

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

Flag Salute

Roll Call: Present – Dineen, Humphrey, Intrabartola, Johnson, Karsh, Smith, 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 MEETING MINUTES

A motion was made by Ms. Dineen, seconded by Ms. Johnson to approve the regular council meeting minutes of September 10, 2019 as submitted.

Vote all ayes
Motion carried

PUBLIC COMMENTS

Claire Knapp, the reporter for the Hunterdon Review for the last several years, will be resigning from her position and tonight will be the last meeting to be reported for the Town of Clinton by Ms. Knapp. Council expressed well wishes to Claire and thanked her for her years of service!

MAYOR’S COMMENTS

1. The 2020 Census toolkit was emailed to all municipalities.
2. Resident, Alan Van Natta, donated memorabilia of the Commencement Exercises of Clinton High School June 20, 1929; Clinton High School Class Day, 1933, held at the Music Hall June 20, 1933; old-style large bills and bank notes of the Clinton National Bank, 1902 to 1929. Also a copy of “One Town Around” a pictorial History of West Portal and surrounding vicinity. Copies of the book are available, please see clerk for information.
3. Reverend Brandon Cho sent a bouquet of beautiful flowers to Mayor Kovach as a thank you for the lovely welcome he received at his installation at the Clinton Methodist Church on September 22, 2019.

PRESENTATION – LIGHT TO EARTH SANCTUARY

Frankie De Saro, CEO and Co-founder of Light to Earth Sanctuary gave a presentation of the sanctuary’s “mission to reawaken women and children toward their life’s purpose by restoring their spirit, soul and body.” There will be an Open House on Saturday, September 28, from 2:00 to 5:00 p.m. at their location, 2 Hope Hill Farm Lane, Asbury, NJ. For more information see their website www.LighttoEarthSanctuary.org The group welcomes families of all faiths. They strive to bring together earth, families and animals.

RESOLUTION #124-19 – WWTP FILTER & RESIDUALS BUILDING IMPROVEMENTS

Councilman Smith addressed the Resolution before Council, that Mr. Phelan be authorized to act on all matters relating to the project. Mr. Smith stated that Mr. Phelan be authorized, with the approval of Mayor and Council. A motion was made by Mr. Smith, seconded by Ms. Johnson, to approve Resolution #124-19 as amended.

RESOLUTION #124-19

PROJECT # S340924-08 – WWTP FILTER & RESIDUALS BUILDING IMPROVEMENTS

WHEREAS, the Town of Clinton Sewer Utility intends to file an application with the New Jersey Department of Environmental Protection and Environmental Infrastructure Trust for the Wastewater Treatment Plant Filter and Residuals Building Improvements;

WHEREAS, the current building that was constructed in 1991, has deteriorated over time, and the electrical/HVAC systems do not comply with current codes for Explosion Proof enclosed structures, and equipment such as the sludge belt press and fine screen filters have served their useful equipment life and must be replaced, as well as the belt conveyors that feed and move material from this equipment is currently in disrepair, and must be replaced;

NOW, THEREFORE, BE IT RESOLVED, that Richard Phelan, with the approval of the Mayor and Council, be authorized to act as the Authorized Representative for all matters relating to the project undertaken pursuant to the above referenced New Jersey Environmental Infrastructure Trust and executed with the New Jersey Department of Environmental Protection. The Authorized Representative may be contacted at 43 Leigh Street, P.O. Box 5194, Clinton, NJ 08809, telephone number 908-735-8616.

ROLL CALL: Ayes: Dineen, Humphrey, Intrabartola, Johnson, Karsh, Smith, Mayor Kovach

Vote all ayes
Motion carried

RESOLUTION #125- 19 – PERMANENT APPOINTMENT

A motion was made by Ms. Dineen, seconded by Ms. Karsh, to t Resolution #125-19 as submitted:

RESOLUTION # 125-19

WHEREAS, on June 17, 2019 Thomas Brown was appointed as a probationary laborer within the Streets and Roads Department; and

WHEREAS, he has successfully completed his ninety (90) day probationary period; and

WHEREAS, the Water Superintendent and Streets and Road Foreman recommend that Thomas Brown receive his permanent appointment effective September 17, 2019;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Town of Clinton hereby permanently appoint Thomas Brown as a laborer within the Streets and Road Department.

