

Regular council meeting
December 10, 2013

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

Flag Salute.

Roll Call: Present – Carberry, Pendergast, Rylak, Shea, Smith, Sosidka, Mayor Kovach
Mr. Phelan and Mr. Cushing were available by speaker on conference call for the
entire meeting.

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 MINUTES

A motion was made by Mr. Carberry, seconded by Mr. Smith, to approve the minutes of
November 12, 2013 as submitted.

Vote all ayes
1 Abstention (Shea)
Motion carried

APPROVAL OF EXECUTIVE SESSION MINUTES

A motion was made by Mr. Carberry, seconded by Mr. Pendergast, to approve the Executive
Session minutes of November 12, 2013 as submitted.

Vote all ayes
1 Abstention (Shea)
Motion carried

APPROVAL OF MINUTES

A motion was made by Mr. Carberry, seconded by Mr. Rylak, to approve the minutes of
November 26, 2013 as submitted.

Vote all ayes
1 Abstention (Sosidka)
Motion carried

APPROVAL OF MONTHLY REPORTS – NOVEMBER

A motion was made by Mr. Carberry seconded by Mr. Smith to accept the monthly reports for the
month of November as submitted: Administrator’s Report, Clerk’s Account, Cat & Dog
Licensing Accounts, Construction Control/Inspection Report, Police Report, Road Foreman’s
Report, Sewer Collector’s Report, Tax Collector’s Report, Water Collector’s Report, Wastewater
Treatment Plant’s Superintendent’s Report, Zoning Officer Report, Environmental Commission
annual report.

Vote all ayes
Motion carried

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PUBLIC COMMENT

Whitney Wetherill asked if the men are still picking up leaves on West Main Street? Ms. Wetherill said she knows of two men being out but stated that they were out there 10 days before the snow fell and now they are snow covered. Mr. Phelan said the men are doing their best and are making the second sweep of the town. The men were also focusing on the parade route but are now back on schedule. Ms. Wetherill said she heard that the Town may be giving up West Main Street to the State DOT but was told that is absolutely not true.

MAYOR'S COMMENTS

Clinton Public School has developed a Long Range Facility Plan for the March 11, 2014 referendum election. Copies have been distributed to the Mayor and Council. If anyone has questions they may contact Bob Pyle or Margaret Layding from the School Board. Three major building needs have been noted, replacement of the 1996 roof, replacement of the 1996 HVAC and replacement of the 1969 fire alarm system. The Board is seeking grant money. This will have no impact to the Clinton resident's taxes, it will actually have a positive effect. The referendum is needed since the cost is too much for the annual budget.

PUBLIC HEARING OF ORDINANCE #13-20 – MERGER OF ZONING BOARDS

A motion was made by Mr. Smith, seconded by Mr. Carberry to open the public hearing of Ordinance #13-20:

ORDINANCE #13-20

**ORDINANCE ESTABLISHING A JOINT PLANNING BOARD/ZONING BOARD OF
ADJUSTMENT AND AMENDING CHAPTER 88 ENTITLED "LAND USE" OF THE
GENERAL ORDINANCES OF THE TOWN OF CLINTON**

Vote all ayes
Motion carried

Whitney Wetherill asked if the comments will be reflected by the members of the boards that attended the last meeting? They are reflected in the minutes that were approved earlier this evening and will be posted on the Town website following this evening's meeting.

A motion was made by Mr. Pendergast, seconded by Mr. Carberry to close the public portion of the meeting.

Vote all ayes
Motion carried

A motion was made by Mr. Shea, seconded by Mr. Pendergast to adopt Ordinance #13-20 on second reading.

ROLL CALL: Ayes: Carberry, Pendergast, Shea, Smith, Sosidka, Mayor Kovach
Nays: Rylak

Vote all ayes
1 Nay (Rylak)
Motion carried

RESOLUTION #150-13 – CANCELLATION OF LIEN

A motion was made by Mr. Carberry, seconded by Mr. Smith, to adopt Resolution #150-13 as submitted:

RESOLUTION # 150-13

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WHEREAS, the Tax Collector of the Town of Clinton has been paid \$14,013.18 amount necessary to redeem Tax Sale Certificate #2012-10 on Block 11, Lot 18, assessed to Green Valley Realty, Inc. T/A Copper and purchased by US Bank Cust/Empire V.

NOW THEREFORE BE IT RESOLVED, on this 10th day of December 2013 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 \$14,013.18 payable to US Bank Cust/Empire V, 50 S 16th Street, Suite 1950, 2 Liberty Place, Philadelphia, PA 19102, 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 #2012-10 on Block 11, Lot 18, assessed to Green Valley Realty, Inc. T/A Copper, from the Town of Clinton Tax Records.

