

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

Flag Salute.

Roll Call: Present – Carberry, Jones-Holt, Pendergast, Shea, 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 MINUTES

A motion was made by Mr. Smith, seconded by Mr. Carberry, to approve the minutes of March 12, 2013 as submitted by Nancy Burgess, Deputy Clerk.

Vote all ayes
Motion carried

A motion was made by Mr. Carberry, seconded by Mr. Pendergast, to approve the minutes of the Executive Session of March 12, 2013 as submitted by Nancy Burgess, Deputy Clerk.

Vote all ayes
Motion carried

A motion was made by Mr. Carberry, seconded by Mr. Smith, to approve the minutes of the Budget meeting of March 12, 2013 as submitted by Kathy Olsen, CFO.

Vote all ayes
Motion carried

A motion was made by Mr. Smith, seconded by Mrs. Jones-Holt, to approve the Budget meeting minutes of March 19, 2013 as amended. The amendment was to read, “union increase is 3% raise as decided per union contract”.

Vote all ayes
Motion carried

PUBLIC COMMENT

Gwen Miller, 70 Center Street, came to the meeting to express her displeasure with the Town for adopting an ordinance to limit parking on Center Street to New Street, to 6 hours. The ordinance was instituted to deter out of towners from parking there while using the Trans Bridge Buses. Ms. Miller said she thought issuing parking stickers to residents of Center Street would be a fair solution.

Amanda DiRienz, 69 Center Street echoed the sentiments of Ms. Miller. Ms. DiRienz said with four cars in the household, they have to juggle cars and sometimes use the church parking lot.

Chief Matheis was not available to attend this evening’s meeting but will be asked to address these issues.

MAYOR'S COMMENTS

1. Financial Disclosure Statements will now be filed electronically by government officials. The Clerk will receive notification from the state when forms are available and will let all officials know the new procedure.
2. Citizen Involvement form received from Jeannette Jones, 14 Haver Farm Road, expressing interest in the Shade Tree Commission. Mayor Kovach appointed Ms. Jones to the vacant seat on the commission.

SPECIAL EVENT APPLICATION – The Accomplices, High School Band

Wendy Worth, and son, Cole Herudek, attended this evenings meeting to request permission to perform on Main Street to raise money for their class trip to Boston. The nine piece band would like to perform on a street corner in Town on April 4, 2013 between the hours of 1:00 pm and 5:00 pm. Council discussed the event and suggested that maybe the best place to perform would be on the patio of the Riverside Café. This would be an area that folks could gather to listen to the music and not obstruct traffic on the sidewalks. Ms. Worth and Cole will approach Mr. Piazza to discuss setting up on the patio and thanked Council for their time and suggestions.

RESOLUTION #66-13 – SIGNATURE AUTHORIZATION

From time to time a municipality is asked to sign off on a project in between council meetings. The CP#1 form authorizes the Public Works/Business Administrator to sign off on such documents rather than holding up a project. A motion was made by Mr. Smith, seconded by Mr. Carberry, to adopt Resolution #66-13 as submitted.

CP-1

RESOLUTION #66-13
SIGNATURE AUTHORIZATION

WHEREAS, there is the necessity from time to time for the municipality to endorse a project that involves connecting to the town-owned water and sewer utilities, and

WHEREAS, because the Clinton Town Council meets only twice a month and have therefore created, by ordinance, the position of Public Works/Business Administrator to conduct and be responsible for certain day to day activities;

NOW, THEREFORE, BE IT RESOLVED, that Richard Phelan, Public Works, Business Administrator, is hereby authorized to endorse CP#1 forms submitted to the Town, provided that the Sewer Engineer or Water Engineer has reviewed and approved the endorsement.

