

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

Roll Call: Present – Dineen, Johnson, Karsh, Pendergast, 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 minutes of September 11, 2018 as submitted.

Vote all ayes
Motion carried

APPROVAL OF MONTHLY REPORTS – AUGUST

A motion was made by Mr. Smith seconded by Ms. Sosidka to approve the Treasurer monthly report for the month of August as submitted.

Vote all ayes
Motion carried

PUBLIC COMMENTS

Stan Prater, JCP&L representative, came before Council this evening to say he has been addressing issues in Town, such as Water Street “dead end” lighting and lighting for the Red Mill. Mr. Prater also took this opportunity to explain the proposed enhancements JCP&L are working on for increased reliability and resiliency of the electric distribution system against severe weather and to reduce the number of customers affected by outages. Mr. Prater stated JCP&L is asking BPU for more latitude in trimming trees for more clearance, as trees are a major issue in outages.

Mr. Prater continued to inform Council and the public that JCP&L’s Reliability Plus includes approximately \$400 million in targeted investments above and beyond its regular annual investments to enhance JCP&L’s service reliability and resiliency which will estimate the initial increase on a monthly bill for an average user of 26 cents per month for the first six months up to \$1.89 by the end of the four-year period. A public hearing will be held October 15 in Morristown for anyone interested in attending. Mr. Prater requested that the Town of Clinton, along with other municipalities, adopt a resolution in support of JCP&L’s efforts. A motion was made by Mr. Pendergast, seconded by Ms. Sosidka, to present a resolution of support at the next council meeting.

Vote all ayes
Motion carried

MAYOR’S COMMENTS

1. Mayor Kovach has been asked to support a proclamation in support of “Knock Out Opioid Abuse Day” October 6, 2018, in conjunction with Freedom House, Inc. There is also a drug take back bin provided by the Hunterdon County Prosecutor’s office.
2. The New Jersey State League of Municipalities Resolution Committee is considering resolutions from officials currently in municipal office. They must be general in nature and of demonstrable relation to municipal government interests. Two ideas already submitted were for liquor licenses, brew pubs, and affordable housing.

3. North Hunterdon Education Foundation annual sponsorship package is available in the clerk's office for anyone interested in donating. The 5th Annual Running of the Lions 5K & Walk will take place Sunday, October 21, 2018.

SPECIAL EVENT APPLICATION

Application received for the 32nd Annual Clinton Christmas Parade to be held Friday, December 7, 2018 from 6:30 to 8:30 p.m. Mr. Pendergast questioned the amount of insurance being provided. In 2014 Mayor and Council approved the Clinton Guild would carry \$1 million dollars in coverage. Mr. Pendergast asked that Council revisit that coverage for 2019. A motion was made by Ms. Sosidka, seconded by Ms. Dineen, to approve the event for the 32nd Christmas Parade.

Vote all ayes
Motion carried

WATER REFUND

Nancy Burgess, Water Collector, is requesting a refund be issued in the amount of \$418.50 to Ellen Lynch. A motion was made by Mr. Smith, seconded by Ms. Dineen to issue the refund as requested.

ROLL CALL: AYES: Dineen, Johnson, Karsh, Pendergast, Smith, Sosidka, Mayor Kovach

Vote all ayes
Motion carried

RESOLUTION #130-18 – AUTHORIZATION TO PAY BILLS

A motion was made by Ms. Dineen, seconded by Ms. Sosidka, to adopt Resolution #130-18 as submitted: Copies of bills will be provided to Council.

RESOLUTION #130-18

AUTHORIZATION TO PAY BILLS

WHEREAS regular Council meetings are the second and fourth Tuesday of the month and standby and overtime and payment of the bills are a regular agenda item, and

WHEREAS Tuesday, November 13, 2018 is the first day of the annual New Jersey League of Municipalities in Atlantic City that most government officials attend, and

WHEREAS Tuesday, December 25, 2018 is Christmas Day, a federal holiday,

WHEREAS the regular council meetings will be cancelled on those particular days,

NOW, THEREFORE, BE IT RESOLVED, that the Chief Financial Officer is hereby authorized to pay the bills necessary to be paid in a timely fashion on the regular council schedule.