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to Thomas Brown, as well as placed in his personnel file.

Vote all ayes
Motion carried

RESOLUTION #126-19 – REDEVELOPMENT AREA INVESTIGATION

A motion was made by Mr. Humphrey seconded by Ms. Intrabartola, to adopt Resolution #126-19 as submitted:

RESOLUTION #126-19

RESOLUTION AUTHORIZING AND DIRECTING THE LAND USE BOARD OF THE TOWN OF CLINTON TO UNDERTAKE A PRELIMINARY INVESTIGATION TO DETERMINE WHETHER A CERTAIN AREA WITHIN THE TOWN IS A REDEVELOPMENT AREA

WHEREAS, pursuant to N.J.S.A. 40A:12A-6, the governing body of the Town of Clinton ("Town") is authorized to direct the Land Use Board of the Town of Clinton ("Land Use Board") to undertake a preliminary investigation in order to determine whether a certain area within the Town would qualify as an area in need of redevelopment pursuant to the criteria set forth in N.J.S.A. 40A:12A-5; and

WHEREAS, the Legislature amended the Local Redevelopment and Housing Law on September 6, 2013 to expand and clarify various provisions of same; and

WHEREAS, as a provision of the amendment to N.J.S.A. 40A:12-6, the Legislature has directed that the resolution authorizing the planning board to undertake a preliminary investigation shall state whether the redevelopment area determination shall authorize the municipality to use all those powers provided by the Legislature for use in a redevelopment area other than the use of eminent domain ("Non-Condensation Redevelopment Area") or whether the redevelopment area determination shall authorize the municipality to use all those powers provided by the Legislature for use in a redevelopment area, including the powers of eminent domain ("Condensation Redevelopment Area"); and

WHEREAS, the Town of Clinton may desire to make use of all the powers provided by the Legislature for use in a redevelopment area, and specifically, the Town of Clinton may choose to utilize the power of eminent domain; and

WHEREAS, the Town directed the Land Use Board to undertake such investigation pursuant to Resolution #60-18 adopted on February 27, 2018; and

WHEREAS, the Town Planner prepared a report on such investigation and on June 18, 2019 the Land Use Board adopted said report recommending that the study area be deemed an area in need of redevelopment after a duly noticed public hearing; and

WHEREAS, the Land Use Board, based upon recommendations of the Town's Planner, wishes to amend such study to add Block 21, Lot 29 to the designated redevelopment area and; and

WHEREAS, the Mayor and Council desire the Land Use Board to conduct such a preliminary investigation relative to certain properties located within the Town, more specifically identified as Block 21, Lots 6, 25, 27, 28, 29, 30, 30.01, 31, 32, 33 and 34 as shown on the Official Tax Map of the Town of Clinton (the "Property").

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Town of Clinton, they being the Governing Body thereof, as follows:

1. The Land Use Board of the Town of Clinton is hereby directed to conduct a preliminary investigation to determine whether the aforementioned property, or any portions thereof, constitute an area in need of redevelopment according to the criteria set forth in N.J.S.A. 40A:12A-5;
2. The Land Use Board of the Town of Clinton is hereby directed to conduct a preliminary investigation of the aforementioned Property, in accordance with the requirements set forth in N.J.S.A. 40A: 12A-6, more specifically, to prepare a map showing the boundaries of the potential area in need of redevelopment and locations of the various parcels of property included therein, with a statement setting forth the basis for the investigation appended to the map; to specify a date for a public hearing for the purpose of hearing persons who are interested in, or would be affected by, the determination that the delineated area is an area in need of redevelopment; to give notice of said hearing pursuant to the hearing notice requirements set forth in N.J.S.A. 40A:12A-6(b)(3); to hear and receive into the record any objections to such a determination that the proposed property be designated an area in need of redevelopment; and
3. After completing its hearing on the matter, the Land Use Board shall recommend that the delineated area, or any part thereof, be determined, or not be determined, by the Municipal Governing Body to be an area in need of redevelopment.

