

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 Mr. Smith seconded by Ms. Johnson to approve the minutes of October 9, 2018 as submitted.

Vote all ayes  
Motion carried

**APPROVAL OF EXECUTIVE SESSION MINUTES**

A motion was made by Ms. Johnson seconded by Ms. Karsh to approve the executive session minutes of October 9, 2018 as submitted.

Vote all ayes  
Motion carried

**APPROVAL OF MONTHLY REPORTS – SEPTEMBER**

A motion was made by Mr. Smith seconded by Ms. Dineen to approve the Treasurer’s report and the Police report for the month of September as submitted.

Vote all ayes  
Motion carried

**PUBLIC COMMENTS**

Ken Carberry, 62 Halstead Street, questioned the status of the re-development plan that have been discussed for the west side of Town, namely the Agway site. Mayor Kovach explained discussions have

been held up because of Fair Share. The Land Use Board and Mr. Kyle have been working on a plan and will make recommendations to council when a plan is complete but not before December, 2018.

**MAYOR’S COMMENTS – NONE**

**INTRODUCTION OF ORDINANCE #18-08 – RENEWAL OF COMCAST**

A motion was made by Mr. Smith, seconded by Mr. Pendergast, to introduce Ordinance #18-08 on first reading as submitted:

**ORDINANCE NO. 18-08**

AN ORDINANCE GRANTING RENEWAL OF MUNICIPAL CONSENT TO COMCAST OF CENTRAL NEW JERSEY II, LLC. TO CONSTRUCT, CONNECT, OPERATE AND MAINTAIN A CABLE TELEVISION AND COMMUNICATIONS SYSTEM IN THE TOWN OF CLINTON, HUNTERDON COUNTY, NEW JERSEY

BE IT ORDAINED AND ENACTED BY THE MAYOR AND COUNCIL OF THE TOWN OF CLINTON, HUNTERDON COUNTY, NEW JERSEY, AS FOLLOWS:

**SECTION 1. PURPOSE OF THE ORDINANCE.**

The Town hereby grants to Comcast renewal of its non-exclusive Municipal Consent to place in, upon, across, above, over and under highways, streets alleys, sidewalks, easements, public ways and public places in the Town, poles, wires, cables, underground conduits, manholes and other television conductors, fixtures, apparatus, and equipment as may be necessary for the construction, operation and maintenance in the Town of a cable television and communications system.

**SECTION 2. DEFINITIONS.**

For the purpose of this Ordinance, the following terms, phrases, words and their derivations shall have the meaning given herein. Such meaning or definition of terms in supplemental to those definitions of the Federal Communications Commission (“FCC”) rules and regulations, 47 C.F.R. Subsection 76.1 et seq., and the Cable Communications Policy Act, 47 U.S.C. Section 521 et seq., as amended, and the Cable Television Act, N.J.S.A. § 48:5A-1 et seq., and shall in no way be construed to broaden, alter or conflict with the federal and state definitions:

- a. “Town” is the Town of Clinton, County of Hunterdon, State of New Jersey.
- b. “Company” or “Comcast” is the grantee of rights under this Ordinance and is known as Comcast of Central New Jersey II, LLC..
- c. “Act” or “Cable Television Act” is Chapter 186 of the General Laws of New Jersey, and subsequent amendments thereto, N.J.S.A. § 48:5A-1, et seq.
- d. “FCC” is the Federal Communications Commission.
- e. “Board” or ‘BPU” is the Board of Public Utilities, State of New Jersey.
- f. “Office” or “OCTV” is the Office of Cable Television of the Board.
- g. “Basic Cable Service” means any service tier, which includes the retransmission of local television broadcast signals as defined by the FCC.
- h. “Application” is the Company’s Application for Renewal of Municipal Consent.
- i. “Primary Service Area” or ‘PSA” consists of the area of the Town currently served with existing plant as set forth in the map annexed to the Company’s Application for Municipal Consent.

**SECTION 3. STATEMENT OF FINDINGS.**

Public hearings conducted by the Town, concerning the renewal of Municipal Consent herein granted to the Company were held after proper public notice pursuant to the terms and conditions of the Act and the regulations of the Board adopted pursuant thereto. Said hearings, having been fully open to the public, and the Town, having received at said public hearings all comments regarding the qualifications of the Company to receive this renewal of Municipal Consent, the Town hereby finds that the Company possesses the necessary legal, technical, character, financial and other qualifications and that the Company’s operating and construction arrangements are adequate and feasible.

**SECTION 4. DURATION OF FRANCHISE.**

The non-exclusive Municipal Consent granted herein shall expire 10 years from the date of expiration of the previous Certificate of Approval issued by the Board.

