

Regular Council Meeting  
November 26, 2013

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

Flag Salute.

Roll Call: Present – Carberry, Pendergast, Rylak, Shea, Smith, Mayor Kovach  
Absent - Sosidka (traffic situation)  
Gebhardt & Keifer, Judith Kopen, Esq.

**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 - TABLED**

Minutes of November 12, 2013

**APPROVAL OF EXECUTIVE SESSION MINUTES – TABLED**

Minutes of November 12, 2013

**APPROVAL OF MONTHLY REPORTS – OCTOBER**

A motion was made by Mr. Carberry seconded by Mr. Smith to accept the monthly reports for the month of October as submitted: Treasurer’s Report and Wastewater Treatment Superintendent’s Report.

Vote all ayes  
Motion carried

**PUBLIC COMMENT**

Walter Hetzel, President of the Clinton Guild, thanked the Public Works Department for helping with the holiday decorations. Whitney Wetherill asked if there was a list of benefits the Town provides to the Guild to clarify what assistance is given. Mayor Kovach said she will ask the Buildings and Grounds Committee to prepare a list of approved duties.

**MAYOR’S COMMENTS**

Mayor Kovach asked Council members to be prepared to speak about sessions they attended at the League of Municipalities Convention. Mayor Kovach moderated a class on social media which was well attended. The class addressed android and smart phone applications as well as updating web sites.

Congratulations to Cecilia Covino, Town Clerk, who was named Clerk of the Year from the Municipal Clerks Association of New Jersey!

Mayor Kovach expressed her thanks to the staff, Publics Works and Finance Department for their dedication to the Town over the past year.

Mayor Kovach also commented on the fire in Union Hill this past weekend and the commended the efforts of the Clinton Fire Department and surrounding fire departments. Gift cards are being

accepted at our Municipal Building for the victims affected. Thanks also goes out to Frank's Pizzeria and Dominick's Pizzeria for providing food for the fireman.

A personnel meeting is necessary to be scheduled by the committee.

#### **LAND USE BOARD MERGER DISCUSSION**

Following up on the comments at the last meeting regarding the board merger, several members of the Board of Adjustment and Patrick McGuire from the Planning Board, attended tonight's meeting to discuss the merger. Ms. Wetherill stated that she did research on towns that have merged and said the cost to reinstate was substantial. Attorney Kopen clarified that and said it would not incur costs to reverse the decision. Members that attended and expressed concerns were: Craig Sailer, chair of the BOA, Jorge Blanco, David Recame and James Smith. Mr. McGuire stated that the Board of Adjustment has not been busy, that the municipality is built out and that savings would be minimal. Mr. Sailer said if there was only one board, wouldn't there be a conflict of interest? Attorney Kopen said in the Land Use Law, a Doctrine of Necessity is addressed, to go forward for the need to act. Jim Smith asked what is the reason to merge and the Mayor replied efficiency. There would be 11 members and 2 alternates and new members are required to take mandatory education. Councilman Rylak stated that the individual boards are of a different mind set. The Planning Board is more informal where the Board of Adjustment is considered more of a judge and jury, with quasi judicial powers. Mr. Blanco asked how the Council will communicate to the public that one board is working? Mayor Kovach said that after combining the boards, a review as to the length of time to resolve applications will be sought as well as feedback from applicants. Mr. Carberry said that completeness on applications takes time but it is outside of the board's control. Mr. Rylak said his concern is that the applicant gets a fair hearing. Mr. McGuire gave history of an applicant that went to the Planning Board three times and did not get the answer he wanted therefore, he proceeded to go to the Board of Adjustment and got a change in use.

The public hearing of Ordinance #13-20 is scheduled for December 10, 2013.

#### **D & D ENTERPRISES OF CLINTON LLC – RETURN OF PERFORMANCE BOND**

A letter has been received from Town Engineer, Robert Clerico, stating the he visited the site and it appears that the improvements shown on the as-built plans have been installed. Therefore, Mr. Clerico has no objections if the Town intends to issue a final CO for the project and release the originally posted \$35,000 Performance Guarantee. Mr. Smith made a motion, seconded by Mr. Carberry, to release the bond as stated in Engineer Clerico's recommendation.