BE FURTHER IT RESOLVED that this resolution shall take effect immediately.

ROLL CALL: Ayes: Dineen, Humphrey, Intrabartola, Johnson, Karsh, Smith, Mayor Kovach

Vote all ayes
Motion carried

RESOLUTION #127-19 - HALLOWEEN CURFEW

A motion was made by Ms. Intrabartola, seconded by Ms. Dineen, to adopt Resolution #127-19 as submitted. A notice will be posted on the Town of Clinton Police Website.

RESOLUTION # 127-19

WHEREAS, the period immediately prior and subsequent to Halloween, and the holiday time period commencing October 4 and continuing through November 8, 2019, 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 4, 2019, up to and including Friday, November 8, 2019; and
- (B) The Mayor and Council do hereby declare a temporary curfew commencing at 9:00 p.m. October 4, 2019, up to and including 6:00 a.m. November 8, 2019. 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

INTRODUCTION OF ORDINANCE #19-13 – IMPROVEMENTS FOR TREATMENT PLANT

A motion was made by Mr. Smith, seconded by Ms. Dineen, to introduce Ordinance #19-13 on first reading:

ORDINANCE #19-13

BOND ORDINANCE PROVIDING THE FILTER AND RESIDUALS BUILDING IMPROVEMENT PROJECT FOR THE WASTEWATER TREATMENT PLANT IN AND BY THE TOWN OF CLINTON, IN THE COUNTY OF HUNTERDON, NEW JERSEY, APPROPRIATING \$3,389,400 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$3,389,400 BONDS OR NOTES OF THE TOWN TO FINANCE THE COST THEREOF.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CLINTON, IN THE COUNTY OF HUNTERDON, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section 1. The improvement described in Section 3(a) of this bond ordinance is hereby authorized to be undertaken by the Town of Clinton, in the County of Hunterdon, New Jersey (the "Town") as a general improvement. For the improvement or purpose described in Section 3(a), there is hereby appropriated the sum of \$3,389,400. Pursuant to N.J.S.A. 40A:2-11(c), no down payment is provided for the cost of the improvement since the project described in Section 3(a) hereof is being funded through the New Jersey Infrastructure Bank.

Section 2. In order to finance the cost of the improvement or purpose, negotiable bonds are hereby authorized to be issued in the principal amount of \$3,389,400 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvement hereby authorized and the purpose for the financing of which the bonds are to be issued is the Filter and Residuals Building Improvement Project for the Wastewater Treatment Plant, including, but not limited to, cleaning and mobilization and final cleanup of the site, building related improvements, improvements to the electrical/HVAC systems and other electrical and mechanical related improvements and the removal and replacement of the sludge belt press, screen filters, belt conveyors and other equipment, including all work and materials necessary therefor and incidental thereto and further including all planning and design, engineering, administrative and other related costs incidental thereto.

(b) The estimated maximum amount of bonds or bond anticipation notes to be issued for the improvement or purpose is as stated in Section 2 hereof.

(c) The estimated cost of the improvement or purpose is equal to the amount of the appropriation herein made therefor.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no bond anticipation note shall mature later than one year from its date, unless such bond anticipation notes are permitted to mature at such later date in accordance with applicable law. The bond anticipation notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with bond anticipation notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the bond anticipation notes shall be conclusive evidence as to all such determinations. All bond anticipation notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law or other applicable law. The chief financial officer is hereby authorized to sell part or all of the bond anticipation notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the bond anticipation notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained and the name of the purchaser.

