

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. Carberry, seconded by Mr. Smith, to approve the minutes of March 26, 2013 as submitted.

Vote all ayes  
Motion carried

**APPROVAL OF MONTHLY REPORTS – MARCH**

A motion was made by Mr. Smith seconded by Mr. Shea, to accept the monthly reports for the month of March as submitted: Fire Official’s Report and Treasurer’s Temporary and 2013 Reserve Budgets.

Vote all ayes  
Motion carried

**PUBLIC COMMENT**

Steve Wargo and Mary Kaylor came before Council to ask for guidance regarding the erosion of bank located behind their property on Old Highway 22, namely, the Krauszer’s on Block 23, Lot 13.01. The storms have eroded the bank where current gabions are and they are eager to have it stabilized. Ms. Kaylor and Mr. Wargo were directed to contact the Division of Environmental Protection and the Town Engineer Robert Clerico to show the property boundaries. Mayor Kovach explained that the Town has no jurisdiction over the brook. The Mayor did speak with Assemblyman John DiMaio and he stated he would assist in contacting DEP, helping the owners through the process and to see what can be done. The DEP needs to approve what work gets done. Mr. Carberry suggested checking the records with the DEP dating back to the 1970’s when the original work was done, they may find some of the information they need now. Assemblyman Peterson is also willing to assist.

**CLINTON TOWN FARMER’S MARKET**

Harvey Finkel, owner of Clinton Book Shop and organizer of Hunterdon First, hosts of the Clinton Farmer’s Market, came to update Council and the public of the 3<sup>rd</sup> annual Farmer’s Market scheduled to begin Sunday, May 5, 2013, from 9:00 a.m. to 1:00 p.m. Mr. Finkel informed everyone how the market is growing and popularity is increasing! This year there will be nine vendors and more are welcome. Support Clinton Farmer’s Market and enjoy all the wonderful fruits, vegetables, breads and more!

**ARBOR DAY PROCLAMATION**

Mayor Kovach presented the Arbor Day proclamation and announced the celebration will begin at 9:30 a.m. on Friday, April 26, 2013. Mr. Shea, Council liaison, said a tree will be planted on East Main Street in front of Hair Horizons. The tree will be dedicated to Allie and Pat

McGaheeran, naming it the Pat and Allie Tree. The McGaheeran's son, Pat, and wife, Paige, hope to be there. Once again, the third graders will be joining in to help plant the tree and will be given evergreen seedlings.

This year's celebration will be missing our 30 year member and chairwoman, long time friend, Pat Goehe. Pat passed away March 4, 2013. Laurel Retajczyk, Shade Tree Commission member and dear friend of Pat's presented a check toward a tree to be planted in Town. Mr. Shea explained that years ago, following the passing of former employee, Pat Lindsay, a tree was planted in front of the municipal building. Recently, the Town noticed that tree was not doing well and it was cut down. Mr. Shea suggested planting a replacement tree calling it the Pat-Pat tree! Mrs. Retajczyk thanked the Mayor and Council for their support of the Shade Tree Commission and their 30<sup>th</sup> Anniversary of Tree City USA. Pat Goehe's final wish was to make certain that the Town filed the application and to carry on our Tree City status, and for Pat, we have made sure that it was done.

Mr. Shea made a motion to ask permission from Council and to get approval to pay \$160 for the tree for the Arbor Day planting, motion was seconded by Mr. Carberry.

Vote all ayes  
Motion carried

**PUBLIC HEARING ORDINANCE #13-07 – INDEX RATE**

A motion was made by Mr. Smith seconded by Mr. Pendergast, to open the public hearing of Ordinance #13-07 as submitted:

ORDINANCE #13-07  
CALENDAR YEAR 2013  
ORDINANCE TO ESTABLISH A CAP BANK  
(N.J.S.A. 40A:4-45.14)

Vote all ayes  
Motion carried

Mayor Kovach read the ordinance which states a municipality is limited to a 2.0% increase in the final budget appropriations unless authorized by ordinance to increase it to 3.5% over previous years. There being no further comments, a motion was made by Mr. Smith seconded by Mr. Pendergast, to close the public portion of the meeting.

