

4853

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 Mr. Rylak seconded by Ms. Johnson to approve the Council minutes of April 24, 2018 as submitted.

Vote all ayes
Motion carried

APPROVAL OF EXECUTIVE MINUTES

A motion was made by Ms. Dineen seconded by Mr. Rylak, to approve the executive session minutes of April 24, 2018 as submitted. Mr. Smith stated he felt the minutes had too much information and that executive session minutes should be amended to have less detail in them. Mayor Kovach and Ms. Dineen deferred to legal counsel. Mr. Cushing agreed that the minutes should be amended and will be submitted at the next council meeting of May 22, 2018.

APPROVAL OF MONTHLY REPORTS – APRIL

A motion was made by Mr. Smith, seconded by Ms. Dineen to approve the monthly reports for the month of April as submitted:

Administrator’s Report, Clerk’s Account, Construction Control/ Inspection Report, Police Report, Sewer Collector’s Report, Tax Collector’s Report, Treasurer’s Report, Water Collector’s Report, Zoning Officer Report.

Vote all ayes
Motion carried

PUBLIC COMMENTS – NONE

MAYOR’S COMMENTS

1. Jim Fania, Building Subcode and Fire Inspector for more than 8 years, has submitted his letter of resignation and will be retiring as of June 1, 2018. A motion was made by Mr. Smith, seconded by Ms. Johnson, to accept his resignation with regrets.

Vote all ayes
Motion carried

2. Councilwoman Johnson has submitted a leave of absence from council letter for maternity leave from June 1 to September 3, 2018. Dates are tentative based on the delivery of her child. Motion made by Mr. Smith, seconded by Ms. Dineen to accept as submitted.

Vote all ayes
Motion carried

3. Mayor Kovach attended a Small Town Mayor's Meeting in Chester Borough on Sunday, May 5, 2018. Governor Murphy attended and addressed topics of shared services, affordable housing mandates, weather related issues and other policy issues facing small town mayors.
4. Summer hours for employees has become policy. Holiday hours continue closing two hours early and beginning Memorial Day, staff will take ½ hour lunches three days a week and office will close at 3:00 pm on Fridays through Labor Day. A motion made by Mr. Rylak, seconded by Ms. Dineen, to approve the schedule as submitted.

Vote all ayes
Motion carried

RESOLUTION #78-18 – TO HIRE LABORER FOR TREATMENT PLANT

A motion was made by Mr. Smith seconded by Mr. Rylak, to adopt Resolution #78-18 as submitted:

RESOLUTION # 78-18

WHEREAS, the Town of Clinton Sewer Utility requires the hiring of a new laborer, and;

WHEREAS, the position was advertised for, applications accepted and interviews performed, and;

WHEREAS, the Public Works/Business Administrator and the Sewer Committee recommend that Bryan Lauber be hired to fill the open positions at a rate of \$18.40 per hour starting May 14, 2018;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Town of Clinton hire Bryan Lauber to fill the open position at the Town of Clinton Sewer Utility.

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

Vote all ayes
Motion carried

RESOLUTION #79-18 – OVERPAYMENT OF TAXES

A motion was made by Ms. Dineen, seconded by Ms. Karsh, to adopt Resolution #79-18 as submitted:

RESOLUTION # 79-18

WHEREAS, the Tax Collector of the Town of Clinton has received overpayments for following blocks and lots due to incorrect payments made,

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>
13	7	Van Arsdale, Arietta	\$ 437.61
14	5	Bradish, G Johnston & Kathleen	\$ 501.04
15	24	Carberry, Kenneth S Jr	\$ 2,363.01

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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, Mayor Kovach

Vote all ayes
Motion carried

RESOLUTION #80-18 – TAX REDEMPTION

A motion was made by Mr. Smith, seconded by Ms. Johnson, to adopt Resolution #80-18 as submitted:

RESOLUTION # 80-18

WHEREAS, the Tax Collector of the Town of Clinton has been paid \$1,138.16, the amount necessary to redeem Tax Sale Certificate #2017-4 on Block 15, Lot 21, assessed to US Bank Nat'l Assoc %Fay Servicing (Susan Cove), and purchased by US Bankcust for PC 7 Firsttrust Bank.

NOW THEREFORE BE IT RESOLVED, on this 8th day of May 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 \$ and Premium check in the amount of \$800.00 to US Bankcust for PC 7 Firsttrust Bank, 50 South 16th Street, Suite 2050, Philadelphia, PA 19102 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 #2017-4 on Block 15, Lot 21, assessed to US Bank Nat'l Assoc %Fay Servicing (Susan Cove), from the Town of Clinton Tax Records.

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

Vote all ayes
Motion carried

RESOLUTION #81-18 – SEWER RATE INCREASE

A motion was made by Mr. Smith, seconded by Ms. Karsh to adopt Resolution #81-18 as submitted:

RESOLUTION #81-18

RESOLUTION ESTABLISHING THE FLAT-RATE SANITARY SEWER RENTAL

WHEREAS, Section 112-10 of the code of the Town of Clinton provides that an annual flat-rate sanitary sewer rental for each flat-rate sewer rental unit shall be set by resolution adopted by the Town Council; and

WHEREAS, pursuant to statute, sewer rentals shall be set so as to cover the costs of acquisition, construction and operation of sewerage facilities, and

WHEREAS, due to operating costs, the Sewer Committee has recommended an increase in the flat-rate sewer rental; and

WHEREAS, the Mayor and Town Council have reviewed the recommendation and find the recommended increase to be appropriate.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Town of Clinton, County of Hunterdon, New Jersey, that the annual flat-rate sewer rental beginning July, 2018 will be set at \$480.00 for each sewer rental unit.