Vote all ayes
Motion carried

RESOLUTION 131-18 – OVERPAYMENT OF TAXES

A motion was made by Mr. Pendergast seconded by Ms. Karsh, to adopt Resolution #131-18 as submitted:

RESOLUTION # 131-18

WHEREAS, the Tax Collector of the Town of Clinton has received an overpayment for following block and lot 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>
2	10	William Hogan	\$ 294.04

BE IT FURTHER RESOLVED that the Tax Collector remove the overpayment on the above block and lot for the 4th quarter 2018.

ROLL CALL: AYES: Dineen, Johnson, Karsh, Pendergast, Smith, Sosidka, Mayor Kovach

Vote all ayes
Motion carried

RESOLUTION #132-18 – GRANT APPLICATION – UNION ROAD SECTION 2

A motion was made by Mr. Smith seconded by Mr. Pendergast, to adopt Resolution #132-18 as submitted:

Resolution No. # 132-18

Resolution: Approval to submit a grant application and execute a grant contract with the New Jersey Department of Transportation for the Union Road Section 2 Improvement project.

NOW, THEREFORE, BE IT RESOLVED that the Council of the Town of Clinton formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as MA-2019-Union Road- Section 2 Improvement Pr-00034 to the New Jersey Department of Transportation on behalf of the Town of Clinton.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Town of Clinton and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

Vote all ayes
Motion carried

RESOLUTION #133-18 – GRANT APPLICATION – GEORGES PLACE ROADWAY

A motion was made by Mr. Smith, seconded by Ms. Dineen, to adopt Resolution #133-18 as submitted:

Resolution No. # 133-18

Resolution: Approval to submit a grant application and execute a grant contract with the New Jersey Department of Transportation for the Georges Place Roadway Improvement project.

NOW, THEREFORE, BE IT RESOLVED that the Council of the Town of Clinton formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as MA-2019-Georges Place Roadway Improvement Pr-00035 to the New Jersey Department of Transportation on behalf of the Town of Clinton.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Town of Clinton and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

Vote all ayes
Motion carried

RESOLUTION #134-18 – RE-BID WEST MAIN STREET WATER PROJECT

A motion was made by Mr. Smith, seconded by Mr. Pendergast, to adopt Resolution #134-18 as submitted:

RESOLUTION #134-18

RESOLUTION TO REBID WEST MAIN STREET WATER PROJECT

WHEREAS, the Town of Clinton advertised for the West Main Street Water Project on August 23, 2018 pursuant to the authority of N.J.S.A. 40A:11-1 et seq.; and

WHEREAS, the Town of Clinton did not receive any bids;

WHEREAS, N.J.S.A. 40A:11-13.2 allows a contracting unit to rebid the project;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Town of Clinton, Hunterdon County authorizes the rebid of the West Main Street Water Project.

Vote all ayes
Motion carried

RESOLUTION #135-18 - CURFEW

A motion was made by Ms. Dineen, seconded by Mr. Pendergast, to adopt the annual curfew resolution as submitted:

RESOLUTION # 135-18

WHEREAS, the period immediately prior and subsequent to Halloween, and the holiday time period commencing October 5 and continuing through November 5, 2018, a time when some persons under the age of eighteen and others may engage in mischief, acts of vandalism, and other petty disorderly offenses which are harmful to and interfere with the rights of citizens to use the streets and public areas of the Town of Clinton; and

WHEREAS, the Chief of Police of the Town of Clinton has determined, after due investigation and deliberation, that the incidence of juvenile delinquency within the Town will or may reach such a level of frequency or severity so as to present a clear and present danger to the public peace, safety, health, morals and welfare of the Town; and

WHEREAS, the Chief of Police has studied and evaluated the question of the public safety and health in the Town of Clinton and has determined that the safety of the public and the welfare of juveniles will be enhanced if a nocturnal curfew is imposed limiting the ability of persons under the age of eighteen to use the streets and public areas of the Town of Clinton.