Vote all ayes  
Motion carried

A motion was made by Mr. Smith, seconded by Mr. Pendergast, to adopt Ordinance #13-07 on second reading.

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

Vote all ayes  
Motion carried

**2013 MUNICIPAL BUDGET**

Finance Officer, Kathy Olsen, explained that this year the Town must be reviewed by the State. Due to the fact that the Division of Local Government Services is behind in reviewing budgets the Town may hold the public hearing tonight but may not vote until May 14, 2013. A motion was made by Ms. Jones-Holt, seconded by Mr. Carberry, to open the public hearing of the 2013 Municipal Budget.

Vote all ayes  
Motion carried

There being no public comment, a motion was made by Mr. Pendergast, seconded by Mr. Smith to close the public portion of the 2013 budget hearing.

Vote all ayes  
Motion carried

A motion was made by Mr. Smith, seconded by Mr. Pendergast, to accept the 2013 Municipal Budget as presented and will take a vote for adoption at the May 14, 2013 meeting.

Vote all ayes  
Motion carried

**INTRODUCTION OF ORDINANCE #13-11 – BOND ORDINANCE**

Mr. Smith explained this will be a five year construction project. A motion was made by Mr. Smith, seconded by Mr. Carberry, to introduce Bond Ordinance #13-11 on first reading as submitted:

ORDINANCE # 13-11

BOND ORDINANCE PROVIDING FOR THE LEBANON BOROUGH WATER MAIN REHABILITATION PROJECT FOR THE WATER UTILITY OF THE TOWN OF CLINTON, IN THE COUNTY OF HUNTERDON, NEW JERSEY, APPROPRIATING \$7,500,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$7,500,000 BONDS OR NOTES OF THE TOWN FOR FINANCING 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"). For the improvement or purpose described in Section 3(a), there is hereby appropriated the sum of \$7,500,000. No down payment is required as the purpose authorized herein is deemed self-liquidating and the obligations authorized herein are deductible from the gross debt of the Town, as more fully explained in Section 6(e) of this bond ordinance.

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 \$7,500,000 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 improvements to the water utility, consisting of the Lebanon Borough Water Main Replacement Project, including all work and materials necessary benefited and incidental thereto and further including all related costs and expenditures incidental thereto.

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

© The estimated cost of the improvement or purpose is equal to the amount of the appropriation herein made benefited.

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 note shall mature later than one year from its date. The 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 notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law. The chief financial officer is hereby authorized to sell part or all of the 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 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 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 self-liquidating purpose of a municipal public utility. No part of the cost thereof has been or shall be specially assessed on property specially benefited 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 40 years.

© 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 \$7,500,000, but that the net debt of the Town determined as provided in the Local Bond Law is not increased by this bond ordinance. The obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$1,125,000 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.

(e) This bond ordinance authorizes obligations of the Town solely for purposes described in N.J.S.A. 40A:2-7(h). The obligations authorized herein are to be issued for a purpose that is deemed to be self-liquidating pursuant to N.J.S.A. 40A:2-47(a) and are deductible from gross debt pursuant to N.J.S.A. 40A:2-44(c).

Section 7. The Town hereby declares the intent of the Town to issue the bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use 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 §1.150-2 or any successor provisions of federal income tax law.

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 notice of this ordinance will be published in the Hunterdon Review edition of May 1, 2013. A public hearing will be held May 28, 2013.