In the event that the Town shall find that the Company has not substantially complied with the material terms and conditions of this Ordinance, the Town shall have the right to petition the OCTV, pursuant to N.J.S.A. § 48:5A-47, for appropriate action, including modification AND/OR termination of the Certificate of Approval; provided, however, that the Town shall first have given the Company written notice of all alleged instances of non-compliance and an opportunity to cure same within ninety (90) days of that notification.

**SECTION 5. FRANCHISE FEE.**

Pursuant to the terms and conditions of the Act, the Company shall, during each year of operation under the consent granted herein, pay to the Town two percent (2%) of the gross revenues from all recurring charges in the nature of subscription fees paid by subscribers for cable television reception service in the Town or any higher amount permitted by the Act or otherwise allowable by law, whichever is greater.

**SECTION 6. FRANCHISE TERRITORY.**

The consent granted under this Ordinance for the renewal of the franchise shall apply to the entirety of the Town and any property subsequently annexed hereto.

**SECTION 7. EXTENSION OF SERVICE.**

The Company shall be required to proffer service to any residence along any public right-of-way in the Primary Service Area, as set forth in the Company's Application. Any extension of plant beyond the Primary Service Area shall be governed by the Company's Line Extension Policy, as set forth in the Company's Application, with a HPM ("homes-per-mile") of 25 dwellings per linear mile from the nearest active trunk or feeder line.

**SECTION 8. CONSTRUCTION REQUIREMENTS.**

- a. Restoration: In the event that the Company or its agents shall disturb any pavement, street surfaces, sidewalks, driveways, or other surface in the natural topography, the Company shall, at its sole expense, restore and replace such places or things so disturbed in as good a condition as existed prior to the commencement of said work.
- b. Relocation: If at any time during the period of this consent, the Town shall alter or change the grade of any street, alley or other way or place the Company, upon reasonable notice by the Town, shall remove, re-lay or relocate its equipment, at the expense of the Company prior to approval of the board.
- c. Removal or Trimming of Trees: During the exercise of its rights and privileges under this franchise, the Company shall have the authority to trim trees upon and overhanging streets, alleys, sidewalks or other public places of the Town so as to prevent the branches of such trees from coming in contact with the wires and cable of the Company. Such trimming shall be only to the extent necessary to maintain proper clearance of the Company's wire and cables.
- d. Temporary removal of cables: The Company shall, upon request of the Town, at the company's expense, temporarily raise, lower or remove its lines in order to facilitate the moving of buildings or machinery or in other like circumstances, subject to the prior approval of the board.

**SECTION 9. CUSTOMER SERVICE.**

In providing services to its customers, the Company shall comply with N.J.A.C. § 14:18-1, et seq. and all applicable state and federal statutes and regulations. The Company shall strive to meet or exceed all voluntary company and industry standards in the delivery of customer service and shall be prepared to report on it to the Town upon written request of the Town Administrator or Clerk.

- a. The Company shall continue to comply fully with all applicable state and federal statutes and regulations regarding credit for outages, the reporting of same to regulatory agencies and notification of same to customers.
- b. The Company shall continue to fully comply with all applicable state and federal statutes and regulations regarding the availability of devices for the hearing impaired and the notification of same to customers.
- c. The Company shall use every reasonable effort to meet or exceed voluntary standards for telephone accessibility developed by the National Cable Television Association (“NCTA”).
- d. Nothing herein shall impair the right of any subscriber or the Town to express any comment with respect to telephone accessibility to the Complaint Officer, or impair the right of the Complaint Officer to take any action that is permitted under law.

**SECTION 10. MUNICIPAL COMPLAINT OFFICER.**

The Office of Cable Television is hereby designated as the Complaint Officer for the Town pursuant to N.J.S.A. § 48:5A-26(b). All complaints shall be received and processed in accordance with N.J.A.C. § 14:17-6.5. The Town shall have the right to request copies of records and reports pertaining to complaints by Town customers from the OCTV.

**SECTION 11. LOCAL OFFICE.**

During the term of this franchise, and any renewal thereof, the Company shall maintain a business office or agent in accordance with N.J.A.C. § 14:18-5.1 for the purpose of receiving, investigating and resolving all local complaints regarding the quality of service, equipment malfunctions, and similar matters. Such a business office shall have a publicly listed toll-free telephone number and be open during standard business hours.

**SECTION 12. PERFORMANCE BOND.**

During the life of the franchise the Company shall give to the Town a bond in the amount of Twenty-Five Thousand Dollars (\$25,000). Such bond shall be to insure the faithful performance of all undertakings of the Company as represented in its application for municipal consent incorporated herein.