Vote all ayes
Motion carried

RESOLUTION #73-13 – RECYCLING TONNAGE GRANT APPLICATION

A motion was made by Mr. Pendergast, seconded by Mr. Carberry, to adopt Resolution #73-13 as submitted:

RESOLUTION #73-13
RESOLUTION AUTHORIZING THE SUBMISSION OF A
RECYCLING TONNAGE GRANT APPLICATION

WHEREAS, The Mandatory Source Separation and Recycling Act, P.L.1987, c.102, has established a recycling fund from which tonnage grant may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, It is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and

WHEREAS, The New Jersey Department of Environmental Protection has promulgated recycling regulations to Implement the Mandatory Source Separation and Recycling Act; and

WHEREAS, The recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

WHEREAS, A resolution authorizing this municipality to apply for the 2012 Recycling Tonnage Grant will memorialize the commitment of this municipality to recycling and to indicate the assent of the Town Council of the Town of Clinton to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

WHEREAS, Such a resolution should designate the individual authorized to ensure the application is properly completed and timely filed.

NOW THEREFORE BE IT RESOLVED by the Town Council of the Town of Clinton hereby endorses the submission of the recycling tonnage grant application to the New Jersey Department of Environmental Protection and designates Richard D. Phelan to ensure that the application is properly filed; and

BE IT FURTHER RESOLVED that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.

Vote all ayes
Motion carried

RESOLUTION #74-13 – CANCELLATION OF LIEN

A motion was made by Mr. Carberry, seconded by Mr. Pendergast, to adopt Resolution #74-13 as submitted:

RESOLUTION # 74-13

WHEREAS, the Tax Collector of the Town of Clinton has been paid \$2,718.05 the amount necessary to redeem Tax Sale Certificate #2012-11 on Block 1, Lot 60.02, assessed to Country View Builders c/o Walter Wilson, and was issued to the Municipality of the Town of Clinton, Clinton, NJ 08809.

NOW THEREFORE BE IT RESOLVED, on this 26th day of March, 2013 by the Mayor and Council of the Town of Clinton, County of Hunterdon, that the Clerk of the Town of Clinton are hereby authorized to endorse Certificate of Sale #2012-11 for cancellation.

BE IT FURTHER RESOLVED that the Tax Collector be authorized to cancel Lien #2012-11 on Block 1, Lot 60.02, assessed to Country View Builders c/o Walter Wilson, from the Town of Clinton Tax Records.

ROLL CALL: Ayes: Carberry, Jones-Holt, Pendergast, Shea, Smith, Sosidka, Mayor Kovach

Vote all ayes
Motion carried

RESOLUTION #75-13 – CANCELLATION OF LEIN

A motion was made by Mr. Pendergast, seconded by Mr. Carberry, to adopt Resolution #75-13 as submitted:

RESOLUTION # 75-13

WHEREAS, the Tax Collector of the Town of Clinton has been paid \$849.23 the amount necessary to redeem Tax Sale Certificate #2012-5 on Block 29.02, Lot 14, assessed to Cathleen Muraski, and purchased by Data Ventures I LLC.

NOW THEREFORE BE IT RESOLVED, on this 26th of March 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 \$849.23 (certificate) & \$300.00 (premium) payable to Data Ventures I LLC, P.O. Box 20, Lebanon, NJ, 08833, 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 #2012-5 on Block 29.02, Lot 14, assessed to Cathleen Muraski, from the Town of Clinton Tax Records.

ROLL CALL: Ayes: Carberry, Jones-Holt, Pendergast, Shea, Smith, Sosidka, Mayor Kovach

Vote all ayes
Motion carried

SPECIAL EVENT APPLICATION – RUN FOR YOUR LIFE 5K

The Clinton First Aid and Rescue Squad submitted a Special Event application to sponsor a 5K and fun run 1 mile on June 15, 2013. Beginning at the Community Center at 8:00 a.m. and following the recent 5K tract down Halstead Street, through Town and around the NJ Water Supply Authority. A motion was made by Mr. Smith, seconded by Mr. Pendergast, to approve the request as submitted.

Vote all ayes
Motion carried

SPECIAL EVENT REQUEST FORM

During recent months, Council has been discussing amending the Special Event application and to add additional language regarding insurance. A motion was made by Mr. Pendergast, seconded by Mr. Carberry, to proceed with changes and to begin using the new form.

Vote all ayes
Motion carried

BANNER REQUEST – MEN IN HEELS RELAY

An application has been received from Base Camp 31, to display a banner for the Men in Heels Relay to be held May 18, 2013. The event is a relay fundraiser for SAFE in Hunterdon. A motion was made by Mr. Shea, seconded by Mr. Carberry, to approve the request.