ROLL CALL: Ayes: Carberry, Pendergast, Rylak, Shea, Smith, Sosidka, Mayor Kovach

Vote all ayes
Motion carried

RESOLUTION #151-13 – AWARD CONTRACT TO UNDERGROUND UTILITIES

A motion was made by Mr. Carberry, seconded by Mr. Smith, to adopt Resolution #151-13 as submitted:

RESOLUTION #151-13
RESOLUTION TO AWARD CONTRACT TO
UNDERGROUND UTILITIES

WHEREAS, the Town of Clinton did solicit bids for the Myrtle Avenue and Brunswick Avenue Water Main Replacement Project; and

WHEREAS, pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., and upon recommendation of the Town Water Engineer, Underground Utilities had been determined to be the lowest responsible bidder; and

WHEREAS, a certificate of available funding has been presented;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Town of Clinton, County of Hunterdon, State of New Jersey, that a contract is hereby awarded to Underground Utilities, in the amount of \$797,968.88 for the Myrtle Avenue and Brunswick Avenue Water Main Replacement Project, and that the Mayor and Town Clerk of the Town of Clinton are hereby authorized, respectively, to execute and attest to an agreement with Underground Utilities, pursuant to bid specifications, and subject to approval by the Town Attorney.

ROLL CALL: Ayes: Carberry, Pendergast, Rylak, Shea, Smith, Sosidka, Mayor Kovach

Vote all ayes
Motion carried

RESOLUTION #152-13 – OPEN SPACE FUNDS

A motion was made by Mr. Carberry, seconded by Mr. Pendergast to adopt Resolution #152-13 as submitted:

RESOLUTION # 152-13

WHEREAS, fifteen percent of the Hunterdon County Open Space Trust Fund raised from the open space tax collected annually in each municipality is available for municipal open space purposes each year; and

WHEREAS, the Town of Clinton does not have plans to use its portion of the Open Space Trust Fund in 2013 for Open Space and Recreation, and

WHEREAS, the Town of Clinton wishes to reserve its FY 2012 share of the Fund for future open space use.

NOW, THEREFORE, BE IT RESOLVED, by the Town Council of the Town of Clinton, County of Hunterdon and State of New Jersey that it hereby asks the Hunterdon County Board of Freeholders to reserve the Town's share in the amount of \$11,922.161 of the Hunterdon County Open Space Trust Fund collected in 2013 for use in future years.

BE IT FURTHER RESOLVED that a copy of this Resolution shall be forwarded to the Hunterdon County Board of Freeholders and the County Open Space Coordinator.

ROLL CALL: Ayes: Carberry, Pendergast, Rylak, Shea, Smith, Sosidka, Mayor Kovach
Vote all ayes
Motion carried

RESOLUTION #153-13 –

A motion was made by Mr. Carberry, seconded by Ms. Sosidka, to adopt Resolution #153-13 as submitted:

RESOLUTION # 153-13

WHEREAS, at the Municipal Tax Sale held on December 4, 2013, a lien was sold on Block 31.01, Lot 7.01 C2915, also known as 15 Woodcrest Lane, Clinton, NJ, for 2012 delinquent water charges; and,

WHEREAS, this lien was sold to Stuart Lasher, for a 0% redemption fee and a \$300.00 premium; and,

WHEREAS, Rhonda Ranae Pellegrino owner, has effected redemption prior to Certificate being issued in the amount of \$105.86.

NOW, THEREFORE, BE IT RESOLVED, on this 10th day of December, 2013 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 \$105.86, payable to Stuart Lasher, P.O. Box 83, Milltown, NJ, 08850.

BE IT FURTHER RESOLVED, that the Chief Financial Officer be authorized to issue a check in the amount of \$300.00 (Premium) to the aforementioned lienholder.

ROLL CALL: Ayes: Carberry, Pendergast, Rylak, Shea, Smith, Sosidka, Mayor Kovach
Vote all ayes
Motion carried

DISCUSSION – OPPORTUNITY TO COMPETE ACT

Mayor Kovach was asked by Mayor DeLuca of Maplewood to discuss the Opportunity to Compete Act with Council. Mayor Kovach gave her perspective of the Bill which would allow an applicant a job interview, if chosen, without having to “check a box” on the initial job application, as to whether they have ever been arrested or convicted of a crime. Mayor Kovach stressed that a person is not given a fair chance for a job if an employer judges that person on the fact that they “checked the box” and without given a chance to explain. Many on-line applications are now being accepted and individuals are being pushed out without an opportunity to explain. Mr. Shea asked if this passes would all employers have to take it off their forms? Mayor Kovach replied yes. Mr. Rylak feels that an employer has the right to hire and interview who they want to consider and is not in favor of this bill, as long as someone is not discriminated against because of their sex or age. Mr. Smith said we will not be considering on-line applications and that the Town has an obligation to vet workers that may be going into resident’s homes. Mr. Carberry stated that the designer of the bill address on line applications and clarify further. Ms. Sosidka feels that an employer’s rights trump an applicant’s position and they should have the right to know a person’s background. Following Council’s discussion, Mayor Kovach asked that an email be sent to Mayor DeLuca stating the Council will not be signing a petition, nor adopting a resolution, at this time.