Section 5. The Town hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Town is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvement or purpose described in Section 3(a) of this bond ordinance is not a current expense. It is an improvement or purpose that the Town may lawfully undertake as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The period of usefulness of the improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 15 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Town as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$3,389,400, and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$525,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement.

Section 7. The Town hereby declares the intent of the Town to issue bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use the proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3(a) of this bond ordinance. This Section 7 is a declaration of intent within the meaning and for purposes of Treasury Regulations.

Section 8. Any grant moneys received for the purpose described in Section 3(a) hereof shall be applied either to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 9. The chief financial officer of the Town is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Town and to execute such disclosure document on behalf of the Town. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Town pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Town and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Town fails to comply with its undertaking, the Town shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 10. The full faith and credit of the Town are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Town, and the Town shall be obligated to levy *ad valorem* taxes upon all the taxable real property within the Town for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 11. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

Vote all ayes
Motion carried

A copy of this ordinance will be published in the October 9, 2019 edition of the Hunterdon Review. A public hearing will be held October 22, 2019.

RESOLUTION #130-19 – CHAPTER 159

A motion was made by Mr. Humphrey, seconded by Ms. Karsh, to adopt Resolution #130-19 as submitted:

RESOLUTION #130-19

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget and,

WHEREAS, said Director may also approved the insertion of an item of appropriation for an equal amount, and,

WHEREAS, the Town of Clinton has received \$7,044.80 from the State of New Jersey and wishes to amend its 2019 budget to include this amount as a revenue.

NOW THEREFORE, BE IT RESOLVED that the Mayor and Council of the Town of Clinton hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget for they year 2019 in the sum of \$7,044.80 which is now available as a revenue from:

Miscellaneous Revenues

Special Item of General Revenue Anticipated with Prior Written

Consent of the Director of Local Government Services:

Public and Private Revenues Off-Set with Appropriations:

State Grants:

Drunk Driving Enforcement Fund, and

BE IT FURTHER RESOLVED, that a like sum of \$7,044.80 is hereby appropriated under the caption of:

General Appropriations

(a) Operations Excluded from the .5% Cap

Public and Private Programs Off-Set by Revenues:

State Grants:

Drunk Driving Enforcement Fund

ROLL CALL: Ayes: Dineen, Humphrey, Intrabartola, Johnson, Karsh, Smith, Mayor Kovach

Vote all ayes
Motion carried

CORRESPONDENCE

1. A citizen involvement application received from Meredith Hyland interested in the Economic Development Commission. A motion was made by Ms. Karsh, seconded by Ms. Dineen, to appoint Ms. Hyland to the Commission!

Vote all ayes
Motion carried

2. Mayor Kovach received a letter from a 4th grader at Clinton Public School, Mason Levers. Mason's letter addresses people feeding bread to the ducks at the waterfall and asked if a sign can be put up that says "no feeding the ducks". Mason said the bread gets moldy and pollutes the water and can cause disease in ducks. One disease is called angel wing. He also mentioned algae bloom which is caused by people feeding ducks. Mayor Kovach personally responded to Mason and addressed his concerns.
3. Letter received from the Hunterdon County Freeholders in which they passed a strongly worded resolution objecting the Penn East Pipeline Company submitting new applications for environmental permits to the New Jersey Department of Environmental Protection and asking Hunterdon County municipalities to adopt a similar resolution opposing Penn East and to send them to the NJDEP Commissioner showing a unified front in Hunterdon County. Mayor Kovach asked that a resolution be prepared for the next council meeting.

REPORTS FROM COUNCIL

Councilwoman Johnson

Board of Recreation – Last meeting was postponed. The Committee is still waiting on quotes for the playground equipment. The petty cash for the Committee has been approved by the State of New Jersey which will help greatly with the summer recreation program and for organizations that do not accept purchase orders.

Councilman Humphrey

The Volunteer Fair was a great success with 20 organizations participating and over 200 people attending! Clinton Public School band led us in a 9/11 tribute along with words from Mayor Kovach and Fire Department Chaplin Larry Coyne.

