



TOWN OF CLINTON

INCORPORATED APRIL 5, 1865

43 Leigh St., P.O. Box 5194

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Land Use Board Minutes

Minutes of the Town of Clinton Land Use Board reorganization meeting and regular meeting held on January 5, 2016 at 7:00pm in the Municipal Building at 43 Leigh Street Clinton, New Jersey 08809

Member was sworn in:

Mr. Craig Sailer

Secretary Allison Witt called the Reorganization meeting to order at 7:00pm and read the "Statement of Adequate Notice" and the "Administrative Statement".

Adequate notice of this meeting has been provided indicating the time and place of the meeting with the proposed agenda, which notice was posted, made available to the newspapers and filed with the clerk of the Town of Clinton in accordance with Section 3(d) of the Public Laws of 1975".

"Meetings are held on the first Tuesday of each month. Applications must be filed at least 21 days prior to the meeting date. In order to ensure that all applications receive complete and thorough consideration of the board, all meetings will adjourn no later than 10:00pm with all items not concluded to be carried over to the next month's agenda".

ROLL CALL:

Present: Mayor Kovach, Mr. Blanco, Mr. Carberry, Mr. Feldmann, Mr. Hetzel, Mr. Maher, Mr. Mellick, Mr. Sailer, Mr. Schaumburg, Mr. Smith, Mr. Viotto

Election of Chairman:

A Motion was made by Mayor Kovach, seconded by Mr. Hetzel, to nominate Mr. Sailer as Chairman for 2016.

All Ayes. Motion Carried.

Chairman Sailer proceeded to run the meeting.

Election of Vice Chairman:

A Motion was made by Mr. Schaumburg, seconded by Mr. Carberry, to nominate Mr. Maher as Vice Chairman for 2016:

All Ayes. Motion Carried.

Appointment of Board Attorney- Resolution # 06-01

A Motion was made by Mr. Smith seconded by Mr. Hetzel, to adopt the Resolution appointing William Caldwell as the Board's Attorney for the 2016 calendar year

**Ayes: 10-1 Motion Carried.
Opposed: Carberry**

Be it Resolved that William Caldwell, Esq. from Carter, Van Rensselaer & Caldwell is hereby appointed to serve as the Land Use Board Attorney for the Town of Clinton and;

Whereas there exists a need for the performance of the statutory legal services for the year 2016 for the

Town of Clinton Land Use Board and;

Whereas funds are or will be made available for this purpose to be certified by the local finance officer and;

Whereas the contract for Professional Services was awarded pursuant to the provisions of N.J.S.A. 10:44A-20.4 or 20.5 as appropriate.

Now Therefore, Be Resolved by the Town of Clinton Land Use Board as follows:

The Mayor and Council are hereby authorized and directed to execute an agreement with William Caldwell, Attorney for 2016.

Notice of this action shall be printed once in the Hunterdon Review.

Appointment of Board Engineer:- Resolution # 16-02

A Motion was made by Mr. Maher, seconded by Mr. Blanco, to adopt the Resolution appointing Robert Clerico from Van Cleef Engineering as the Board Engineer for the 2016 Calendar Year:

All Ayes. Motion Carried.

Be it Resolved that Robert Clerico is hereby appointed to serve as the Land Use Board Engineer for the Town of Clinton and;

Whereas there exists a need for the performance of the statutory Engineering services for the year 2016 for the Town of Clinton Land Use Board and;

Whereas funds are or will be made available for this purpose to be certified by the local finance officer and;

Whereas the contract for Professional Services was awarded pursuant to the provisions of N.J.S.A. 10:44A-20.4 or 20.5 as appropriate.

Now Therefore, Be resolved by the Town of Land Use Board as follows:

The Mayor and Council are hereby authorized and directed to execute an agreement with Robert Clerico, Engineer for 2016.

Notice of this action shall be printed once in the Hunterdon Review.

Appointment of Board Planner:- Resolution #16-03

A Motion was made by Mr. Feldmann, seconded by Mayor Kovach, to adopt the Resolution appointing James Kyle from Kyle Planning & Design as the Board Planner for the 2016 Calendar Year:

All Ayes. Motion Carried.

Be it Resolved that James Kyle is hereby appointed to serve as the Land Use Board Planner for the Town of Clinton and;

Whereas there exists a need for the performance of the statutory Engineering services for the year 2016 for the Town of Clinton Land Use Board and;

Whereas funds are or will be made available for this purpose to be certified by the local finance officer and;

Whereas the contract for Professional Services was awarded pursuant to the provisions of N.J.S.A. 10:44A-20.4 or 20.5 as appropriate.

Now Therefore, Be resolved by the Town of Land Use Board as follows:

The Mayor and Council are hereby authorized and directed to execute an agreement with James Kyle, Planner for 2016.

Notice of this action shall be printed once in the Hunterdon Review.

Committee Appointments:

Site Plan Committee:

Mr. Maher Chairman, Mr. Feldmann, and Mr. Smith to serve on the Site Plan Committee. The Site Plan Committee will meet on the third Tuesday of each month on an as needed basis.

Master Plan Committee:

In preparation of the Master Plan the board discussed setting up subcommittees that would look at different sections of the Town and report back to the Master Plan Committee. The Chair tabled appointing members to the committee until the February meeting.

Designation of Meeting Nights:

The board will continue to meet on the first Tuesday of each month at 7:00pm and the third Tuesday of the month for any carry over items.

All Ayes. Motion Carried.

Designation of the Official Newspaper:

The Hunterdon Review, the Hunterdon Democrat, the Courier News to serve as the official newspapers:

All Ayes. Motion Carried.

Adoption of the Town of Clinton Administrative Statement:

A Motion was made by Mr. Maher, seconded by Mr. Smith, to adopt the Administrative Statement:

All Ayes. Motion Carried.

A Motion was made by Mayor Kovach, seconded by Mr. Smith, to adjourn the Reorganization Meeting at 7:10pm.

All Ayes. Motion Carried.

Regular Meeting of Town of Clinton Called to Order at 7:10pm:

Chairman Sailer wished everyone a Happy New year.

Approval of Minutes:

A Motion was made by Mr. Carberry, seconded by Mr. Hetzel, to approve the December 1, 2015 regular & Executive Session minutes:

All Ayes. Motion Carried

Joint meeting with Council- Affordable Housing discussion:

Attorney Tara St. Angelo from Gebhardt & Kiefer and Mr. Jim Kyle, Planner were present
Council members present: Mrs. Dineen, Mr. Pendergast, Mr. Rylak, Mr. Smith, Mrs. Sosidka

Executive Session- Potential Litigation- Resolution # 16-04

A Motion was made by Mr. Hetzel, seconded by Mr. Maher to enter into executive session at 7:15pm to discuss potential litigation, no action to be taken:

All Ayes. Motion Carried.

RESOLUTION # 16-04

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 Land Use Board 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 Land Use Board will reconvene in public session at the conclusion of the executive session;

NOW, THEREFORE, BE IT RESOLVED by the Land Use Board 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:
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 Land use Board 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 Land Use Board, 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. Dated: 01/5/2016

The board reconvened the regular meeting at 8:20pm.

Voucher Approval:

A Motion was made by Mr. Hetzel, seconded by Mr. Maher, to approve the vouchers:

All Ayes. Motion Carried.

There being no further business a Motion was made by Mr. Smith, seconded by Mr. Maher, to adjourn the meeting at 8:25pm.

Respectfully submitted,
Allison Witt Land Use Administrator