WHEREAS, Chapter 60 of the Ordinance of the Town of Clinton authorizes the imposition of a curfew.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Town of Clinton, Hunterdon County, New Jersey, as follows:

- (A) Based on an oral report submitted to the Mayor and Council by the Chief of Police, the Mayor and Council hereby declare that a temporary emergency exists in the Town of Clinton during the period from Friday, October 5, 2018, up to and including Friday, November 5, 2018; and
- (B) The Mayor and Council do hereby declare a curfew commencing at 9:00 p.m. October 5, 2018, up to and including 6:00 a.m. November 5, 2018. The terms of the curfew shall be consistent with Chapter 60 of the Code of the Town of Clinton.
- (C) Notice of this curfew shall be posted in accordance with Section 60-8 of the Ordinance of the Town of Clinton in such places as may be designated by the Chief of Police so as to give all interested parties notice of the imposition of the curfew.

Vote all ayes
Motion carried

RESOLUTION #136-18 – SALE OF A HOTEL LIQUOR LICENSE

Mr. Cushing explained the procedure of issuing a new hotel liquor license. An appraisal was completed by Eric Arnold, the Liquor License Company, LLC. Mr. Arnold produced an earlier appraisal of \$315,000 completed in 2007 by another firm that is no longer in operation, and an updated appraisal of \$260,000. Mr. Arnold listed comparables that have been researched, “For Sale” listings in the past six months and came up with the following licenses available for sale:

Somerset	\$265,000	Greenbrook Twp.	\$225,000
Warren Township	\$250,000	Hunterdon Twp.	\$175,000
Piscataway Twp.	\$250,000	Union Township	\$125,000

Ms. Johnson questioned the method used and the locations researched and would like to see specifics of the data. Ms. Karsh and Ms. Sosidka echoed Ms. Johnson’s concerns. Mr. Cushing said he would reach out to Mr. Arnold to gather more data. Mr. Pendergast suggested the resolution be tabled until additional information is provided. Resolution will be further addressed at the next meeting, October 9, 2018. Walter Wilson, Clinton Development Partners, LLC, recent purchaser of the Agway property, West Main Street, Clinton, said council should keep factors in mind as to what causes the extreme fluctuation in amounts.

CORRESPONDENCE

The Economic Development Commission recommends the appointment of John Creech, 31 Alexandra Way. A motion was made by Ms. Karsh seconded by Ms. Dineen to appointment John Creech.

Vote all ayes
Motion carried

1. Mayor Kovach thanked everyone that attended the Shop Rite “Help Bag Hunger Day” on September 20, 2018. Great support was shown from Council, members of the First Aid & Rescue Squad and others.
2. Mayor Kovach attended the Hunterdon Health Care Alliance, a healthy coalition, Mayor Kovach noted all the ways Clinton works to promote healthy practice, such as Walking to School.
3. A letter received from the family of Nora Donahue addressed to Officer McGuire and other officers for their support and assistance on the day their mother passed away at home. “Their professionalism and kindness were a great comfort and will always be remembered.”
4. Notification received from New Jersey Department of Agriculture notifying residents to be aware of the Spotted Lanternfly which is an invasive pest, threatening fruit and nut trees, as well as grapes and other plant species. If anyone encounters the spotted lanternfly, you are directed to remove, devitalize and place in a sealed bag and dispose of the bag in the garbage. Hunterdon County is considered a quarantine area. For more information visit the New Jersey Department of Agriculture website: <https://www.state.nj.us/agriculture/divisions/pi/prog/spottedlanternfly.html>

REPORTS FROM COUNCIL

Councilman Smith

1. Sewer Committee – the filter and residual design is approximately 80% completed. A third party lab company for testing is being sought.
2. State wishes to put out a new law for water and sewer connection fees where water hook ups for affordable housing would be charged 50% less. Mr. Smith explained that the only one to benefit from this would be the contractor, not the purchaser. Mr. Smith said when more solid information is available he will update council.
3. The State approved the Water Main Replacement Project for mains in Clinton Township, namely Glen Eagles Drive, Muirfield Lane and Heather Hill. Project will proceed in 2019.

