 days contingent upon a Substantial Completion date of March 16, 2018, and

WHEREAS, Substantial Completion of Well #4 requires the well to be in service, upon satisfactory Substantial Completion, a full-time extension will be granted for a revised contract Final Completion date of May 5, 2018 to allow for appropriate weather conditions in order to complete all landscaping and site restoration,

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Town of Clinton that Change Order Number two for the Well #4 improvements be approved.

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

Vote all ayes
Motion carried

PUBLIC HEARING OF ORDINANCE #18-02 – ECONOMIC DEVELOPMENT COMMITTEE

A motion was made by Ms. Sosidka, seconded by Ms. Karsh, to open the public hearing of Ordinance #18-02:

ORDINANCE # 18-02

**AN ORDINANCE AMENDING SECTION 4-27
OF THE CODE OF THE TOWN OF CLINTON, COUNTY OF HUNTERDON, NEW JERSEY
CREATING AN ECONOMIC DEVELOPMENT COMMITTEE**

Vote all ayes
Motion carried

Mr. Rylak stated he was pleased with the language in the amended ordinance but asked how the committee plans to pay for professionals without a line item. Mayor Kovach said there is no funding available and no services will be requested without the consent of council. If public or private donations come in, Ms. Olsen, CFO said they will go through the municipality and placed in a trust account. Frank Gallagher, 31-33 Center Street, asked for an overview of what the committee is designed to do. Ms. Dineen and Ms. Karsh are the councilwomen spearheading the committee. Ms. Karsh explained the goals of the committee will be to address two aspects of the Town and the sustainability of the Town. To help businesses and provide tools that will be useful to them, possibly social media training. Also looking to find way to draw tenants for vacant front properties and long term solutions. Ms. Dineen agreed and stated goal is to bring employers here and to market the town for raising families here. Mr. Gallagher asked who the members of the committee are but Ms. Karsh explained the ordinance is on tonight for public hearing, hopefully at the next meeting names will be offered for volunteer members. Once the committee is formed, a regular monthly meeting schedule will be held. Possibly the first Thursday of the month. Meetings will be open to the public.

A motion was made by Ms. Dineen, seconded by Ms. Sosidka, to close the public portion of the meeting.

Vote all ayes
Motion carried

A motion as made by Ms. Karsh, seconded by Ms. Dineen, to adopt Ordinance #18-02 on final reading.

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

Vote all ayes
Motion carried

WATER REFUND

Water Collector, Nancy Burgess, is requesting a refund be issued in the amount of \$53.52 to Karen Brown. Tenant moved out and the final water bill was paid twice.

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

CORRESPONDENCE

1. State of New Jersey, Department of Transportation, has notified the Town that we have been denied a Municipal Aid Grant for the Union Road Improvement Project.
2. Assemblyman Erik Peterson copied Council on legislation he is sponsoring to revise a municipality's fair share housing obligation established by the Mount Laurel affordable housing obligations and is requesting that Towns pass a resolution in support of this measure. Research to provide council with more information before proceeding with a resolution.
3. Highlands Council of New Jersey has issued their 2017 Annual Report and is available in the clerk's office for review.
4. Hope for Veterans is holding their 17th annual Veterans Flag Day 5K Run and Fun Walk on Thursday, June 14, 2018 at 7:00 p.m. on Lyons VA Campus. For more information, contact the clerk.
5. Mayor Kovach received an email from Clinton Book Shop proprietors, Harvey Finkel and Rob Dougherty, regarding the beginning of the 2018 Farmer's Market! Now in their 9th year, it will begin Sunday, May 6 through October 28 and will be every Sunday from 9 – 1:00 p.m. They are looking for a few vendors: coffee, bread and cookies. Spread the word! Pumpkin Fest is scheduled for September 30th. Due to a prior commitment the men were disappointed not to be able to attend the meeting this evening as they have in years past.

REPORTS FROM COUNCIL

Councilman Smith

1. Sewer Committee is in their final phase of a preliminary design for the treatment plant filter building and there will be an increase in the cost due to the State requiring the building be explosion proof.
2. Water Committee – currently working with Hunterdon Developmental and Edna Mahon Facility to put in a meter pit. Working with two deputy attorneys general may put a strain on communication.
3. Hunterdon County Freeholders distributed a new flag to be flown by government facilities, KIA flag, Killed in Action. Must be displayed below the American and the POW/MIA flag.

Councilwoman Dineen

Economic Development Committee – update has been given.

Councilwoman Sosidka

1. Board of Recreation – meeting has been rescheduled for Thursday, April 26, 2018.

Councilman Rylak

Mr. Rylak was approached by someone asking about the traffic jams through town for drivers getting on 78 West at Exit 15. Could there be a right turn for Pennsylvania drivers!! ?

Clinton Fire Department – an issue for executive session, possible anticipated litigation.

Councilwoman Karsh

1. Economic Development Committee – Ms. Karsh will be meeting with the Guild, museums and business owners to discuss their concerns and thoughts about business in Clinton. Ms. Karsh encourages anyone with concerns to reach out to her. Clinton Guild – meeting tomorrow. Hunterdon Happenings will be honoring Main Street, the Red Mill and the Film Festival at an award ceremony Thursday evening at the Lambertville Station. Main Street being named The Best Downtown!

Councilwoman Johnson

1. Shade tree – Arbor Day celebration, Friday, April 27, 2018 at 10:00 a.m., 6 East Main Street.
2. Clinton Board of Education is working on calendar changes due to weather this year. NJTV is featuring Clinton Public School on May 20 and June 17. School is having their budget hearing tonight.

STANDBY AND OVERTIME

A motion was made by Ms. Sosidka, seconded by Mr. Smith, to approve the standby and overtime submitted for the period of April 6, 2018 through April 19, 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. Sosidka 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 #77-18 – EXECUTIVE SESSION

A motion was made by Mr. Rylak, seconded by Mr. Smith, to enter into Executive Session to discuss a matter of possible anticipated litigation according to N.J.S.A. 10:12-4-B at 8:30 p.m. involving Town and Attorney client privilege.

RESOLUTION #77-18

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;

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

ADJOURNMENT: Upon returning from Executive Session, a motion was made by Mr. Rylak seconded by Ms. Sosidka, to adjourn the meeting at 8:33 p.m.

Cecilia Covino, RMC/CMC, Municipal Clerk

Mayor Janice Kovach