**RESOLUTION #80-13 – PURCHASE OF A 2013 FORD PICKUP TRUCK**

A motion was made by Mr. Pendergast, seconded by Mr. Carberry, to adopt Resolution #80-13 authorizing the purchase of a 2013 Ford Pickup Truck as submitted:

**RESOLUTION #80-13**

WHEREAS, the Town of Clinton wishes to purchase a 2013 Ford F150 Pickup Truck from an authorized vender under the State of New Jersey Purchasing Program;

WHEREAS, the purchase of goods and services by local contracting units is authorized by the Local Public Contracts Law, N.J.S.A. 40A:11-12; and

WHEREAS, Ditschman/Flemington Ford has been awarded the State Contract #A83515 effective February 4, 2013 to February 3, 2014; and

WHEREAS, the purchasing agent recommends the utilization of this contract on the grounds that it represents the best price available; and

WHEREAS, the actual cost for the Pickup Truck is expected not to exceed \$19,145.00; and

WHEREAS, the Chief Financial Officer has certified the availability of \$19,145.00 under the General Capital Budget;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Town Council of the Town of Clinton, that Ditschman/Flemington Ford be awarded a contract for the purchase of a Pickup Truck.

Ms. Sosidka asked the reason for purchasing a new pick up and it was explained that we are replacing older vehicles, older than 15 years old.

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

Vote all ayes  
Motion carried

**RESOLUTION #81-13 – PURCHASE OF MASON DUMP TRUCK**

A motion was made by Mr. Carberry, seconded by Mr. Pendergast, to adopt Resolution # 81-13 authorizing the purchase of a new Mason Dump truck. Ms. Sosidka questioned if we have a dump truck, Mr. Phelan explained we have two trucks which are reaching their limits. The trucks are used to pull the chipper and other heavy duty uses.

**RESOLUTION #81-13**

WHEREAS, the Town of Clinton wishes to purchase a 2013 Ford F550 Mason Dump Truck from an authorized vender under the State of New Jersey Purchasing Program;

WHEREAS, the purchase of goods and services by local contracting units is authorized by the Local Public Contracts Law, N.J.S.A. 40A:11-12; and

WHEREAS, Ditschman/Flemington Ford has been awarded the State Contract #A79113 effective June 10, 2011 to June 9, 2014; and

WHEREAS, the purchasing agent recommends the utilization of this contract on the grounds that it represents the best price available; and

WHEREAS, the actual cost for the Dump Truck is expected not to exceed \$58,598.00; and

WHEREAS, the Chief Financial Officer has certified the availability of \$58,598.00 under the General Capital Budget;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Town Council of the Town of Clinton, that Ditschman/Flemington Ford be awarded a contract for the purchase of a Dump Truck.

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

Vote all ayes  
Motion carried

**RESOLUTION #82-13 – CANCELLATION OF LIEN**

A motion was made by Mr. Carberry, seconded by Mr. Pendergast, to adopt Resolution #82-13 as submitted:

**RESOLUTION #82-13**

**WHEREAS**, the Tax Collector of the Town of Clinton has been paid \$98,843.57 the amount necessary to redeem Tax Sale Certificate #2010-1 on Block 3, Lot 2.03, assessed to Karel Investments LLC, and purchased by U.S. Bank/Sass Muni VI DTR.

**NOW THEREFORE BE IT RESOLVED**, on this 23rd day of April, 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 \$98,843.57 (certificate) & \$17,500.00 (premium) payable to U.S. Bank-Cust/Sass Muni VI DTR, 2 Liberty Place, 50 South 16<sup>th</sup> Street-Suite 1950, 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 #2010-1 on Block 3, Lot 2.03, assessed to Karel Investments LLC, 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 #83-13 – ESTABLISHING A DEDICATION BY RIDER**

Finance Officer, Kathy Olsen, explained to council the necessity of establishing a Dedicated by Rider for Parking Offenses. Currently, the newly created court is receiving fines for overdue parking ticket offenses and a Trust Account must be created to bank these funds. These funds will eventually be used on municipal expenses. Mr. Smith asked for more information of the monies coming in. Additional information will be obtained to continued discussions. A motion was made by Mr. Pendergast, seconded by Mr. Shea, to adopt Resolution #83-13 as submitted and request additional information be obtained from Adriana M. Calderone Esq., Municipal Division Manager.

