

4967

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. Karsh seconded by Ms. Sosidka to approve the minutes of September 25, 2018 as submitted.

Vote all ayes
Motion carried

APPROVAL OF EXECUTIVE MINUTES

A motion was made by Mr. Smith seconded by Ms. Karsh, to approve the executive session minutes of September 25, 2018 as submitted.

Vote all ayes
Motion carried

APPROVAL OF MONTHLY REPORTS – SEPTEMBER

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

Administrator’s Report, Clerk’s Account, Construction Control/ Inspection Report, Cat & Dog Licensing, Police, Report, Sewer Collector’s Report, Tax Collector’s Report, Water Collector’s Report, Zoning Officer Report.

Vote all ayes
Motion carried

PUBLIC COMMENTS - NONE

MAYOR’S COMMENTS

1. A letter of resignation has been received from Sharon (Bittenmaster) Green, stepping down from the Board of Health after 22 years. Sharon is moving away and we wish her luck! A motion was made by Ms. Sosidka, seconded by Ms. Dineen, to accept her resignation with regrets.
Vote all ayes
Motion carried
2. A letter of resignation received from Patty Smeltzer, Chair of the Environmental Commission. A motion was made by Ms. Sosidka, seconded by Mr. Smith, to accept the resignation with regrets.
Vote all ayes
Motion carried
3. Mayor Kovach proudly displayed the Mayor’s Cup Challenge Trophy presented to her and members of council and friends that joined her in the Main Street Half Marathon held Sunday, October 7, 2018. The 2nd annual race begins in Clinton and ends on Main Street in Flemington.
4. The Governor released his economic development plan, the 90 page report should be out week of October 15, 2018. Also released was the report on New Jersey Transit, report available on line.

RESOLUTION #138-18 – SUPPORT OF JCP&L RELIABILITY PLUS

A motion was made by Ms. Johnson, seconded by Ms. Dineen, to adopt Resolution #138-18 as submitted:

Resolution #138-18

**DECLARING TOWN OF CLINTON RESOLUTION OF SUPPORT FOR THE JCP&L
RELIABILITY PLUS**

WHEREAS: The Town of Clinton recognizes that reliable electric service plays a crucial role in the daily lives of Township residents; and

WHEREAS: The Town of Clinton recognizes that reliable electric service also is critical to the local businesses within our community, and drives commerce in our Township and across the region; and

WHEREAS: The Town of Clinton supports efforts to enhance our energy infrastructure to continue to provide families and businesses the reliable source of energy they need; and

WHEREAS: The Town of Clinton supports efforts to enhance the reliability and resiliency of the electric distribution system against severe weather and reduce the number of customers affected by outages and shorten the duration of outages; and

WHEREAS: The Town of Clinton has been informed that Jersey Central Power and Light Company's (JCP&L) 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; and

WHEREAS: The Town of Clinton has been informed that the JCP&L plan includes nearly 4,000 enhancements that will help the reliability and resiliency of overhead and underground distribution lines, as well as new equipment to reduce the number of customers affected by outages and shorten the duration of outages; and

WHEREAS: The Town of Clinton has been informed that the JCP&L plan also outlines additional vegetation management to reduce the potential for tree damage, which is the primary cause of outages during severe storms in JCP&L's service area.

WHEREAS: The Town of Clinton has been informed that JCP&L estimates the initial increase on the monthly bill for an average residential customer would be about 26 cents per month for the first six months up to \$1.89 by the end of the four-year period.

NOW, THEREFORE, BE IT RESOLVED that Mayor and Council of Town Clinton hereby finds and declares:

That JCP&L's Reliability Plus will benefit residents and businesses in the Town of Clinton and throughout Hunterdon County by making JCP&L's electric distribution system during storm and non-storm events more resistant to outages and enabling the system to recover more quickly when outages do occur and increase the distribution system's resiliency, operational flexibility, safety and security. JCP&L's Reliability Plus should be approved by the New Jersey Board of Public Utilities.

INTRODUCED, READ AND ADOPTED by the Mayor and Council this 9th day of October, 2018.

Vote all ayes
Motion carried

4969

RESOLUTION #139-18 - SALARY

A motion was made by Ms. Sosidka, seconded by Ms. Karsh, to adopt Resolution #139-18 as submitted:

RESOLUTION # 139-18

RESOLUTION INCREASING EMPLOYEE SALARY

WHEREAS, Barbara Hartsell has successfully passed the C-1 license exam, received on May 8, 2018;

WHEREAS, the Sewer Superintendent has recommended Barbara Hartsell receive a salary increase equal to Twenty-Five Cents per hour (\$455.00 per year), retroactive to May 8, 2018;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Town of Clinton hereby approve the salary increase for Barbara Hartsell.