Office of Congressman Tom Malinowski attended the Environmental Commission meeting at the request resident Ken Fischer to address the Route 78 overpass and the noise levels. They felt it should be elevated to the federal level. Will report back.

Councilman Smith

Roads – Mr. Smith felt as there was no one from Haver Farm in the audience and Mr. Phelan not able to attend this evening, the speed bump signage will be on the agenda for the next meeting.

Councilwoman Karsh

Clinton Guild – had two questions for Ms. Karsh at their last meeting. Is there a camera registry in the Town if a merchant has a camera in their store? Chief Kubinak said no, a merchant can notify the police if they wish to do so but it is voluntary. The second question is a direction sign to the downtown area at the location of West Main leading to the shopping district. Several components as to location, size, height need to be considered. Allison Witt, Zoning Officer, said the sign is not a commercial sign so she does not control that type of signage. Mayor Kovach said she would like the merchants to look at other towns and get ideas and to visit vendors at the League of Municipalities convention center in November.

Economic Development Commission – recently attended the Governor’s Conference on Housing and Economic Development. Interesting conference with great topics and information. At the State level, a fairly new division for small business services. They do a “road show” with a panel and may be a possibility to visit to Hunterdon County. They are currently assisting in the Phillipsburg area. The New Jersey Center for business development offers free services and assistance. Another panel was the Office of Apprenticeship for students coming out of high school. It teaches skill trades such as nursing, stem training, hi tech training and IT. Also attended a fair share housing update. It was reported they were in litigation with 330 municipalities and have settled 295 to date. They hope to settle the remainder by the end of the year.

Councilwoman Dineen

Shade tree did not meet, however the committee continues working on the Community Management plan which needs updating.

Councilwoman Intrabartola

Historic Commission met and Walter Wilson attended the meeting to make a presentation of an architectural design for the renovation of the Agway building on West Main Street. Mr. Wilson welcomed the Historic Commissions feedback as to design in keeping with the Town’s character. Communications committee – continue working on the new website with a goal of October 30. Working on the migrating phase and new navigation system, will be reaching out to all departments, committees and commissions for their feedback as well.

Mayor Kovach

Update regarding the tractor trailer overflow following Route 78 accidents, Mayor Kovach spoke to Department of Transportation and the Governor's office. DOT was very responsive and discussed putting up signage at the traffic light at the corner of Center Street with a weight limit banning trucks from cutting through Center Street and another sign at the top of Halstead Street and Route 31 banning that route as well. Clinton Township supports and encourages the signage. This would apply unless an emergency is declared.

Mayor Kovach also reported that Department of Environmental Protection was urged to "think" about blanketing the C-1 streams before acting.

Chief Kubinak also met talked to DOT and they sent an engineer out to address the traffic light at Exit 15. The sensor was tilted causing the poor timing of the light but has been adjusted allowing for better flow of traffic.

Councilwoman Johnson took this opportunity to mention the high activity of bears in the Knolls. Chief Kubinak said people need to call the non-emergency number, 908-735-8611 when they see the bears. Walter Wilson suggested calling Fish and Game, there is one person in particular that responds to sightings. If a bear is reported eight times, they will come out, trap it and relocate the bear.

STANDBY AND OVERTIME

A motion was made by Mr. Smith, seconded by Ms. Johnson to approve the standby and overtime submitted for the period of September 6 through September 19, 2019 attached to these minutes.

ROLL CALL: Ayes: Dineen, Humphrey, Intrabartola, Johnson, Karsh, Smith, Mayor Kovach

Vote all ayes
Motion carried

PAYMENT OF BILLS

A motion was made by Mr. Humphrey seconded by Ms. Intrabartola, to approve the bill lists attached to these minutes

ROLL CALL; Ayes: Dineen, Humphrey, Intrabartola, Johnson, Karsh, Smith, Mayor Kovach

Vote all ayes
Motion carried

RESOLUTION #128-19 – EXECUTIVE SESSION

A motion was made by Ms. Karsh, seconded by Ms. Dineen, to enter into executive session at 8:27 p.m. to discuss a matter of pending litigation and personnel.