**SECTION 13. SUBSCRIBER RATES.**

The rates of the Company shall be subject to regulation as permitted by federal and state law.

**SECTION 14. COMMITMENTS BY THE COMPANY.**

- a. The Company shall provide Expanded Basic or a similar tier of cable television service to one (1)

outlet at no cost to each qualified existing and future school in the Town, public and private, elementary, intermediate and secondary, provided the school building is within two hundred (200) feet of active cable distribution plant or through customer owned conduit. Each additional outlet installed, if any, shall be paid for on a materials plus labor basis by the school requesting service.

b. The Company shall provide Expanded Basic or a similar tier of cable television service at no cost to one (1) outlet to each qualified existing and future municipal building, police, fire, emergency management facility and public library in the Town, provided the facility is located within two hundred (200) feet of active cable distribution plant or through customer owned conduit. Each additional outlet installed, if any, shall be paid for on a materials plus labor basis by the Town.

c. Within 12 months of the issuance of a Renewal Certificate of Approval by the BPU, the Company shall provide to the Town a one-time Technology Grant in the amount of \$6,000 to meet the technology and/or cable related needs of the community.

d. The Communications Act of 1934, as amended [47 U.S.C. § 543 (b)], allows the Company to itemize and/or identify: (1.) the amount on the subscriber bill assessed as a franchise fee and the identity of the governmental authority to which the fee is paid; (2.) the amount on the bill assessed to satisfy any requirements imposed on the Company by the cable franchise to support public, education, and/or governmental access channels or the use of such channels; and (3.) any grants or other fees on the bill or any tax, assessment, or charge of any kind imposed by any governmental authority on the transaction between the operator and the subscriber. The Company reserves its external cost, pass-through rights to the full extent permitted by law.

#### **SECTION 15. PUBLIC, EDUCATIONAL AND GOVERNMENTAL ACCESS.**

a. The Company will continue to provide one (1) channel for governmental access. It will be on the most basic tier of service offered by the Company in accordance with the Cable Act, Section 611 [47 U.S.C. § 531], and as further set forth below.

b. The Company does not relinquish its ownership of or ultimate right of control over a channel by designating it for PEG use. Any PEG access user – whether an educational or government user – acquires no property or other interest by virtue of the use of a channel so designated, and may not rely on the continued use of a particular channel number, no matter how long the same channel may have been designated for such use.

c. The Company shall not exercise editorial control over the use of any educational or governmental channel capacity, except Company may refuse to transmit any educational or governmental access program or portion of any public or governmental access program that contains obscenity, indecency, or nudity.

d. Government Access. “Government Access” shall mean non-commercial use by the governing bodies of the Township for the purpose of showing the public local government at work.

f. Fallow Time. Because blank or underutilized PG channels are not in the public interest, in the event the Township or other EG access users elect not to fully program the PG access channel, the Company may program unused time on those channels subject to reclamation by the Township upon no less than sixty (60) days’ written notice.

#### **SECTION 16. EMERGENCY USES.**

a. The Company will comply with the Emergency Alert System (“EAS”) rules in accordance with

applicable state and federal statutes and regulations.

b. The Company shall in no way be held liable for any injury suffered by the Town or any other person, during an emergency, if for any reason the Town is unable to make full use of the cable television system as contemplated herein.

**SECTION 17. LIABILITY INSURANCE.**

The Company shall at all times maintain a comprehensive general liability insurance policy with a single limit amount of One Million Dollars (\$1,000,000) covering liability for any death, personal injury, property damages or other liability arising out of its construction and operation of the cable television system, and an excess liability (or “umbrella”) policy in the amount of Five Million Dollars (\$5,000,000).

**SECTION 18. INCORPORATION OF THE APPLICATION.**

All of the statements and commitments contained in the Application or annexed thereto and incorporated therein, and any amendment thereto, except as modified herein, are binding upon the Company as terms and conditions of this consent. The Application and other relevant writings submitted by the Company shall be annexed hereto and made a part hereof by reference provided same do not conflict with application State or Federal law.

**SECTION 19. COMPETITIVE EQUITY.**

Should the Town grant municipal consent for a franchise to construct, operate and maintain a cable television system to any other person, corporation or entity on terms materially less burdensome or more favorable than the terms contained herein, the Company may substitute such language that is more favorable or less burdensome for the comparable provision of this Ordinance subject to the provisions of

N.J.A.C. § 14:17-6.7.

**SECTION 20. SEPARABILITY.**

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court or federal or state agency of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and its validity or unconstitutionality shall not affect the validity of the remaining portions of the Ordinance.