**DEDICATION BY RIDER RESOLUTION  
RESOLUTION # #83-13**

**Requesting approval of the Director of Local Government Services  
To Establish a Dedicated by Rider for Parking Offenses Adjudication Act (POAA) Fees  
Pursuant to N.J.S.A. 39:4-139.9**

**WHEREAS**, permission is required of the Director of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonable accurate estimates in advance; and

**WHEREAS**, N.J.S.A. 39:4-139.9 allows municipalities to receive dedicated fees from the Municipal Court collected through the Parking Offenses Adjudication Act; and

**WHEREAS**, N.J.S.A. 40A:4-39 provides that the Director of Local Government Services may approve expenditures of monies by dedication by rider;

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Town of Clinton, County of Hunterdon, State of New Jersey as follows:

1. The Mayor and Council hereby request permission of the Director of the Division of Local Government Services to pay expenditures for Municipal Court.  
Per *N.J.S.A.* 39:4-139.9
2. The Municipal Clerk of the Town of Clinton is hereby directed to forward two certified copies of this resolution to the Director of the Division of Local Government Services.

Vote all ayes  
1 Abstention (Smith)  
Motion carried

**RESOLUTION #84-13 – TEMPORARY BUDGET TRANSFER**

Resulting from the Town not being able to adopt the 2013 budget this evening, a Temporary Budget Transfer must take place. A motion was made by Mr. Carberry, seconded by Mr. Smith, to adopt Resolution #84-13 as presented:

**RESOLUTION #84-13**

**WHEREAS**, N.J.S.A. 40A:4-19 provides that the governing body may, and if any contracts, commitments, or payments are to be made prior to the adoption of the budget, shall by resolution make appropriations to provide for the period between the beginning of the fiscal year and the adoption of the budget.

**NOW, THEREFORE, BE IT RESOLVED**, that the following additional appropriations be made for the year 2013:

	<u>Salary &amp; Wages</u>	<u>Other Expenses</u>
Municipal Clerk	\$ 4,000.00	\$ 2,500.00
Financial Administration	4,000.00	1,000.00
Tax Collection		1,000.00
Engineering Services		2,000.00
Planning Board	1,000.00	
Zoning Board	1,000.00	
Code Enforcement	2,000.00	1,000.00
Housing Officer	2,000.00	
Employee Group Insurance	20,000.00	
Police Department	60,000.00	7,000.00
Hydrant Rental		7,000.00
Fire Prevention	1,500.00	
Streets & Roads	5,000.00	2,000.00
Buildings & Grounds		7,000.00
Community Center	1,000.00	
Animal Control		1,500.00
Safety Administration		500.00
Vehicle Maintenance		2,500.00
Board of Health	1,000.00	
Electricity		3,000.00
Telephone		1,000.00
Water		500.00

Gasoline	5,000.00
Social Security	8,000.00
DCRP	500.00

TOTALS	\$ 102,500.00	\$ 53,000.00
--------	---------------	--------------

	<u>Salary &amp; Wages</u>	<u>Other Expenses</u>
Water Utility	\$ 50,000.00	\$ 100,000.00
Sewer Utility	\$ 50,000.00	\$ 50,000.00
TOTALS	\$ 100,000.00	\$ 150,000.00

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

Vote all ayes  
 Motion carried

**CORRESPONDENCE**

1. Mayor Kovach received a message from Cynthia Yard, County Administrator, inviting the Mayor and Council to purchase five books of "Hunterdon in My Heart" in celebration of the 300<sup>th</sup> Anniversary of Hunterdon County. If five books are purchased, your name will be included as party of this publication.
2. The Township of Kingwood Mayor, Phil Lubitz, notified Hunterdon County Municipalities and invited representatives from the police department to attend the Hunterdon Chapter of The National Alliance on Mental illness. The event will be held on April 30<sup>th</sup> at the Hunterdon Medical Center at 6:30 p.m. Sgt. Cory Kubinak will be attending on our behalf.
3. Hunterdon County's 300<sup>th</sup> Anniversary will be held during the year 2014. Many events are being scheduled in all 26 municipalities of Hunterdon. The 300<sup>th</sup> Committee is asking for events to be coordinated with the calendar of events and possibly a float to be entered from each municipality. Mayor Kovach said the Town is planning a walking tour and possibly canoe races.
4. Notification received from First Energy, they will be pruning trees throughout the Town.
5. Community Stewardship Incentive Program Grant 2013 which is offered to assist municipalities and counties in implementing the goals and objectives of their Community Forestry Management Plan. Mr. Shea, liaison to the Shade Tree Commission, said this grant is available to towns that hire professionals to do the work. The Town of Clinton is in our 30<sup>th</sup> year as Tree City USA, the Town would not qualify for this grant.