Vote all ayes
Motion carried

INTRODUCTION OF ORDINANCE #13-07 – INDEX RATE

A motion was made by Mr. Carberry, seconded by Mr. Pendergast, to introduce Ordinance #13-07 on first reading as submitted:

ORDINANCE # 13 - 07

CALENDAR YEAR 2013

ORDINANCE TO ESTABLISH A CAP BANK

(N. J. S.A. 40A:4-45.14)

WHEREAS, the Local Government Cap Law, N.J.S. 40A:4-45.1 et.seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said final budget appropriations to 2.0% unless authorized to increase it to 3.5% 3.5% over the previous years final appropriations; and,

WHEREAS, a municipality may, by ordinance, bank the difference between its final budget appropriations and the 3.5% increase authorized by this ordinance when said difference is not appropriated as part of the final budget; and,

WHEREAS, the Town Council of the Town of Clinton, County of Hunterdon, hereby determines that this difference in the amount of \$43,337.87 that is not appropriated as part of the final budget shall be retained as an exception to the final appropriations in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, that any amount authorized herein above that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption. This ordinance was introduced on March 26, 2013 and a public hearing will be held April 23, 2013 at the Clinton Municipal Building, 43 Leigh Street, Clinton, NJ at 7:30 pm

Vote all ayes
Motion carried

A copy of this ordinance will be published in the April 4, 2013 edition of the Hunterdon County Democrat .

INTRODUCTION OF 2013 BUDGET

A motion was made by Mr. Carberry, seconded by Mr. Pendergast, to introduce the 2013 budget as submitted.

Vote all ayes
Motion carried

A summary of the budget will be published in the Hunterdon Review edition of April 3, 2013. A public hearing will be held April 23, 2013. Copies of the 2013 budget are available in the clerk's office.

WATER REFUND – DiMAGGIO

A water refund has been requested by Water Collector, Nancy Burgess. A motion was made by Mr. Smith, seconded by Mr. Carberry, to refund \$41.98 to Cora DiMaggio, #002111.

ROLL CALL: Ayes: Carberry, Jones-Holt, Pendergast, Shea, Smith, Sosidka, Mayor Kovach

Vote all ayes
Motion carried

CORRESPONDENCE

1. Correspondence received from Joan Schaming of Balic of Clinton, inviting the Town Officials to have a table at "Doing Clinton" scheduled for April 20 and 21, 2013. Ms. Schaming suggested perhaps a table on Main Street with committee/commission representatives distributing and talking about their missions and sign up for volunteer positions. Maybe a table to "Meet the Mayor"! A way of showing people "what the Town of Clinton does and how they do it!"
2. Town wide garage sale is held every year, however, in the past, residents asked for more advertising. Residents pay \$10.00 to be put on a map and the money is used for placing ads in the local papers. Currently there is a substantial balance that would pay for free-standing signs to be displayed a couple weeks before the sale. A motion was made by Mr. Carberry, seconded by Mrs. Jones-Holt to have the signs made.

Vote all ayes
Motion carried
3. Big Brothers, Big Sisters of Hunterdon, Somerset & Warren Counties is sponsoring a Bowl for Kids Sake 2013 at several locations on several dates. Mayor Kovach asked if anyone would be interested in participating for the Town of Clinton. Councilwoman Sosidka said she would join the mayor and CFO Kathy Olsen also said she would join the team! Sounds like fun for a good cause!
4. Correspondence received from the Hunterdon County Freeholders and the Hunterdon County Planning Board that they have adopted resolutions urging the NJ Transit to undertake support for one seat service for all Raritan Valley Trains. The Raritan Valley Rail Coalition has advocated for one seat ride service directly into midtown Manhattan versus the current train which terminates at Newark Penn Station and riders destined for midtown Manhattan and Penn Station in New York must transfer to other trains.
5. Dr. Jonathan Wall, 27 Center Street, addressed a letter to Council regarding a new street light that was installed on the corner of Halstead and Center Street. "The light shines directly

into his home/office and casts a grayish-yellow pallor over the interior and exterior of his building". Dr. Wall asked if this light can be shielded or a different style be installed. Mr. Phelan will contact JCP&L.