**SECTION 21. THIRD PARTY BENEFICIARIES.**

Nothing in this Franchise or in any prior agreement is or was intended to confer third-party beneficiary status on any member of the public to enforce the terms of such agreements or Franchise.

**SECTION 22. EFFECTIVE DATE.**

This Ordinance shall take effect immediately upon issuance of a Renewal Certificate of Approval from the BPU.

Vote all ayes  
Motion carried

Mr. Cushing explained the process of renewing cable franchises and encourages input from users at the

public hearing, November 27, 2018. Mr. Cushing also suggested having Rob Clifton, Government Liaison, to attend the public hearing. Mayor Kovach stated that the Town will be getting a Town of Clinton Government Channel which will be available to notices, council meetings and alerts.

A notice of this ordinance will be published in the Hunterdon Review edition of October 31, 2018. Public hearing will be held November 27, 2018 at 7:30 p.m. in the Council Chambers.

**BANNER REQUEST**

A banner request has been received from the Clinton Guild to display a holiday banner from November 12 to January 2, 2019. A motion was made by Ms. Sosidka, seconded by Ms. Dineen, to approve the request.

Vote all ayes  
Motion carried

**RESOLUTION #142-18 – CANCELLATION OF LIEN**

A motion was made by Ms. Sosidka, seconded by Ms. Dineen, to adopt Resolution #142-18 as submitted:

**RESOLUTION # 142-18**

**WHEREAS**, the Tax Collector of the Town of Clinton has been paid \$17,381.93, the amount necessary to redeem Tax Sale Certificate #2014-14 on Block 31.01, Lot 7.01, C2918 assessed to Helen Krug, and purchased by Light Properties LLC.

**NOW THEREFORE BE IT RESOLVED**, on this 23rd day of October 2018 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 \$17,381.93 (certificate), \$1,000.00 (Premium) to Light Properties, 17 W. Cliff Street, Somerville, NJ 08876, 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 #2014-14 Block 31.01, Lot 7.01, C2918 assessed to Helen Krug, from the Town of Clinton Tax Records.

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

Vote all ayes  
Motion carried

**RESOLUTION #143-18 – RETURN OF ESCROW FUNDS**

A motion was made by Ms. Dineen, seconded by Mr. Smith, to adopt Resolution #143-18 as submitted:

**RESOLUTION #143-18**

**WHEREAS**, on September 19, 2013, the Town of Clinton (TOC) and the Hunterdon Art Museum (HAM) entered into a Repair Escrow Agreement regarding a pedestrian access easement where the HAM was required to deposit \$2,000 into a TOC Interest Bearing Escrow Account for five (5) years;

**WHEREAS**, the project was completed by HAM with no sidewalk damage, and the five (5) year period has elapsed;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Town of Clinton, to authorize the Chief Financial Officer to issue a check to the Hunterdon Art Museum in the amount of \$2,014.19 for refund of the escrow account.

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

Vote all ayes  
Motion carried

### **CORRESPONDENCE**

1. Hunterdon Healthcare Foundation, 38<sup>th</sup> Crystal Ball Gala, will be held November 17, 2018 at the Ryland Inn. Anyone interested in attending should contact the clerk.
2. Raritan Headwater 29<sup>th</sup> Annual Stream Cleanup will take place Saturday, April 13, 2019 from 9:00 a.m. to 12:00 p.m. Raritan Headwaters is also seeking financial support of \$300 as in years past to purchase gloves, safety vests, equipment, trash pickup and signage. This request will be forwarded to our CFO for consideration during budget planning.

### **REPORTS FROM COUNCIL**

#### **Kathy Olsen, CFO**

Ms. Olsen reported that the tax sale will be held tomorrow morning, October 24, 2018 at 9:00 a.m. There are five parcels on the sale, all sewer accounts.

#### **Councilman Smith**

1. Sewer Committee – Mr. Smith stated that the State of New Jersey, Department of Environmental Protection will not assess penalties for the monitoring violations recently reported. In recent months, Mr. Smith explained that the certified laboratory hired by the Town for analyzing samples failed to analyze one (1) effluent sample and one (1) influent sample collected May 10, 2018. The Department noted that the Town correctly reported effluent and influent CBOD-5 results and will not be fined.

#### **Councilwoman Dineen**

1. Economic Development Commission held their first quarterly business meeting and the group addressed the sign ordinance. Allison Witt, Land Use Administrator and Zoning Officer, attended the meeting and thoroughly answered any questions the group had and explained the process in applying for signage. Ms. Dineen raved about Ms. Witt's knowledge and expert advice. The ordinance is actually "simple" to understand! Big issues with the group are sandwich boards.