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

Vote all ayes
Motion carried

RESOLUTION #140-18 – DISCHARGE OF MORTGAGE

A motion was made by Mr. Smith, seconded by Mr. Pendergast, to adopt Resolution #140-18 as submitted:

RESOLUTION #140-18

**A RESOLUTION CONCERNING DISCHARGE OF
AFFORDABLE HOUSING MORTGAGE**

WHEREAS former Town of Clinton resident Anna Leena Halme purchased a home at 9 Rolling Hill Road, Clinton, New Jersey, on 2/27/2014; and

WHEREAS this home was designated as an Affordable Housing unit in the Town of Clinton;
and

WHEREAS pursuant to the State of New Jersey Department of Community Affairs, Division of Housing regulations, Anna Leena Halme executed a mortgage to the Town of Clinton Affordable Housing Authority which was recorded in Hunterdon County, New Jersey, on March 6, 2014 in Mortgage Book 3819 on page 123 (the “COAH Mortgage”); and

WHEREAS, on September 24, 2018, Anna Leena Halme sold the home Nicole Sierp, who has executed a mortgage to the Affordable Housing Authority;

NOW THEREFORE BE IT RESOLVED that the Mayor has the authority to execute a Discharge of the Mortgage given by Anna Leena Halme to the Town of Clinton Affordable Housing Authority.

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

Vote all ayes
Motion carried

RESOLUTION #136-18 – LIQUOR LICENSE

Resolution #136-18 was tabled at the council meeting of September 25, 2018 in order that Attorney Cushing be given an opportunity to speak with the liquor license appraiser for clarification of how he derived to the amount of \$260,000. Mr. Cushing discussed the concerns of Council with Eric Arnold, appraiser, and in return received a detailed explanation for Council to review. Council was satisfied with Mr. Arnold's explanation and thanked Mr. Cushing for reaching out. A motion was made by Mr. Smith, seconded by Mr. Pendergast, to adopt Resolution #136-18 as submitted.

**RESOLUTION # 136-18
RESOLUTION AUTHORIZING
THE SALE OF A HOTEL LIQUOR LICENSE
AND IMPOSING CONDITIONS THEREON**

WHEREAS, the Town of Clinton has been notified that a new hotel will be constructed within its border which will have a separate free standing restaurant associated with it; and

WHEREAS, Section 32-3D(4) of the Code of the Town of Clinton authorizes and provides for a method for the award of a plenary retail consumption liquor license for a hotel or motel containing at least 100 guest sleeping rooms, and

WHEREAS, that Section also provides that the license shall be sold at auction in accordance with the provisions of Title 33 of the New Jersey Division of Alcoholic Beverage Control; and

WHEREAS, that Section also authorizes the Council to set a minimum bid and reserve the right to reject all bidders; and

WHEREAS, that Section also provides for a method to prequalify potential bidders; and

WHEREAS, the Town has sought to determine a reasonable amount for a minimum bid; and

WHEREAS, in 2007 the Town, in an effort to determine the fair market value of a plenary retail consumption liquor license, secured an appraisal (a copy of which is attached as Exhibit A), from J.C. Kapas, 350 West Passaic Street, Rochelle Park, New Jersey, 07662, and the report determined the fair market value of the liquor license was \$315,000; and

WHEREAS, the Town secured a second appraisal on September 17, 2018, from Eric Arnold, President, the Liquor License Company, LLC, 200 Chester Avenue, #346, Moorestown, New Jersey, 08057 (a copy of which is attached as Exhibit B), which valued the liquor license at \$260,000; and

WHEREAS, the Town wishes to establish a minimum bid for a plenary retail consumption liquor license for a hotel, to reserve the right to reject all bids, and to authorize the Attorney and Clerk to prepare a Notice of Sale in accordance with the requirements of Sections 32-3D(4) (c) thru (e).

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

1. The Town authorizes an additional liquor license for a hotel or motel containing at least 100 guest sleeping rooms;

4971

2. The License shall be sold at auction in accordance with Title 33 of the New Jersey Statutes and Regulations of the Division of Alcoholic Beverage Control;

3. The Council hereby sets a minimum bid in the amount of \$260,000;

4. The Council reserves the right to reject all bids;

5. The Council authorizes the Clerk and Attorney to prepare the necessary Notice of Sale which shall comply with Section 32-3D(4) (c) thru (e)

6. The Council further authorizes the following schedule:

a. The pre-qualification and bid application may be obtained from the Clerk after October 10, 2018;

b. Potential bidders will submit to the Clerk Pre-Qualification Information by October 24, 2018;

c. Pre-qualified bidders shall be notified by November 5, 2018, of their qualification; and

d. Bids will be received and opened on November 13, 2018.