Council proceeded to discuss plantings on the trail around Hunts Mill Park. Possibly some of the seedlings left from Arbor Day can be planted along the trail. The Sunrise Rotary is planning a fitness trail along the park.

Mr. Smith asked if a letter was sent to the Red Mill Museum Village regarding the excessive canon display during the Civil War Days. A letter was sent to them by Mayor Kovach.

**REPORTS FROM COUNCIL & TOWN OFFICIALS**

**Police Chief Matheis**

1. Chief Matheis informed Council that the Clinton Township Community Run 15K will be coming through Town this weekend as part of the loop.
2. Pete Pender's Memorial Fishing Derby is Saturday from 8:00 a.m. to noon at DeMott Pond.

**Councilman Smith**

1. Buildings and Grounds – receiving quotes on flooring for the Finance Office, Water Superintendent's Office and the 2<sup>nd</sup> floor office in the barn. The best price came in at \$3,300.

Walked the grounds behind the barn to determine a place for the new pole barn.

Researching the Honor Roll located in front of the municipal building. Trying to determine how the ground rules as to names listed began. Mr. Smith contacted a veteran liaison to assist.

Energy Market Exchange is a Houston, Texas based company that uses a process called reverse auctioning to help towns save money on electricity. Mayor Kovach explained that “you tell them your power needs and they create an auction and different power companies bid on offering you a price per kilowatt”. Once the auction closes you have to move on it that same day. Mr. Smith explained that the Town of Clinton has demand rate, because of high powered items such as the well pumps and equipment at the waste water treatment plant, and that bidding companies must know that. Council decided to have Mr. Phelan pursue looking into this and to register with energy Market Exchange (EMEX) The Town will not be locked into anything if they choose not to. The auction will be held May 14 and council would have to make a decision when they get the figures. Council may have a few hours to decide. A motion was made by Mr. Carberry, seconded by Mr. Shea, to move forward with the process.

Vote all ayes  
Motion carried

2. Water Department - Ordinance #13-11 is for the Halstead water main rehabilitation project.

Assembly Bill No 3443 that has been introduced by Assemblywoman Linda Stender will require water utilities to cover costs related to flooding damage to homes and businesses under certain circumstances such as broken water mains.

Mr. Smith asked that council be copied on the bill and voiced total opposition to this bill.

Mr. Smith would like to continue discussions on this after everyone has a chance to review.

The rehabilitated 2.5 MG water tank is now on line making 5 million gallons of above ground storage available.

DEP is ready to release public hearings for the new Well #16 however, the Highlands Council is still not sure. Discussions continue and they have agreed to take a hard look in the next week. The Town of Clinton opted in to the Highlands for the planning preservation area so they still have control.

Water Department met with Department of Environmental Protection and the Highlands Council to discuss the restrictions on water. The Town has gone from 33% to 19% of unallocated water with the help of our new meters detecting leaks. The fire departments are

being asked to monitor how much water comes out of the main for fires.

The Water Committee is also looking into a new water program.

Mr. Smith will be conducting a tour of all pump houses and the storage tank systems for a Saturday in May for the new council members.

**Councilman Shea**

1. Roads Committee – met Friday, April 12, 2013 and discussed utilizing grants for replacing sidewalks and crosswalks to Country Club Drive which would be covered under a grant. However, engineering is not covered under any grant but it does cover inspections
2. Shade Tree – Arbor Day will be held on Friday, April 26, 2013. A tree will be planted on East Main Street in honor of Allie and Pat McGaheeran. The third graders will be joining the Shade Tree Commission in the planting of the tree, recite poems, and they will receive Norwood spruce tree seedlings. The cost of the plaque is approximately \$150.00 Mr. Shea made a motion requesting the plaque be approved and paid for, seconded by Mr. Carberry.