RESOLUTION #128-19

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);

x 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

Upon returning from executive session at 8:40 p.m. council took action.

RESOLUTION #129-19 – OFFICER KRAMER

A motion was made by Mrs. Intrabartola, seconded by Mr. Humphrey, to adopt Resolution #129-19 as submitted:

RESOLUTION #129-19

UNPAID LEAVE OF ABSENCE FOR EMPLOYEE JAMES KRAMER

WHEREAS, James Kramer is an employee of the Town of Clinton (the “Town”); and

WHEREAS, Mr. Kramer’s employment relationship with the Towns is governed by the Agreement Between the Town of Clinton and Hunterdon County P.B.A. Local 188 dated April 24, 2019 (“P.B.A. Contract”); and

WHEREAS, Mr. Kramer has requested to take an unpaid medical leave of absence from his employment for injuries sustained outside the scope of his employment; and

WHEREAS, pursuant to N.J.S.A. 40A:9-7.3, a municipality may grant leave to a union employee “in accordance with the terms of a collective bargaining agreement...[and] the maximum period for such ...unpaid leaves shall be a subject of negotiation between the employer and union;” and

WHEREAS, pursuant to Article XVII of the P.B.A Contract, requires that “in order to be eligible for such a leave, proof in the form of a doctor's report of illness or injury resulting in the temporary disability shall be required.”; and

WHEREAS, Section XVII further provides that “an employee of the Town of Clinton who requests leave without pay for reason of temporary disability shall be granted such leave for the duration of disability for a period not to exceed one year.”; and

WHEREAS, Section XVII further provides that the Town “will pay the medical benefits for the employee during the period of disability for up to one year, and the employee will be required to pay any contribution toward health insurance premiums in accordance with the terms of this Agreement, which the employee carried as of the last day prior to the disability.”; and

WHEREAS, Section XVII further provides that “an employee's continuing service will accrue during a disability leave, as well as the privileges to which the employee is entitled by virtue of such continuous service. An employee will not accrue holidays, sick leave, other types of leaves, or vacation pay while out on temporary disability. An employee must use all accumulated sick, personal, vacation, compensatory and Pitman leave before beginning a disability leave.”; and

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

1. Contingent upon providing the required doctor’s report to the Town Clerk, James Kramer is hereby granted permission to take unpaid leave from his employment with the Town of Clinton from October 12, 2019 - April 12, 2020; and
2. The Town will pay Mr. Kramer’s medical benefits in compliance with the P.B.A. Contract, but Mr. Kramer will be responsible for payment of his contribution during this time; and
3. Mr. Kramer will accrue continuing service and associate privileges during his unpaid leave; and
4. Mr. Kramer will not accrue holidays, sick leave, other types of leaves, or vacation pay during his unpaid leave; and
5. Mr. Kramer will use all of his available sick, personal, vacation, compensatory and Pitman leave before beginning his unpaid leave.

ROLL CALL: Ayes: Dineen, Humphrey, Intrabartola, Johnson, Karsh, Smith, Mayor Kovach

Vote all ayes
Motion carried

TOWN OF CLINTON vs NORTHGATE WEST

A motion was made authorizing Attorney St. Angelo to draft a short agreement with Northgate West providing closure of litigation with a payment of \$10,000.00. The motion was moved by Ms. Dineen, seconded by Mr. Smith.

ROLL CALL: AYES: Dineen, Intrabartola, Johnson
Under Protest: Humphrey, Smith, Mayor Kovach
ABSTAIN: Karsh

Vote all ayes
1 Abstention (Karsh)
Motion carried

ADJOURNMENT: There being no further business, a motion was made by Ms. Johnson seconded by Mr. Humphrey to adjourn the meeting at 8:48 p.m.

Cecilia Covino, RMC/CMC, Municipal Clerk

Mayor Janice Kovach