Councilwoman Sosidka

1. Board of Recreation – hosted the Whitehouse Wind Symphony concert of the patio of the Hunterdon Art Museum. The event was well attended and has become a new annual event. The movie “Wonder” was shown at Gebhardt Field and everyone had a good time. The Clinton Fire Department helped out and raised \$110.00. The next movie Paddington Bear II will be held October 13 at 7:00 p.m.
Canoe Races are back! October 14, 2018 at 1:00 p.m. Now being named “Clinton Classic”, members from the Clinton Fire Department, Clinton Police Department and the Clinton First Aid and Rescue squad will compete. Others are welcome to participate. The event is being organized by Sean Rogan of the Board of Recreation Commission.

Councilman Pendergast

1. Clinton Fire Department hosted their 3rd annual Craft Beer, Wine and Spirits Festival on September 22, 2018. It was an amazing event! Very well attended and a great time was had!

Councilwoman Karsh

1. Clinton Guild held their monthly night time meeting, talked about upcoming events such as Pumpkin festival which will be on Friday, October 19 and Dicken’s Days, which are annually held Friday, Saturday, Sunday following Thanksgiving. Summer music on Main is done for the season. The group discussed economic development. The Economic Development Commission is putting together a list of FAQ’s (Frequently Asked Questions) that appear to be repeat questions from merchants.

Councilwoman Johnson

Returning this evening from maternity leave, Ms. Johnson did not have committee reports but wished to express her experience this past weekend at the Hunterdon Art Museum. The Museum had a beautiful “Lace, but not Lace” kick off event which was very well attended! The display is amazing for all ages!

Mayor Kovach

Mayor Kovach updated council on the legislation pertaining to marijuana at the state level. The League of Municipalities is currently working on it and preparing an analysis regarding different types of licenses. There is also a battle over taxes now being discussed. Regulations of sale and use within schools, churches etc. are also part of the discussions. Attorney Cushing, along with Attorney Tara St. Angelo and Planner, Jim Kyle, are working with several towns to come up with an interim ordinance to get ahead of the curve. More information will be forthcoming.

Mayor Kovach expressed congratulations to Harvey Finkel and Rob Dougherty on their marriage that took place September 22, 2018 and best of luck to them following the closing of the Clinton Book Shop that they have operated in Town for 16 years. The Apple and Pumpkin Festival will be held this Sunday, September 30, 2018 from noon to 5:00 p.m. following the regularly scheduled Farmer’s Market. Event will include music, children’s tent, beer/wine tent sponsored by the Clinton House, several food trucks and vendors!

STANDBY AND OVERTIME

A motion was made by Ms. Karsh seconded by Ms. Johnson, to approve the standby and overtime submitted for the period of September 7 through September 24, 2018 attached to these minutes.

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

Vote all ayes
Motion carried

PAYMENT OF BILLS

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

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

Vote all ayes
Motion carried

RESOLUTION #137-18 – EXECUTIVE SESSION

A motion was made by Mr. Pendergast, seconded by Ms. Karsh, to enter into executive session to discuss a matter of litigation at 8:26 p.m.

RESOLUTION #137-18

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.

ADJOURNMENT: Upon returning to the regular council meeting at 9:11, and no action to be taken, a motion was made by Ms. Karsh seconded by Ms. Sosidka to adjourn the meeting at 9:12 p.m.

Cecilia Covino, RMC/CMC, Municipal Clerk

Mayor Janice Kovach