7. The Clerk and Attorney are authorized to take all reasonable steps necessary and appropriate to carry out the requirements of Section 32-3D(4).

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

Vote all ayes
Motion carried

CORRESPONDENCE

1. Safe in Hunterdon is celebrating 40 years at the Farmhouse at the Grand Colonial, Hampton, NJ. Tickets are \$125 per person. Anyone interested, please see the clerk.
2. The New Jersey League of Conservation Voters Fourth annual "Green Tie Gala" will be held Thursday, November 8, 2018 at The Imperia in Somerset. Tickets are \$150 each and anyone interested should see the clerk.

REPORTS FROM COUNCIL

Councilman Smith

1. Rescue Squad – reported 344 calls in September, a 2% increase over 2017. This month is the 20th anniversary of winning the world championship in extrication. The following year the squad came in 2nd in Scotland at the Great Britain Fire Academy.
2. Buildings and Grounds – the committee discussed the Farmers Market and will be moving on from this. Supposedly the ground rules have changed. Community Center had new electrical line from the building to the grandstand, plus adding a new outlet. Currently everything is on one line. The cost will be approximately \$4,000.
3. Water Committee – Fire hydrant annual inspection for 2018 has been completed.

4. Mr. Smith mention that Eagle Scout, Skylar Esposito built three picnic tables for the grassy area at DeMott Pond. Ms. Sosidka said if there is another Eagle Scout looking for a project, a retaining wall is needed at the pond.

Councilwoman Dineen

1. Land Use Board – Clean Plate site plan has been granted.
Master Plan sub-committee working on preparing a draft which should be available soon.
2. Economic Development Committee will be meeting on Wednesday, October 17, 2018 at 8:30 a.m.
Local business owners will be attending to discuss the sign ordinance.

Councilwoman Sosidka

1. Environmental Commission – in light of the resignation of Chair Patty Smeltzer, the commission appointed John Madden as the new Chair. The commission continues to prepare an environmental inventory of goals. A subcommittee will be meeting in two weeks.
A report of the \$1,500 grant received from ANJEC. The Committee is thankful for the volunteers who have stepped up from the Environmental Club at the High School. On October 20, 10:00 a.m. to 1:00, volunteers are being sought to weed and mulch at DeMott Pond and to prep beds for spring planting.
2. Board of Recreation – the final movie night will be October 13 at dusk. Paddington Bear II
5th Annual Canoe Race will be Sunday, October 14 at 1:00 p.m. at the Water Street boat launch.
3. Historic Commission expressed their thanks to Mayor Kovach for giving guidance on guidelines and her suggestion to work with Jim Kyle, Town Planner.

Councilwoman Karsh

1. Clinton Guild participated in the Superhero Race on Saturday, October 6, 2018 which turned out to be a huge success! Next Guild meeting is tomorrow, October 10th.
2. Economic Development Commission continues building an inventory of commercial properties in the Town and continues working closely with the Hunterdon County Economic Development Committee to bring in new ideas. The Commission is also looking to review what type of industry and jobs are here in Town and looking at related areas to compare and contract appeal such as the Lehigh Valley and Warren County areas. Councilwoman Sosidka stated that the Environmental Commission found all different maps of the town on a website, showing what the areas are zoned for and thought it could be helpful to the EDC. Ms. Sosidka will forward the link to Ms. Karsh.

Councilwoman Johnson

1. Shade Tree Commission met and is finishing up the years scheduling.
2. The Superhero's Race was an awesome event! Ms. Johnson wished to thank Officer Alberto Bonilla and the great team of officers in the Town of Clinton! On a personal note, Ms. Johnson's little girl got a "little" lost in the shuffle after her age group ran but she was smart enough to go up to Officer Bonilla and Emma was safely and calmly returned to her mom.

4973

Mayor Kovach

Mayor Kovach explained the problems Centurylink is having in the Knolls section of Town. A major work project has been underway with the outdated lines and 2,600 wires had to be spliced by hand. There will be a credit issued to customers that have been without service. This project is open ended as to a timeline.

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 September 25 through October 4, 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. Johnson 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 #141-18 – EXECUTIVE SESSION

A motion was made by Ms. Dineen, seconded by Ms. Johnson, to enter into executive session to discuss a matter of litigation and mediation at 7:51 p.m.

RESOLUTION #141-18

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.;

4975

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 to the regular council meeting 8:34 and no action to be taken, a motion was made by Ms. Dineen seconded by Ms. Johnson to adjourn the meeting at 8:35 p.m.

Cecilia Covino, RMC/CMC, Municipal Clerk

Mayor Janice Kovach