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

Vote all ayes  
Motion carried

#### **AMENDMENTS TO CHAPTER 77 – FIRE CODE ENFORCEMENT**

Following a State audit by the Division of Fire Safety, Jack Daniels, Code Enforcement Officer and Fire Official, proposed changes for Chapter 77 regarding the Fire Code Enforcement Ordinance reflecting deletions, additions, and modifications of the chapter. Mr. Daniels also added a definition for "Certificate of Inspection" as it was not clearly indicated for the local level certificate nor was there any language requiring the local certificate to be posted. By adding language, the provision and violations are now more clearly enforceable. The registration fee table within the existing chapter was not all correct and listed a vast use breakdown. The use breakdown is not necessary with that much detail and some uses were not included. The registration fee structure will now be clarified. Furthermore, Mr. Daniels made technical amendments to subchapter 5:70-3 that more clearly work for some items and issues for the Town.

Copies of all amendments were distributed to the Council by Mr. Daniels and an explanation that the proposed ordinance has to go through the Division of fire Safety for approval after the first reading of the ordinance and cannot be adopted until the State reviews and blesses the ordinance changes.

Mr. Pendergast asked Mr. Daniels to address the fire in Union Hill and the proposed development of Twin Ponds. Mr. Daniels stated that this fire destroyed 15 condos and damaged three additional units was a large fire, fortunately, fire equipment was able to surround the fire to fight the blaze. Mr. Daniels' recommendation is for the Mayor and Councilman Pendergast, fire Commissioner, to meet with the Fire Department and the applicant of Twin Ponds, along with their attorney, Walter Wilson, to discuss fire recommendations. Fire walls, full sprinkler systems and a full water loop line are a priority to preventing another fire like Union Hill. Also, adequate access to the new building must be considered. A meeting will be arranged promptly.

**RESOLUTION 148-13 – TRANSFER OF FUNDS**

A motion was made by Mr. Carberry, seconded by Mr. Rylak, to adopt Resolution #148-13 as submitted:

**RESOLUTION – # 148-13**

**WHEREAS**, it has been determined that there will be excesses in certain appropriations over and above the amount deemed to be necessary to fulfill the purpose of such appropriations for the year 2013, and it has also been determined that certain appropriations are deemed to be insufficient to fulfill the purposes of such appropriations; and

**WHEREAS**, N.J.S.A. 40A:4-58 provides for the transfer of the amount of such appropriations as may be deemed in excess to such appropriations as may be deemed to be insufficient; and

**WHEREAS**, the transfers about to be authorized do not affect any appropriations, to which or from which transfer are prohibited under the statutes;

**NOW, THEREFORE, BE IT RESOLVED** that the following transfers between 2013 appropriations be authorized pursuant to N.J.S.A. 40A:4-58:

	<b><u>From</u></b>	<b><u>To</u></b>
Board of Health – Other Expenses	\$ 500.00	
Planning Board – Other Expenses	\$ 1,000.00	
Zoning – Other Expenses	\$ 500.00	
Animal Control – Other Expenses	\$ 1,000.00	
Hydrant Rentals– Other Expenses		\$ 3,000.00
TOTALS	<u>\$ 3,300.00</u>	<u>\$ 3,300.00</u>
Water Utility – Other Expenses	\$ 3,000.00	
Water Utility – NJEIT Loan Interest		\$ 3,000.00
TOTALS	<u>\$ 3,000.00</u>	<u>\$ 3,000.00</u>

ROLL CALL: AYES: Carberry, Pendergast, Rylak, Shea, Smith, Mayor Kovach

Vote all ayes  
Motion carried

**RESOLUTION #149-13 – HIRING OF LABORER**

A motion was made by Mr. Carberry, seconded by Mr. Pendergast, to adopt Resolution #149-13 as submitted:

**RESOLUTION # 149-13**

**WHEREAS**, the Town of Clinton Sewer Utility requires the hiring of one new laborer, and;

**WHEREAS**, the position was advertised for, applications accepted and interviews performed, and;

**WHEREAS**, the Public Works/Business Administrator and the Sewer Committee recommend that the following person be hired to fill the open position at a rate of \$16.00 per hour;

Andrew Mileto

**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor and Council of the Town of Clinton hire Andrew Mileto to fill the open position at the Town of Clinton Sewer Utility.

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

Vote all ayes  
Motion carried

**SPECIAL EVENT APPLICATION - RUN O' THE MILL 5K**

A motion was made by Mr. Carberry, seconded by Mr. Shea, to approve the application for the 2<sup>nd</sup> Annual Run O'the Mill 5K as presented. The event will be held on Saturday, March 15, 2014 and sponsored by Julie Culley and the Run O'the Mill LLC.