#### **Attorney Cushing**

1. Mr. Cushing explained that sale of the liquor license resolution and the terms of the sale will be presented and discussed at the November 27, 2018 council meeting and will have a bid opening date of mid-December.
2. Mr. Cushing, with the approval of Mayor and Council, would like to restructure the language on the agenda regarding public comment. He said as it reads now is not clear with "5 minute allotment" means. He would like to use constitutional guidelines for a better achieved statement. Mayor Kovach encouraged Mr. Cushing to do so.



**Councilwoman Sosidka**

1. Environmental Commission, Clinton Conservancy and many volunteers joined forces on Saturday, October 20, 2018 to work at DeMott Pond doing prep work on the grounds in response to the \$1,500 grant received from ANJEC. The Eagle Scout project completed by Skylar Esposito has greatly improved the area at the pond with new picnic benches, and a tremendous amount of brush and debris being removed. DeMott Pond is looking great!
2. Celebrating 305 years of Hunterdon's Historic Hometowns and Hamlets, a request has been made to all 26 Hunterdon municipalities to do walking tours and historical talks in 2019. Ms. Sosidka and Mayor Kovach have discussed this and will present the idea to the Historic Commission.

**Councilman Pendergast**

1. Clinton Fire Department received a \$74,000 grant with the help of Congressman Leonard Lance. The fire department is using the grant to fund a new exhaust system in the engine bays and to purchase a heavy duty washer and dryer for cleaning firemen's apparatus and clothes following a fire call. Quakertown received \$130,000 using funds to purchase self-contained breathing apparatus and High Bridge received \$30,000 and will be purchasing thermal imaging equipment.

**Councilwoman Karsh**

1. Economic Development report was given by Ms. Dineen.
2. Clinton Guild recently held their meeting and a recap of the Hunterdon EXPO was a topic of discussion and will be held November 8, 2018. The banner for the Guild was approved earlier this evening which will promote holiday events. There is a Guild meeting tomorrow morning, October 24, 2018.

**Councilwoman Johnson**

1. Parks and Recreation cancelled the October 13 movie due to wet and cold conditions. The Commission is considering rescheduling an indoor movie night and places to hold it, possibly a church hall or school.  
The Canoe Race was held October 14, chilly day but successful! The Commission talked about upcoming events for 2019.
2. School Board at Clinton Public – Dr. Cohen has been pulling data from other townships and Clinton Public is in good standing, enrollment has stayed the same. Other schools in the area are looking to Clinton Public and would like to join in shared services, extracurricular activities and programs such as an orchestra. The second graders are holding the Great Pumpkin Race on Friday, October 26, 2018 at 12:30 p.m. near the Pony Truss Bridge. The CPS Halloween Parade is Wednesday, October 31 at 9:30 a.m. on Main Street and the band will be playing Halloween favorites in front of the Town Restaurant. December 18 is the Holiday Concert at 7:00 p.m.
3. Councilwoman Johnson asked to discuss a serious matter of the crosswalk at the corner of Old Highway 22 and Leigh Street. She personally experienced a situation crossing with her two young girls that drew great concern. Crossing with the walk signal, a car made the right turn and nearly hit them. She pulled them back and was very shaken by the incident. The wall at the corner obstructs people from view. This has been an on-going problem for years. The Town has spoken with State of New Jersey and Hunterdon County to correct the abutment to no avail. Ms. Johnson asked that the matter be addressed again before there is a casualty. The Roads Committee will have it on their agenda for their next meeting.

**Mayor Kovach**

Mayor reported that she talked to NJDOT regarding the noise of the 78 overpass of Leigh Street and the State said they will be pulling up the plates on the highway and putting rubber gaskets underneath to help quiet the loud noise. The work is expected to be completed by November 15, 2018.

**STANDBY AND OVERTIME**

A motion was made by Mr. Smith seconded by Ms. Dineen, to approve the standby and overtime submitted for the period of October 5 through October 18, 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. Pendergast 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 #144-18 – EXECUTIVE SESSION**

A motion was made by Ms. Sosidka, seconded by Mr. Smith to enter into executive session to discuss a matter of ongoing negotiations with Clinton Township Sewerage Authority and High Bridge regarding dispute over sewer at 8:08 p.m.

**RESOLUTION #144-18**

**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;

\_\_\_X\_\_\_ 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 \_\_\_\_\_

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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 9:29 p.m. and no action to be taken, a motion was made by Ms. Dineen seconded by Ms. Johnson to adjourn the meeting at 9:30 p.m.

\_\_\_\_\_  
Cecilia Covino, RMC/CMC, Municipal Clerk

\_\_\_\_\_  
Mayor Janice Kovach