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

Vote all ayes  
Motion carried

Mr. Shea reported that the Shade Tree Commission will be touring the town with Arborist, Lou Spanner, and surveying trees that are in need of spraying and damaged trees from recent storms. Treatments should be during the April/May timeframe. Mr. Shea made a motion to spend \$3,420 for the treatment, seconded by Mr. Smith. When asked the budget, Mr. Shea stated it is approximately \$9,700.00

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

Vote all ayes  
Motion carried

An itemized list will be prepared of what trees need attention. Mr. Shea suggested the Buildings and Grounds committee advise the Shade Tree commission as to where they would like the remaining seedlings planted, possibly at Hunts Mill Park.

**Councilwoman Sosidka**

1. The Board of Recreation will be hosting the Senior Luncheon on Sunday May 5, 2013. Mrs. Sosidka asked that an amount not to exceed \$1,000 be approved to use for luncheon. The commission purchases gift cards, flowers and other things for the luncheon. Motion made by Mrs. Sosidka, seconded by Mr. Carberry, to approve the amount for the luncheon.

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

Vote all ayes  
Motion carried

Mrs. Sosidka reported on the Rubber Ducky Race and Sprintin' Clinton which will be held

July 14. Sean Rogan suggested holding outside movie nights, however the Red Mill Museum Village does hold them regularly. The Commission was approached by Harvey Finkel with a well thought out plan to hold a Harvest Festival Day in early October, possibly October 6, 2013. The day would include a Pancake Breakfast, arts and crafts during the day, making scarecrows that would be used around the Town to decorate for the fall and a dance in the evening!

Mrs. Sosidka and Mr. Phelan worked together on a system to back up emails and to possibly share the system used by the County of Hunterdon.

**Councilman Pendergast**

1. Clinton Fire Department held their first Grill Night of the season, everyone had a good time and it's a great way to bring the community together.

A membership application was received for Stephen J. Venckus, 34 Willow Brook Lane, Annandale, NJ. Mr. Pendergast made a motion, seconded by Mr. Carberry, to accept Mr. Venckus as a member of the Clinton Fire Department.

Vote all ayes  
Motion carried

2. Sewer Department – Clinton Township Sewerage Authority paid the past due billing but refused to pay the interest of \$1,700.00. A letter will be sent by Attorney Cushing to pursue without excessive costs.

**Councilman Carberry**

1. The Environmental Commission held the stream cleanup and was joined by 26 volunteers. On the same day, April 27, the Clinton Sunrise Rotary did an outstanding clean up along the South Branch near the Clinton House. Volunteers worked and hauled away three truck loads of wood and brush that was chipped for free by a tree service. Mr. Carberry recommended a proclamation be prepared for the Rotary.

**Councilwoman Jones-Holt**

1. Master Plan subcommittee meeting was held and discussed re-examining the Master Plan to conform with the Highlands. They discussed if they should keep it as is or make changes and agreed that some changes need to be made.
2. Reaching out to the Department of Transportation to discuss the re-alignment of Exit 15.
3. Notification received from the State regarding Affordable Housing and Round Three for COAH and for new property in Town.

**APPROVAL OF STANDBY AND OVERTIME**

A motion was made by Mr. Smith, seconded by Mr. Pendergast, to approve the standby and overtime pay for the period March 29 through April 11, 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. Carberry 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 #85-13 – EXECUTIVE SESSION**

A motion was made by Mr. Smith seconded by Mr. Carberry to enter into Executive Session to discuss a matter of Potential Litigation at 9:10 p.m.

**RESOLUTION #85-13**

**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;

\_\_\_\_\_ 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.

Vote all ayes

Motion carried

**ADJOURNMENT:** There being no further business, a motion was made by Mr. Smith, seconded by Mr. Pendergast, to adjourn the meeting at 9:25 p.m.

---

Cecilia Covino, RMC/CMC  
Town Clerk

---

Mayor Janice Kovach