Vote all ayes  
Motion carried

**CORRESPONDENCE**

1. A letter of resignation has been received from Jeannette Jones from the Shade Tree Commission. A motion was made by Mr. Carberry, seconded by Mr. Shea, to accept the resignation with regrets.
2. Wine and Brushes Fundraiser Event to benefit the 300<sup>th</sup> Tricentennial of Hunterdon County will be held on Saturday, December 7, 2013 at Grape Finale from 5:00 to 9:00 p.m.
3. Raritan Headwater Association will have the annual Stream Clean Up on Saturday, April 19, 2014. The Association is requesting a \$500 donation to help cover the costs.

Vote all ayes  
Motion carried

4. Horizon Blue Cross and Blue Shield of New Jersey recently presented a grant award to the Hunterdon Art Museum in the amount of \$21,000.
5. Meals on Wheels in Hunterdon, Inc. requesting donation to assist in serving needy residents and to continue this 40 year tradition.
6. The New Jersey Business & Industry Association sponsors New Good Neighbor Awards for over 50 years. A nomination form has been received to consider a business in Town. The entry deadline is Monday, February 3, 2014.
7. Reimbursement for the Hepatitis B Inoculation Fund has been approved for shots for emergency personnel in the amount of \$577.50.

### **REPORTS FROM COUNCIL & TOWN OFFICIALS**

#### **Police Chief Matheis**

The Christmas Parade will be held on Friday, December 6, 2013, rain or shine. The route will be the same as in previous years with a “lock down” on Center Street at 6:30 pm. Residents should be aware of the times. The Fire Department parking lot will be closed all day to merchants and shoppers.

#### **Richard Phelan, Business Administrator**

The Hazard Mitigation Grant Program that awarded the Town of Clinton \$277,600 as previously recorded is actually \$319,000! The Town must submit a new spending plan. A check was sent to Clifton by mistake instead of Clinton, Clifton has promised to send it to us by the second week of December.

#### **Councilman Smith**

Attended energy sessions during the League and the Town of Clinton has done all that was discussed regarding our energy savings.

#### **Councilman Shea**

1. SWAC – large increase in recycling.
2. League - attended session on economic growth, will pass on the information to Mr. Rylak, New Jersey Grow and Business Action Center information.
3. Shade Tree Commission – submitted the 5 year plan to the State Forestry Service.

#### **Councilman Pendergast**

1. Mr. Pendergast congratulated Mayor Kovach on her award that was presented at the League’s Women in Government breakfast.
2. Attended the League luncheon and enjoyed the presentation made by Lt. Governor, Kim Guadagno.
3. Attended a session of OEM and obtained new information on AED’s. They are not as costly as presumed. May be purchased for approximately \$850 and \$1,300 with an alarm box.

#### **Councilman Carberry**

1. Buildings and Grounds – there was a break in at the Community Center last Friday night. Keys and access continues to be an issue.

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2. Flood insurance for the Town – by increasing the deductible \$5,000 to \$10,000 per year, the Town could see a reduction in the premium of \$2,470 per year. A motion was made by Mr. Pendergast, seconded by Mr. Rylak, to increase the deductible as recommended by Mr. Carberry.

Vote all ayes  
Motion carried

**Councilman Rylak**

1. Mr. Rylak announced the birth of his new granddaughter.

Mayor Kovach addressed Council with meeting dates. All agreed to meet for Re-organization on Tuesday, January 7, 2014 at 6:00 pm prior to the Planning Board meeting. The second regular council meeting in December will be Friday, December 27, 2013 at 8:00 a.m. The Highlands Council will be invited to attend the January 28, 2014 council meeting to discuss and explain Plan Conformance. The Highlands will attend a meeting on January 16, 2014 accompanied by the Department of Environmental Protection to meet with the Water Committee.

**STANDBY AND OVERTIME**

A motion was made by Mr. Carberry, seconded by Mr. Shea, to approve the standby and overtime submitted for November 8 through November 21, 2013 attached to these minutes.

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

Vote all ayes  
Motion carried

**STANDBY AND OVERTIME**

A motion was made by Mr. Carberry, seconded by Mr. Shea, to approve the standby and overtime submitted for November 8 through November 21, 2013 attached to these minutes.

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

Vote all ayes  
Motion carried

**ADJOURNMENT:** There being no further business, a motion was made by Mr. Carberry seconded by Mr. Smith to adjourn the meeting at 9:07 p.m.

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Cecilia Covino, RMC/CMC  
Town Clerk

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Mayor Janice Kovach