REPORTS FROM COUNCIL & TOWN OFFICIALS

Kathy Olsen, CFO

1. Attended a seminar that focused on abandoned properties and identifying property owners. Ms. Olsen commented on how interesting and useful the seminar can possibly look further into it with Mr. Phelan and Mr. Cushing.

Councilman Smith

1. Water Committee - Town Engineer has been informed that there will need to be a change to scheduling the water line replacement and sleeve connections. The State of New Jersey will be repaving Route 22.
2. Letters being sent to municipalities about the water connection moratorium.
3. Oasis Commons, LLC asked the Town to reconsider connection fees until they are able to rent their properties. They are on the verge of bankruptcy.

Councilman Shea

1. Shade Tree Commission just completed the last step of the 5 year plan as required by the State. The Commission is now outlining their next 5 year plan for tree management and growth. As part of the plan, it is required to have someone catalog and measure the circumference of trees, Mr. Shea asked if Mr. Smith knew of a Scout looking to do this as part of an Eagle Scout Project. Mr. Smith will direct a scout to talk to Mr. Shea if one is interested. New Chairman of Shade Tree is Chesley Snider and the newest member, Jeannette Jones, appointed tonight completes the Commission.

Clerk Covino

Due to issues regarding the veterinary hospital and insurance proposed by the new animal control officer, the Town will be staying with the Hunterdon Humane. Authorization to have the mayor sign the annual contract was requested.

Councilwoman Sosidka

1. Summer Recreation forms will be available on the website. Following Summer Rec is the tennis program from July 29 through August 22, 2013.
2. Newsletter Committee meeting on Monday, April 1, 2013. Reaching out to existing website provider to discuss improvements to the site and other options.
3. Smart Growth committee planning to meet after budget is complete, possibly in April. A brief discussion about the status of the committee, which does not only apply to new growth but existing businesses in Town. Mayor Kovach suggested that the business action center come in and work with the municipality.

Councilman Pendergast

1. Clinton Fire Department – Grill nights are back beginning April 19, 2013.

Councilman Carberry

1. Board of Recreation – at their last meeting, the Commission voted to make an 11:00 p.m. curfew at the Community Center. Council engaged in a discussion regarding the curfew. If changes have been made, the Commission needs to advise the Chief of Police. A facility usage application for Impromptu Use of the Community Center was also discussed.

Councilwoman Jones-Holt

1. Councilwomen Sosidka, Jones-Holt, and Mayor Kovach, attended the Women in Government Breakfast, Speaker Tracy McDaniel was very informative.
2. Ms. Jones-Holt attended an outreach program by the North Jersey Transportation with Walter Hetzel. The topic was getting a local trains and to go directly into Manhattan without stopping in Newark to change. Excellent program with informative workshops.

APPROVAL OF STANDBY AND OVERTIME

A motion was made by Mr. Pendergast, seconded by Mr. Carberry, to approve the standby and overtime pay for the period March 1 through March 14, 2013 attached to these minutes.

ROLL CALL: Ayes: Carberry, Jones-Holt, Pendergast, Shea, Smith, Sosidka, Mayor Kovach

Vote all ayes
Motion carried

PAYMENT OF BILLS

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

ROLL CALL: Ayes: Carberry, Jones-Holt, Pendergast, Shea, Smith, Sosidka, Mayor Kovach

Vote all ayes
Motion carried

RESOLUTION # 76-13 - EXECUTIVE SESSION – Litigation

A motion was made by Mr. Pendergast, seconded by Mrs. Jones-Holt to enter into Executive Session at 8:50 p.m. to discuss Litigation.

Vote all ayes
Motion carried

RESOLUTION # 76-13

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;

_____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 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.

ADJOURNMENT: There being no further business, a motion was made by Mr. Pendergast, seconded by Mrs. Sosidka to adjourn the meeting at 9:10 p.m.

Cecilia Covino, RMC/CMC
Town Clerk

Mayor Janice Kovach