DISCUSSION – DOMESTIC VIOLENCE REGISTRY

Mayor Kovach has been contacted requesting support of Domestic Violence repeat offenders registry. Council began a discussion regarding the registry. Mr. Rylak is in favor of such a registry. Mr. Smith asked to see a final bill to review but said no one is objecting to such a bill. Chief Matheis stated that Megan’s Law needs to be tightened up as well. It can be up to a year before police are notified of a Megan’s Law offender. Council decided to table this resolution until a final draft can be reviewed.

CORRESPONDENCE

1. The Township of Union Mayor, Michele McBride, wrote a letter commending the Clinton Police Department for their help during the recent Union Hills fire.
2. On December 3, 2013, the Planning Board was asked to review a request to change the zone for 72-74 West Main Street, Block 6, Lot 2 from an R-3 to C-1 Zone. The Planning Board replied that this request is not in keeping with the Town’s Master Plan than therefore is not in favor of recommending any zone changes to this block and lot. The Mayor and Council concurs with the Planning Board.

REPORTS FROM COUNCIL & TOWN OFFICIALS

Police Chief Matheis

The Christmas Parade was held on Friday, December 6, 2013 and in spite of the heavy rains, all went smoothly.

Councilman Smith

1. Rescue Squad has decided to continue with the current HVAC maintenance contract with Binsky.
2. Buildings & Grounds – will address the “Welcome to Clinton” road signs.

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Councilman Pendergast

1. Clinton Fire Department members are requesting a date to attend an upcoming council meeting to discuss the purchase of a new fire truck. The next available date would be January 14, 2014.

Santa will be making his rounds to families that have signed up for this new fundraiser. Gifts and payments may be dropped off to the Fire Department on Monday, December 16, 2013 and deliveries will be made on December 21, 2013 from 10:00 am to 3:00 pm.

Clinton Fire Department is scheduled to have their annual Christmas party at the Holiday Inn on Saturday December 14, 2013, Council is invited.

November activity report was given noting 400 hours for the month.

The Fire Department has also committed to continuing with Binsky for the HVAC maintenance contract.

On Monday, December 23, 2013 at 6:00 p.m., Mr. Pendergast will be meeting with Fire Chief Dorf, Mayor Kovach, Fire Official Jack Daniels, Attorney for Twin Ponds, Walter Wilson, their builder representative and architect. Mr. Cushing will also be attending on behalf of the Town. The meeting is to discuss a sprinkler system and other associated factors for the proposed Twin Ponds Development. The meeting is in light of the recent Union Hill fire.

Councilman Rylak

1. A question as to how many volunteers members there are in the Fire Department and would the town have to provide health insurance and affordable care if they are in excess of hours worked. The Fire Department has 55 members and they do not work an excess of hours making them eligible for the insurance.
2. Smart Growth will meet again in January, 2014.

STANDBY AND OVERTIME

A motion was made by Mr. Carberry, seconded by Mr. Shea, to approve the standby and overtime submitted for November 22 through December 5, 2013 attached to these minutes.

ROLL CALL: Ayes: Carberry, Pendergast, Rylak, Shea, Smith, Sosidka, Mayor Kovach

Vote all ayes
Motion carried

PAYMENT OF BILLS

A motion was made by Mr. Pendergast seconded by Mr. Carberry to approve the voucher list attached to these minutes.

ROLL CALL: Ayes: Carberry, Pendergast, Rylak, Shea, Smith, Sosidka, Mayor Kovach

Vote all ayes
Motion carried

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PUBLIC COMMENT

Mayor Kovach opened the meeting to the public again due to the noticeable audience in attendance. Tom Yeager, former resident of Clinton, current resident of Clinton Township, asking about the Clinton Township Sewerage Authority's recent letter about increasing sewer rates. Mr. Yeager was told that a scheduled meeting for December 11, 2013 had been canceled by the Town of Clinton. He was informed that the meeting was postponed to another date because the Town Attorney, Mr. Cushing, was out of state. A new date will be set.

Mr. Pendergast apologized for neglecting to mention in his report that Department of Public Works, Pete Bross, saved the life of his co-worker, Wayne Smith, Road Foreman. The men were picking up leaves on Center Street recently when Mr. Smith was stricken with a heart attack. Mr. Bross's quick action resulted in saving his life. The Rescue Squad told Mr. Pendergast that if it wasn't for Mr. Bross, Mr. Smith could have died. He had 100% blockage on one side and 60% on the other. Mr. Smith is a lucky man and Mr. Bross should be recognized as a hero!

EXECUTIVE SESSION – 154-13 – POTENTIAL LITIGATION

A motion was made by Mr. Carberry, seconded by Mr. Pendergast, to enter into Executive Session to discuss a matter of Potential Litigation at 8:10 p.m.

RESOLUTION # 154-13

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;

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_____ 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 purchase, 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,

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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

ADJOURNMENT: After returning from Executive Session and there being no further business, a motion was made by Mr. Carberry seconded by Mr. Smith to adjourn the meeting at 8:31 p.m.

Cecilia Covino, RMC/CMC
Town Clerk

Mayor Janice Kovach