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

Vote all ayes
Motion carried

BANNER REQUESTS

A banner request has been received from North Hunterdon High School Education Foundation, sponsors of Running of the Lions 5K to be held October 21, 2018. Banner to be displayed September 24 through October 8. Motion made by Ms. Dineen, seconded by Ms. Karsh to approve the request.

Vote all ayes
Motion carried

CORRESPONDENCE

1. Franklin Township Police Department sent a letter to Chief Matheis expressing great appreciation for Patrolman Anthony Robbins, who showed a valiant effort on the evening of April 20, 2018 in disregard to his own safety, arrived on scene of a major motor vehicle accident and put out a car fire with his fire extinguisher.
2. Highlands Council has sent out an announcement of the Highlands Open Space Partnership Funding Program.
3. "New Jersey Merged Branch 38", National Association of Letter Carriers is conducting their annual nationwide food drive on May 12, 2018.

REPORTS FROM COUNCIL

Chief Matheis

Proudly announced that Patrolman Jeff Ollerenshaw was given the 200 Club Award for saving the life of a contractor who was run over by a backhoe crushing his leg in December, 2017. By applying a tourniquet, Ollerenshaw saved the man's life. Councilman Smith mentioned two members of the Clinton First Aid & Rescue Squad were also recognized at the 200 Club Award Ceremony for their efforts during that same incident.

R. Phelan, Business Administrator

Mr. Phelan reported that a recent request for water and sewer capability from Willows at Annandale Village was received. Paperwork was submitted, however, there were some deficiencies on the water side. The sewer engineer has completed his review and all was complete. Mr. Phelan asked council to authorize him to sign off once the water deficiency is met instead of waiting two weeks for the next council meeting. A motion was made by Ms. Johnson, seconded by Ms. Dineen, authorizing Mr. Phelan to sign off when deemed completed.

Vote all ayes
Motion carried

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Councilman Smith

1. Buildings and Grounds – The main and rear entrance floors of the Municipal Building will be stripped and waxed.

A request has been received from a member of the Board of Recreation to have the New Jersey National Guard helicopter land at the Town Picnic on June 9, 2018. Liability issues, insurance, debris kicking up, were all topics of concern. It was decided that there was not enough information and logistics were not clear enough to support a helicopter at the picnic for this year.

The Clinton Conservancy requested permission to have plantings along the Hunts Mill fitness trail. Buildings and Grounds Committee is in agreement that the plantings will not impact the trail.

2. Roads Committee is investigating sidewalk concerns regarding pavers. Once the committee does an in depth cost analysis, they will report back to council as to how to resolve the issues.

Councilwoman Dineen

1. Economic Development Commission met on May 3, 2018. A meet and greet is scheduled for June 7, 2018 at 7:00 p.m. at the Hunterdon Art Museum. All are encouraged to attend if possible.

Councilman Rylak

1. Clinton Fire Department has had their parking lot paved and striped.

Councilwoman Karsh

1. Clinton Guild – meeting to be held Wednesday, May 9, 2018 at 6:00 p.m.

Councilwoman Johnson

1. Shade tree – Arbor Day was a success in spite of the rain! Tree planted in honor of Matt and Megan Holt on East Main Street. Third graders attended, helped plant the tree and sang a cute song. Committee met with Mr. Phelan to discuss new tree locations and the current inventory.
2. Clinton Public School board met.
3. Board of Recreation held the Senior Luncheon on May 6, a good turnout and everyone enjoyed food. Thank you to Dino and the staff of the Towne Restaurant for providing the food.
4. Town Picnic, June 9, to continue the discussion regarding the helicopter. Ms. Johnson said the National Guard has insurance but will not indemnify the Town. Mr. Smith said a decision would have to be made either the helicopter or the fireworks because it is not possible to have both and to do it safely. Attorney Cushing said liability will fall on the town in the event of an accident. A motion was made by Mr. Smith, seconded by Mr. Rylak to table the idea until next year. Ms. Johnson will relay the decision to the commission.

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 submitted for the period of April 20 through May 3, 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. Karsh seconded by Ms. Johnson to approve the bill list attached to these minutes as submitted.

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

Vote all ayes
Motion carried

RESOLUTION #82-18 – EXECUTIVE SESSION

A motion was made by Mr. Rylak, seconded by Ms. Karsh, to enter into Executive Session at 7:57 to discuss a matter of litigation.

RESOLUTION # 82-18

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;

___X___ Pending or anticipated litigation or contract negotiation in which the public body is or may become 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 at 8:50, a motion was made by Mr. Smith seconded by Mr. Rylak to adjourn the meeting at 8:52 p.m.

Cecilia Covino, RMC/CMC, Municipal Clerk

Mayor Janice Kovach